

WAYZATA CITY COUNCIL MEETING AGENDA
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, March 18, 2014

WORKSHOP AGENDA:

5:30 PM HERITAGE PRESERVATION BOARD (HPB)

6:00 PM EAST LAKE STREET LANDSCAPING

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	TT	JA	KW	AM	BA	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.	Irene Stemmer - Heritage Preservation Board Annual Report Update								
4	Consent Agenda								2
a.	Approval of Minutes of March 4, 2014								
b.	Approval of Check Register								
c.	Consider Res. No 08-2014 Extending Franchise Agreement with Mediacom								
d.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
e.	Police Activity Report								
f.	Building Activity Report								
5	New Business								
a.	Consider Res. 09-2014 Adoption of Lakefront Framework & Plan	Nelson							43
b.	Consider Anchor Bank/Walgreens Development Agreement	Gadow							154
c.	Consider WYC Development Agreement	Gadow							289
6	City Manager's Report and Discussion Items								
7	Public Forum (as necessary)								
8	Adjournment								

Meeting Rules of Conduct:

Turn in white card for public forum and blue card for agenda item
Give name and address
Indicate if representing a group
Limit remarks to 3 minutes

Upcoming Meetings:

City Council - April 1 & 15, 2014
Planning Commission - April 7 & 21, 2014

Members of the City Council 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.

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
March 4, 2014

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Amdal, Anderson, Mullin and Tanner. Also present: City Manager Nelson, City Planner Gadow, City Engineer Kelly, Public Works Director Dudinsky, Police Chief Risvold, and Steve McDonald of AEM.

AGENDA ITEM 2. Approve Agenda.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the agenda, as presented. The motion carried 5/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Emergency Management and Train Safety Update

Police Chief Risvold provided an emergency management update including training disciplines and preparedness should a hazardous materials spill (i.e., oil tanker car) occur in Wayzata. He stated an elected officials training will occur in the fall related to preparedness. Chief Risvold answered questions of the Council related to coordination of joint services, methods to identify of hazardous material, and practices for evacuation.

Ms. Nelson stated she attended a State Legislature hearing related to rail safety during which the focus was preparedness measures and resources to the local level. She explained that railroads are federally regulated and Burlington Northern has made a commitment to use new tankers and also changed rules to slow trains within urban areas. Ms. Nelson stated staff will continue to monitor these issues.

Chief Risvold commented on the importance of a good relationship and open communication with Burlington Northern, noting it had been responsive in the past to the City's concern and did not raise the speed of trains within Wayzata.

AGENDA ITEM 4. Consent Agenda.

Mr. Gadow explained that as part of the Lakefront Effect, staff was asked to be more proactive in grant writing to fund those components. The St. Paul Riverfront Corporation informed staff about Great River Greening and its work with native plantings. Staff made application for a \$19,000 grant with a \$5,000 City match. These funds will be used for native restoration along the wetland pond that is next to the Section Foreman's House. Mr. Gadow stated the work will also involve removal of trash and invasive species and staff will seek volunteers to help with this work. The Council thanked Mr. Gadow and St. Paul Riverfront Corporation for seeking out and obtaining these funds.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the consent agenda:

- a. Approval of Workshop Minutes of February 18, 2014 and Minutes of February 18, 2014
- b. Approval of Check Register
- c. Second Reading of Ordinance #744 Vacation of Street Right-of-Way and Public Utility Easements at Elm Lane
- d. Approve Cooperative Agreement with Great River Greening
- e. Approval of Municipal Licenses
- f. Municipal licenses which received administrative approval (informational only)

The motion carried 5/0.

AGENDA ITEM 5. Public Hearing.

a. Consider On-Sale Intoxicating Liquor License including Sunday Sales for Anderson Franchise Investments, Inc. DBA “Peoples Organic” at 755 Lake Street E.

Ms. Nelson presented the request of Anderson Franchise Investments, Inc. dba Peoples Organic at 755 Lake Street East, for an On-Sale Intoxicating Liquor License including Sunday Sales. She indicated they propose an outdoor café and staff recommends approval. If approved, opening is expected on May 1, 2014. Ms. Nelson read City Code language relating to the number of liquor licenses that can be issued in Wayzata and explained the ratio of food to liquor (50/50) that was required.

Aricka Lahren, Peoples Organic general manager at Minnetonka location, described menu offerings of organic wine, liquor, vegetarian and other options for breakfast, lunch, and dinner.

Mr. Willcox opened the public hearing at 7:25 p.m. There being no input, Mr. Willcox closed the public hearing at 7:25 p.m.

Mrs. Anderson made a motion, seconded by Mr. Amdal, to grant an On-Sale Intoxicating Liquor License including Sunday Sales for Anderson Franchise Investments, Inc. dba Peoples Organic at 755 Lake Street East. The motion carried 5/0.

AGENDA ITEM 6. New Business.

a. 2013 Year in Review and Financial Report

Ms. Nelson presented the Year in Review of items accomplished in 2013 and those remaining to be completed in 2014. She stated interviews were conducted and employment offered to fill the Communications Specialist position.

Steve McDonald, City’s financial consultant with AEM, presented the fourth quarter 2013 financial report that showed positive financial results in all funds of the City. In addition, the cash balance increased \$2.2 million over last year so there is currently \$17.7 million in cash and investments. This was driven by the positive increase in the General Fund but all Enterprise Funds also contributed to that cash balance increase. Mr. McDonald stated the projected fund balance will be 60% of the total 2014 budget, or 20 percentage points above the targeted reserve. He noted these were unaudited numbers so there may be some adjustments when the audit is completed. Mr. McDonald recommended the \$820,000 cash balance be used in accordance with the Fund Balance Policy and Council discussion related to Bushaway project amenities.

Mr. McDonald presented scoreboards for the Muni and bottle shop, noting the budgeted targets were met with increases in all 12 months over the prior year. He stated in 2012 the net income percentage was 15.79% and in 2013 it increased to 19.92%.

With regard to the liquor operation and use of future increment to relieve debt or invest in other areas of operation, Mr. McDonald explained that opportunities were identified and there has been a lot of effort to cleanup the inventory, turns, and margins to assure correct pricing, which will drive sales. Improvements are in the works for 2014.

Mr. McDonald presented the February 24, 2014 memorandum that identified \$951,548 (unaudited) in excess funds available for transfer. It was noted that \$475,000 was needed to fund the City’s contribution to the Bushaway Road project (Hennepin County cost participation items, underground electric, hardscape materials, and railings), leaving \$476,000. Mr. McDonald answered questions of the Council relating to projected CIP cash balances and explained a deficit of \$166,000 is anticipated in the 2015 Street CIP as a result of the Bushaway Road project. However, using \$475,000 from the 2013 cash balance would address that deficit. He also reviewed anticipated decreasing balances in the Equipment CIP and the Park CIP based on identified park projects.

The Council acknowledged the 2013 surplus was derived from building projects and permits and it had previously determined to no longer use such surpluses to fund service levels but, rather, to use such surpluses for items such as infrastructure and maintenance. The Council

1 discussed the Fund Distribution Policy, noting the Strategic Plan addresses enhancing City
2 projects related to the Lakefront and/or Parks.

3 Mr. Mullin pointed out that during the period of 2008-2012, the Lakefront Fund and Park
4 CIPs were starved due to the low level of development and related activity. He supported
5 allocating the remaining 50% of the fund balance equally between the Lakefront CIP and Park &
6 Recreation CIP and not transfer any fund balance into General Improvements, Equipment
7 Revolving, or Streets Revolving. Mr. Mullin noted under the Fund Distribution Policy, only 8%
8 would be transferred to the Lakefront CIP and Park & Recreation CIP. He pointed that Muni
9 profits are not modeled for next year so the forecasted 2015 Street CIP shortfall could be funded
10 from that source.

11 Mr. Amdal asked whether Muni profits could be used for the Parks & Trails
12 CIP/amenities instead of being used for roads. Mr. McDonald stated if the Muni performs at the
13 2013 level in 2014, there should be profits to transfer.

14 Mrs. Anderson voiced support to use windfall funding towards projects that do not
15 currently have a source of funding, such as the cellular towers that are part of City's parks. She
16 also supported better definition of what funds the Parks & Trails CIP as well as the Lakefront CIP
17 and options for alternative funding.

18 Mr. Tanner asked if there were any projects coming up that would require a large reserve
19 rather than using 50% of the fund balance towards the Parks & Trails CIP and Lakefront CIP. He
20 suggested staff prepare a spreadsheet of anticipated projects/expenditures for consideration prior
21 to allocating fund reserves.

22 Mr. Dudinsky stated the dynamics of the Equipment Fund are fluid and change, such as
23 the ability to address heavy use of a snowplow or other equipment failure. He stated he relies on
24 Mr. McDonald to assure funds are available as there may be higher expenditures in equipment
25 repairs than expected six months ago.

26 The Council acknowledged that allocating 50% of the fund balance to the Bushaway
27 Road project results in enhancing City assets as it involves beautification.

28 Mr. Mullin made a motion, seconded by Mr. Amdal (for discussion purposes), to accept
29 the 2013 financial report and authorize staff to transfer excess funds in the amount of \$821,291 as
30 follows: \$475,000 to Bushaway Road enhancements; \$200,000 to Lakefront Improvements,
31 \$200,000 to Parks & Trails; \$40,000 to Street Improvement Revolving Fund, and, \$36,000 to
32 Equipment Revolving Fund.

33 The Council discussed the motion, noting it does not include funding for the General
34 Improvements category.

35 Mrs. Anderson asked about funding of cellular towers, which has not been addressed in
36 previous years. Mr. Mullin noted this was not a project discussion, that is CIP, and the motion
37 allocates funds to general areas for investment.

38 Mr. Amdal stated support for the motion as the Council had started the Lakefront
39 initiative, formed a Parks & Trails Board, and wants those areas to take off. He suggested the
40 Council address allocation of funds generated from cellular towers as these funds are currently
41 transferred into the Water and Street Funds.

42 Mr. Mullin invited that dialog as part of a broader policy discussion to pool those
43 resources into a similar model to the General Fund transfer, noting another relevant policy
44 discussion is to return excess funds to the taxpayers.

45 Mr. Willcox stated he finds the motion to skew too heavily into the Lakefront CIP and
46 the Parks & Trails CIP and would prefer a transfer of \$200,000 to Infrastructure with \$276,000
47 split between the Lakefront and Parks & Trails CIPs.

48 Mrs. Anderson supported definition around on-going funding for Parks & Trails and
49 Lakefront, the projects that would fall into each, and projects targeted for funding. The Council
50 agreed with the need for tighter definition in Capital Funds of 'maintenance' versus
51 'improvements.'

1 The motion carried 3/2 (Tanner, Willcox).
2 Ms. Nelson stated the 2015 budget will start in April of 2014 and as part of that process,
3 discussion will take place relating to on-going funding for Parks & Trails and Lakefront, how to
4 allocate cellular funds, and how to better align sources with uses.

5 It was noted that tonight's Council's action related to a policy action on a planful change
6 made in 2008 to assure the levy aligned with services provided and that any increment from other
7 sources is applied towards future capital.

8
9 **b. Review Lakefront Framework and Plan**

10 Mr. Gadow indicated staff had revised the Framework based on comment and prepared a draft
11 resolution relating to the Lakefront Framework that would be formally considered at the March
12 18, 2014, Council meeting.

13 Patrick Seeb and Tim Griffin, St. Paul Riverfront Corporation, presented the updated
14 Lakefront Framework and Plan that incorporated feedback received by the City Council Steering
15 Committee, and Advisory Committee. Changes made to the graphics/images were described to
16 better explain what is intended, added FAQs, strengthened language between the City and
17 stewardship organizations, identifying Section Foreman's Park, clarifying 2014 objectives and
18 indicating that each initiative becomes the starting point for community discussion rather than
19 being the final word.

20 Mr. Griffin explained the process used with SRF and City staff to measure the
21 Framework Plan and use unit costs to determine assumptions and develop a cost range for each of
22 the nine initiatives, in total estimated at \$32-\$37 million.

23 Mr. Seeb stated these nine Strategic Initiatives are a starting point and each will take on a
24 life of its own, occurring incrementally as opportunities arise, and being shaped by the
25 community. He presented a range of potential funding partners to forward the initiatives, purpose
26 of those programs, award cycles, and dollar ranges.

27 Mr. Tanner clarified that he and Mr. Mullin had indicated at the start that they would not
28 support funding through special assessments or taxing of the community. Instead, funding was to
29 come from grants, aid, and private donations. Mr. Seeb stated that is understood and the
30 illustration was to present a range of funding opportunities. He recommended the City identify
31 "low hanging fruit" and immediate opportunities, such as the work with Great River Greening
32 and eastern gateway project. Mr. Seeb stated there is opportunity for the Council and community
33 to follow a process to organize around and commit to a high priority item and suggested that be a
34 first order of business upon approval of the final Framework.

35 Ben Storch, 460 Highcroft Road, stated he understands the need for a safe bicycle lane;
36 however, he would ask where snow would be stored or vehicles stack/turn if the center lane is
37 removed. He also asked whether the railroad had to approve this Plan as it could not
38 accommodate a second track. Mr. Storch stated his main concern relates to funding, noting that
39 even if each of the identified partners donated \$500,000, it would leave \$31.4 million unfunded.

40 Mr. Seeb reviewed the 2014 objectives and stated if the Plan is supported by the Council
41 tonight, formal action will be considered at the next meeting. He recommended, as an aid to the
42 leadership of the City, a private sector body should be organized to be involved with continued
43 community engagement, raising funds, and project advocacy.

44 Ms. Nelson stated the Plan identifies opportunities for public/private partnership and as
45 redevelopment is addressed, there may be a role for the HRA. Mrs. Anderson supported having
46 other Boards and Commissions keep the Lakefront initiatives in mind, perhaps with an annual
47 review.

48 Mr. Amdal stated support to leave the option of special assessments in the Plan as it may
49 be enacted for Mill Street improvements. He noted another lakefront community is considering a
50 local sales tax, which should also remain in the City's 'tool box.'

Mr. Mullin stated he did not envision in 2008 that between 2012 and 2017 half a billion dollars would be invested in Wayzata, independent of the Lakefront, through public (Hennepin County and Metropolitan Council) and private (Presbyterian Homes and others) developments. Mr. Mullin stated if this Lakefront Plan had been in place in 2010, he may have considered differently those investments that changed Wayzata more than anything within the Lakefront Plan. He noted the intent of the Strategic Plan was to address safety and access to the Lake, environmental stewardship, historic preservation, and economic development. Mr. Mullin stated from a policy perspective, he views the Lakefront Plan as being a list of initiatives that could be a conduit to take advantage of public/private investment. He asked people to consider the Plan as it was initially contemplated, as a tool to make sound community investments for the future. Mr. Mullin suggested identifying the projects that are already planned or contemplated in the CIP. He noted there was a happy medium in what falls to Wayzata and what falls to the Region, State and Federal levels and the Council is responsible to find a win-win position for the community.

Mrs. Anderson acknowledged the participation of the community in this groundbreaking initiative to add their voice and input, as well as the consultants and staff on their effort. She stated the Plan has great value and she supported a discussion in how to move forward and answer questions that have been raised as to who manages the programming. Mrs. Anderson agreed the Lakefront Plan is a framework and by no means 'set in stone.' She stated Mr. Storch raised the point, and she agreed, that the Lakefront Plan misses all the great things that Wayzata already has and should not change. Mrs. Anderson suggested creation of a matrix to identify what will be enough. She stated there is a need to incorporate a process of post analysis and timing within the discussion of implementation.

Mr. Willcox supported the suggestion of Mr. Mullin to identify what is already within the CIP, 'low hanging fruit,' and what the City already has. He noted the intent is to "do no harm" and supported revising the resolution to not put so much emphasis on staff. The Council supported the suggestion of Mr. Willcox to revise the final "Be it Finally Resolved" paragraph to state: "...City Council authorizes staff to begin the process of implementation of the recommendations of the Final Framework Report under the close guidance of the City Council which will establish sequencing and priorities based on objective needs and feasibility." To assure it is clear the community would continue to be engaged, the Council agreed with the suggestion of Mrs. Anderson to revise the paragraph above to indicate: "...for the completion of the initial Community Engagement process and the Lake Effect Final Framework Report; and."

c. Consider New Organizational Structure

Ms. Nelson described the analysis conducted of the organizational structure, primary recommendations, and new organizational structure. She then presented a financial analysis and impacts, noting \$136,000 was required, \$115,000 was available, leaving a net funding need of \$21,000. Ms. Nelson answered questions of the Council relating to the terms of the AEM contract.

Mr. Dudinsky stated the new organizational chart allows opportunity for staff development and leadership role, which is vital for succession planning. He explained that if approved, providing services for Long Lake may progress to include engineering.

Ms. Nelson stated the consultant will assist with writing a job description for the Administrative Service Director position and she will gain assistance from finance colleagues during the interview process. Ms. Nelson estimated recruitment occurring in April with a recommendation to hire in July.

Mr. Tanner made a motion, seconded by Mr. Amdal, to approve the new organizational structure. The motion carried 5/0.

1 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

2 Ms. Nelson announced upcoming meetings, the May 17, 2014 Dig It event, grand opening of
3 Lund's, and provided updates relating to the Bushaway Road project.

4 The Council asked staff to schedule a workshop discussion on the absenteeism rate on
5 Boards, Commissions, and Task Forces, establish an expectation, and develop policy for such
6 appointments. Staff was also asked to communicate the Council's concern relating to the
7 negative impact of absenteeism with members of Boards, Commissions, and Task Forces.
8

9 **AGENDA ITEM 8. Public Forum Continued (if necessary).**

10 There were no comments.
11

12 **AGENDA ITEM 9. Adjournment.**

13 Mr. Tanner made a motion, seconded by Mr. Amdal to adjourn. There being no further business,
14 Mr. Willcox adjourned the meeting at 10:05 p.m.
15

16 Respectfully submitted,
17
18
19

20 Becky Malone
21 Deputy City Clerk
22

23 Drafted by Carla Wirth
24 *TimeSaver Off Site Secretarial, Inc.*

***Check Detail Register©**

February 2014 to March 2014

		Check Amt	Invoice	Comment
10100 Anchor Bank				
Paid Chk#	094510	2/28/2014	BARTLEY, CHAD	
E 640-48000-331	Mileage & Expense Account	\$65.63	REIMB.	CONF.EXP.
Total BARTLEY, CHAD		\$65.63		
Paid Chk#	094511	2/28/2014	BETH, GERALD O	
E 640-48000-341	General Promotions	\$150.00	3/4/14	BAR MUSIC 3/4/14
Total BETH, GERALD O		\$150.00		
Paid Chk#	094512	2/28/2014	BLOOMQUIST, RICK	
E 640-48000-341	General Promotions	\$300.00	3/8/14	BAR MUSIC 3/8/14
Total BLOOMQUIST, RICK		\$300.00		
Paid Chk#	094513	2/28/2014	MAEGER, STEVEN	
E 640-47000-331	Mileage & Expense Account	\$161.72	REIMB.	CONF.EXP.
Total MAEGER, STEVEN		\$161.72		
Paid Chk#	094514	2/28/2014	MARTIN, SHANE	
E 640-48000-341	General Promotions	\$300.00	3/6/14	BAR MUSIC 3/6/14
Total MARTIN, SHANE		\$300.00		
Paid Chk#	094515	2/28/2014	MN CHILD SUPPORT PAYMENT CENTE	
G 101-21710	County WH	\$191.40	001514070701	WITHHOLDING ORDER
Total MN CHILD SUPPORT PAYMENT CENTE		\$191.40		
Paid Chk#	094516	2/28/2014	NYS CHILD SUPPPORT PROCESSING	
G 101-21710	County WH	\$204.75	NR07016J1	WITHHOLDING ORDER
Total NYS CHILD SUPPPORT PROCESSING		\$204.75		
Paid Chk#	094517	2/28/2014	WOODFORD, RICHARD	
E 640-47000-130	Employer Paid Ins	\$300.00	FEB.2014	HEALTH INS.REIMB.-FEB.2014
Total WOODFORD, RICHARD		\$300.00		
Paid Chk#	094518	3/3/2014	ADVANCED IMAGING SOLUTIONS	
E 640-48000-200	Office Supplies (GENERAL)	\$343.06	INV42640	SUPPLIES
Total ADVANCED IMAGING SOLUTIONS		\$343.06		
Paid Chk#	094519	3/3/2014	AMARA	
E 640-47000-252	Wine For Resale	\$875.56	1538	WINE
E 640-47000-259	Freight	\$10.50	1538	FREIGHT
Total AMARA		\$886.06		
Paid Chk#	094520	3/3/2014	ARCTIC GLACIER INC.	
E 640-47000-254	Soft Drinks/Mix For Resale	\$87.98	385403012	ICE RESALE
E 640-47000-254	Soft Drinks/Mix For Resale	\$62.16	385405505	ICE RESALE
E 640-47000-254	Soft Drinks/Mix For Resale	\$50.14	463404101	ICE RESALE
Total ARCTIC GLACIER INC.		\$200.28		
Paid Chk#	094521	3/3/2014	BELLBOY BAR SUPPLY CORP.	
E 640-47000-251	Liquor For Resale	\$2,904.34	41799100	LIQ
E 640-47000-259	Freight	\$31.00	41799100	FREIGHT
E 640-47000-259	Freight	\$17.05	41888300	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,854.30	41888300	LIQ
E 640-47000-251	Liquor For Resale	\$759.19	41967700	LIQ
E 640-47000-252	Wine For Resale	\$440.00	41967700	WINE
E 640-47000-259	Freight	\$15.76	41967700	FREIGHT
E 640-47000-251	Liquor For Resale	\$265.00	41968000	LIQ
E 640-47000-259	Freight	\$1.55	41968000	FREIGHT
E 640-47000-259	Freight	\$4.32	89757200	FREIGHT

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February 2014 to March 2014

			Check Amt	Invoice	Comment
E 640-47000-254	Soft Drinks/Mix For Resale		\$67.14	89757200	MISC.
E 640-47000-259	Freight		\$5.12	89787800	FREIGHT
E 640-47000-210	Operating Supplies (GENERAL)		\$51.99	89787800	SUPPLIES
E 640-47000-254	Soft Drinks/Mix For Resale		\$187.59	89787800	MISC.
E 640-47000-210	Operating Supplies (GENERAL)		\$87.64	89815500	SUPPLIES
E 640-47000-259	Freight		\$4.52	89815500	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$22.85	89815500	MISC.
Total	BELLBOY BAR SUPPLY CORP.		\$6,719.36		
Paid Chk# 094522	3/3/2014	BERNICK'S WINE			
E 640-47000-254	Soft Drinks/Mix For Resale		\$169.80	112741	MISC.
E 640-47000-253	Beer For Resale		\$28.10	112742	BEER
E 640-47000-254	Soft Drinks/Mix For Resale		\$55.35	115955	MISC.
E 640-47000-254	Soft Drinks/Mix For Resale		(\$6.64)	115956	MISC.
Total	BERNICK'S WINE		\$246.61		
Paid Chk# 094523	3/3/2014	BERRY COFFEE COMPANY			
E 101-42200-499	Miscellaneous		\$90.11	1152044	COFFEE
E 640-48000-254	Soft Drinks/Mix For Resale		\$122.45	1152979	COFFEE
E 101-41500-331	Mileage & Expense Account		\$258.95	1155474	COFFEE
E 640-48000-254	Soft Drinks/Mix For Resale		\$165.45	1155883	COFFEE
Total	BERRY COFFEE COMPANY		\$636.96		
Paid Chk# 094524	3/3/2014	BETH, GERALD O			
E 640-48000-341	General Promotions		\$150.00	3/11/14	BAR MUSIC 3/11/14
Total	BETH, GERALD O		\$150.00		
Paid Chk# 094525	3/3/2014	BOOM ISLAND BREWING COMPANY			
E 640-47000-253	Beer For Resale		\$94.00	1822	BEER
Total	BOOM ISLAND BREWING COMPANY		\$94.00		
Paid Chk# 094526	3/3/2014	COCA-COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$143.52	0128128915	MISC.BEV.
E 640-48000-254	Soft Drinks/Mix For Resale		\$1,025.54	0158057726	MISC.BEV.
E 640-48000-254	Soft Drinks/Mix For Resale		\$581.75	0158058105	MISC.BEV.
Total	COCA-COLA		\$1,750.81		
Paid Chk# 094527	3/3/2014	COZZINI BROS., INC.			
E 640-48500-415	Other Equipment Rentals		\$73.48	C792684	KNIFE EXCHANGE
E 640-48500-415	Other Equipment Rentals		\$73.48	C818495	KNIFE EXCHANGE
Total	COZZINI BROS., INC.		\$146.96		
Paid Chk# 094528	3/3/2014	DAHLHEIMER DISTRIBUTING CO.			
E 640-47000-253	Beer For Resale		\$354.87	1077486	BEER
E 640-48000-253	Beer For Resale		\$30.10	1077495	BEER
E 640-47000-253	Beer For Resale		\$504.00	18086	BEER
E 640-47000-253	Beer For Resale		\$181.10	18219	BEER
E 640-48000-253	Beer For Resale		\$616.00	18222	BEER
Total	DAHLHEIMER DISTRIBUTING CO.		\$1,686.07		
Paid Chk# 094529	3/3/2014	DAY DISTRIBUTING			
E 640-47000-253	Beer For Resale		\$2,803.50	738815	BEER
E 640-48000-253	Beer For Resale		\$436.00	739837	BEER
E 640-47000-253	Beer For Resale		\$929.66	739838	BEER
E 640-48000-253	Beer For Resale		\$157.00	740724	BEER
E 640-48000-253	Beer For Resale		\$1,085.00	740799	BEER
Total	DAY DISTRIBUTING		\$5,411.16		
Paid Chk# 094530	3/3/2014	DIRECTV			

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February 2014 to March 2014

			Check Amt	Invoice	Comment
E 640-48000-415	Other Equipment Rentals		\$347.31	22524057065	SERVICE
	Total DIRECTV		\$347.31		
Paid Chk# 094531	3/3/2014	EXCELSIOR BREWING COMPANY			
E 640-48000-253	Beer For Resale		\$420.00	3208	BEER
	Total EXCELSIOR BREWING COMPANY		\$420.00		
Paid Chk# 094532	3/3/2014	G & K SERVICES			
E 640-48500-217	Uniforms		\$56.60	1013167750	UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$113.29	1013167750	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$231.08	1013167750	SUPPLIES
E 640-48500-217	Uniforms		\$54.45	1013179265	UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$102.33	1013179265	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$237.79	1013179265	SUPPLIES
	Total G & K SERVICES		\$795.54		
Paid Chk# 094533	3/3/2014	GENERAL PARTS, INC.			
E 640-48000-404	Repairs/Maint - Machin/Equip		\$52.84	1410603	PARTS/REPAIRS
	Total GENERAL PARTS, INC.		\$52.84		
Paid Chk# 094534	3/3/2014	GRAINGER, INC.			
E 640-48000-401	Repairs/Maint Buildings		\$117.01	9361961940	SUPPLIES
E 101-43100-240	Small Tools and Minor Equip		\$123.14	9368865789	SUPPLIES
	Total GRAINGER, INC.		\$240.15		
Paid Chk# 094535	3/3/2014	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale		\$1,078.00	163086	WINE
E 640-47000-259	Freight		\$13.50	163086	FREIGHT
	Total GRAPE BEGINNINGS, INC.		\$1,091.50		
Paid Chk# 094536	3/3/2014	HEGGIES PIZZA			
E 640-48500-255	FOODIngredients For Resale		\$138.00	1424916	FOOD
	Total HEGGIES PIZZA		\$138.00		
Paid Chk# 094537	3/3/2014	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$478.00	687636	BEER
E 640-47000-253	Beer For Resale		\$428.00	689942	BEER
	Total HOHENSTEINS INC.		\$906.00		
Paid Chk# 094538	3/3/2014	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale		\$762.45	2173358	BEER
E 640-47000-253	Beer For Resale		\$621.50	2173394	BEER
E 640-48000-253	Beer For Resale		\$347.50	2178995	BEER
E 640-47000-253	Beer For Resale		\$451.80	2187041	BEER
E 640-48000-253	Beer For Resale		\$254.75	2188056	BEER
E 640-48000-253	Beer For Resale		\$307.00	2188118	BEER
	Total JJ TAYLOR DISTRIBUTING OF MN		\$2,745.00		
Paid Chk# 094539	3/3/2014	JOHNSON BROS.-ST.PAUL			
E 640-47000-252	Wine For Resale		\$384.00	1753478	WINE
E 640-47000-252	Wine For Resale		\$1,197.10	1780019	WINE
E 640-47000-259	Freight		\$17.81	1780019	FREIGHT
E 640-47000-259	Freight		\$14.39	1780020	FREIGHT
E 640-47000-251	Liquor For Resale		\$875.50	1780020	LIQ
E 640-47000-259	Freight		\$6.85	1781252	FREIGHT
E 640-47000-252	Wine For Resale		\$409.10	1781252	WINE
E 640-47000-259	Freight		\$1.37	1781253	FREIGHT
E 640-47000-251	Liquor For Resale		\$94.00	1781253	LIQ
E 640-47000-251	Liquor For Resale		\$78.50	1781254	LIQ

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E 640-47000-259	Freight		\$1.37	1781254	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$37.25	1781255	MISC.
E 640-47000-259	Freight		\$1.37	1781255	FREIGHT
E 640-47000-252	Wine For Resale		\$284.90	1781256	WINE
E 640-47000-259	Freight		\$9.59	1781256	FREIGHT
E 640-47000-259	Freight		\$24.66	1782470	FREIGHT
E 640-47000-252	Wine For Resale		\$2,040.00	1782470	WINE
E 640-47000-252	Wine For Resale		\$2,127.25	1785191	WINE
E 640-47000-259	Freight		\$46.58	1785191	FREIGHT
E 640-47000-259	Freight		\$15.52	1785192	FREIGHT
E 640-47000-252	Wine For Resale		\$722.20	1785192	WINE
E 640-47000-251	Liquor For Resale		\$306.50	1785193	LIQ
E 640-47000-259	Freight		\$4.11	1785193	FREIGHT
E 640-47000-252	Wine For Resale		\$154.90	1786410	WINE
E 640-47000-259	Freight		\$5.48	1786410	FREIGHT
E 640-47000-251	Liquor For Resale		\$681.74	1786411	LIQ
E 640-47000-259	Freight		\$5.48	1786411	FREIGHT
E 640-47000-252	Wine For Resale		\$628.24	1787575	WINE
E 640-47000-259	Freight		\$12.33	1787575	FREIGHT
E 640-47000-259	Freight		\$17.81	1790171	FREIGHT
E 640-47000-252	Wine For Resale		\$743.85	1790171	WINE
E 640-47000-251	Liquor For Resale		\$450.00	1790172	LIQ
E 640-47000-259	Freight		\$6.85	1790172	FREIGHT
Total JOHNSON BROS.-ST.PAUL			\$11,406.60		
Paid Chk#	094540	3/3/2014	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOOD	Ingredients For Resale	\$188.60	5-000059379	FOOD
Total KARLSBURGER FOODS, INC.			\$188.60		
Paid Chk#	094541	3/3/2014	LINNIHAN FOY		
E 640-47000-540	Equipment		\$300.00	768	WEBSITE DEV.
E 640-48000-540	Equipment		\$300.00	768	WEBSITE DEV.
E 640-47000-340	Advertising		\$1,500.00	769	SUPER BOWL LIQ AD
E 640-47000-340	Advertising		\$320.00	771	SAVOUR REWARDS BLAST
Total LINNIHAN FOY			\$2,420.00		
Paid Chk#	094542	3/3/2014	MAIN STREET BAKERY		
E 640-48500-255	FOOD	Ingredients For Resale	\$92.08	236016	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$84.67	236078	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$110.53	236144	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$120.39	236248	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$100.77	236370	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$74.82	236525	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$122.47	236587	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$94.99	236664	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$77.77	236706	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$59.72	236805	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$114.37	236918	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$109.55	236988	FOOD
Total MAIN STREET BAKERY			\$1,162.13		
Paid Chk#	094543	3/3/2014	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOOD	Ingredients For Resale	\$501.70	776043	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$349.20	776290	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	(\$4.10)	776462	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$153.00	776462	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$388.60	776614	FOOD
E 640-48500-255	FOOD	Ingredients For Resale	\$459.20	776798	FOOD

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E 640-48500-255	FOOD	Ingredients For Resale	\$356.15	776959	FOOD
E 640-48000-251	Liquor	For Resale	\$150.00	777091	LIQ
E 640-48000-253	Beer	For Resale	\$34.30	777091	BEER
Total	NORTHWESTERN FRUIT COMPANY		\$2,388.05		
Paid Chk#	094544	3/3/2014	PAUSTIS & SONS		
E 640-47000-252	Wine	For Resale	\$1,452.00	8436808	WINE
E 640-47000-259	Freight		\$13.75	8436808	FREIGHT
E 640-47000-259	Freight		\$15.00	8437691	FREIGHT
E 640-47000-252	Wine	For Resale	\$904.48	8437691	WINE
E 640-48000-252	Wine	For Resale	\$229.50	8437697	WINE
E 640-48000-252	Wine	For Resale	\$191.25	8438521	WINE
E 640-48000-252	Wine	For Resale	\$153.00	8736807	WINE
Total	PAUSTIS & SONS		\$2,958.98		
Paid Chk#	094545	3/3/2014	PHILLIPS WINES & SPIRITS		
E 640-47000-252	Wine	For Resale	\$1,073.40	2558534	WINE
E 640-47000-259	Freight		\$12.57	2558534	FREIGHT
E 640-47000-251	Liquor	For Resale	\$1,065.28	2558535	LIQ
E 640-47000-259	Freight		\$12.51	2558535	FREIGHT
E 640-47000-251	Liquor	For Resale	\$2,332.15	2563523	LIQ
E 640-47000-259	Freight		\$19.18	2563523	FREIGHT
E 640-47000-252	Wine	For Resale	\$669.72	2563524	WINE
E 640-47000-259	Freight		\$13.93	2563524	FREIGHT
E 640-48000-251	Liquor	For Resale	\$407.18	2565139	LIQ
E 640-47000-259	Freight		\$2.74	2565260	FREIGHT
E 640-47000-251	Liquor	For Resale	\$170.65	2565260	LIQ
E 640-47000-252	Wine	For Resale	\$411.95	2565261	WINE
E 640-47000-259	Freight		\$6.85	2565261	FREIGHT
Total	PHILLIPS WINES & SPIRITS		\$6,198.11		
Paid Chk#	094546	3/3/2014	PLUNKETT S PEST CONTROL		
E 640-48000-409	Maint services & Improv		\$77.24	3475079	SERVICE
Total	PLUNKETT S PEST CONTROL		\$77.24		
Paid Chk#	094547	3/3/2014	SCRIBE WINERY		
E 640-47000-259	Freight		\$65.00	1562	FREIGHT
E 640-47000-252	Wine	For Resale	\$600.00	1562	WINE
Total	SCRIBE WINERY		\$665.00		
Paid Chk#	094548	3/3/2014	SIGNS NOW		
E 640-47000-340	Advertising		\$39.42	26399	BANNER
E 640-48000-340	Advertising		\$39.42	26399	BANNER
Total	SIGNS NOW		\$78.84		
Paid Chk#	094549	3/3/2014	SOUTHERN WINE & SPIRITS OF MN		
E 640-47000-251	Liquor	For Resale	\$3,379.57	1131006	LIQ
E 640-47000-259	Freight		\$27.18	1131006	FREIGHT
E 640-47000-259	Freight		\$1.15	1131007	FREIGHT
E 640-47000-252	Wine	For Resale	\$716.05	1131008	WINE
E 640-47000-252	Wine	For Resale	\$1,500.00	1131009	WINE
E 640-47000-259	Freight		\$14.95	1131009	FREIGHT
E 640-47000-259	Freight		\$1.15	1131010	FREIGHT
E 640-47000-254	Soft Drinks/Mix	For Resale	\$29.00	1131010	MISC.
E 640-47000-252	Wine	For Resale	\$852.00	1133227	WINE
E 640-47000-259	Freight		\$10.35	1133227	FREIGHT
E 640-47000-252	Wine	For Resale	\$1,676.00	1135509	WINE
E 640-47000-259	Freight		\$18.97	1135509	FREIGHT
E 640-47000-252	Wine	For Resale	\$280.00	1136222	WINE

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E 640-47000-259	Freight		\$3.45	1136222	FREIGHT
E 640-47000-252	Wine For Resale		\$52.00	5004837	WINE
E 640-47000-259	Freight		\$0.50	5004837	FREIGHT
Total	SOUTHERN WINE & SPIRITS OF MN		\$8,562.32		
Paid Chk#	094550	3/3/2014	SPENCER JANITORIAL		
E 640-48000-409	Maint services & Improv		\$2,135.79	10113	MONTHLY CLEANING
Total	SPENCER JANITORIAL		\$2,135.79		
Paid Chk#	094551	3/3/2014	STAN MORGAN & ASSOCIATES, INC.		
E 640-48000-401	Repairs/Maint Buildings		\$649.01	57723	TABLE REPAIRS
Total	STAN MORGAN & ASSOCIATES, INC.		\$649.01		
Paid Chk#	094552	3/3/2014	STRATEGIC EQUIPMENT AND		
E 640-48000-210	Operating Supplies (GENERAL)		\$257.46	2157344	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$227.25	2157709	SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$62.64	2160853	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$96.76	2160853	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$121.98	2160854	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$511.16	2164683	SUPPLIES
Total	STRATEGIC EQUIPMENT AND		\$1,277.25		
Paid Chk#	094553	3/3/2014	SUNBURST CHEMICALS, INC.		
E 640-48500-210	Operating Supplies (GENERAL)		\$1,015.28	0318810	SUPPLIES
Total	SUNBURST CHEMICALS, INC.		\$1,015.28		
Paid Chk#	094554	3/3/2014	SYSCO MINNESOTA		
E 640-48500-210	Operating Supplies (GENERAL)		\$33.46	402131612	SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$2,989.58	402141386	FOOD
E 640-48000-251	Liquor For Resale		\$45.39	402141386	LIQ
E 640-48500-210	Operating Supplies (GENERAL)		\$237.31	402141386	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$29.82	402141386	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		\$263.80	402149006	FOOD
E 640-48500-255	FOODIngredients For Resale		\$4,615.24	402170730	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$253.96	402170730	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$57.70	402170730	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		(\$32.45)	402180352	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$111.53	402191014	SUPPLIES
E 640-48000-251	Liquor For Resale		\$139.37	402191014	LIQ
E 640-48500-255	FOODIngredients For Resale		\$2,686.05	402191014	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$141.22)	402200038	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$279.78)	402200039	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$139.67	402211285	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$74.24	402211285	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale		\$4,334.00	402211285	FOOD
E 640-48000-251	Liquor For Resale		\$102.46	402211285	LIQ
E 640-48500-255	FOODIngredients For Resale		\$2,343.42	402240705	FOOD
E 640-48000-342	Promotions - Food/Drinks		\$27.88	402240705	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$164.78	402240705	SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$3,051.79	402261026	FOOD
E 640-48500-210	Operating Supplies (GENERAL)		\$46.08	402261026	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$29.82	402261026	PROMO FOOD
E 640-48000-210	Operating Supplies (GENERAL)		\$72.95	402281348	SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$228.76	402281348	SUPPLIES
E 640-48000-342	Promotions - Food/Drinks		\$57.70	402281348	PROMO FOOD
E 640-48000-251	Liquor For Resale		\$71.44	402281348	LIQ
E 640-48500-255	FOODIngredients For Resale		\$3,876.45	402281348	FOOD
Total	SYSCO MINNESOTA		\$25,631.20		

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Paid Chk#	094555	3/3/2014	T.D. ANDERSON INC.		
E 640-48000-409	Maint services & Improv		\$110.00	487289	BEER LINES CLEANED
E 640-48000-409	Maint services & Improv		\$110.00	848025	BEER LINES CLEANED
Total T.D. ANDERSON INC.			\$220.00		
Paid Chk#	094556	3/3/2014	THORPE DISTRIBUTING CO.		
E 640-47000-253	Beer For Resale		\$71.40	805059	BEER
E 640-48000-253	Beer For Resale		\$770.00	805060	BEER
E 640-47000-253	Beer For Resale		\$1,054.00	805065	BEER
E 640-47000-253	Beer For Resale		\$1,347.00	806396	BEER
E 640-48000-253	Beer For Resale		\$49.00	806404	BEER
E 640-47000-253	Beer For Resale		\$979.85	807629	BEER
E 640-47000-253	Beer For Resale		\$37.10	807630	BEER
E 640-48000-253	Beer For Resale		\$104.00	807631	BEER
E 640-48000-253	Beer For Resale		\$639.00	807632	BEER
Total THORPE DISTRIBUTING CO.			\$5,051.35		
Paid Chk#	094557	3/3/2014	VINOCOPIA		
E 640-47000-252	Wine For Resale		\$1,098.67	93200	WINE
E 640-47000-259	Freight		\$18.00	93200	FREIGHT
Total VINOCOPIA			\$1,116.67		
Paid Chk#	094558	3/3/2014	WINE COMPANY		
E 640-47000-252	Wine For Resale		\$1,010.67	353351	WINE
E 640-47000-259	Freight		\$9.90	353351	FREIGHT
Total WINE COMPANY			\$1,020.57		
Paid Chk#	094559	3/3/2014	WINE MERCHANT		
E 640-47000-259	Freight		\$15.18	491648	FREIGHT
E 640-47000-252	Wine For Resale		\$2,037.41	491648	WINE
E 640-47000-259	Freight		\$38.36	492759	FREIGHT
E 640-47000-252	Wine For Resale		\$2,484.00	492759	WINE
E 640-47000-252	Wine For Resale		\$1,331.50	493388	WINE
E 640-47000-259	Freight		\$13.93	493388	FREIGHT
Total WINE MERCHANT			\$5,920.38		
Paid Chk#	094560	3/3/2014	WIRTZ BEVERAGE MN BEER		
E 640-47000-253	Beer For Resale		\$123.00	1090179763	BEER
E 640-47000-253	Beer For Resale		\$2,262.60	1090179764	BEER
E 640-48000-253	Beer For Resale		\$228.00	1090182943	BEER
E 640-47000-253	Beer For Resale		\$107.50	1090183035	BEER
E 640-47000-253	Beer For Resale		\$881.75	1090183036	BEER
E 640-48000-253	Beer For Resale		\$344.00	1090186038	BEER
E 640-47000-253	Beer For Resale		\$1,155.10	1090186198	BEER
E 640-47000-253	Beer For Resale		\$115.50	1090186199	BEER
Total WIRTZ BEVERAGE MN BEER			\$5,217.45		
Paid Chk#	094561	3/3/2014	WIRTZ BEVERAGE MN WINE & SPIRI		
E 640-47000-251	Liquor For Resale		\$6,464.52	1080142791	LIQ
E 640-47000-259	Freight		\$65.25	1080142791	FREIGHT
E 640-47000-259	Freight		\$24.65	1080142792	FREIGHT
E 640-47000-252	Wine For Resale		\$1,889.40	1080142792	WINE
E 640-47000-259	Freight		\$14.50	1080145308	FREIGHT
E 640-47000-252	Wine For Resale		\$1,553.20	1080145308	LIQ
E 640-47000-252	Wine For Resale		\$72.00	1080145308	WINE
E 640-47000-259	Freight		\$14.50	1080145309	FREIGHT
E 640-47000-252	Wine For Resale		\$793.05	1080145309	WINE
E 640-47000-259	Freight		\$5.79	1080147895	FREIGHT

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E 640-47000-251	Liquor For Resale		\$1,082.70	1080147895	LIQ
E 640-47000-259	Freight		\$5.80	1080147896	FREIGHT
E 640-47000-252	Wine For Resale		\$374.00	1080147896	WINE
E 640-47000-252	Wine For Resale		(\$377.45)	2080030691	WINE
E 640-47000-251	Liquor For Resale		(\$221.67)	2080032724	LIQ
Total WIRTZ BEVERAGE MN WINE & SPIRI			\$11,760.24		
Paid Chk# 094562	3/3/2014	Z WINES USA LLC			
E 640-47000-259	Freight		\$2.50	12698	FREIGHT
E 640-47000-252	Wine For Resale		\$104.00	12698	WINE
E 640-47000-252	Wine For Resale		\$264.00	12728	WINE
E 640-47000-259	Freight		\$5.00	12728	FREIGHT
Total Z WINES USA LLC			\$375.50		
Paid Chk# 094563	3/4/2014	AIRTECH			
E 437-40000-404	Repairs/Maint - Machin/Equip		\$316.50	17969	LIBRARY MAINT.
Total AIRTECH			\$316.50		
Paid Chk# 094564	3/4/2014	AT&T			
E 101-41940-321	Telephone		\$201.59		CELL PHONES
E 101-41940-321	Telephone		\$157.42		CELL PHONES
Total AT&T			\$359.01		
Paid Chk# 094565	3/4/2014	BEST & FLANAGAN			
E 430-40000-304	Legal Fees		\$262.50	441687	BUSHAWAY RD
E 430-40000-304	Legal Fees		\$354.10	441693	743 LAKE STREET
Total BEST & FLANAGAN			\$616.60		
Paid Chk# 094566	3/4/2014	CARQUEST OF WAYZATA			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$60.03	6973-208578	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		\$10.77	6973-208782	PARTS
Total CARQUEST OF WAYZATA			\$70.80		
Paid Chk# 094567	3/4/2014	CINTAS CORPORATION			
E 620-40000-241	Safety equip/testings		\$29.33	5000949490	FIRST AID SUPPLIES
E 101-43100-241	Safety equip/testings		\$50.00	5000949490	FIRST AID SUPPLIES
E 101-45200-241	Safety equip/testings		\$50.00	5000949490	FIRST AID SUPPLIES
E 610-40000-241	Safety equip/testings		\$30.00	5000949490	FIRST AID SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$69.60	5000995521	FIRST AID SUPPLIES
Total CINTAS CORPORATION			\$228.93		
Paid Chk# 094568	3/4/2014	CRABTREE COMPANIES			
E 409-40000-540	Equipment		\$1,849.00	122700	NEW COPIER
E 409-40000-540	Equipment		\$108.00	122701	SERVICE CONTRACTON NEW COPIER
Total CRABTREE COMPANIES			\$1,957.00		
Paid Chk# 094569	3/4/2014	DAKOTA SUPPLY GROUP			
E 620-40000-211	Meter supplies		\$105.50	8366616	WATER METER HORNS
E 610-40000-211	Meter supplies		\$100.00	8366616	WATER METER HORNS
Total DAKOTA SUPPLY GROUP			\$205.50		
Paid Chk# 094570	3/4/2014	ECM PUBLISHERS, INC.			
E 670-40000-499	Miscellaneous		\$42.56	76062	LEGAL NOTICES
E 101-41500-350	Printing & Publishing		\$42.56	76063	LEGAL NOTICES
Total ECM PUBLISHERS, INC.			\$85.12		
Paid Chk# 094571	3/4/2014	FASTENAL			
E 101-43100-210	Operating Supplies (GENERAL)		\$86.65	MNPLY66997	SUPPLIES
Total FASTENAL			\$86.65		

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Paid Chk#	094572	3/4/2014	FILTER PRODUCTS COMPANY		
	E 610-40000-242	Well & F.P. Equipment	\$110.21	96357	PARTS
	Total	FILTER PRODUCTS COMPANY	\$110.21		
Paid Chk#	094573	3/4/2014	FLEXIBLE PIPE TOOL COMPANY		
	E 620-40000-224	Repair & Maint - Motor Equip	\$454.00	17109	PARTS
	Total	FLEXIBLE PIPE TOOL COMPANY	\$454.00		
Paid Chk#	094574	3/4/2014	HAWKINS, INC		
	E 610-40000-216	Chemicals and Chem Products	\$1,062.23	3565434	CHEMICALS
	Total	HAWKINS, INC	\$1,062.23		
Paid Chk#	094575	3/4/2014	HEITKE, ROBERT		
	E 101-45200-331	Mileage & Expense Account	\$76.16	REIMB.	MILEAGE
	Total	HEITKE, ROBERT	\$76.16		
Paid Chk#	094576	3/4/2014	HENN.CNTY.CHIEFS OF POLICE		
	E 101-42100-433	Dues, Licensing & Seminars	\$100.00		PD DUES
	E 101-42100-434	Training and schools	\$135.00		PD MTG.COSTS
	Total	HENN.CNTY.CHIEFS OF POLICE	\$235.00		
Paid Chk#	094577	3/4/2014	HENN.CNTY.INFO.TECH.DEPT.		
	E 101-42100-323	Radio Units	\$904.90	140138054	RADIO CONNECTION
	E 101-45200-323	Radio Units	\$150.00	140138072	RADIO CONNECTION
	E 101-43100-323	Radio Units	\$150.00	140138072	RADIO CONNECTION
	E 620-40000-323	Radio Units	\$80.55	140138072	RADIO CONNECTION
	E 610-40000-323	Radio Units	\$80.55	140138072	RADIO CONNECTION
	Total	HENN.CNTY.INFO.TECH.DEPT.	\$1,366.00		
Paid Chk#	094578	3/4/2014	HOME DEPOT		
	E 101-45200-210	Operating Supplies (GENERAL)	\$45.27		SUPPLIES
	Total	HOME DEPOT	\$45.27		
Paid Chk#	094579	3/4/2014	J.H. LARSON COMPANY		
	E 640-48000-404	Repairs/Maint - Machin/Equip	\$77.12	S100594518.0	PARTS
	E 101-41940-404	Repairs/Maint - Machin/Equip	\$64.72	S100594529.0	PARTS
	Total	J.H. LARSON COMPANY	\$141.84		
Paid Chk#	094580	3/4/2014	JONES, REBECCA		
	E 101-43100-210	Operating Supplies (GENERAL)	\$15.99	REIMB.	SUPPLIES
	Total	JONES, REBECCA	\$15.99		
Paid Chk#	094581	3/4/2014	JUDD FROST CLOTHIERS		
	E 101-43100-210	Operating Supplies (GENERAL)	\$144.82	45747	REIMBURSEMENT FOR SNOW PLOW DAMAGE
	Total	JUDD FROST CLOTHIERS	\$144.82		
Paid Chk#	094582	3/4/2014	LAMBERT, JEFFREY W.		
	E 101-42120-304	Legal Fees	\$3,189.00		LEGAL SERVICES
	E 101-42120-304	Legal Fees	(\$3,189.00)		LEGAL SERVICES
	Total	LAMBERT, JEFFREY W.	\$0.00		
Paid Chk#	094583	3/4/2014	LEXUS		
	G 630-20300	Deposits Payable	\$551.75	CVR REFUND	CVR REFUND
	Total	LEXUS	\$551.75		
Paid Chk#	094584	3/4/2014	LMCD		
	E 233-40000-437	Payments to Organizations	\$9,831.50	2014 LEVY	1ST QTR.2014 LEVY
	Total	LMCD	\$9,831.50		

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Paid Chk# 094585	3/4/2014	LONG LAKE TRU VALUE			
E 640-48500-210	Operating Supplies (GENERAL)		\$28.96		SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)		\$38.57		SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		\$12.42		SUPPLIES
E 101-42200-404	Repairs/Maint - Machin/Equip		\$41.52		SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$20.60		SUPPLIES
	Total LONG LAKE TRU VALUE		\$142.07		
Paid Chk# 094586	3/4/2014	LUBE TECH			
E 101-43100-212	Motor Fuels		\$155.55	2335629	OIL
	Total LUBE TECH		\$155.55		
Paid Chk# 094587	3/4/2014	MACQUEEN EQUIPMENT, INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$98.31	2141521	PARTS
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$1,415.00	2141745	PARTS
E 101-43100-404	Repairs/Maint - Machin/Equip		\$166.32	S-14134	PARTS
	Total MACQUEEN EQUIPMENT, INC.		\$1,679.63		
Paid Chk# 094588	3/4/2014	MCCARTHY, LYNN			
E 101-41100-493	Volunteer program		\$269.00	REIMB.	VOLUNTEER EXPENSES
	Total MCCARTHY, LYNN		\$269.00		
Paid Chk# 094589	3/4/2014	MCCARTHY, TIMOTHY			
E 101-42100-331	Mileage & Expense Account		\$26.04	REIMB.	MILEAGE & MEAL
	Total MCCARTHY, TIMOTHY		\$26.04		
Paid Chk# 094590	3/4/2014	METERING & TECHNOLOGY SOLUTION			
G 610-14100	Inventory of Material/Supply		\$386.50	182	WATER METERS
G 620-14100	Inventory of Material/Supply		\$386.50	182	WATER METERS
G 620-14100	Inventory of Material/Supply		\$180.00	230	WATER METERS
G 610-14100	Inventory of Material/Supply		\$180.00	230	WATER METERS
E 620-40000-211	Meter supplies		\$98.50	231	METER PARTS
E 610-40000-211	Meter supplies		\$98.50	231	METER PARTS
	tal METERING & TECHNOLOGY SOLUTION		\$1,330.00		
Paid Chk# 094591	3/4/2014	METRO SALES INC.			
E 101-42100-350	Printing & Publishing		\$140.00	081114	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$35.00	150635	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$35.00	150635	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$35.00	150635	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$35.00	150635	SUPPLIES
	Total METRO SALES INC.		\$280.00		
Paid Chk# 094592	3/4/2014	METROPOLITAN COUNCIL			
G 101-20831	MWCC (SAC)		\$213,710.00	FEB.2014	SAC FEES FEB.2014
R 101-00000-34190	Charges for Services/Gen Gov		(\$2,137.10)	FEB.2014	ADMIN.FEES
	Total METROPOLITAN COUNCIL		\$211,572.90		
Paid Chk# 094593	3/4/2014	MICRO CENTER			
E 610-40000-242	Well & F.P. Equipment		\$279.98	4881301	WP2 PARTS
	Total MICRO CENTER		\$279.98		
Paid Chk# 094594	3/4/2014	MN CHIEFS OF POLICE ASSOC.			
E 101-42100-433	Dues, Licensing & Seminars		\$370.00	REGISTRATIO	TRAINING REGISTRATION
	Total MN CHIEFS OF POLICE ASSOC.		\$370.00		
Paid Chk# 094595	3/4/2014	MN DEPARTMENT OF HEALTH			
E 610-40000-309	Contractual Services		\$2,213.00		WATER CONNECTION FEES

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Total	MN DEPARTMENT OF HEALTH	\$2,213.00		
Paid Chk#	094596	3/4/2014	MN DEPT.OF PUBLIC SAFETY	
E 610-40000-310	Plan Review	\$100.00	M-66699	PERMIT FEES
E 610-40000-310	Plan Review	\$100.00	M-66713	PERMIT FEES
Total	MN DEPT.OF PUBLIC SAFETY	\$200.00		
Paid Chk#	094597	3/4/2014	MN SHERIFF'S ASSOCIATION	
E 101-42100-434	Training and schools	\$250.00	048110	PD CLASS REGISTRATION
Total	MN SHERIFF'S ASSOCIATION	\$250.00		
Paid Chk#	094598	3/4/2014	MURPHY, MICHAEL	
E 101-42100-331	Mileage & Expense Account	\$77.04	REIMB.	MTG.MEALS
E 101-42100-210	Operating Supplies (GENERAL)	\$32.17	REIMB.	SUPPLIES
Total	MURPHY, MICHAEL	\$109.21		
Paid Chk#	094599	3/4/2014	NAPA AUTO PARTS-WATERTOWN	
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$78.92	412424	PARTS
E 101-42100-404	Repairs/Maint - Machin/Equip	\$33.57	412424	PARTS
Total	NAPA AUTO PARTS-WATERTOWN	\$112.49		
Paid Chk#	094600	3/4/2014	OFFICE DEPOT	
E 101-45200-200	Office Supplies (GENERAL)	\$50.00	699717645001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)	\$25.00	699717645001	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)	\$51.26	699717645001	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)	\$25.00	699717645001	SUPPLIES
Total	OFFICE DEPOT	\$151.26		
Paid Chk#	094601	3/4/2014	PLANT & FLANGED EQUIPMENT CO.	
E 610-40000-242	Well & F.P. Equipment	\$228.93	0062561	PARTS
Total	PLANT & FLANGED EQUIPMENT CO.	\$228.93		
Paid Chk#	094602	3/4/2014	PLYMOUTH AUTOMOTIVE INC.	
E 240-40000-499	Miscellaneous	\$201.44	12/14/13	DWI FORFEITURE TOWING
Total	PLYMOUTH AUTOMOTIVE INC.	\$201.44		
Paid Chk#	094603	3/4/2014	RUDY LUTHER	
G 630-20300	Deposits Payable	\$2,546.84	CVR REFUND	CVR REFUND
Total	RUDY LUTHER	\$2,546.84		
Paid Chk#	094604	3/4/2014	SEARS	
E 610-40000-240	Small Tools and Minor Equip	\$7.50		TOOLS
Total	SEARS	\$7.50		
Paid Chk#	094605	3/4/2014	SHORT ELLIOTT HENDRICKSON INC.	
E 404-40000-302	Consultants	\$1,000.00	278363	CELL TOWER
Total	SHORT ELLIOTT HENDRICKSON INC.	\$1,000.00		
Paid Chk#	094606	3/4/2014	SPRINT	
E 101-42100-323	Radio Units	\$127.78		SERVICE
Total	SPRINT	\$127.78		
Paid Chk#	094607	3/4/2014	STAR TRIBUNE	
E 101-41500-433	Dues, Licensing & Seminars	\$79.30	10690344	SUBSCRIPTION RENEWAL
Total	STAR TRIBUNE	\$79.30		
Paid Chk#	094608	3/4/2014	STREICHER S	
E 101-42100-217	Uniforms	\$252.92	I1074414	PD UNIFORMS
E 101-42100-217	Uniforms	\$74.98	I1074427	PD UNIFORMS
E 101-42100-217	Uniforms	\$34.99	I1074440	PD UNIFORMS

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E 101-42100-217	Uniforms		\$29.99	I1076275	PD UNIFORMS
E 101-42100-217	Uniforms		\$788.99	I1076321	PD UNIFORMS
E 101-42100-217	Uniforms		\$25.99	I1076543	PD UNIFORMS
Total STREICHER S			\$1,207.86		
Paid Chk# 094609	3/4/2014	TIME SAVER			
E 101-41100-302	Consultants		\$143.50	M20379	MTG.MINUTES
Total TIME SAVER			\$143.50		
Paid Chk# 094610	3/4/2014	TOLL GAS & WELDING SUPPLY			
E 232-40000-210	Operating Supplies (GENERAL)		\$249.55	10012250	SUPPLIES
Total TOLL GAS & WELDING SUPPLY			\$249.55		
Paid Chk# 094611	3/4/2014	UPS STORE			
E 233-40000-210	Operating Supplies (GENERAL)		\$23.33	4015	DOWNTOWN POSTER
Total UPS STORE			\$23.33		
Paid Chk# 094612	3/4/2014	VALLEY-RICH CO., INC.			
E 610-40000-405	Maint/Replac - System		\$14,091.81	19757	WATERMAIN BREAK REPAIR
Total VALLEY-RICH CO., INC.			\$14,091.81		
Paid Chk# 094613	3/4/2014	VERIZON WIRELESS			
E 101-42100-323	Radio Units		\$320.14	9719941255	SERVICE
Total VERIZON WIRELESS			\$320.14		
Paid Chk# 094614	3/4/2014	WBC HOLDINGS, INC.			
E 101-43100-404	Repairs/Maint - Machin/Equip		\$22.53	10950-10990	MAINT.
Total WBC HOLDINGS, INC.			\$22.53		
Paid Chk# 094615	3/4/2014	WUNDERLICH - MALEC			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$1,501.85	6391	WARMING HOUSE RADIO
Total WUNDERLICH - MALEC			\$1,501.85		
Paid Chk# 094616	3/4/2014	YOCUM OIL			
E 101-49200-212	Motor Fuels		\$1,172.34	611955	FUEL
E 101-49200-212	Motor Fuels		\$1,753.35	611956	FUEL
E 101-49200-212	Motor Fuels		\$328.08	613178	FUEL
Total YOCUM OIL			\$3,253.77		
Paid Chk# 094617	3/4/2014	ZIEGLER			
E 101-43100-210	Operating Supplies (GENERAL)		\$166.72	PC001543232	SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		(\$13.36)	PR000132477	SUPPLIES
Total ZIEGLER			\$153.36		
Paid Chk# 094618	3/12/2014	ABSOLUTE MECHANICAL			
E 640-48000-409	Maint services & Improv		\$7,120.00	3534	KITCHEN EXHAUST FILTERS
E 101-41940-404	Repairs/Maint - Machin/Equip		\$640.00	3553	HVAC MAINT.
Total ABSOLUTE MECHANICAL			\$7,760.00		
Paid Chk# 094619	3/12/2014	ADVANCED FIRE PROTECTION			
E 101-41500-433	Dues, Licensing & Seminars		\$100.00	415030QP	CPR TRAINING
E 101-45200-433	Dues, Licensing & Seminars		\$100.00	415030QP	CPR TRAINING
E 101-43100-433	Dues, Licensing & Seminars		\$100.00	415030QP	CPR TRAINING
E 620-40000-433	Dues, Licensing & Seminars		\$50.00	415030QP	CPR TRAINING
E 610-40000-433	Dues, Licensing & Seminars		\$50.00	415030QP	CPR TRAINING
Total ADVANCED FIRE PROTECTION			\$400.00		
Paid Chk# 094620	3/12/2014	AIRTECH			
E 437-40000-404	Repairs/Maint - Machin/Equip		\$652.30	179692	LIBRARY MAINT.

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Total AIRTECH			\$652.30		
Paid Chk# 094621	3/12/2014	ALL ACCESS GATES			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$210.00	0013	RR CROSSING GATE REPAIRS
Total ALL ACCESS GATES			\$210.00		
Paid Chk# 094622	3/12/2014	ANCHOR BANK-CARDMEMBER SERV.			
E 101-45200-433	Dues, Licensing & Seminars		\$360.00		PARKS CONF.
E 101-41500-331	Mileage & Expense Account		\$140.01		MTG.MEALS
E 101-43100-240	Small Tools and Minor Equip		\$75.00		HEADSET
E 101-45200-240	Small Tools and Minor Equip		\$75.00		HEADSET
E 620-40000-240	Small Tools and Minor Equip		\$37.62		HEADSET
E 101-41500-433	Dues, Licensing & Seminars		\$575.00		ADMIN.CONF.
E 640-48000-499	Miscellaneous		\$91.47		BAR EMP.ADS
E 640-47000-210	Operating Supplies (GENERAL)		\$42.90		STORE CART
E 640-48000-200	Office Supplies (GENERAL)		\$66.94		BAR SUPPLIES
E 101-42400-433	Dues, Licensing & Seminars		\$110.00		BLDG.CONF.
E 610-40000-240	Small Tools and Minor Equip		\$37.62		HEADSET
E 101-41500-433	Dues, Licensing & Seminars		\$52.04		GO-DADDY RENEWAL
Total ANCHOR BANK-CARDMEMBER SERV.			\$1,663.60		
Paid Chk# 094623	3/12/2014	BARTON SAND & GRAVEL CO.			
E 101-43100-229	Dirt, Sand and gravel		\$430.85	WLS299	SAND FOR SALT MIX
Total BARTON SAND & GRAVEL CO.			\$430.85		
Paid Chk# 094624	3/12/2014	BETH, GERALD O			
E 640-48000-341	General Promotions		\$150.00	3/18/14	BAR MUSIC 3/18/14
Total BETH, GERALD O			\$150.00		
Paid Chk# 094625	3/12/2014	BETH, GERALD O			
E 640-48000-341	General Promotions		\$150.00	3/25/14	BAR MUSIC 3/25/14
Total BETH, GERALD O			\$150.00		
Paid Chk# 094626	3/12/2014	BLACKSTONE CONSTRUCTORS, LLC			
E 620-49100-309	Contractual Services		\$1,486.73	4 & FINAL	LIFTSTATION #2
Total BLACKSTONE CONSTRUCTORS, LLC			\$1,486.73		
Paid Chk# 094627	3/12/2014	BLUE CROSS AND BLUE SHIELD			
G 101-21706	Health Insurance		\$38,976.50		APRIL 2014 HEALHT INS.
Total BLUE CROSS AND BLUE SHIELD			\$38,976.50		
Paid Chk# 094628	3/12/2014	CARQUEST OF WAYZATA			
E 101-45200-222	Repair & Maint - Equip		\$27.02	6973-209297	PARTS
Total CARQUEST OF WAYZATA			\$27.02		
Paid Chk# 094629	3/12/2014	CASH - ANCHOR BANK			
E 101-43100-331	Mileage & Expense Account		\$18.18		REPLENISH PW PETTY CASH
E 610-40000-322	Postage		\$5.84		REPLENISH PW PETTY CASH
E 610-40000-499	Miscellaneous		\$4.28		REPLENISH PW PETTY CASH
E 610-40000-331	Mileage & Expense Account		\$77.22		REPLENISH PW PETTY CASH
Total CASH - ANCHOR BANK			\$105.52		
Paid Chk# 094630	3/12/2014	CENTERPOINT ENERGY			
E 640-48000-383	Fuel, oil and natural gas		\$1,737.98		SERVICE
E 101-41940-383	Fuel, oil and natural gas		\$172.88		SERVICE
E 640-47000-383	Fuel, oil and natural gas		\$434.49		SERVICE
E 101-41940-383	Fuel, oil and natural gas		\$5,541.85		SERVICE
E 101-42200-383	Fuel, oil and natural gas		\$426.90		SERVICE
Total CENTERPOINT ENERGY			\$8,314.10		

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Paid Chk#	094631	3/12/2014	CLAREY S SAFETY EQUIPMENT		
E 101-42200-240	Small Tools and Minor Equip		\$284.85	154323	FD TOOLS
Total	CLAREY S SAFETY EQUIPMENT		\$284.85		
Paid Chk#	094632	3/12/2014	CUMMINS NORTH CENTRAL, INC.		
E 409-40000-540	Equipment		\$2,535.58	222739	GENERATOR
Total	CUMMINS NORTH CENTRAL, INC.		\$2,535.58		
Paid Chk#	094633	3/12/2014	DISTEL, DANIEL		
E 101-41550-302	Consultants		\$3,427.00	MARCH 2014	MONTHLY ASSESSING
Total	DISTEL, DANIEL		\$3,427.00		
Paid Chk#	094634	3/12/2014	EER PRODUCTS, INC.		
E 610-40000-242	Well & F.P. Equipment		\$3,095.00	6332	PARTS
Total	EER PRODUCTS, INC.		\$3,095.00		
Paid Chk#	094635	3/12/2014	F.I.R.E.		
E 101-42200-434	Training and schools		\$400.00	550	FD TRAINING
Total	F.I.R.E.		\$400.00		
Paid Chk#	094636	3/12/2014	GILBERT, MELODY		
E 640-48000-341	General Promotions		\$300.00	3/13/14	BAR MUSIC 3/13/14
Total	GILBERT, MELODY		\$300.00		
Paid Chk#	094637	3/12/2014	GOPHER STATE ONE CALL		
E 610-40000-313	Permit Fees/Gopher State		\$26.95	96474	MONTHLY LOCATES
E 620-40000-313	Permit Fees/Gopher State		\$27.00	96474	MONTHLY LOCATES
Total	GOPHER STATE ONE CALL		\$53.95		
Paid Chk#	094638	3/12/2014	GREEN LIGHTS RECYCLING, INC.		
E 101-41940-409	Maint services & Improv		\$1,257.16	14-1681	BLDG.LIGHTS
Total	GREEN LIGHTS RECYCLING, INC.		\$1,257.16		
Paid Chk#	094639	3/12/2014	HARVEST HOME		
E 640-48000-499	Miscellaneous		\$63.83	195	EMPLOYEE FLOWERS - NEW BABY
Total	HARVEST HOME		\$63.83		
Paid Chk#	094640	3/12/2014	HENN.CNTY.INFO.TECH.DEPT.		
E 101-42200-323	Radio Units		\$632.29	140138053	FD RADIO CONNECTION
Total	HENN.CNTY.INFO.TECH.DEPT.		\$632.29		
Paid Chk#	094641	3/12/2014	HENNEPIN COUNTY TREASURER		
G 650-20818	Garbage Sales Tax		\$1,355.05	9% REFUSE T	OCTOBER 2013
G 650-20818	Garbage Sales Tax		\$1,328.62	9% REFUSE T	FEBRUARY 2014
Total	HENNEPIN COUNTY TREASURER		\$2,683.67		
Paid Chk#	094642	3/12/2014	IMPACT MAILING & FULFILLMENT		
E 620-40000-322	Postage		\$3,000.00	ACCT.18796	POSTAGE ON ACCOUNT
E 610-40000-322	Postage		\$3,000.00	ACCT.18796	POSTAGE ON ACCOUNT
Total	IMPACT MAILING & FULFILLMENT		\$6,000.00		
Paid Chk#	094643	3/12/2014	INTERSTATE POWERSYSTEMS		
E 101-45200-404	Repairs/Maint - Machin/Equip		\$1,373.56	R001086457	REPAIRS
Total	INTERSTATE POWERSYSTEMS		\$1,373.56		
Paid Chk#	094644	3/12/2014	ISRAEL, DAN		
E 640-48000-341	General Promotions		\$200.00	3/22/14	BAR MUSIC 3/22/14
Total	ISRAEL, DAN		\$200.00		

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Paid Chk# 094645	3/12/2014	KRAUTH, MAX			
E 640-48000-341	General Promotions		\$300.00	3/20/14	BAR MUSIC 3/20/14
	Total KRAUTH, MAX		\$300.00		
Paid Chk# 094646	3/12/2014	LAMBERT, JEFFREY W.			
E 101-42120-304	Legal Fees		\$3,189.00		LEGAL SERVICES
	Total LAMBERT, JEFFREY W.		\$3,189.00		
Paid Chk# 094647	3/12/2014	LUND S			
E 101-43100-499	Miscellaneous		\$24.99	ACCT.2341	PW SUPPLIES
E 640-47000-341	General Promotions		\$56.36	ACCT.2341	STORE PROMO
E 101-41500-499	Miscellaneous		\$11.43	ACCT.2341	CH SUPPLIES
E 640-48500-255	FOODIngredients For Resale		\$136.78	ACCT.2341	FOOD
	Total LUND S		\$229.56		
Paid Chk# 094648	3/12/2014	MADDEN, GALANTER, HANSEN, LLP			
E 101-41500-306	Personnel Expense		\$62.50	3/1/14	LABOR RELATIONS SERVICES
	Total MADDEN, GALANTER, HANSEN, LLP		\$62.50		
Paid Chk# 094649	3/12/2014	MALIKOWSKI, JOAN			
E 101-42200-409	Maint services & Improv		\$145.00	FEB.2014	MONTHLY FD CLEANING FEB.2014
	Total MALIKOWSKI, JOAN		\$145.00		
Paid Chk# 094650	3/12/2014	MENARD S			
E 101-45200-210	Operating Supplies (GENERAL)		\$39.00		SUPPLIES
	Total MENARD S		\$39.00		
Paid Chk# 094651	3/12/2014	MICRO CENTER			
E 101-41500-540	Equipment		\$189.99	4911318	ADMIN.COMPUTER EQUIP.
	Total MICRO CENTER		\$189.99		
Paid Chk# 094652	3/12/2014	NELSON AUTO CENTER			
E 409-42100-550	Vehicles		\$26,395.82	F4425	PD SQUAD CAR
	Total NELSON AUTO CENTER		\$26,395.82		
Paid Chk# 094653	3/12/2014	NETWORK BUSINESS SUPPLIES			
E 640-47000-200	Office Supplies (GENERAL)		\$155.90	00093988	SUPPLIES
	Total NETWORK BUSINESS SUPPLIES		\$155.90		
Paid Chk# 094654	3/12/2014	PLANT & FLANGED EQUIPMENT CO.			
E 610-40000-242	Well & F.P. Equipment		\$1,556.74	0062624	PARTS
	Total PLANT & FLANGED EQUIPMENT CO.		\$1,556.74		
Paid Chk# 094655	3/12/2014	REYCRAFT, TOM			
E 640-48000-341	General Promotions		\$200.00	3/15/14	BAR MUSIC 3/15/14
	Total REYCRAFT, TOM		\$200.00		
Paid Chk# 094656	3/12/2014	ROBERTS, SCOTT			
E 101-45200-241	Safety equip/testings		\$129.99	REIMB.	SAFETY SHOES
	Total ROBERTS, SCOTT		\$129.99		
Paid Chk# 094657	3/12/2014	SCHARBER & SONS			
E 101-45200-222	Repair & Maint - Equip		\$713.14	P15708	PARTS
E 101-45200-222	Repair & Maint - Equip		\$17.05	P15970	PARTS
	Total SCHARBER & SONS		\$730.19		
Paid Chk# 094658	3/12/2014	SCHRUPP, WYATT			
E 620-40000-241	Safety equip/testings		\$36.99	REIMB.	UNIFORMS
	Total SCHRUPP, WYATT		\$36.99		

***Check Detail Register©**

February 2014 to March 2014

			Check Amt	Invoice	Comment
Paid Chk# 094659	3/12/2014	SPRINT			
E 101-42200-323	Radio Units		\$299.23		SERVICE
	Total SPRINT		\$299.23		
Paid Chk# 094660	3/12/2014	SRF CONSULTING GROUP, INC.			
E 430-40000-302	Consultants		\$3,345.42	07991.00-10	EASTMAN LANE
E 430-40000-302	Consultants		\$1,371.70	08330.00-2	WAYZ.BLVD./BARRY AVE.STUDY
	Total SRF CONSULTING GROUP, INC.		\$4,717.12		
Paid Chk# 094661	3/12/2014	STANTEC CONSULTING SERVICES			
E 670-49100-302	Consultants		\$348.00	762341	WETLAND BANK ENG.
	Total STANTEC CONSULTING SERVICES		\$348.00		
Paid Chk# 094662	3/12/2014	SYSTEM ONE CONTROL			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$2,125.00	500062.01	ANNUAL MAINT.
	Total SYSTEM ONE CONTROL		\$2,125.00		
Paid Chk# 094663	3/12/2014	UPS STORE			
E 610-40000-322	Postage		\$57.24		SHIPPING EXP.
E 620-40000-322	Postage		\$57.24		SHIPPING EXP.
	Total UPS STORE		\$114.48		
Paid Chk# 094664	3/12/2014	VAN PAPER COMPANY			
E 101-41500-200	Office Supplies (GENERAL)		\$193.45	303591-00	SUPPLIES
	Total VAN PAPER COMPANY		\$193.45		
Paid Chk# 094665	3/12/2014	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$12.03	9720381684	SERVICE
	Total VERIZON WIRELESS		\$12.03		
Paid Chk# 094666	3/12/2014	VOLUNTEER FIREFIGHTERS			
E 101-42200-433	Dues, Licensing & Seminars		\$203.00	2014 FD DUE	2014 FD DUES
	Total VOLUNTEER FIREFIGHTERS		\$203.00		
Paid Chk# 094667	3/12/2014	WAYZATA FIRE RELIEF ASSOC.			
G 101-20100	Accounts Payable		\$14,150.60	SUPP.AID	SUPPLEMENTAL STATE AID
	Total WAYZATA FIRE RELIEF ASSOC.		\$14,150.60		
Paid Chk# 094668	3/12/2014	WSB & ASSOCIATES			
E 610-49100-302	Consultants		\$1,043.00	10	BUSHAWAY RD WATERMAIN
	Total WSB & ASSOCIATES		\$1,043.00		
Paid Chk# 094669	3/12/2014	XCEL ENERGY			
E 101-45203-381	Electric Utilities		\$5,103.48		SERVICE
E 101-41940-381	Electric Utilities		\$5,309.81		SERVICE
E 101-42200-381	Electric Utilities		\$500.00		SERVICE
E 610-40000-381	Electric Utilities		\$5,900.97		SERVICE
E 640-47000-381	Electric Utilities		\$1,537.90		SERVICE
E 640-48000-381	Electric Utilities		\$3,588.44		SERVICE
E 620-40000-381	Electric Utilities		\$1,894.70		SERVICE
E 101-41940-381	Electric Utilities		\$41.49		SERVICE
	Total XCEL ENERGY		\$23,876.79		
Paid Chk# 094670	3/12/2014	YOCUM OIL			
E 101-49200-212	Motor Fuels		\$3,148.74	614344	FUEL
	Total YOCUM OIL		\$3,148.74		
Paid Chk# 094671	3/12/2014	ZAHLER, TONY			
E 640-48000-341	General Promotions		\$400.00	3/29/14	BAR MUSIC 3/29/14

***Check Detail Register©**

February 2014 to March 2014

	Check Amt	Invoice	Comment
Total ZAHLER, TONY	\$400.00		
10100 Anchor Bank	\$553,064.86		

Fund Summary**10100 Anchor Bank**

101 GENERAL FUND	\$316,169.95
232 CEMETARY	\$249.55
233 LAKFRONT IMPROVE	\$9,854.83
240 DWI FORFIETURES	\$201.44
404 PARK AND TRAIL CIP	\$1,000.00
409 EQUIP REVOLVING	\$30,888.40
430 STREET CIP	\$5,333.72
437 LIBRARY/COMM.ROOM CIP	\$968.80
610 WATER FUND	\$33,984.07
620 SEWER FUND	\$7,984.66
630 MOTOR VEHICLE	\$3,098.59
640 LIQUOR	\$140,256.62
650 SOLID WASTE	\$2,683.67
670 STORMWATER	\$390.56
	\$553,064.86

MEMORANDUM

To: Heidi Nelson, Wayzata City Manager
From: Brian T. Grogan
Date: March 12, 2014
Re: Cable Television Franchise Renewal Update - City of Wayzata, Minnesota

Pending Issues

1. Franchise Term - The existing Cable Television Franchise Agreement “(Franchise”) expired on or about July 1, 2013. On December 17, 2013 the City adopted Resolution No 47-2013 extending the franchise term through March 31, 2014. An additional extension of the franchise term will be required. Significant progress has been made on the franchise renewal, as summarized below, and the City is about to commence negotiations with Mediacom. Hopefully those negotiations will result in a mutually acceptable renewal franchise in the near future.
2. Franchise Fee Desk Report – To date, the City has not received a response from Mediacom regarding the Franchise Fee Desk Report. On February 10, 2014, the City sent a reminder letter to Mediacom. By letter to Mediacom dated October 30, 2013 the City demanded that Mediacom provide a response regarding the discrepancy between the revenue reported in its CPSM-318 Financial Summary Report and its Franchise Fee Payment 2010-2011 worksheets as discussed in Finding #1 of the Report or remit \$5,134.21 to the City for the under reported franchise fee revenue. An additional amount due the City may also be applicable for 2012-2013.
3. Cable System Technical Review – By email dated February 11, 2014, Mediacom’s legal counsel replied that the items noted in the attachment to the Technical Review would be addressed in the spring. Further discussion with the company will be required as the City requested a detailed inspection and repair plan to address all issues noted in the technical review as well as all noted code violations in the City service area. In addition, the City requested that documentation of the inspections and repairs be provided to the City on a regular basis (quarterly).

Draft Renewal Cable Television Franchise

A draft renewal cable television franchise was sent to Mediacom on November 22, 2013. Mediacom provided its written response on January 20, 2014. By letter dated March 6, 2014 the City provided its response to Mediacom's proposed changes. The next step is to schedule a face-to-face meeting or conference call with City and Mediacom representatives to narrow the list of outstanding issues.

Formal v. Informal

The Cable Act outlines two options to address a cable operator's request for franchise renewal. One is known as the informal renewal process, the other, the formal renewal process. Informal renewal negotiations, under federal law, have no set time periods and require nothing more than mutual agreement between the parties. In other words, the cable operator and the City meet as many times as necessary in an effort to reach mutually acceptable terms for a renewed franchise. This could take a few months or a number of years depending upon the differences between the parties. However, if the parties are unable to reach agreement through informal negotiations, the Cable Act allows only one alternative – the formal renewal procedure.

Under the formal renewal procedures, the City must send Mediacom a formal needs assessment, approved by the City Council. Mediacom then has a "reasonable" period of time during which it must review the City's needs assessment and issue a formal proposal which either meets the City's identified needs or provides evidence of why such needs are unreasonable (for example the needs are too costly). Upon receipt of Mediacom's formal proposal, the City then has four months within which it must determine whether to accept or reject the formal proposal. The formal renewal procedures do not contemplate ongoing negotiations during this procedure, although nothing prohibits the parties from continuing to discuss settlement opportunities.

During the four month review period, the City must issue a preliminary assessment regarding Mediacom's formal proposal. If the formal proposal is accepted, the renewal process is concluded. If Mediacom's formal proposal is rejected, this is known as the "preliminary denial" and the City must state, in writing, its reasons for the denial. In the event of a preliminary denial that the franchise not be renewed, there must be a public proceeding to consider four specific criteria:

1. Mediacom's compliance with the existing franchise and applicable law;
2. whether the quality of Mediacom's service has been reasonable in light of community needs;

3. Mediacom's financial, legal and technical ability to provide the services in its proposal; and
4. whether Mediacom's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the costs of meeting such needs and interests.

Following a preliminary denial, Mediacom has the right to request an "administrative hearing" before the Council to provide whatever evidence Mediacom deems relevant with respect to its formal proposal. Often these administrative hearings will be delegated to a hearing examiner (or an administrative law judge) to issue recommended findings of fact, which will then be reviewed by the City Council before the Council issues its final decision. As with any municipal decision, Mediacom ultimately has the right to appeal the decision to a court of competent jurisdiction, if it believes the City's decision was improper or unsupported by the evidence.

Recommendation

Consider adopting the attached Resolution extending the Franchise term through September 30, 2014 in order to complete franchise renewal negotiations with Mediacom. If the informal renewal negotiations do not result in an acceptable franchise for the City, the City is well positioned to move into a formal renewal process. In the event a formal process is required, it is likely that an additional extension of the existing Franchise will be required.

RESOLUTION NO. 08-2014

GRANTING MEDIACOM MINNESOTA LLC A FRANCHISE EXTENSION TO SEPTEMBER 30, 2014

WHEREAS, on or about June 16, 1998, the City of Wayzata, Minnesota ("City") passed and adopted a Cable Television Franchise Agreement granting a fifteen (15) year franchise ("Franchise") to Triax Midwest Associates, L.P. ("Triax"); and

WHEREAS, the Franchise was accepted by Triax on July 1, 1998 and is currently held by Mediacom Minnesota LLC ("Mediacom"); and

WHEREAS, the initial term of the Franchise will expire on or about July 1, 2013; and

WHEREAS, the City adopted Resolution No. 17-2013 on June 4, 2013 extending the term of the Franchise until December 18, 2013; and

WHEREAS, Mediacom executed said Resolution No. 17-2013 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City adopted Resolution No. 47-2013 on December 17, 2013 extending the term of the Franchise until March 31, 2014; and

WHEREAS, Mediacom executed said Resolution No. 47-2013 and agreed to continue complying with the Franchise, as amended by the Resolution; and

WHEREAS, the City and Mediacom are interested in continuing informal renewal negotiations and desire to extend the current Franchise term from April 1, 2014 through September 30, 2014; and

WHEREAS, both the City and Mediacom desire to extend the term of the

Franchise to facilitate renewal negotiations under state and federal law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wayzata, Minnesota hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from April 1, 2014 through and including September 30, 2014 unless earlier renewed by the parties.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. The City and Mediacom hereby agree that neither waives any rights either may have under the Franchise or applicable law.
4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Wayzata City Council; and (2) Mediacom's acceptance of this Resolution.

Adopted by the City Council of Wayzata, Minnesota, this _____ day of March, 2014.

CITY OF WAYZATA, MINNESOTA

By: _____

Its: Mayor Kenneth Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on

_____.

Deputy City Clerk Becky Malone

SEAL

ACCEPTANCE

Mediacom Minnesota LLC, hereby accepts the terms, provisions and recitals of
the City of Wayzata Resolution No. _____.

DATED: _____, 2014

MEDIACOM MINNESOTA LLC

By: _____

Its: _____

Sworn to before me this _____

day of _____, 2014.

Notary Public

3/18/2014
THE FOLLOWING MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

Special Event-Itinerant Food - McCormick's St. Patrick's Day Festival 3/15/14 to 3/17/14	
McCormick's	331 Broadway Ave. S.
Special Event-Itinerant Food - Wayzata Community Church Rummage Sale 8/06/14 to 8/07/14	
Wayzata Community Church	Wayzata, MN
2014 Gas Fitter License	
Air-It Indoor Comfort	Brooklyn Park, MN
2014 Tree License	
Arbor Tech Tree & Landscaping Inc	Sauk Rapids, MN
McCormick's St. Patrick's Day Festival - Three (3) day temporary license authorization to dispense On-Sale Intoxicating Liquor in a temporary commercial space and outdoor patio area located on the south side of the restaurant from 3/15/14 to 3/17/14	
McCormick's	331 Broadway Ave. S.

WAYZATA POLICE DEPARTMENT

NEWSPAPER REPORT

February 25 - March 3, 2014

PDMV	4
FIRE ALARM	1
GENERAL HAZARD	1
HAZ ROAD CONDITION	3
OTHER MEDICAL	12
DETOX PATIENT	1
WELFARE CHECK - ADULT	1
WELFARE CHECK - JUV	2
MENTAL HEALTH ISSUE	1
INFO REC'D	5
CIVIL MATTER	1
DISTURBANCE/FIGHT/LOUD PARTY	2
RECEIVE COURT ORDER/OFP	1
SUSPICION	1
OPEN DOOR/WINDOW	1
RIVING/TRAFFIC COMPLAINT	2
PARKING COMPL	1
RECORD CHECKS	9
FIREARM PERMIT	1
LIQUOR LICENSE CHECKS/PERMIT	1
ANIMAL COMPLAINT/CHECK	1
DOG LICENSE ISSUED	1
ADULT PROTECTION ASSIST	1
ASSIST CHILD PROTECTION	1
MOTORIST ASSIST/STALL	6
PUBLIC ASSIST	4
LOCKOUT	2
BUSINESS ALARM	1
CO ALARM	1
HOME ALARM	2
911 HANG-UP	4
ASSIST OTHER DEPT	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
ROP DAMAGE-MS-PRIVATE-OTHER INTENT	1
THEFT-LESS 200-MS-SELF SRV GAS-OTH PROP	1

Attempted Vehicle Theft / Damage to Property

Reported: 03-02-2014 1424

Vehicle owner reported that sometime between 1730 and 2145 hours last night someone damaged the door lock and entered his vehicle. The steering column was broken but nothing was taken from the vehicle.

Addresses Involved

155 Gleason Lake Rd , Wayzata

No Pay

Reported: 03-01-2014 0952

No pay of gas / loss \$49

Addresses Involved

1325 Wayzata Blvd E, Wayzata

Slumper / DWI arrest

Reported: 03-01-2014 0116

Female, 24 yr old from Mound, arrested for DWI after officers received a call of a "slumper" at a gas station. Tested .08.

Addresses Involved

1325 Wayzata Blvd E, Wayzata, MN

Names Involved

(Arrested) Hamilton, Brittany Yvonne

WAYZATA POLICE DEPARTMENT

NEWSPAPER REPORT

February 18 - 24, 2014

MISSING ANIMAL	1
MISSING/LOST PROPERTY	3
FOUND ANIMAL	1
ABANDONED VEHICLE	1
PIMV	1
PDMV	8
FIRE ALARM	2
HAZ ROAD CONDITION	1
OTHER MEDICAL	7
WELFARE CHECK - ADULT	1
INFO REC'D	4
CIVIL MATTER	1
DISTURBANCE/FIGHT/LOUD PARTY	1
SUSPICION	3
OPEN DOOR/WINDOW	2
MISC. JUVENILE PROBLEM	2
RV/SNOWMOBILE COMPLAINT	1
DRIVING/TRAFFIC COMPLAINT	3
RECORD CHECKS	2
FIREARM PERMIT	2
ANIMAL COMPLAINT/CHECK	2
ANIMAL IMPOUND	1
DOG LICENSE ISSUED	4
MOTORIST ASSIST/STALL	12
PUBLIC ASSIST	3
LOCKOUT	2
BUSINESS ALARM	2
HOME ALARM	1
Sex Offender/POR Info/Checks	1

No Pay

Reported: 02-22-
2014 2327

Loss \$235 from dump truck that left without paying for gas / later learned the drive off was unintentional due to several trucks filling up with gas at same time / driver returned and paid.

Addresses Involved

1325 Wayzata Blvd E, Wayzata

No Pay

Reported: 02-21-2014 2035

Taxi cab fare dispute / settled

Addresses Involved

1100 Blk Wayzata Blvd E, Wayzata

WAYZATA POLICE DEPARTMENT

NEWSPAPER REPORT

February 11 - 17, 2014

MISSING PERSON	1
MISSING ANIMAL	1
PIMV	1
PDMV	3
GAS LEAK/SMELL	1
OTHER MEDICAL	12
INFO REC'D	5
CIVIL MATTER	2
DISTURBANCE/FIGHT/LOUD PARTY	2
SUSPICION	2
Scam Attempt	2
DRIVING/TRAFFIC COMPLAINT	4
RECORD CHECKS	2
ANIMAL COMPLAINT/CHECK	2
PATROL REQUEST	2
MOTORIST ASSIST/STALL	11
UTILITY PROBLEM	1
PUBLIC ASSIST	4
LOCKOUT	4
HOME ALARM	4
911 HANG-UP	2
ASSIST OTHER DEPT	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	1
DISTURB PEACE-MS-HARRASSING COMMUNICATIONS	1
THEFT-500 OR LESS MS-YARDS-OTH PROP	1

Domestic

Reported: 02-16-2014 1758

Male, 48 yr old from Wayzata, to be charged with 5th degree domestic assault after altercation with his spouse.

Addresses Involved

XXX Broadway Ave N, Wayzata

Theft

Reported: 02-14-2014
1008

Male suspected of shoplifting bottle of alcohol from liquor store / theft verified thru surveillance camera / loss \$35 / under investigation.

Addresses Involved :

747 Mill St E, Wayzata

Drive Off**Reported:** 02-14-2014 0838

Gas No Pay / loss \$30 / under investigation

Addresses Involved

1325 WAYZATA BLVD E, Wayzata

Theft (Under \$500.00)**Reported:** 02-12-2014 1620

Mailbox stolen from home and replaced with cheaper made mailbox / loss \$150

Addresses Involved

XXX E Ridgeview Drive , Wayzata

Harassment**Reported:** 02-11-2014 0901

Charges of Violation of Harassment Order pending against Male, 38 yr old from Wayzata.

Addresses Involved

XXX Wayzata Blvd. E , Wayzata

WAYZATA POLICE DEPARTMENT

NEWSPAPER REPORT

February 4 - 10 , 2014

PDMV	4
FIRE ALARM	2
GAS LEAK/SMELL	1
HAZ ROAD CONDITION	1
SUDDEN DEATH	1
OTHER MEDICAL	6
72 Hour Hold/Emergency Admission	1
INFO REC'D	1
VERBAL DOMESTIC	1
DISTURBANCE/FIGHT/LOUD PARTY	4
RECEIVE COURT ORDER/OFP	1
SUSPICION	4
DRIVING/TRAFFIC COMPLAINT	5
PARKING COMPL	1
HC SHERIFFS PERMIT TO CARRY	2
DOG LICENSE ISSUED	1
POLICE ESCORT/STAND-BY	1
MOTORIST ASSIST/STALL	2
UTILITY PROBLEM	5
PUBLIC ASSIST	5
LOCKOUT	1
BUSINESS ALARM	3
HOME ALARM	2
911 HANG-UP	1
Liquor Laws - Verbal Warning	1
WARRANT/ATTEMPT/ARREST	1
VEHICLE FORFEITURE/IMPOUND	1
BURG 1-UNOCC NRES FRC-N-UNK WEAP-COM THEFT	1
BURG 4-UNOCC NRES FRC-U-UNK WEAP-UNK ACT	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	2
PROP DAMAGE-MS-PRIVATE-OTHER INTENT	1

(14000647) Slumper - DWI Arrest Reported: 02-10-2014 1402

Addresses Involved

7400 Industrial Blvd W, Long Lake, MN 55391

REPORT INCOMPLETE AT THIS TIME

3rd Degree DWI**Reported:** 02-08-2014 2130

Officers were on an unrelated call and observed vehicle nearly strike a parked taxi. Officers then observed driver drive over a curb. The vehicle was pulled over and driver showed obvious signs of alcohol intoxication. Test result of .20. Driver arrested and booked into HC Jail.

Addresses Involved

Lake St & Ferndale Road , Wayzata, MN 55391 USA

Names Involved

(Arrested) Yates, Bradley Jon (Age:54)

3rd Degree DWI**Reported:** 02-08-2014 0112

Male, 45 yr old from Minnetrista, arrested for 3rd degree DWI after officer observed vehicle make an illegal U turn / tested .10.

Addresses Involved

Gleason Lake Rd & Wayzata Blvd E , Wayzata, MN 55391

Names Involved

(Arrested) Williamschen, Darrin Dean (Age:45)

Burglary**Reported:** 02-05-2014 1840

Unoccupied, empty house had door forced open / no theft but damage to door was approx. \$300.

Addresses Involved

151 Westwood La S, Wayzata

Burglary**Reported:** 02-05-2014 0517

Forced entry burglary of cellular telephone store / loss \$11,210 / under investigation

Addresses Involved

1310 Wayzata Blvd E, Wayzata

Damage to Property**Reported:** 02-04-2014 1931

two words were etched into the glass mirror in men's bathroom of restaurant / \$200 damage

Addresses Involved

1140 Wayzata Blvd E, Wayzata

WAYZATA POLICE DEPARTMENT

NEWSPAPER REPORT

January 28 - February 3, 2014

PDMV	4
FIRE ALARM	1
SUDDEN DEATH	1
OTHER MEDICAL	18
INFO REC'D	3
VERBAL DOMESTIC	1
DISTURBANCE/FIGHT/LOUD PARTY	3
SUSPICION	5
DRIVING/TRAFFIC COMPLAINT	2
PARKING COMPL	2
RECORD CHECKS	1
FIREARM PERMIT	1
DOG LICENSE ISSUED	4
FUNERAL ESCORT	1
FINGERPRINTS	2
ASSIST CHILD PROTECTION	2
MOTORIST ASSIST/STALL	14
UTILITY PROBLEM	1
PUBLIC ASSIST	4
LOCKOUT	3
BUSINESS ALARM	3
HOME ALARM	4
911 HANG-UP	1
ASSIST OTHER DEPT	2
JUVENILE-RUNAWAY	1

Reported Theft

Reported: 01-29-
2014 0550

2 males found removing discarded tires from auto dealership/ when confronted, they did return tires. No charges to be pursued.

Addresses Involved

16100 Wayzata Blvd , Wayzata

2012	2013	2014 Jan	2014 Feb	YTD 2014
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BUILDING CONSTRUCTION

NUMBER OF BLDG. PERMITS	130	180	13	17	30
PROJECT VALUE	\$96,042,207.60	\$86,541,995.07	\$2,433,408.00	\$22,140,856.99	\$24,574,264.99
BUILDING PERMIT FEE	\$450,559.14	\$450,148.65	\$18,508.75	\$102,282.00	\$120,790.75
PLAN CHECK FEE	\$261,987.39	\$263,643.54	\$11,322.77	\$65,599.44	\$76,922.21

EXTERIOR REPAIR

NUMBER OF PERMITS	92	54	2	2	4
PROJECT VALUE	\$1,447,782.00	\$803,851.01	\$8,780.00	\$87,377.00	\$96,157.00
PERMIT FEE	\$21,298.96	\$12,737.00	\$ 221.25	\$ 1,025.50	\$1,246.75

MECHANICAL

NUMBER OF PERMITS	120	154	15	13	28
PROJECT VALUE	\$3,087,534.32	\$4,245,740.00	218,988.00	104,296.00	\$323,284.00
PERMIT FEE	\$52,434.06	\$70,487.99	4,096.64	2,085.92	\$6,182.56

PLUMBING

NUMBER OF PERMITS	183	166	13	13	26
PROJECT VALUE	\$1,838,744.75	\$1,041,197.50	\$194,089.00	\$129,896.00	\$323,985.00
PERMIT FEE	\$35,180.86	\$21,005.93	\$3,883.78	\$2,626.62	\$6,510.40

TOTAL # OF PERMITS	525	554	43	45	88
TOTAL INCOME	\$821,460.41	\$818,023.11	\$38,033.19	\$173,619.48	\$211,652.67

2012 BUDGET FEES

NUMBER OF INSPECTIONS

BUILDING	666	639	86	65	151
EXTERIOR	192	74	3	0	3
HVAC	253	318	36	23	59
PLUMBING	282	294	24	18	42
OTHER	78	39	0	3	3
TOTAL # OF INSPECTIONS	1471	1364	149	109	258

RENTAL HOUSING INSPECTIONS

INSPECTIONS	146	122	5	19	24
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CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: March 11, 2014
Re: Lake Effect Framework Review

At the March 4th City Council meeting, the Saint Paul Riverfront Corporation (SPRC) formally presented the final draft of the Lake Effect Framework to receive additional Council feedback and comment. SPRC has updated the Framework document to incorporate the feedback received by the City Council, including modifications to the Sources of Funding section on Pages 64 and 65. Staff has also modified the draft resolution adopting the framework to reflect the Council's comments.

At the March 18th meeting, staff is requesting City Council formal adoption of the Framework plan. Steering Committee and Advisory Committee members have been invited to this Council meeting.



Architectural Illustration © Jerrald E. Ohm

FINAL DRAFT

LAKE EFFECT
WAYZATA
wayzatalakeeffect.com

City of Wayzata

March 2014

[Letter of Transmittal]

Mayor Ken Willcox

Jack Andal

Bridget Anderson

Andrew Mullin

Tom Tanner



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Except where noted, all photos by Saint Paul Riverfront Corporation.



EXECUTIVE SUMMARY



THE CITY OF WAYZATA set out to create a community-embraced vision for one of the City's most important and enduring assets—its relationship Lake Minnetonka. Launched in September 2012 and led by the city-selected Saine Paul Riverfront Corporation, the 16-month Wayzata Lake Effect initiative inspired a 10-year framework for the lakefront. Throughout every phase anyone who lives, works or loves Wayzata was invited to share input and ideas for what it could be.

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COMMUNITY VALUES

In Phase One, the community articulated a number of value statements, which serve as a guide to evaluate project ideas and future development.

- ▶ Be Wayzata
- ▶ Embrace the Lake
- ▶ Thoughtful Economic Growth
- ▶ Engaged Community
- ▶ Reimagine the Railroad
- ▶ Access for All
- ▶ Lively, but Not Rowdy
- ▶ Design Matters
- ▶ Environmental + Historical Stewardship

COMMUNITY PRIORITIES

Community priorities emerged in the second phase based on hundreds of community-generated ideas to enhance the lakefront.

- ▶ Lake Walk (Path, piers, docks that allow closer proximity to the water)
- ▶ Lake Access (Better, safer, more attractive railroad crossings)
- ▶ Connectivity (From the East to West and North to South sides of downtown)
- ▶ Enhancing Lakefront Venues (Leverage current assets such as the Section Foreman's House, Depot, Shaver Park, Municipal Marina, plus identify new opportunities for public gathering spaces)
- ▶ Parking and Circulation (Create a balanced approach for automobiles, pedestrians, bicycles, and boats)
- ▶ Purposeful Public Investment (to stimulate programming and economic development)



ACTIVITY CENTERS

The community identified nine activity centers. These locations provide a way to organize development opportunities, including:

- ▶ Shaver Park and Rand Beach
- ▶ Boatworks
- ▶ Central Lakefront
- ▶ Section Foreman's House
- ▶ Eastern Gateway
- ▶ Mill Street
- ▶ Civic Campus
- ▶ Minnetonka Avenue
- ▶ West End

STRATEGIC INITIATIVES

This framework document identifies a set of initiatives to achieve the community vision, based on the community's values, priorities, and activity centers.

WHAT WE KNOW

- ▶ Community members in and around Wayzata are incredibly engaged and genuinely care about the future of the Lakefront and broader Wayzata community.
- ▶ Opportunities abound to benefit the lakefront and broader Wayzata community.
- ▶ Progress will only come through sustained community involvement, and through a combination of public and private partnerships, including those outside of the Wayzata community.
- ▶ The lakefront encompasses a number of overlapping jurisdictions. Coordinating and gaining consensus will be an important part of moving projects forward and realizing the vision expressed in this framework document.
- ▶ The exciting work has only just begun. While the framework has general support of the community, the details of how it gets implemented remain up for discussion. The framework provides a general vision of what the lakefront could be, but doesn't define the specific design and details of each project.



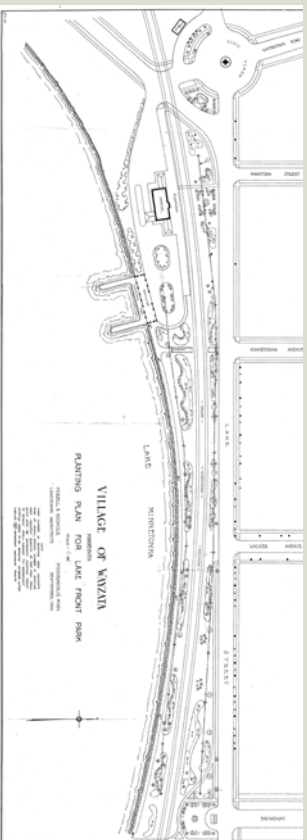


MORELL & NICHOLS HISTORIC PLAN

Minneapolis landscape architecture firm Morell & Nichols developed a "General Plan for Civic Development" for the Village of Wayzata in 1920. The plan incorporated generous park space, including a lakefront park extending from the Depot to the Section Foreman's House, and a series of wetlands on the east side of downtown.



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INTRODUCTION

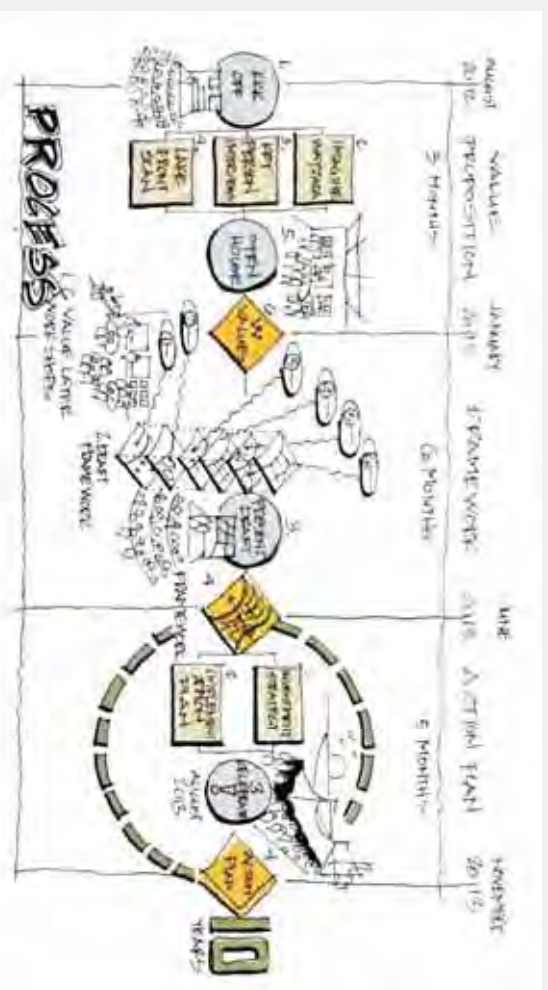


OVER THE PAST THIRTY YEARS, several efforts have been made to showcase the City of Wayzata's greatest resource, Lake Minnetonka; however, no definitive city plan was ever adopted. In 2011, the Wayzata City Council formed the Wayzata Lakefront Taskforce to research the opportunities and challenges associated with the lakefront. The Taskforce presented their findings to the City Council a year later. Their final report recommended that a community engagement process be used to identify a community-driven vision for the lakefront, along with a 10-year plan for its execution.

In July of 2012, the Saint Paul Riverfront Corporation (SPRC) team was hired as a "process manager" by the City of Wayzata to carry out the Community Planning and Engagement process for the purpose of creating a 10-Year Lakefront Plan. The outcome of this intensive initiative is a community-embraced and actionable vision for one of Wayzata's most important and enduring assets, its relationship to Lake Minnetonka.

PROCESS

The process is comprised of three phases.



PHASE ONE

Throughout Phase One, the community participated in a series of special events, public meetings, hosted small group sessions, community-led committees, interviews, surveys, and online forums. At these events, community members were able to provide their thoughts on the current conditions of the lakefront and to share their ideas for the future.

The responses were compiled and used to create a set of value statements that reflect the community's aspirations for the future of the lakefront. These nine values are the foundation of the framework to evaluate project ideas and to guide future development.

PHASE TWO

Building upon the community engagement process initiated in Phase One, all interested community members were invited to participate in a hands-on community design process. Guided by the Community Values, citizens worked as part of the design team alongside design professionals, with the goal of generating a community-embraced framework. These facilitated conversations generated more than 600 ideas for potential enhancements to the lakefront and surrounding areas.

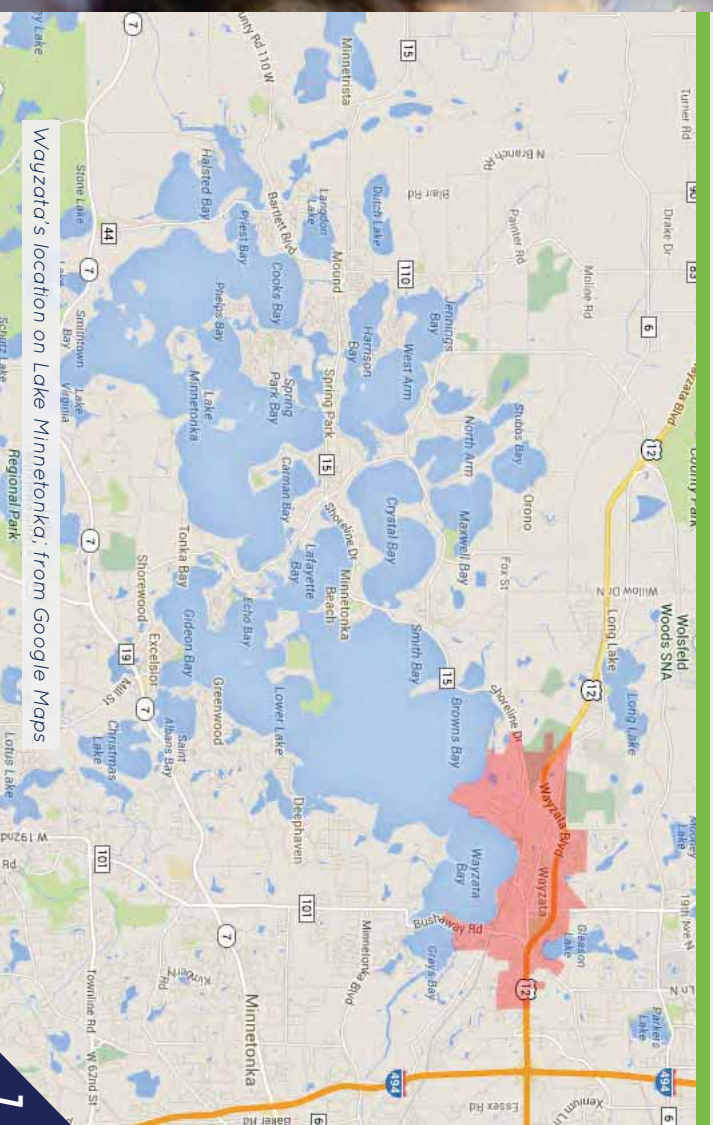


Based on the outcome of these workshops, the design team developed a range of scenarios and the presented these scenarios to the community through an open house, committee meetings, and online. Again, based on community input, a single framework emerged.

PHASE THREE

During the third and final phase, the process management team worked with a number of additional consultants to turn the community's values, vision, and ideas into a cohesive framework document. Meetings were held with the Wayzata Planning Commission, Parks and Trails Board, the Housing and Redevelopment Authority, BNSF Railroad; and other jurisdictional agencies, such as Three Rivers Park District and the Minnehaha Creek Watershed District, to share with them the work being done in Wayzata and to get their input on the process.

The result of this work is an actionable 10-year laketrfront framework document with strategic initiatives, funding sources and implementation strategies.



GLOSSARY OF TERMS

DAYLIGHTING Throughout the 20th century, many urban and suburban waterways were moved to underground pipes to make way for development. Daylighting refers to restoring waterways to above-ground channels. Benefits include improved stormwater management, reduced flooding, water quality improvement, and new opportunities to restore natural elements to the built environment.

DESIGN CONCEPT Early in the design process, a design concept provides initial ideas for how a project could develop. Multiple design concepts may be generated for a project, but ultimately one concept is selected for development. A design concept describes approximate building masses, programming, and how spaces relate to each other, but doesn't provide specifics such as building square footage, architectural style, or materials.

DEVELOPER The person or organization who oversees the construction of new buildings and spaces in an urban setting; not necessarily the landowner. The developer is generally a for-profit private-sector party who develops a parcel with the intent of meeting a market need. Developers must work with governmental agencies to adhere to city codes and ordinances.

FINE-GRAINED DEVELOPMENT Small-scale building on short blocks with narrow frontages and minimal setbacks; contrasted with big-box development. Fine-grained development is more pedestrian friendly and offers opportunities for all users to inhabit and explore a place. This type of development typically occurs as individual projects under multiple developers.

FRAMEWORK A development framework provides guidance for an area but doesn't dictate what specific projects look like or when they are implemented. A framework is aspirational, and is based on a community's shared vision for a place.

INFILL DEVELOPMENT Infill development refers to the development of vacant or underutilized parcels interspersed among existing development. For instance, and empty lot between two businesses might be developed as a public park, or a new owner may build another structure to provide additional economic opportunities in an area. Infill development seeks to create a denser built environment and is usually fine-grained in scale.

MASTER PLAN An overarching document that guides the development of multiple projects over a long period of time. It is more detailed than a framework in that it provides guidance on details like architectural styles and intended project phasing.

POLICY A guideline or rule established by a governing agency (such as a city). Policies are the rules that determine what development activities are allowed.

PROGRAM The activities that take place in a space. A program can include a single activity, or multiple activities occurring simultaneously or at different times of the day or year.

PROJECT A single specific development effort on a single site. A project to construct a new building would include demolition of existing structures if needed, site preparation, and building construction.

WHAT IS LAKE EFFECT? The Lake Effect project is a community-driven initiative to develop a long-term vision for Wayzata's lakefront.

WHAT IS A FRAMEWORK? A framework is a document or set of principles that guide development. The intention is to codify what sorts of development are desired and identify opportunities for achieving a particular vision. The example below shows a part of the Saint Paul on the Mississippi Development Framework and the subsequent built form for the Upper Landing area. The built form differs in detail from the framework illustration, but fits the vision expressed in the framework.

HOW IS A FRAMEWORK DIFFERENT FROM A MASTER PLAN AND A PROJECT? A framework provides an overarching vision without providing details about how that vision is fulfilled. A



Before



After

master plan is more specific, providing guidance on details such as building massing, spatial relationships between projects, and phasing. A project is a single development effort, such as a building or a plaza, and includes construction details.

WHY CHANGE THIS CHARMING LITTLE TOWN? Change is inevitable, and will occur with or without community input. The Lake Effect Framework is an attempt to guide the process so that growth and change occur in keeping with the community's vision for the lakefront.

WHAT ABOUT THE PRESBYTERIAN HOMES/ WAYZATA BAY CENTER DEVELOPMENT? The community conversation about the Bay Center development has informed the Lake Effect process and, in turn, Lake Effect will influence later phases of that project.

WHY CAN'T WE JUST MOVE THE RAILROAD? The railroad owns the right-of-way along the lake front. Rerouting the track would require the railroad to acquire new right-of-way somewhere else, and would be a costly and drawn-out process. Due to the ongoing need for rail service into the area and the existing infrastructure, moving the railroad tracks is not feasible.

WHO'S GOING TO PAY FOR THIS? Private sector projects, such as the Meyer Brothers Dairy redevelopment, will be funded by individual developers as the market allows. Public realm improvements will be funded through a variety of channels, including municipal funds, grants, partnerships with other agencies, and others.



VISION

WHAT DOES THE FUTURE HOLD for Wayzata? How can it embrace growth while maintaining its scale? How can the community create both a healthy and vibrant lakefront? Can it be both a great place to live and a great place to visit?

A Lakefront Taskforce was established by the Wayzata City Council in 2011 to explore the opportunities and challenges associated with lakefront enhancements. Rather than defining a specific project to be implemented on the lakefront, the task force recommended that the city engage the community to develop a long-term vision for the city, incorporating input from residents, business owners, and other jurisdictional stakeholders.

In September 2012, the city kicked off a 16-month facilitated public process to create a community-embraced vision. This vision imagines a Wayzata that retains its small-town charm, yet serves as a regional destination for lake recreation — the Gateway to Lake Minnetonka.

In this chapter, the community's vision for their lakefront is expressed through:

Community Values

- ▶ Be Wayzata
- ▶ Embrace the Lake
- ▶ Thoughtful Economic Growth
- ▶ Engaged Community
- ▶ Reimagine the Railroad
- ▶ Access for All
- ▶ Lively, but not Rowdy
- ▶ Design Matters
- ▶ Environmental and Historical Stewardship

Community Priorities

- ▶ Lake Walk
- ▶ Lake Access
- ▶ Connectivity
- ▶ Enhanced Venues
- ▶ Parking and Circulation
- ▶ Purposeful Public Investment



WAYZATA LAKE EFFECT COMMUNITY VALUES

Input in the first phase was gathered through a variety of activities such as special events, small group sessions, community-led committees, interviews, surveys and online forums. The responses were compiled and used to create a set of value statements that reflect the community's aspirations for the future of the lakefront. These values now serve as a guide to evaluate project ideas and future development.

BE WAYZATA

Wayzata is a charming family friendly community that welcomes visitors as the Gateway to Lake Minnetonka. Be Wayzata: honor and build on Wayzata's unique lakefront location, history, ecology, scale, architecture, retail, service, cultural, and neighborhood assets. Draw from the Hippocratic Oath: First Do no harm.

EMBRACE THE LAKE

Lake Minnetonka's physical, recreational, scenic, and spiritual assets are keys to Wayzata's unique sense of place, year round appeal, culture, and economic vitality. The residential, retail, and commercial community faces, embraces, and integrates with the lake's many assets. Enhance the quality of life and lake-living culture. Visitors will go where the locals go; touch the water, boat, swim, fish, and skate the lake. Protect important view corridors.

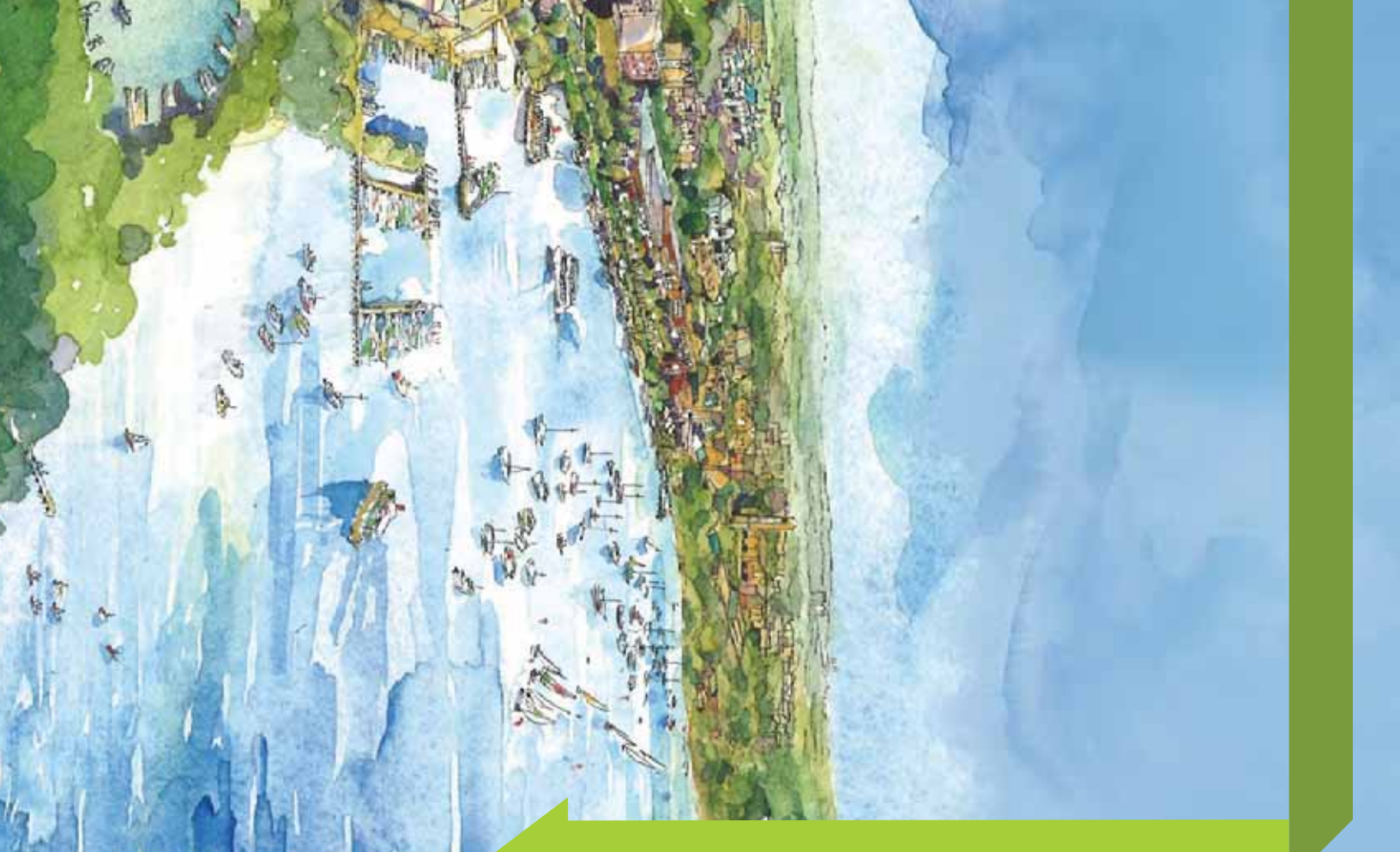
THOUGHTFUL ECONOMIC GROWTH

Continue economic growth with small focused projects and programs that create direction, success, synergy, and momentum toward community plans and goals. The sum is greater than the parts. Restore, repurpose, build and program with balance and diversity. Champion local businesses and encourage a mix of affordable retail and service businesses.

ENGAGED COMMUNITY

Wayzadians care about the future and actively participate in shaping their community. Everyone's voice and involvement is important. Continuing community engagement is key to long term success.





REIMAGINE THE RAILROAD

James J. Hill's historic lakeside railroad preserved the community's view to the lake and saved the lakeshore from private development. Its operation simultaneously compromises access to and from the downtown and the lake, use of the lakefront, and raises safety concerns for both the railroad and community. Reimagine the railroad to realize opportunities and address issues along the BN downtown reach.

ACCESS FOR ALL

Wayzata's lakefront downtown serves the local community and is also part of a regional network of shopping, entertainment, service, and recreation. Provide safe, affordable, all-season universal access – for all ages and abilities, residents and visitors – to walk, bike, boat, drive, park, see and connect Wayzatans and regional visitors to Lake Street retail and services, lakefront amenities and activities, and the lake. Connect the parts visually, physically, and with information and “way finding” signage.

LIVELY, BUT NOT ROWDY

Wayzata is a peaceful and vibrant family community that invites and welcomes visitors by providing diverse attractions and experiences for all ages. Enhance and develop a variety of affordable every day and unique opportunities for year ‘round shopping, dining, culture, recreation, celebration, gathering, and relaxation.

DESIGN MATTERS

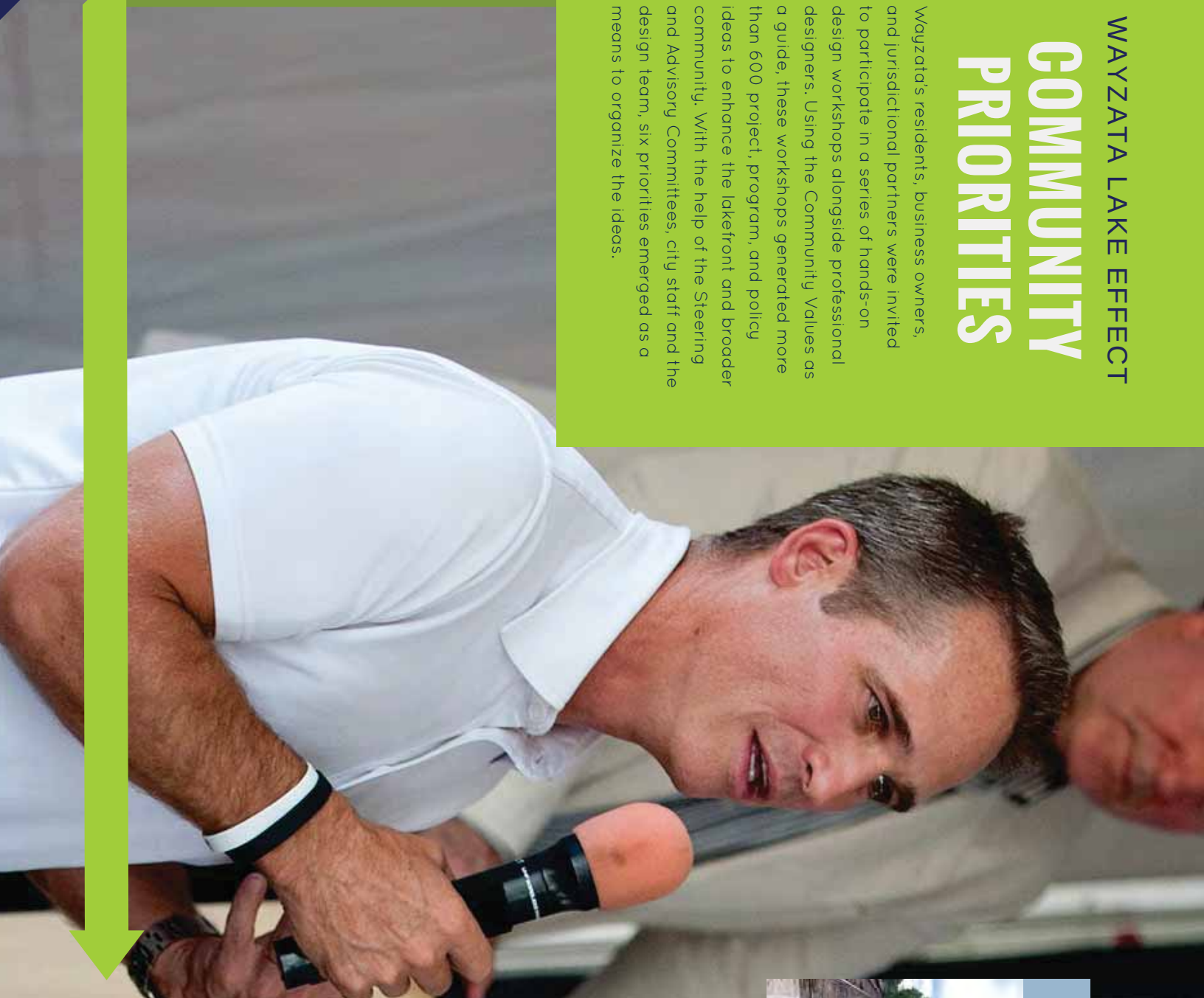
Wayzata's lakefront downtown picture postcard should look great. From storefronts to housing, from landscaping to signage, design matters. Invest in, and build upon, the identity of the lakefront downtown with quality design, architecture, and signage, of appropriate scale, that safely knits together and connects the fabric of Lake Street and the lakefront.

ENVIRONMENTAL & HISTORICAL STEWARDSHIP

The environmental health and history of Wayzata and the Lake Minnetonka watershed are integral to Wayzata's economy, sense of place, and community well-being. Stewardship and sustainable development practices will support a healthy ecology. Wayzata's heritage, and strengthen the community development partnership. Wayzata's natural beauty and cultural heritage means you don't have to “go up north” for a resort experience, when you already live in, or near, Wayzata.

WAYZATA LAKE EFFECT COMMUNITY PRIORITIES

Wayzata's residents, business owners, and jurisdictional partners were invited to participate in a series of hands-on design workshops alongside professional designers. Using the Community Values as a guide, these workshops generated more than 600 project, program, and policy ideas to enhance the lakefront and broader community. With the help of the Steering and Advisory Committees, city staff and the design team, six priorities emerged as a means to organize the ideas.



LAKE WALK

The lakefront is one of Wayzata's most enduring assets, and the community voiced strong support for some kind of lake walk that allows people to have closer proximity to the water. This includes the desire to accommodate a wide range of uses and recreational enthusiasts, while ensuring a scale that is appropriate to Wayzata.

During Phase One, community members identified many lakefronts, including the following, as some of their favorites:

- ▶ Lake Geneva, WI
- ▶ Seaside, FL
- ▶ Duluth, MN
- ▶ San Diego, CA - Del Mar Beach
- ▶ San Francisco, CA - Farmers Market
- ▶ Chicago, IL - Beachfront/Navv pier area on Lake Michigan



- ▶ Key West, FL- near Mallory Square
- ▶ English Channel coastal towns, such as Brighton, Portsmouth and Rye
- ▶ Tel Aviv, Israel
- ▶ Monte Verde, Costa Rica



- Desirable qualities of these lakefronts included:
- ▶ Fun, with something for everyone
 - ▶ Proximity between waterfront and restaurants, bars, and shops
 - ▶ Boardwalks that make the lake more accessible
 - ▶ Attractive spaces for intimate events
 - ▶ Embracing the timeless natural beauty of the water
 - ▶ Natural habitat



Duluth, MN lakefront

LAKE ACCESS



The railroad has protected the lakeshore from development, but it also poses a significant barrier to those wishing to get to the lake. The community expressed a desire for better, safer, and more attractive crossings that provide easier and more well-defined access to the lake.



CONNECTIVITY



Improve the connections between the east and west sides of downtown, whether arriving by car or by foot. Connectivity, while similar to priority of Circulation, refers to creating relevant and meaningful reasons to go to an area versus the physical act of moving around the area.

For example, commercial development on the west end of downtown could help strengthen the Lake Street corridor by drawing people farther

along its length, thus creating a connection between the east and west sides of the city.

Areas such as Big Woods, the 600 block of Lake Street area, and Shaver Park could all become a series interconnected locations. They each serve a different purpose, but we could create solutions that connect them in ways that provide easy access for all while at the same time maintaining the integrity of the particular area.



ENHANCED VENUES



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Better leverage current assets such as the Section Foreman's House, Depot, Shaver Park, and the Municipal Marina, plus identify new opportunities for public gathering spaces.



Photo from wayzatachilljopen.com

At the present time, there are a limited number of lakefront venues in Wayzata. To support community values such as Embrace the Lake and Access for All, the city seeks to create opportunities for residents and visitors to enjoy the activities afforded by this one of a kind setting. Community members shared ideas such as rooftop dining with views of the lake, a small community performance space in Shaver Park, a skate park, and leveraging the municipal parking lot on Lake Street as a flexible space for special events.



PARKING AND CIRCULATION



One of the community's primary concerns is parking availability for both cars and boats. Some also expressed concern about safety on Lake Street for cars, bicyclists, and pedestrians. The community expressed a desire to create a balanced approach for automobiles, boats, pedestrians, and bicycles that results in no net loss of parking.

Related to parking is circulation: ensuring that people can move safely in and around Wayzata whether traveling by car, boat, bike, or foot.

PUBLIC INVESTMENT



Community members expressed a desire for targeted public investment that stimulates programming of public places and economic development in Wayzata.

This investment could take the form of money spent on public realm enhancements, programming at public venues, or policies that encourage private sector development.





FRAMEWORK

BASED ON **COMMUNITY INPUT**, the following framework was created and is illustrated through the following lenses:

Activity Centers

- ▶ Shaver Park and Rand Beach
- ▶ Boatworks
- ▶ Central Lakefront
- ▶ Section Foreman's House
- ▶ Eastern Gateway
- ▶ Mill Street
- ▶ Civic Campus
- ▶ Minnetonka Avenue
- ▶ West End

Systems

- ▶ Ecology
- ▶ Public Realm
- ▶ Circulation
- ▶ Parking
- ▶ Activity

Metrics

A look at how the framework meets the community priorities expressed in the previous chapter.



WAYZATA LAKE EFFECT

ACTIVITY CENTERS

Early in the Lake Effect initiative, the community identified nine distinct areas where improvements could be made to enhance the city's image and relationship to Lake Minnetonka. These nine activity centers already provide opportunities for residents and visitors alike to work, shop, and play along the lake, but also have untapped potential to help the city embody more fully the community's values as defined in Phase One.

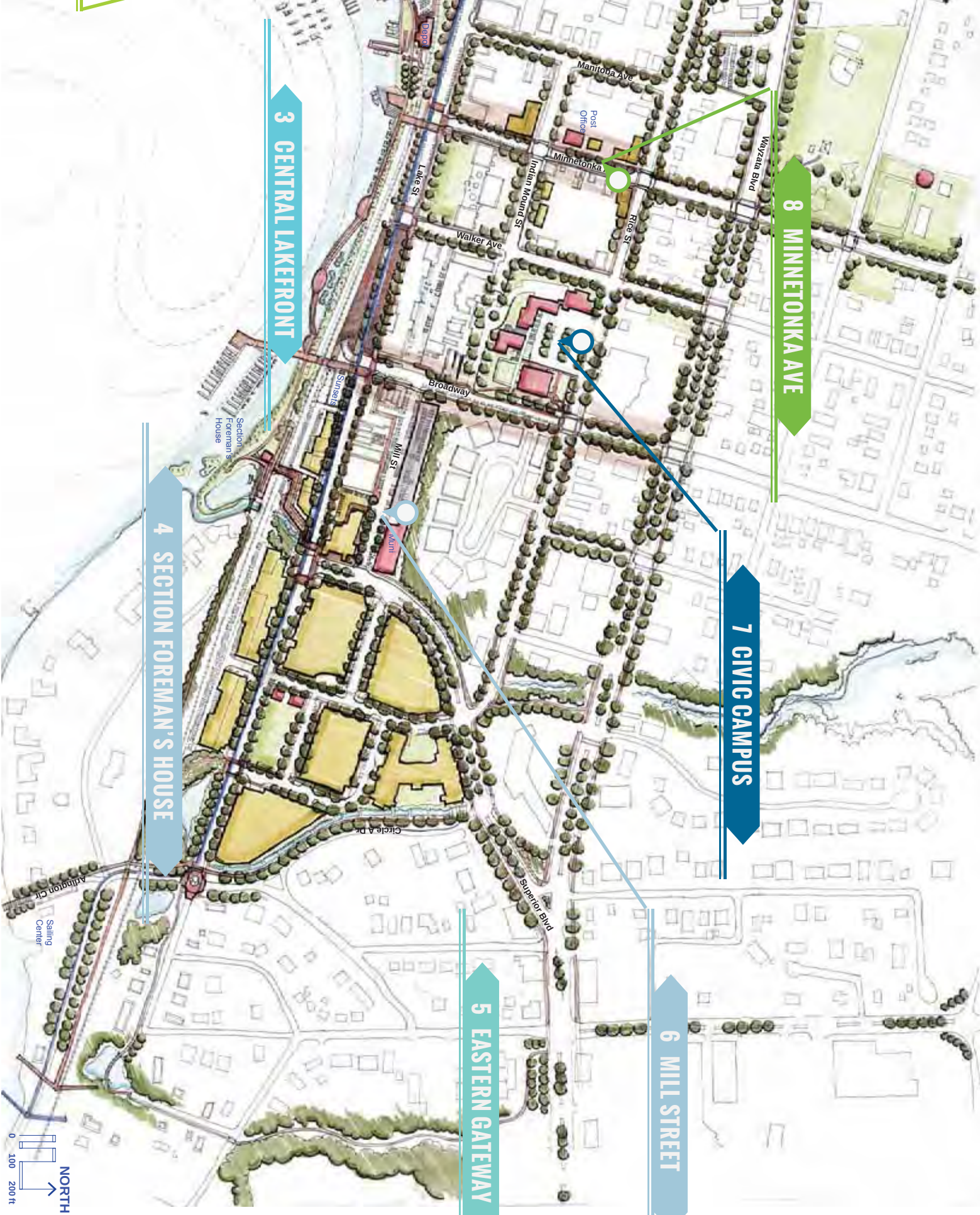


- NEW DEVELOPMENT
- CIVIC VENUES
- NEW PARKING STRUCTURES

9 WEST END

1 SHAVER PARK AND RAND BEACH

2 BOATWORKS



3 CENTRAL LAKEFRONT

4 SECTION FOREMAN'S HOUSE

5 EASTERN GATEWAY

6 MILL STREET

7 CIVIC CAMPUS

8 MINNETONKA AVE

ACTIVITY CENTERS



SHAVER PARK & RAND BEACH

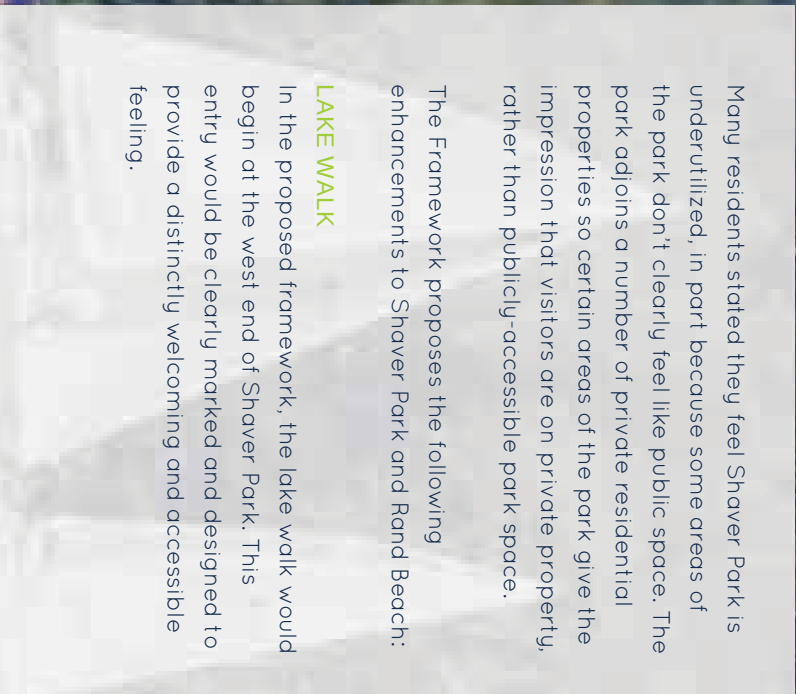


Many residents stated they feel Shaver Park is underutilized, in part because some areas of the park don't clearly feel like public space. The park adjoins a number of private residential properties so certain areas of the park give the impression that visitors are on private property, rather than publicly-accessible park space.

The Framework proposes the following enhancements to Shaver Park and Rand Beach:

LAKE WALK

In the proposed framework, the lake walk would begin at the west end of Shaver Park. This entry would be clearly marked and designed to provide a distinctly welcoming and accessible feeling.



PERFORMANCE SPACE

Many in the community expressed a desire for more programming in Shaver Park, but nearby residents don't want a facility that creates a lot of noise or undesirable activity. The proposed performance space would likely be a small stage that accommodates school plays, weddings, and other small gatherings. Specific characteristics of the venue – for instance, size, capacity, and whether amplifiers are allowed – would be worked out in the design phase of the project.

PADDLEBOARD, KAYAK, AND CANOE RENTALS

Equipment rentals at the Marina will allow lake use by a broader range of people to access the lake who do not own boats.



ENHANCED DAKOTA RAIL TRAILHEAD WITH TRAPPER'S CABIN

The Trapper's Cabin would be moved to the park to serve as a bicycle trailhead, providing a better experience for cyclists.

INCREASE GREEN SPACE

To increase green space, especially at eastern edge of the marina, the last row of parking would be eliminated. This reduction in parking would be compensated by the proposed pedestrian bridge and additional parking in the West End project area.

SWIMMING PATH WITH H-DOCK

A protected swimming area off the beach would be delineated with buoys.



BOATWORKS



The Boatworks facility has been part of Wayzata's lakefront for many years. Former owner Rick Born has purchased the Boatworks and plans to move his technology consulting firm into the building. Additional proposed uses include:

BOAT MUSEUM

This could be a winter home for the Minnehaha tour boat, and could provide programming in conjunction with other organizations, such as the Sailing School and the Wayzata Yacht Club.

RESTAURANT OR OTHER DEVELOPMENT

The community expressed a desire for outdoor lakefront dining. The Boatworks building is one potential location for this, as the market permits.

PEDESTRIAN BRIDGE TO TCF

A pedestrian bridge over the railroad tracks would allow for improved access to the Boatworks, the beach, and the lake walk.



CENTRAL LAKEFRONT



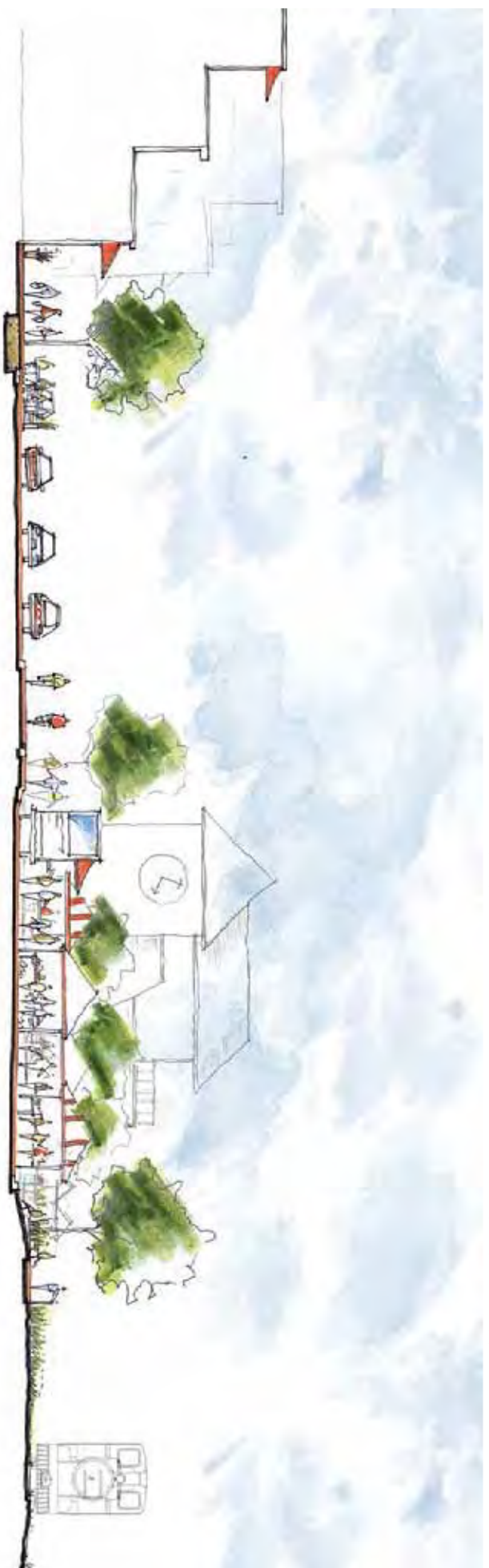
The Central Lakefront is a key element of Wayzata's character. The view of the lake from the 600 block of Lake Street is unique among Lake Minnetonka communities. As such, this area is a focal point of the proposed framework.

LAKE WALK WITH MINNETONKA AVENUE LANDING AND BROADWAY PIER

One of the most broadly supported goals of the Lake Effect initiative is to get people closer to the water. To facilitate this, the proposal

includes a lake walk that brings pedestrians out onto the lake. The character of the lake walk changes along its length; at the central lakefront it might take the form of a boardwalk. The Minnetonka Landing provides opportunities to step down to the water's surface and literally "touch the water".

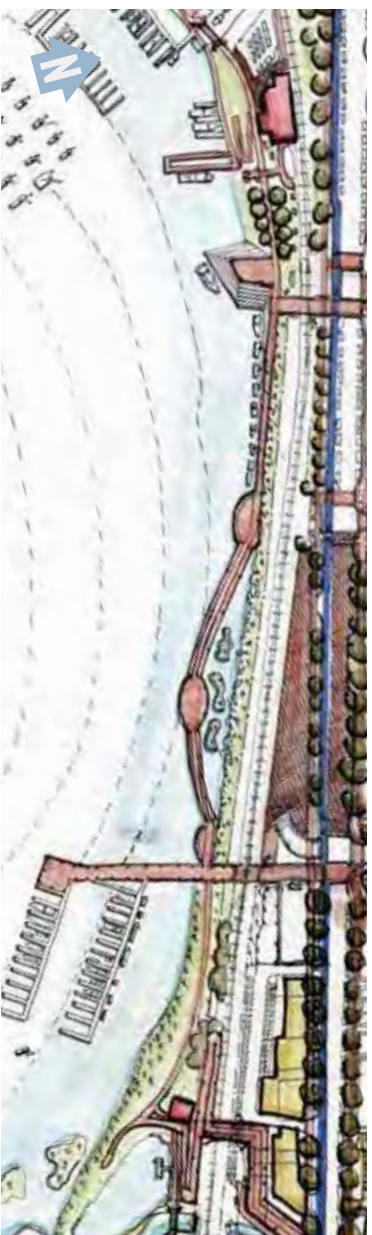
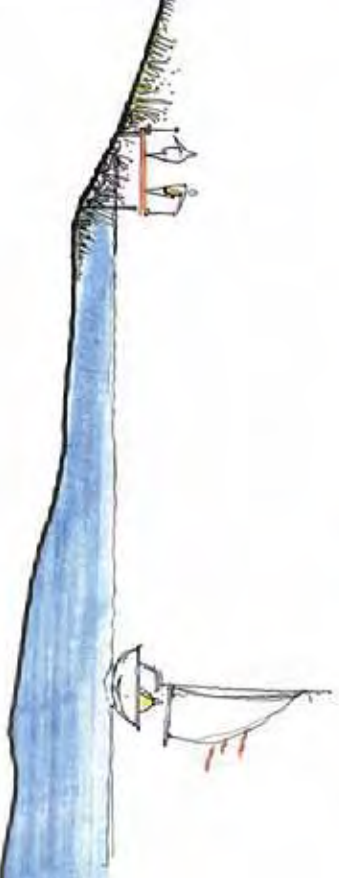
A pier at Broadway provides for additional public boat docks near the Section Foreman's House and gives people an opportunity to get



further out onto the lake. The pier could be a small pedestrian-scale boardwalk, or it could be larger in scale to accommodate a few small vendor locations (tents or kiosks).

NEW AND ENHANCED RAILROAD CROSSINGS

At present, there is no official railroad crossing (between the Boatworks (Barry Ave) and Broadway. However, this is the area where the water is most visible from Lake Street, and as a result people simply jump the fence and cross



at any point. A new at-grade pedestrian railroad crossing at Minnetonka Avenue provides a legitimate crossing, reducing the tendency for people to cross the tracks illegally. In addition, the existing Broadway track crossing would improved to be more legible and pedestrian friendly.

LAKE STREET CYCLE TRACK

A dedicated cycle track along Lake Street creates a more orderly traffic flow. This track is created by eliminating the center turn lane and reallocating the roadway through pavement marking.

TOUR BOATS

Tour boats would continue to use the area by the depot.

TRANSIENT/SEASONAL DOCKS AND MOORING BUOYS WITH TENDER/SHUTTLE

Additional boat parking is provided with mooring buoys and a tender shuttle. Additional transient slips are provided along the lake walk and at the Broadway Pier.

PARK(ING) PLAZA

The municipal parking lot next to Sunsets is redesigned as a multi-functional plaza. The plaza would be used for parking most of the time, but can be cordoned off for special events such as JJ Hill Days or a weekly farmer's market.

SECTION FOREMAN'S HOUSE



The Section Foreman's House offers an opportunity for a quieter, more contemplative lakeside experience. The existing landscape needs some cleanup, and includes a pond that would be suitable for winter activities such as ice skating.

YEAR-ROUND FOOD VENDOR

The restored Section Foreman's House provides an opportunity for a year-round informal food vendor in the style of Sea Salt (Minnehaha Falls), Bread + Pickle (Lake Harriet), or Tin Fish (Lake Calhoun). This operation could also serve as a warming house for ice skaters in the winter.

ADDITIONAL DOCKS

Additional transient boat parking is available along the east side of the Broadway pier to avoid interfering with lake views from Lake Street.

UNDER-TRACK TUNNEL CONNECTION

The framework proposes exploring the potential for an under-track tunnel connection to this location from Lake Street and Superior Blvd. Additional research is required regarding the feasibility of this proposal.

STORMWATER MANAGEMENT AND WATER QUALITY

Stormwater management is an important factor in managing water quality. Expanding on the existing natural features around the Section Foreman's House would enhance water quality for the lake.

- **Floating islands**
Floating islands assist in enhancing water quality by removing pollutants and particulate matter.
- **Natural shoreline**
The natural shoreline condition is maintained in this area. Shoreline vegetation filters runoff and improves water quality while providing habitat for lake wildlife.
- **Gleason Creek Inlet**
As a small pond next to the Section Foreman's House, the Gleason Creek inlet currently provides some stormwater management.



EASTERN GATEWAY



The proposal for the Eastern Gateway area emphasizes its natural and park-like features.

BIG WOODS HERITAGE PARK LOOP

This walking trail would connect walkers from downtown Wyzzata to Heritage Park and the Big Woods Preserve.

DAYLIGHTED CREEK AT EASTERN BUFFER

Historic Gleason Creek is daylighted to provide

a natural amenity along Circle A Drive and to enhance stormwater management.

FIRE ACCESS ROAD PARK AT LITTLE BEACH

Arlington Circle serves as fire truck access to the lake. The frameworks proposes making this area more park-like and leveraging its value as a public gathering space.

NICHOLS WETLAND PARKS

The wetland area on the southwest corner of Lake Street and Circle Drive is enhanced with trails and interpretive features.

TRAILHEAD GATEWAY TO BUSHAWAY ROAD

The Lake Street cycle track connects to Bushaway Road by way of Shady Lane and Eastman Lane. This enhances regional biking connections by connecting the Dakota Rail Trail to the Lake Minnetonka LRT Regional Trail.

TRAIL TO SECTION FOREMAN'S HOUSE

A pedestrian trail along the railroad tracks takes walkers from Arlington Circle to the Section Foreman's House.



MILL STREET



Mill Street today functions largely as a parking lot for the Muni and businesses on Lake Street. The framework proposes this as a site for pedestrian-scale development as the market allows.

MIXED-USE MILL STREET RAMP/ DAKOTA RAIL TRAILHEAD

The current parking lot on Mill Street provides a number of parking stalls for downtown shops. However, the site offers the potential to build a two- to three-level parking ramp that provides roughly twice as many parking stalls and could include some small shops at street level.

In addition, this ramp would provide trailhead facilities for the Dakota Rail Trail and connected regional trails.

MUNI PARKING LOT DEVELOPMENT

As Wazata grows and becomes a more active suburban lakeside community, additional market opportunities will arise for housing and commercial development.

With the Mill Street parking ramp in place, surface parking lots, such as the one south of the Muni, become available for additional development. This development could include structured parking with street-level retail shops and a public plaza.

CROSS CREEK DEVELOPMENT WITH PEDESTRIAN TUNNEL TO SECTION FOREMAN'S HOUSE

The framework identifies the potential for a pedestrian tunnel under the railroad tracks. This tunnel would necessitate some reconfiguration of existing commercial structures, specifically the Cross Creek development across from the surface parking lot on Lake Street.



The design framework suggests that, if it is feasible from an engineering standpoint, the tunnel be implemented as part of a redevelopment of the Cross Creek project. If the developer plans to demolish existing structures and rebuild, a partnership with the city could create a tunnel as part of the new construction. There is no municipal mandate to tear down existing structures to build the tunnel.



CIVIC CAMPUS



The Civic Campus is comprised of the area where City Hall and the Library are today. Additions in this area are largely programmatic and seek to leverage the spaces that already exist to create opportunities to better engage citizens.

NATIVE AMERICAN INTERPRETATION

There is a desire in the community for some kind of acknowledgment of the history of the area among Native American peoples. Prior to European settlement, the area now known as Wayzata was Chief Shakopee's village, and the town's name comes from a Native American word meaning "north shore".

GREEN CAMPUS

Proposed green infrastructure enhancements on in this activity center include stormwater management practices in the parking lot and solar panels on city buildings.

CULTURAL PROGRAMMING

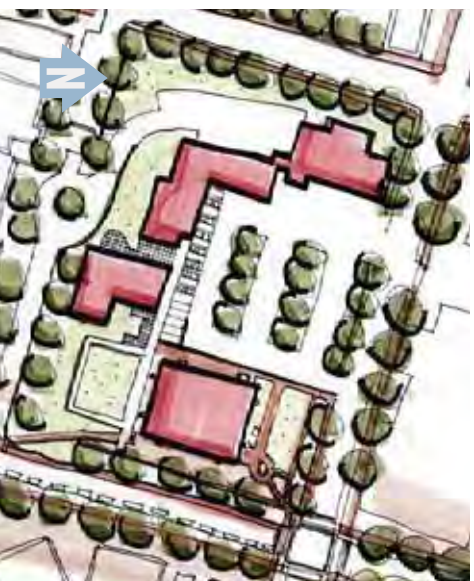
As the seat of municipal government and services, the civic campus can provide cultural programming such as the Native American interpretation and other events in conjunction with the Wayzata Historical Society or other organizations.

ARTIST IN RESIDENCE

Wayzata has a strong artistic tradition, showcased in events like the Wayzata Art Experience. Art and artists are part of every robust healthy community, and providing an artist-in-residence program would highlight the community as a regional center for arts.

PARKING

Enhancements to parking are possible.



MINNETONKA AVENUE



ARTIST-DESIGNED PEDESTRIAN BRIDGE AND WATER TOWER

Post Office Park, designed by sculptor Siah Armajani, is a unique landmark in Wayzata, and shows how public art can be more than just sculptures on a street corner. The framework proposes engaging other artists to create one-of-a-kind landmarks in the city. Examples could include a pedestrian bridge over the railroad tracks at the end of Minnetonka Avenue, and a new water tower, which would serve as a landmark for boaters, clearly identifying Wayzata from the lake.

STRONG CONNECTION TO CIVIC CAMPUS AND LAKE MINNETONKA

The Civic Campus can be strongly linked to Minnetonka Avenue through well-maintained sidewalks and careful streetscape design. The street should also capitalize on its strong visual connection to the lake.

FINE-GRAIN INFILL DEVELOPMENT

A number of available locations along Minnetonka Avenue could be developed to provide a denser, pedestrian-oriented shopping district.

Minnetonka Avenue runs perpendicular to the lakefront and provides the opportunity for stunning views of the lake flanked by small local shops.

ARTS-ORIENTED, LOCAL SMALL BUSINESS DISTRICT

As an area that could offer lower rents than Lake Street, Minnetonka Avenue is a prime location for small local businesses. Currently the home of the Post Office and Post Office Park, this street has the potential to become a more active local business area.

PUBLIC ART CURATOR

This role could be part of the artist-in-residence program.



WEST END



The west end of Lake Street is primed for redevelopment. In particular, the community would like to see retail activity continue along Lake Street past Minnetonka Avenue

MEYER BROTHERS DAIRY REDEVELOPMENT

The Meyer Brothers Dairy facility and adjacent properties would be developed by private sector agents to meet market demands. The city's role in these projects would be to facilitate development that fulfills the community's vision as expressed through this framework document. Community suggestions ranged from a brew-pub to artist lofts to a movie theater.

MUNICIPAL PARKING RAMP

As development occurs in this area, the city could exercise the option to build another parking structure in this area to accommodate

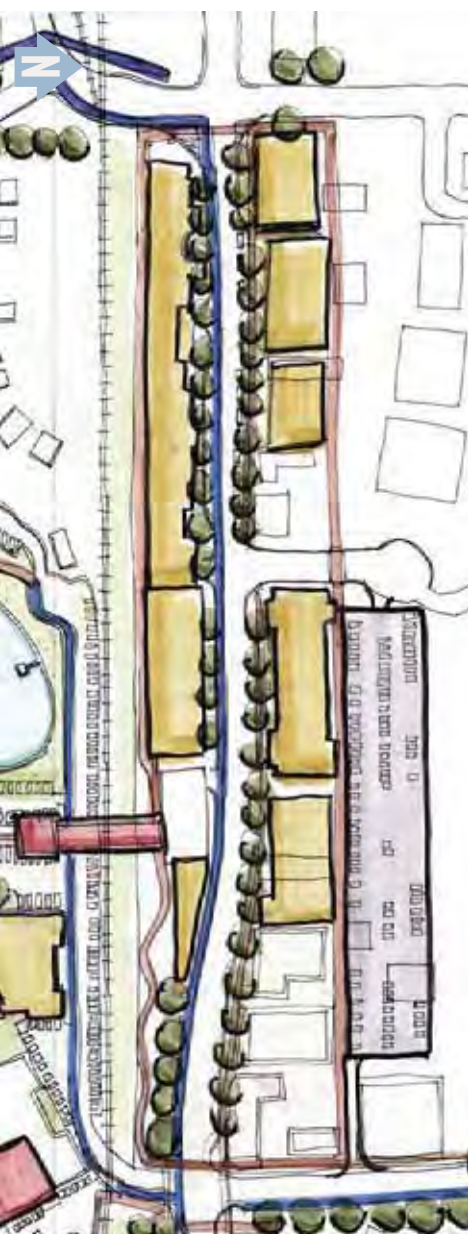
additional vehicular traffic.

TCF REDEVELOPMENT RELATED TO BOATWORKS

Surface parking lots adjacent to the TCF building are opportunities to develop a denser, more walkable retail and commercial district in the West End. Part of this development would include structured parking to ensure that there is no net loss of parking in the area.

INTEGRATED PEDESTRIAN BRIDGE TO SHAVER PARK AND RAND BEACH

This bridge would take pedestrians safely over the railroad tracks, strengthening walkability and improving lake access for recreational users and weekend visitors.



WAYZATA LAKE EFFECT SYSTEMS

In the design world, frameworks are typically concerned with looking at a particular area or opportunity and then organizing information by a series of systems. Each system contributes to the overall function of the community ecologically, socially, and economically. This section reviews the following systems: ecology, public realm, circulation, parking, and activity.

LEGEND

- Permeable pavers on Lake Street parking bays and at Civic Campus
- Opportunity for green roof on Mill Street parking ramp
- Tree trenches
- Infiltration basins
- Rain gardens - at curb bump outs
- Shoreline restoration
- Constructed wetland
- Opportunity for daylighted creek

ECOLOGY

The conditions of environmental elements tied to Lake Minnetonka located in Wayzata have not kept up with the expectations of the 21st century. Stormwater ponds and shoreline riprap can be improved to better the environmental quality of the lakefront. The city has a number of valuable natural assets which need to be fostered and protected to ensure that the environmental and recreational value of the lakefront is preserved for future generations.

The framework proposes incorporating a number of stormwater management best practices and "green" technologies. Examples are illustrated below.



PUBLIC REALM

Public realm is defined as any publicly owned streets, pathways, rights of way, parks, publicly accessible open spaces, and any public and civic building and facilities. The quality of our public realm is vital if we are to be successful in creating environments that people want to live and work in.

While much of the circulation system is considered part of the public realm (streets, sidewalks, and public trails), those elements are shown separately in the circulation system.



LEGEND

- Existing parks and open spaces
- Opportunity for new parks and open spaces
- Opportunity for multipurpose plaza
- Existing municipal buildings and facilities
- Opportunity for new municipal facilities



CIRCULATION

Wayzata stands to leverage its most important natural asset, the lakefront, by enhancing connections between greater Wayzata, downtown Wayzata and the water's edge. To do so it will be important to separate the ideas of "visual accessibility" and "physical accessibility" and then concentrate on strategies to enhance both types of accessibility, the modes of transportation used, and paths that are available to making Wayzata more walkable. The framework also proposes repairing and completing the sidewalk system and providing connections for regional bicyclists.

LEGEND

- Existing pedestrian walkways
(sidewalks, trails, etc)
- Opportunity for new pedestrian
connections
- Existing regional bike trails
- Opportunity for bikeway connections
- Potential wayfinding enhancements



PARKING

Parking structures ensure that parking availability keeps pace with activity while maintaining the physical and economic characteristics that make Wayzata successful. In conjunction with a well-designed circulation and wayfinding system, a robust and diverse system of parking creates a pleasant experience for visitors.

The framework proposes increasing structured parking and providing additional boat parking to meet the anticipated growth. Maintaining on-street parking is also key to retaining the city's small-town feel. Strategic development of existing surface parking lots should be pursued in concert with parking ramp projects to ensure continued economic growth without incurring a net loss of parking stalls.



LEGEND

	Spaces
 Existing on-street parking	550
 Existing surface parking	1,627
 Existing parking structures	776
 Opportunity for parking structures	600
 Existing boat parking (retained)*	143
 Opportunity for boat parking	40
 Existing boat launch	2

*This framework suggests moving the existing boat slips at Broadway to the east side of the proposed Broadway pier.



ACTIVITY

There was community consensus that the lakefront is underutilized throughout the year. Focusing on Minnesota's two dominant seasons, the framework highlights potential programming that could occur in summer and winter.

The framework proposes enhancing existing venues and creating new venues to provide additional meeting spots for organized and casual gatherings along the lake.

LEGEND

- 1 Shaver Park and Rand Beach
- 2 Boatworks
- 3 Central Lakefront
- 4 Section Foreman's House
- 5 Eastern Gateway
- 6 Mill Street
- 7 Civic Campus
- 8 Minnetonka Avenue
- 9 West End
- Existing Venues
- Opportunity for New Venues



PROGRAMMING BY ACTIVITY CENTER



1. Shaver Park and Rand Beach	▶ Summer activity ▶ Performance space ▶ Butterfly garden ▶ Kayak/canoe/paddleboard rental ▶ Swimming ▶ Splash pad ▶ Floating swim dock ▶ Yoga/Tai Chi classes ▶ Habitat restoration	▶ Boot slips ▶ Picnic shelters ▶ Additional restrooms ▶ Play equipment ▶ Sledding ▶ Ice skating ▶ Cross-country skiing ▶ Fire pits
2. Boatworks	▶ Restaurant ▶ Outdoor dining ▶ Steamboat museum	▶ Retail ▶ Additional boat slips ▶ Vehicular access to lake
3. Central Lakefront	▶ Concerts/movies at Depot ▶ Historical education ▶ Railroad interpretation ▶ Interactive public art ▶ Boating ▶ Fishing/Ice fishing ▶ Water taxi ▶ Tour boats	▶ Art walk ▶ Boat parades ▶ Walking/Running ▶ Regional bike trail ▶ Farmers market ▶ Lake viewing/seating ▶ Ice skating
4. Section Foreman's House	▶ Historical education ▶ Retreat center ▶ Food vending	▶ Meeting center ▶ Boot-oriented retail/restaurant
5. Eastern Gateway	▶ Walking/running	▶ Lake viewing/seating
6. Mill Street	▶ Pedestrian walk ▶ Market place	▶ Bicycle Trailhead
7. Civic Campus	▶ Viewing terraces/seating ▶ Events in the park	▶ Native American interpretation
8. Minnetonka Avenue	▶ Arts district/Art walk	▶ Boutique shopping
9. West End	▶ Indoor farmers market ▶ Artist studios/cultural center	▶ Microbrewery ▶ Trailhead/bike service

METRICS

The following metrics illustrate how the framework meets each of the community priorities for lakefront enhancement.

Lake Walk

- Continuous lake walk from Shaver Park (big beach) to the Section Foreman House, and then to the Fire Access road (little beach)
- Shoreline improvements
- One (1) improved pier (Broadway)
- One (1) new overlook (Minnetonka)
- Additional transient and seasonal boat slips

Lake Access

- Improves four (4) current at-grade railroad crossings (Broadway, Boatworks, Ferndale, Circle Drive)
- Adds one (1) additional at-grade railroad crossing (Minnetonka)
- Improves view corridor at two (2) street ROW (Walker, Manitoba)
- Adds two (2) grade separated crossings (TCF and Cross Creek)

Enhanced Venues

- Section Foreman's House—repurposed as new community venue
- Boatworks as home to Museum and possible future development
- Shaver Park as "home town" recreation venue
- City Hall campus as a destination

Connections

- New and enhanced venues provide destinations to draw people to the lakefront.
- Enhanced sidewalk network throughout Wayzata
- Signage and Wayfinding Program, emphasizing Gateways
- Natural systems and landscapes

Parking and Circulation

- Cycle Track connecting Dakota Trailhead to Circle Drive and to Bushaway Corridor
- Dedicated bike lane connecting Dakota Trailhead to Luce Line
- Improve pedestrian crossings/sidewalks
- Net increase in Transient and Seasonal boat slips/moorings
- Retain on-street parking
- Multi Use of Municipal Parking Lot at Broadway
- Net increase in parking via parking ramps

Public Investment

- Encourage private development of Meyer's Dairy and TCF on the West End
- Encourage private development of Mill Street and Cross Creek on East End
- Increased all season programming





IMPLEMENTATION

THE DIFFERENCE BETWEEN communities whose plans, such as Lake Effect, are realized over time versus those where little is implemented is the organizational capacity that exists or is created to steward the plan. The more dynamic and complicated a plan is, the more robust and capable the stewardship program must be. Furthermore, any project that involves water frontage is inherently more challenging.

Lake Effect is a more dynamic and therefore complicated plan. It is long term in nature, requires support and participation from many public and private sector partners, and is front and center in the community's attention.

This chapter describes the framework's key recommendations and outlines nine strategic initiatives - projects that embody the community's vision of the lakefront and provide the basis for future development.

ACTION PLAN: KEY RECOMMENDATIONS

Going forward, the framework proposes the following implementation steps:

- ▶ Establish a stewardship organization
- ▶ Proposed methodology
- ▶ Project advancement through design review

ESTABLISH A STEWARDSHIP ORGANIZATION

A stewardship organization ensures that the city and developers meet the community's expectations and aspirations as expressed in the framework. This organization would not be part of the city government, but would work closely with the city and project developers to ensure that new development meets the vision expressed in the framework.

- ▶ Role: Advocate for implementation of the Lake Effect framework
- ▶ Strategies: Fund raising, Community Engagement, and Design Stewardship
- ▶ Gain City Council Support/Endorsement
- ▶ Draw from existing Steering/Advisory/Technical Committee makeup
- ▶ Attract new members based on mission/vision
- ▶ Include Regional Representation
- ▶ Non-profit, 501c3



PROPOSED METHODOLOGY

Stewardship Approaches

- ▶ General Advocacy: Continually promote the vision to municipal and other leaders while continuing to engage the broader community.
- ▶ Project Leadership: Take ownership of catalytic projects pursuant to the plan, providing leadership in ensuring completion (e.g., fund raising).
- ▶ Design Oversight: Provide technical design guidance to projects as they emerge, ensuring that each individual project contributes to the vision.

Project Strategies

- ▶ Proactive/strategic: The Framework is made up of numerous projects, policies, and programs that together make the whole. Proactively selecting one or more around which to organize community resources will help to develop momentum and commitment.
- ▶ Opportunistic: The community should look for opportunities to showcase progress on the plan. This includes ensuring that projects underway are held accountable to the plan or by steering existing resources pursuant to the plan.
- ▶ Temporal: Many of the Framework elements will require time to complete the design, secure funds, and acquire permits. In the meantime, temporary installations could help for purposes of idea testing, community engagement, and communication of intent.

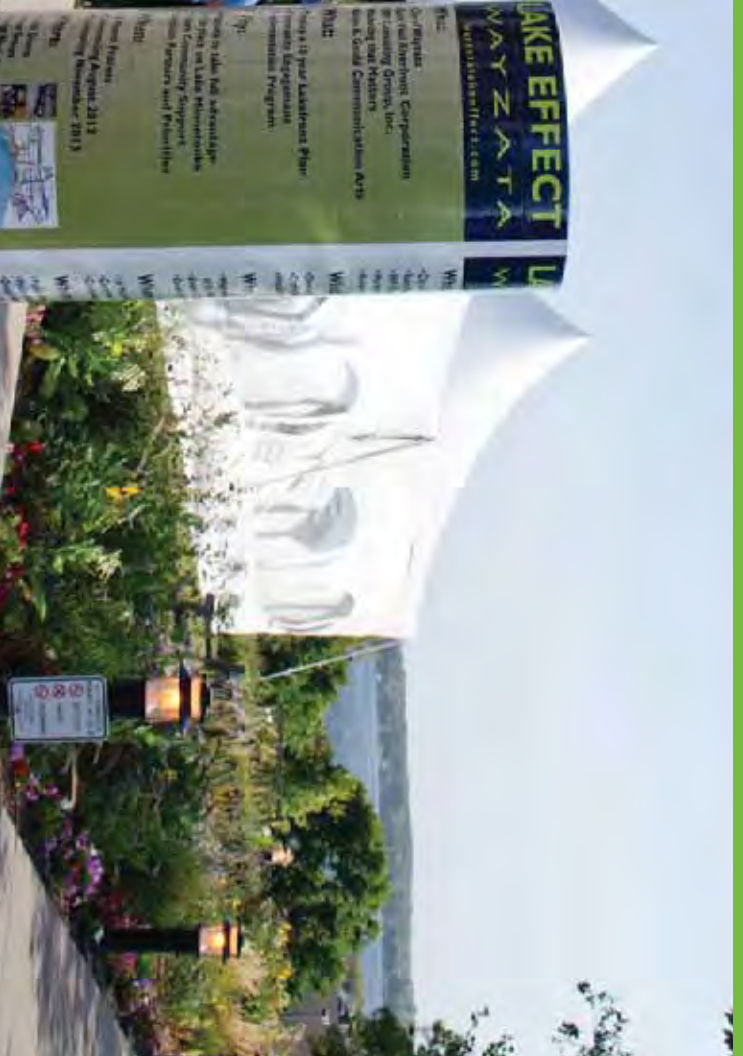
PROJECT ADVANCEMENT THROUGH DESIGN REVIEW

The Lake Effect Framework provides guidance to ensure that projects are in keeping with the community's vision. It is recommended that a design review team be established to facilitate project advancement. The process should include the following steps:

- 1 **Project Identification**
Design Review Team selects projects for review.
- 2 **Developer Invitation**
Design Review Team invites the developer to participate in the Design Review Process.
- 3 **Development Concept Discussion**
Developer's team meets with Design Review Team to discuss initial development programming, site analysis, massing, and pro forma.
- 4 **City Issue Identification**
City prepares a checklist of city and community issues, needs, and opportunities to be addressed during design development and site plan review.



- 5 **Subsequent Meetings and Community Conversation**
Design Review Team helps developer design and communicate the project's intent and community vision.
- 6 **Site Plan Review**
Use existing city process to conduct Site Plan Review.
- 7 **Construction**
Design Review Team monitors construction to note the project's consistency with the approved site plan.
- 8 **Post-Occupancy Evaluation**
Following completion the project, the Design Review Team will evaluate how well the project has met the stated community design and development goals.



PROPOSED 2014 OBJECTIVES

These objectives represent a set of tangible steps toward implementation of the framework.

- Obtain City Council Approval of Framework
- Establish Non-Profit Organization
- Secure Community Agreement for Top Priority Project
- Develop Work Plan for Priority Project
- Begin Annual "Report to the Community"
- Initiate 3-5 Temporary Installations to Show Commitment to the Framework and Continuing Progress
- Celebrate Progress on Current Lake Effect Projects
- Complete Property Survey of Lakefront Area
- Incorporate Lake Effect Principles into City Policy(ies)
- Establish Implementation Committees



STRATEGIC INITIATIVES

Nine strategic initiatives are identified on the following pages as a way to achieve the community's vision for Wayzata. These initiatives are based on and take into consideration the community's values, priorities, activity centers, and systems, and are intended as suggestions for how the framework could be implemented. The initiatives are not presented in a particular order, and would be built as community support dictates.

The initiatives as presented in this document are not intended to be the last word on particular projects. Rather, these pages should be viewed as the starting points for community discussion. They set the stage for a new process of learning, exploring, and decision-making.

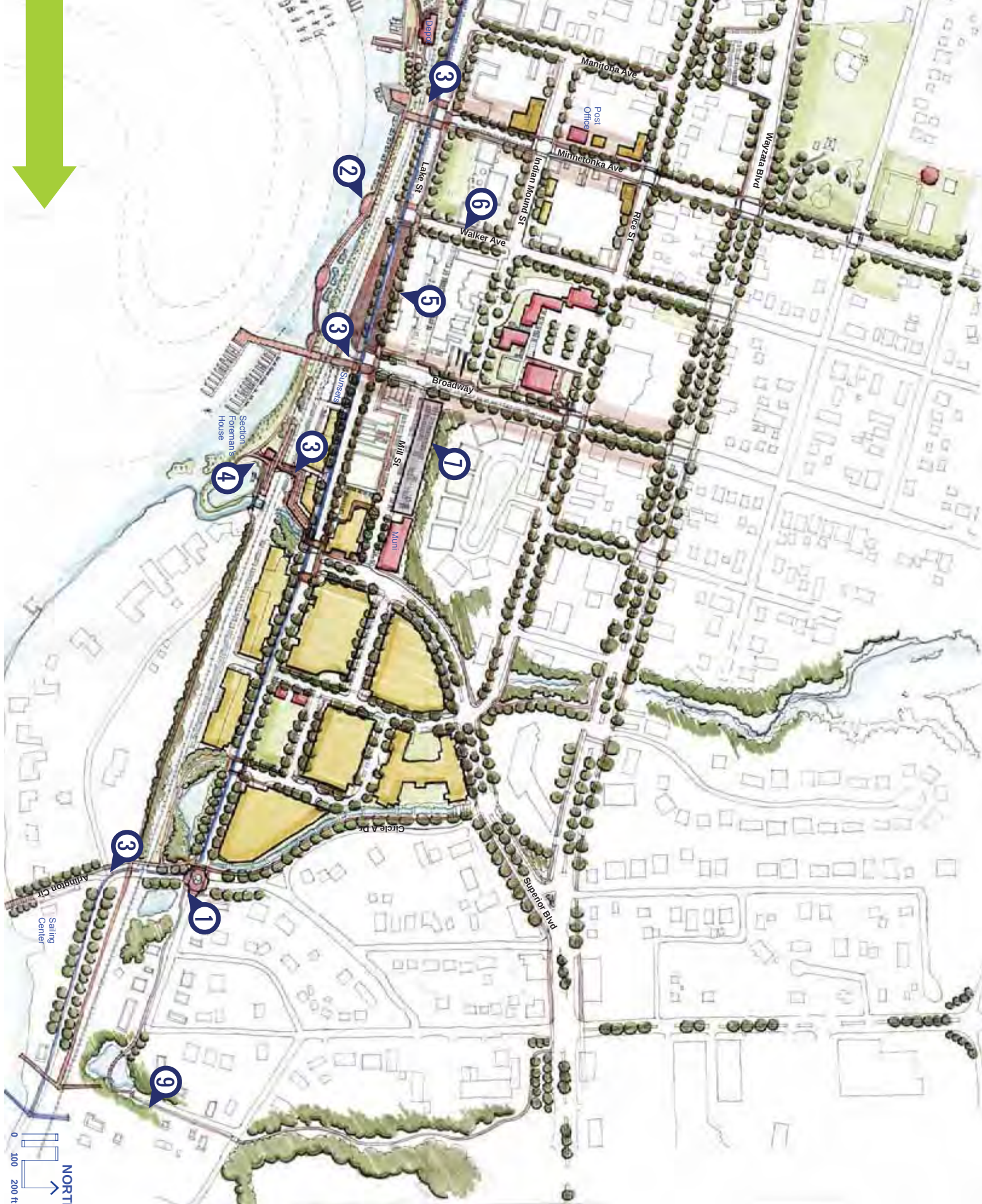
These nine initiatives focus on public realm improvements, and do not address any private development, such as the Boatworks or Meyer Brothers Dairy sites. While the framework and these initiatives have the general support of the community, details such as design and scale are yet to be determined.

Each project estimate is based on one version of how the project might be built, given rough estimates of component costs at the time of publication. Projects are anticipated to fit in with the current public realm standards in Wayzata. The projects as described herein are relatively basic functional structures, and do not represent more lavish designs that might be proposed by a high-end design firm.

PROPOSED INITIATIVES

- 1 Eastern Gateway
- 2 Lake Walk
- 3 Railroad Crossings
- 4 Section Foreman's Park
- 5 Lake Street
- 6 Connections
- 7 Mill Street Area
- 8 Dakota Rail Trail and Luce Line Cycle Track
- 9 Big Woods Loop





EASTERN GATEWAY



A WARM WELCOME

The intersection of Lake Street and Circle A Drive is slated for an upgrade. This includes a traffic circle and landscaping to create a more welcoming entrance into the city.

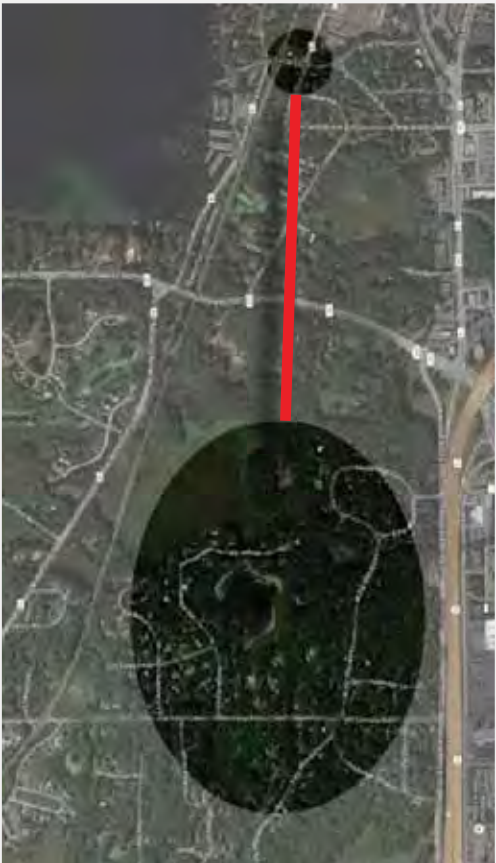
This area also incorporates connections to Greater Wayzata's east side.

OBJECTIVES

Manage traffic on east Lake Street

Strengthen connections to Greater Wayzata

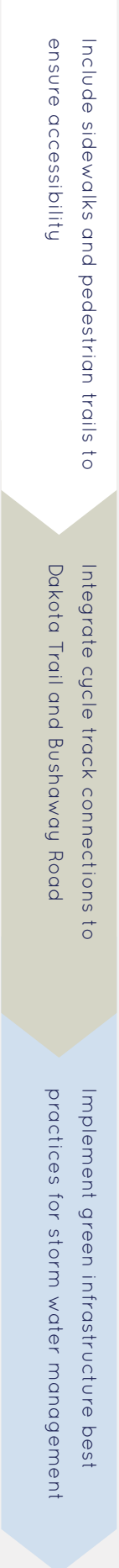
Enhance the naturalistic quality of the area



EASTERN GATEWAY

Suggested Enhancements		Order of Magnitude Cost	
Description			
Traffic circle construction	Pavement, concrete curb and gutter, trees/perennials/grasses, stormwater system, irrigation system. *This project is already complete as part of the Metropolitan Council Forcemain project.	\$ 375,000	
Landscape installation throughout Eastern Gateway area	Design, planting	\$ 50,000 - 75,000	
1.5 acre Nichols Wetland park at corner of Lake Street and Circle A Drive	Concrete walkway, aggregate walking paths, trees/perennials/grasses, stormwater ponds, irrigation systems, public art installation.	\$ 1,075,000 - 1,275,000	
Park at Sailing Club Water Access - Optional Parking Lot -	Aggregate Path, trees/perennials/grasses, stormwater ponds, irrigation system, public art installation	\$ 475,000 - 550,000	
Walking trail to Section Foreman's House	Aggregate walking path, trees/perennials/grasses, stormwater ponds, right-of-way acquisition	\$ 700,000 - 825,000	
Total		\$ 2,675,000 - 3,100,000	

STRATEGIES



This project is the first of several that focus on and enhance the natural character of the east end of Wayzata's Lake Street. Incorporating wetlands and other green infrastructure embraces the small-town character of Wayzata and embodies the values Be Wayzata and Environmental and Historical Stewardship.

LAKE WALK



ON THE LAKE

A lake walk was widely endorsed by the community as a way to get closer to the water and improve the experience of living on the largest lake in the Twin Cities metro area. The proposed implementation provides a number of opportunities to get closer to the water and experience the beauty of Lake Minnetonka.

OBJECTIVES

- Create a continuous lakefront walk
- Provide better access to the water
- Beautify lakeshore and improve water quality
- Provide additional boat moorings



Suggested Enhancements	Description	Order of Magnitude Cost
Broadway Pier - Water access and Increased boat docking	Broadway pier built on helical piers, benches/railings/public art, pedestrian scale lighting, engineering fees/construction	\$ 1,750,000 - 2,075,000
Lake Walk - Depot to Broadway Pier (International Design Competition)	Walkway on helical piers, benches/railings/public art, pedestrian scale lighting, shoreline restoration, floating islands. Requires railroad coordination.	\$ 3,100,000 - 3,675,000
Minnetonka Landing and Mooring buoy water taxi landing	Wooden platform on helical piers, ADA accessible ramp to lake, wrap around steps, pedestrian scale lighting,	\$ 825,000 - 975,000
Total		\$ 5,675,000 - 6,725,000

STRATEGIES

Hold an international design competition to solicit the best designers for the lake walk.

Create a variety of lakeshore conditions to give people different experiences of the lake.

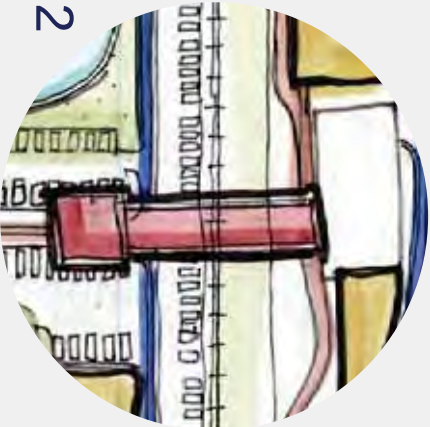
Ensure that the lake walk meets ADA guidelines for accessibility.

Lake Minnetonka is the key to Wayzata's character and its appeal for both residents and visitors. The lake walk provides a close experience to the lake, giving us a sense of its character through the seasons and an appreciation for its ecological, social, and economic value to the community. Wayzata's lake frontage is unique in the Twin Cities metro.

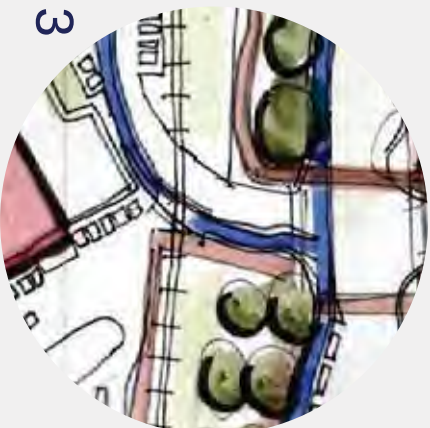
RAILROAD CROSSINGS



1



2



3



4



5



6



7

ACCESS + SAFETY

James J. Hill's lakeside railroad preserved the community's view to the lake and saved the lakeshore from private development. Its operation simultaneously compromises access between downtown and the lake, and use of the lakefront. In addition, it raises safety concerns for both the railroad and community.

Currently, there are no designated railroad crossings between the Boatworks and Broadway. Part of Reimagining the Railroad can begin by providing high-quality designated railroad crossings, ensuring safe and easy access for all to the lake. However, it should be noted that BNSF is the ultimate decision maker regarding new crossings

OBJECTIVES

Improve access to the lake

Discourage unsafe track crossing

RAILROAD CROSSINGS

Suggested Enhancements		Order of Magnitude Cost	
	Description		
(1) Ferndale Road crossing improvements	Signage improvements, public art, decorative fencing.	\$ 275,000 - 325,000	
(2) TCF pedestrian bridge	Pedestrian bridge from TCF building to Marina parking lot, ADA compliance, including elevator.	\$ 1,850,000 - 2,200,000	
(3) Barry Avenue crossing improvements	Signage improvements, public art, decorative fencing	\$ 275,000 - 325,000	
(4) New at-grade crossing at Minnetonka Avenue	Pavement and markings, cross-arms and signals, electronic information sign.	\$ 1,125,000 - 1,325,000	
(5) Broadway crossing improvements	Improved pavement markings, signage improvements, electronic information sign.	\$ 225,000 - 275,000	
(6) Cross Creek pedestrian tunnel	Tunnel from Cross Creek development to Section Foreman's House, ADA compliant ramp.	\$ 5,425,000 - 6,400,000	
(7) Arlington Circle crossing improvements	Signage improvements, public art, decorative fencing, landscaping.	\$ 375,000 - 450,000	
Total		\$ 9,550,000 - 11,300,000	

STRATEGIES

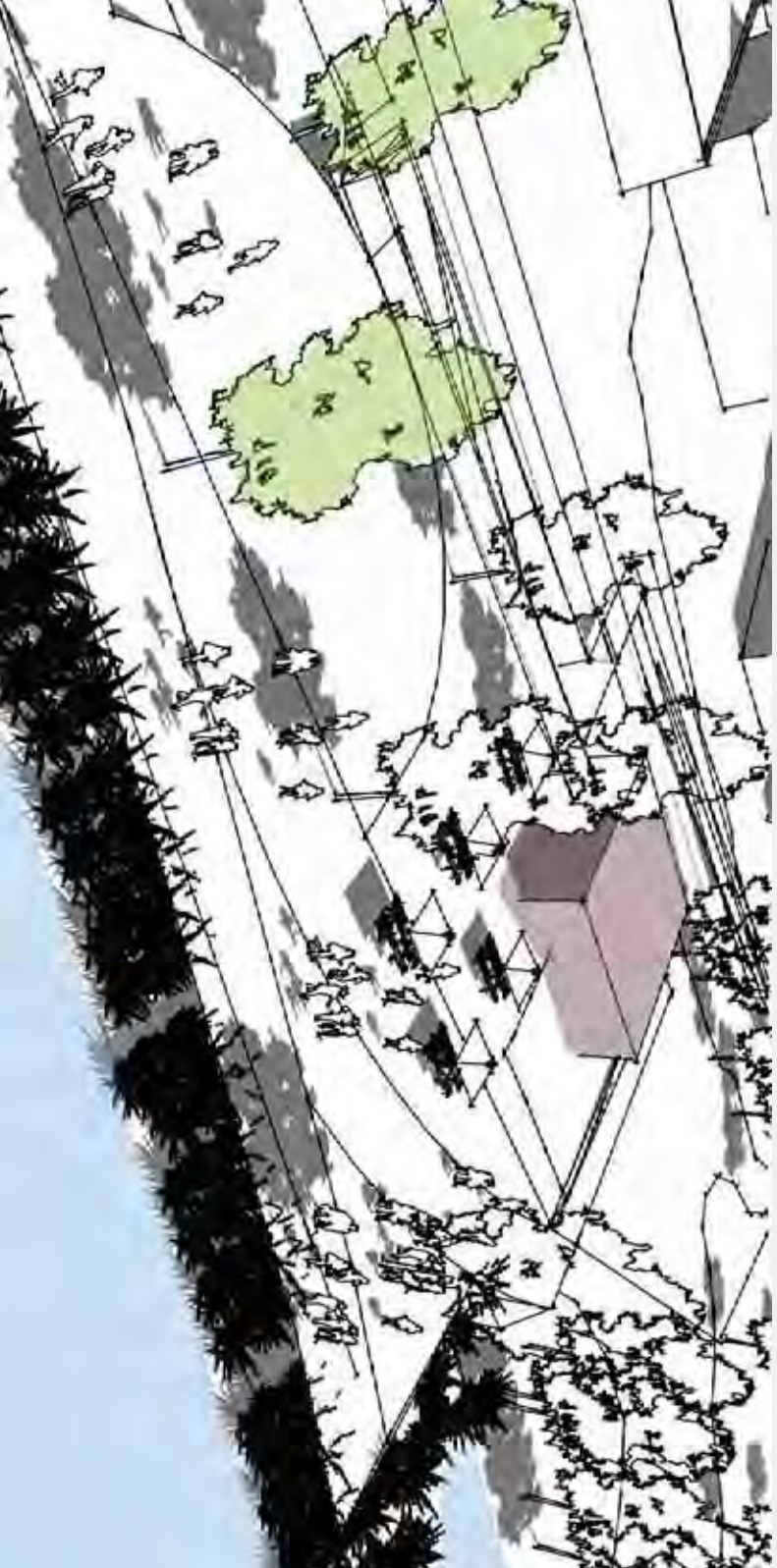
Provide legitimate crossings to discourage unsafe track crossings.

Improve signage at crossings to ensure visibility.

Partner with BNSF to provide outreach and education about railroad safety.

People are drawn to water, and will cross dangerous barriers to reach it. By adding and clarifying legitimate access points, the city reduces the tendency of people to cross the tracks illegally to reach the lake.

SECTION FOREMAN'S PARK



HIDDEN GEM REVEALED

Embracing this historic site offers many opportunities for Wayzata. A rehabilitated Section Foreman's house serves as a touchstone to the past, acknowledging the role of the railroad in keeping Wayzata's lakeshore open. This project also creates a new lakeside venue with unique opportunities for summer and winter activities.

OBJECTIVES

- Create a new lakeside public gathering space
- Provide year-round food vendor space
- Incorporate all-season programming
- Preserve historic character

SECTION FOREMAN'S PARK

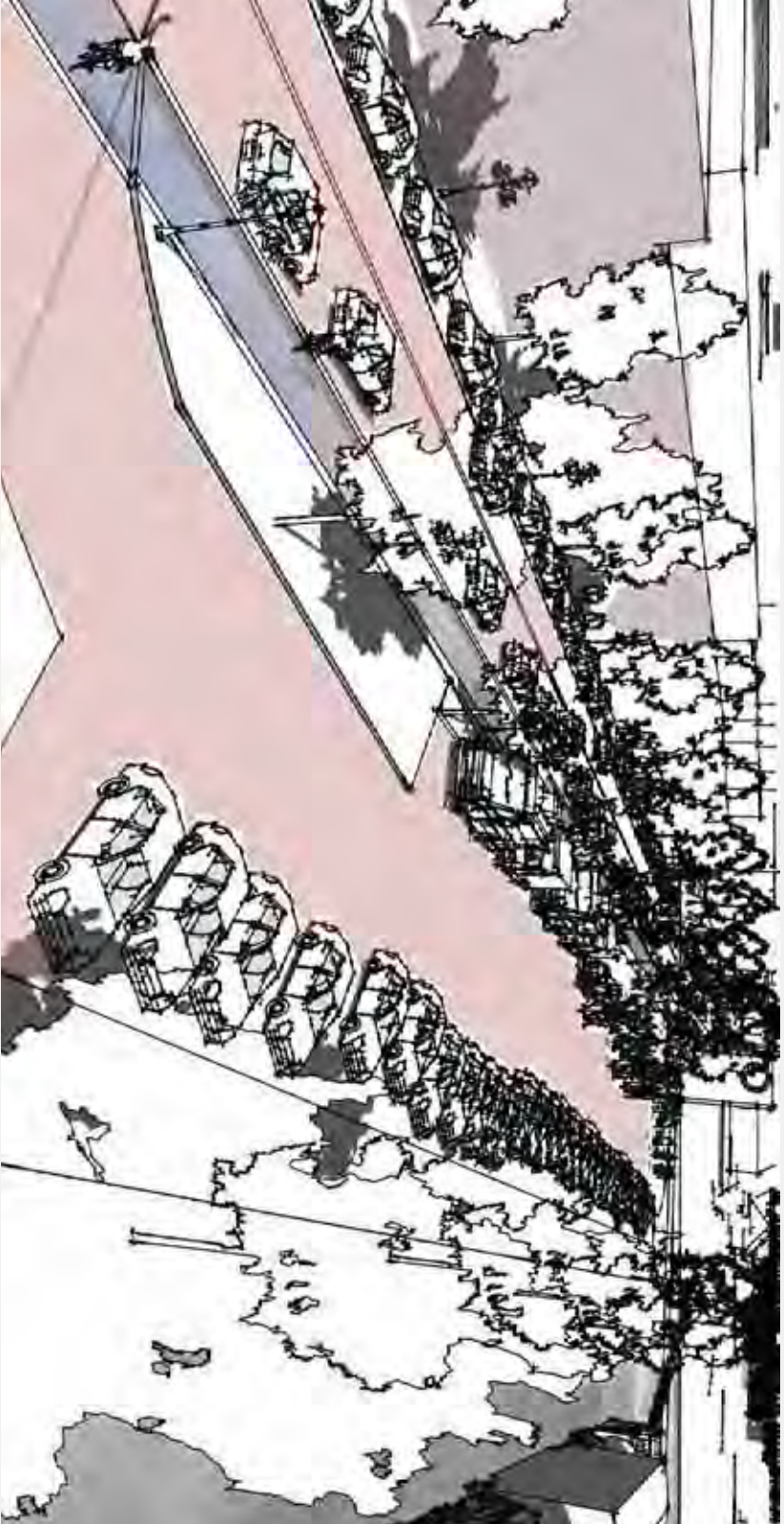
Suggested Enhancements		Order of Magnitude Cost	
Description			
Rehabilitate Section Foreman's House	Repair and update house.	\$ 1,000,000 - 1,175,000	
Landscape and stormwater pond cleanup	Invasive species monitoring and removal, stormwater pond re-engineering, landscape design, installation, and maintenance, shoreline restoration, litter removal.	\$ 575,000 - 675,000	
Vehicle and pedestrian access	Permeable pavers on access road and walking trail from Broadway pier to Section Foreman's Park	\$ 250,000 - 275,000	
Total		\$ 1,825,000 - 2,125,000	

STRATEGIES



When the railroad tracks were built, a section foreman oversaw track workers for each section of the track. This railroad company employee was also responsible for inspecting and maintaining the tracks, and was housed next to them for that purpose.

LAKE STREET

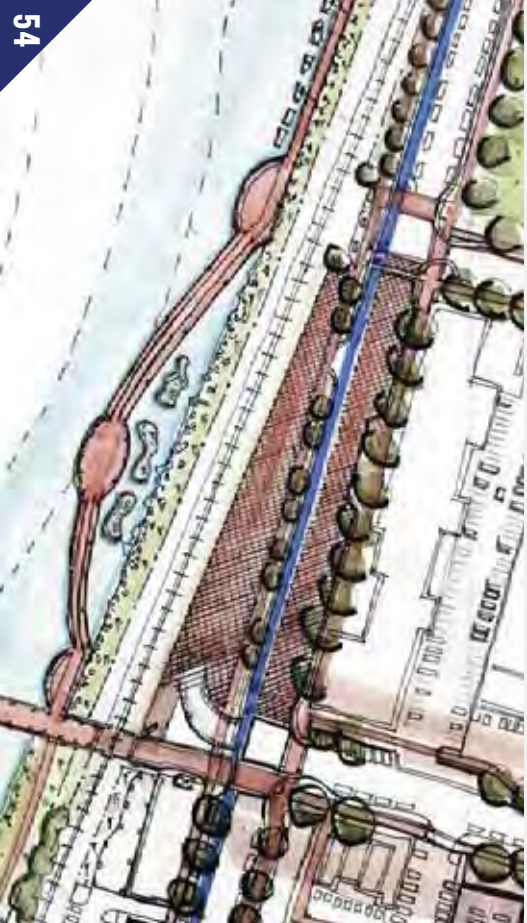


CONVERTIBLE STREET

Lake Street is Wayzata's public marketplace. Creating a street that serves all users, not just automobiles, is an important step toward creating a lively downtown that embodies the small town charm expressed in the value Be Wayzata.

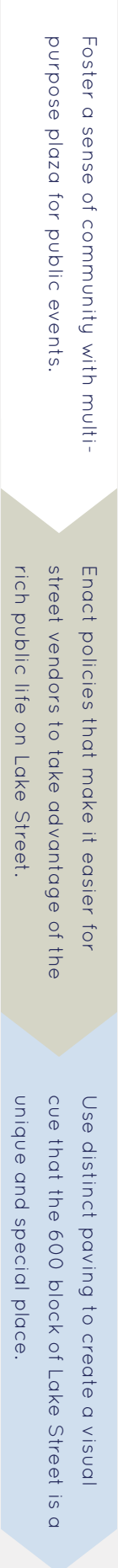
OBJECTIVES

- Create a lively multi-purpose town square
- Provide access for all types of users
- Incorporate green infrastructure
- Create a unique convertible street



Suggested Enhancements		Description	Order of Magnitude Cost
Redesign 600 block of Lake Street		Brick pavers in drive lanes, permeable pavers in parking bays.	\$ 825,000 - 975,000
Widened sidewalk on north side of Lake Street		Wider sidewalk allowing for greater pedestrian movement and patio dining, tree trench & trees.	\$ 50,000 - 75,000
Parking plaza in municipal lot		Brick pavers tree trenches & trees, landscaping design, installation, & maintenance.	\$ 1,100,000 - 1,300,000
Total			\$ 1,975,000 - 2,350,000

STRATEGIES



Under this initiative, Lake Street becomes more than just a thoroughfare for vehicular traffic. It becomes a new town commons, providing a gathering space for community events that accommodates a range of users, and strengthening the connection between the businesses, the community, and Lake Minnetonka.

CONNECTIONS



WALK WAYZATA

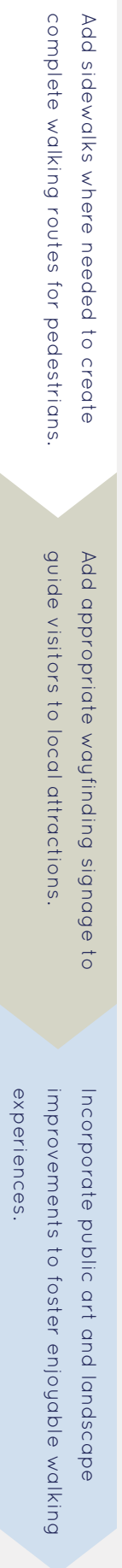
Improved walkability is a public realm improvement that benefits the city. Beautiful and well-maintained sidewalks become part of Wayzata's charm, and visitors view the walk from their car to the lakefront as part of the experience.

OBJECTIVES

- Create complete walking circuits
- Beautify streets with landscape plantings
- Create unique destinations along the way
- Encourage health benefits of walkability

Suggested Enhancements		Description	Order of Magnitude Cost
	Maintenance and repair of existing sidewalks	Patching and replacing broken sidewalk sections.	\$ 100,000 - 125,000
	New sidewalks to fill gaps in pedestrian network	New sidewalks.	\$ 800,000 - 925,000
	Wayfinding signage to lakefront and local attractions	Signage design & installation at key intersections.	\$ 60,000 - 75,000
	Landscape improvements on sidewalks	Landscape design, installation, and maintenance	\$ 150,000 - 175,000
Total			\$ 1,110,000 - 1,300,000

STRATEGIES



Improving and supplementing the existing pedestrian infrastructure creates a more pleasant experience for walkers.

MILL STREET AREA



MIXED USE

Mill Street presents an opportunity to create additional parking capacity without blocking lake views while also expanding the capacity for small, local retail shops.

OBJECTIVES

Create up to 300 new parking stalls

Activate the street with ground-floor retail

Provide trailhead facilities for bicyclists

MILL STREET AREA

Suggested Enhancements		Description	Order of Magnitude Cost
Mixed-use retail & parking		Mixed-use structure with retail bays on ground floor and up to 300 parking stalls	\$ 7,275,000 - 8,600,000
Mill Street resurfacing		New pavement with striping, curb and gutter, on-street parking stalls,	\$ 425,000 - 500,000
Total			\$ 7,700,000 - 9,100,000

STRATEGIES

- Create a pedestrian mall on Mill Street.
- Implement policies to encourage small businesses to locate on Mill Street.
- Incorporate trailhead facilities for cyclists using regional trails.

The Mill Street Ramp provides an opportunity to add parking capacity and create a pedestrian mall lined with small shops. Building on Wayzata's small town charm, this project could incorporate historic architectural styles.

CYCLE TRACK



REGIONAL BIKEWAYS

Wayzata is considered a hub of the regional bike trail system. The Dakota Rail Trail and the Luce Line Trail both run through Wayzata. Many cyclists use the streets in Wayzata as a means of accessing these trails. A connection between the two trails currently exists on Barry Avenue, but most cyclists use Ferndale Avenue to make the connection. In addition, cyclists use Lake Street to move between the Dakota Rail Trail and the Lake Minnetonka LRT Regional Trail.

OBJECTIVES

- Connect regional bike trails
- Provide enhanced trailhead facilities
- Ensure safe access for cyclists
- Position Wayzata as a regional cycling hub



Suggested Enhancements		Description	Order of Magnitude Cost
Cycle track on Lake Street		Raised cycle track, bollards to separate track from pedestrian traffic, wayfinding signage. Cycle traffic would be on a dedicated path, separated from both automobiles and pedestrians	\$ 325,000 - 400,000
Bicycle lane on Ferndale Road		Pavement markings on Ferndale Road shoulders for bicycles, signage.	\$ 23,000 - 27,000
Enhanced trailhead facilities at Shaver Park		Additional parking designated for cyclists, restrooms.	\$ 350,000 - 425,000
Total			\$ 698,000 - 852,000

STRATEGIES

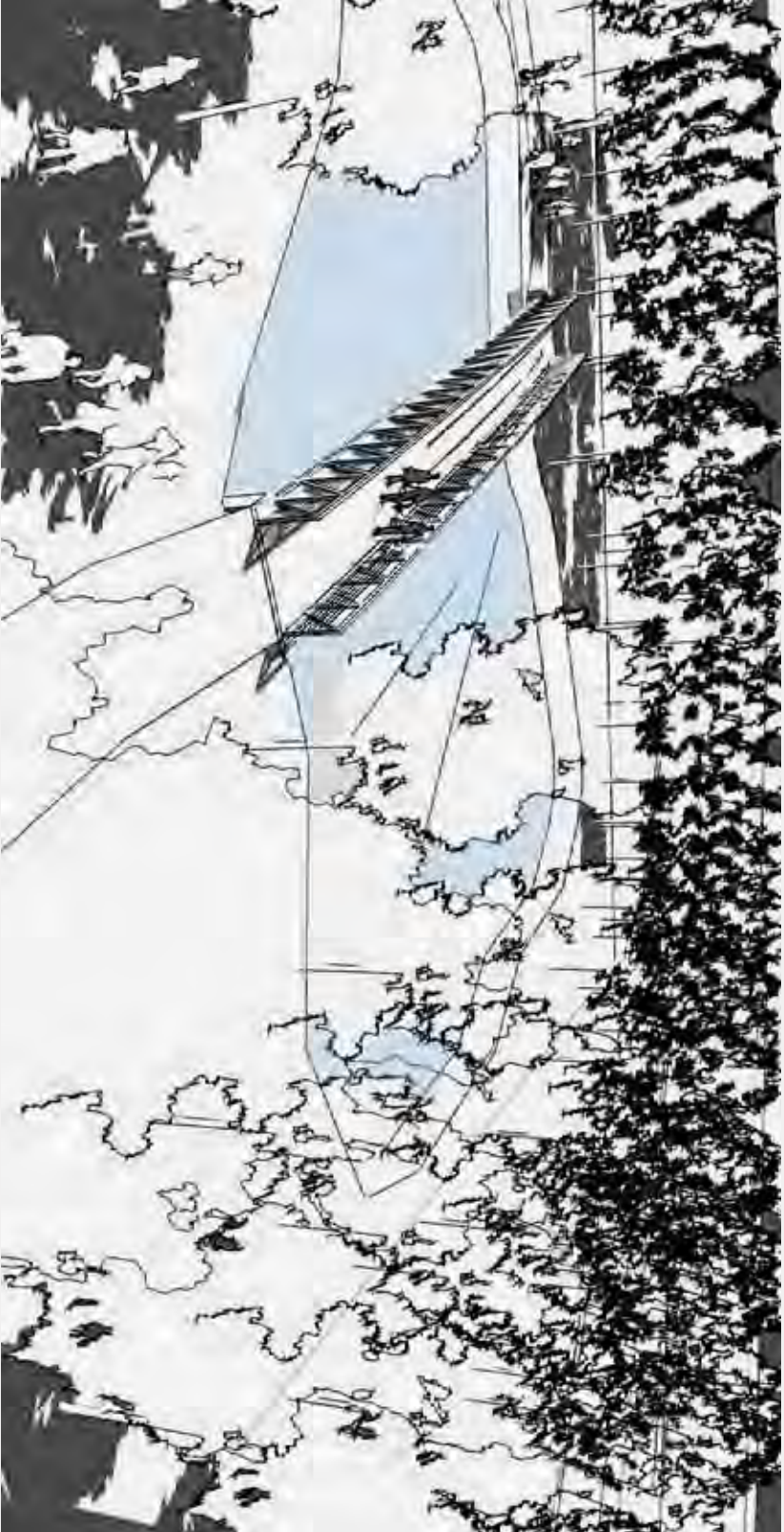
Implement dedicated cycle track to better manage multi-modal traffic.

Enhance trailhead facilities in Shaver Park to encourage trail use.

Work with other regional agencies to enhance the cycling experience.

This project embodies the value Access For All, providing clearly defined and delineated routes for cyclists who use the regional trails in the area. Presently, these cyclists compete with vehicular and pedestrian traffic, creating conflict. Creating clear connections to regional trails alleviates these conflicts and contributes to making the Twin Cities the most bikeable city in America.

BIG WOODS LOOP



NATURE WALK

The Big Woods loop is a walking trail that connects the eastern part of downtown Wayzata to the Big Woods Preserve, the Nature Center, and Heritage Park.

OBJECTIVES

Embrace a natural amenity

Encourage environmental stewardship

BIG WOODS LOOP

Suggested Enhancements		Order of Magnitude Cost	
	Description		
Walking trail from Circle Drive to Big Woods Preserve	Walking trail from Eastern Gateway traffic circle to Heritage Park, prefab bridge over pond at corner of Lake St and Central Ave.	\$ 825,000 - 975,000	
Landscape cleanup	Invasive species monitoring and removal	\$ 50,000 - 100,000	
Total		\$ 875,000 - 1,050,000	

STRATEGIES

Ensure trail meets accessibility requirements for all users.	Maintain natural character of the trail to provide an experience distinct from the developed lakefront.	Provide interpretive features to teach visitors about presettlement plant communities.
--	---	--

The Big Woods Preserve is one of the last forest remnants that predates European settlement of Minnesota. Providing low-impact access with a walking trail lets people appreciate the value of the site. This project demonstrates the community's commitment to Environmental and Historical Stewardship.

WAYZATA LAKE EFFECT PROJECT FUNDING

The initiatives described in this framework document represent \$30 to 40 million of public realm improvements. In our experience, public realm investment typically leverages about a 10- to-1 corresponding investment by private developers. In other words, the proposals outlined in the preceding pages can be viewed as a driver of \$300 to 400 million in private investment in Wayzata's lakefront.

Projects will be funded through a variety of sources. In addition to traditional municipal channels, funds are available through numerous grant programs at the federal, state, and regional levels.

The stewardship body should consider all aspects of a particular project when seeking funding. As an example, the Minnehaha Creek Watershed District doesn't fund bike trail improvements, but if a cycle track incorporates stormwater management practices, such as permeable pavers, MCWCD may be approached to fund that portion of the project.

Private sources, such as philanthropic and corporate foundations, may also contribute funds to public realm improvements. For instance, a corporation with a significant presence in Wayzata has a stake in the community's ongoing vitality. They may be willing to sponsor certain projects, or provide organizational support for implementing the framework. Identifying and approaching these organizations would be a task for the framework stewardship group.

The list of programs in this section not intended to be complete or exhaustive, but rather provides a sample of the variety of grant opportunities that are available. As part of the ongoing implementation of the Lake Effect Framework, the stewardship organization will need to maintain active engagement with funders and continually identify and seek out new funding opportunities.

\$ = \$0-50K \$\$ = \$50K-100K
 \$\$\$ = \$100K-500K \$\$\$\$ = \$500K+

Agency or Organization	Program
FEDERAL	
DOT/Federal Highway Administration	Transportation Alternatives Program
	Congestion Mitigation and Air Quality Improvement
Dept of the Interior	Preserve America Program
STATE	
Minnesota Dept of Natural Resources	Various
Minnesota Historical Society	Legacy Fund: Historical and Cultural Heritage Grants
MN Pollution Control Agency	Clean Water Partnership
MN Legislature	State Bonding
REGIONAL	
Minnehaha Creek Watershed Dist.	Various
Metropolitan Council	Livable Communities Grant: Demonstration Account
Hennepin County	County Aid to Municipalities Program
	Bonding
LOCAL	
City of Wayzata	Capital Improvement Plan
	Special Service District
	Other Local Sources
PRIVATE FOUNDATIONS (for illustration only)	
BNSF Railway Foundation	Various
Cargill	Various
McKnight Foundation	Various
TCF Foundation	Various

Purpose	Cycle	Range
Replaced prior Transportation Enhancements program, includes bike facilities and conversion of rail corridors for bikes; recreational trails program is under the TAP. (Administered by MnDOT)	Annual	\$-\$\$\$\$
Non-recreational bicycle transportation and pedestrian improvements that provide a reduction in single-occupant vehicle travel. (Administered by MetCouncil/Transportation Advisory Board)	Annual	\$
Provides funding to designated Preserve America Communities to support preservation efforts through heritage tourism, education, and historic preservation planning.	Quarterly	\$-\$\$\$
Multiple grant opportunities to support water quality initiatives, use and conservation of natural resources, habitat and wildlife initiatives, and parks and trails.	Annual	\$-\$\$\$
Grants available for a range of uses for historic resources, including preservation.	Annual	\$-\$\$\$
Grants and loans fund projects that address a nonpoint-source pollution issue.	Annual	\$
Capital investment for publicly-owned assets and infrastructure of statewide significance.	Biennial	\$-\$\$\$\$
Multiple grant programs designed to support water quality initiatives.	Varies	\$-\$
Supports redevelopment that links housing, jobs, and services and demonstrates efficient and cost-effective use of land and infrastructure.	Biennial	\$-\$\$\$\$
Pedestrian and Bicycle Capital Improvement Programs may be prospective sources for established routes.	Annual	\$-\$\$\$
The County is authorized to issue Open Space bonds to fund park projects.	Varies	\$\$\$-\$\$\$\$
Minnesota cities are empowered to fund capital improvement projects directly.	Ongoing	\$-\$
In partnership with property owners, the City can propose and implement a special service district for particular priorities in the area.	Ongoing	\$
Some Minnesota cities have used strategies such as time-limited special assessments or dedicated sales tax as methodology for supporting certain projects or public improvements.	Ongoing	\$-\$\$\$
The Foundation is dedicated to supporting the communities we serve and in which our employees live, work, and volunteer.	Varies	Varies
Our giving is directed within our focus areas of food security and nutrition, education and environmental stewardship.	Varies	Varies
We aim to build and maintain vibrant communities; enrich people's lives through the arts; encourage protection of the natural environment; and promote research in selected fields.	Varies	Varies
The TCF Foundation, the philanthropic arm of TCF National Bank, extends charitable contributions to 501(c)(3) non-profit organizations in education, human services, community development, and the arts.	Varies	Varies

WAYZATA LAKE EFFECT

ACKNOWLEDGMENTS

Thank you to everyone who made the Lake Effect project a success.

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Andrew Mullin

Tom Tanner

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MINNEHAHA.

TUGBOAT

APPENDICES



THE FOLLOWING APPENDICES provide supplemental and background information about Wayzata's lakefront and the Lake Effect process.

APPENDIX 1: COMMUNITY INPUT

Phases One and Two of the Lake Effect process involved extensive community engagement to articulate the community's vision for the lakefront and develop ideas about how that vision could be realized.

APPENDIX 2: LAKEFRONT SCAN

Before working on the development of the framework, it was necessary to understand the characteristics of the site and its regional context. The lakefront scan presents a compilation of the city's environmental, social, and economic assets.

APPENDIX 3: HISTORIC PLANS

Throughout Wayzata's history, a variety of plans have been put forward for the lakefront. These plans help us understand the value of the lakefront from a historic perspective, and can inform the work that follows the adoption of this framework document.



APPENDIX 1

COMMUNITY INPUT

PHASE ONE COMMUNITY INPUT

- 9/8-9/9/2012: James J Hill Days
- 9/11/2012: Lake Effect Kickoff: Inspiration from Around the World
- 12/18/2012: Presentation of Community Values to Wayzata City Council
- 1/15/2013: Community Values Open House
- 1/16/2013: Chamber/Rotary Luncheon: Lake Effect Update
- 1/22/2013: Presentation of Phase 1 results to City Council



PHASE TWO COMMUNITY INPUT

6/1/2013: Community Design Workshop #1

6/6/2013: Community Design Workshop #2

6/11/2013: Community Design Workshop #3

6/20/2013: Community Design Workshop #4

7/16/2013: Presentation of Design Workshops to City Council

8/13/2013: Community Open House: Scenario Alternatives

9/7-9/8/2013: James J Hill Days



WAYZATA LAKE EFFECT

600+ IDEAS

During the four design workshops in Phase Two, community designers generated over 600 ideas for improvements they would like to see on the lakefront.



Independent Submissions

Amphitheater, Beach/Shaver Park
Lakeside Park, Expand Depot Park
Boardwalk, Shaver Park to Starbucks
Boat Museum, Next to Depot, Eastman Swamp
Bridge Over Tracks, Sunsets
Curling, Roof Top Park of Muni Ramp
Community Center/Sculpture Garden,
Sunsets Parking Lot
Lawn Bowling, Muni Parking Ramp
Roof
Public/Private Marina, 3 Locations,
Beach Park, Center, Roadmaster
Transient Boat Slips, All Along
Boardwalk
Boardwalk Concept
Native American Lake Heritage
Museum, In Front of City Library into
Hill, Eastman Swamp
Rooftop Dining, Woulette's Building,
Meyer's Dairy, Muni Ramp
Roundabout with Public Art/Fountain,
In Front of Hotel for Pres Homes
Swim Lane, Location TBD
Tree Lined Gateway, Bushaway Road
to Roundabout
Ped Tunnel Under Tracks, Sunsets/
Starbucks/Boatworks
Visitor Center/Public Bathroom,
Renovated Beach House
Public Art
Parking Ramp on Mill Street
More Docks for boats and people
Board Walk that includes access to
the Depot
Public Restrooms
The new bicycle path needs to start
closer to downtown Wayzata
More benches
Historical markers on downtown
buildings
Wayzata Historical Society needs to
display their possessions in space??
Entertainment
Sampling Space where local wineries
could have taste testing. It could also
be used by other business's that want
to display their wares.
Long term the city need to build a

parking ramp by the beach.
What about a Trolley like we used to
have?
We need a tourist Go-To place for the
tourists: museum, train display, etc.
We need the Chamber to be re-
located, so the Wayzata Historical
Society could housed, with displays in
the Depot Building

Workshop 1

Canoe/Kayak Rental at beach
Yoga on the beach
Food carts on beach, Food trucks
More picnic tables
Extend walkway (boardwalk) over
water east of Depot
More upkeep of rental properties and
sidewalks along Rice & Superior
Walking/step access up hill at Wells
Fargo
Garbage cans needed throughout
Benches on east end of Lake needed
Footpath (paved) access to Foreman's
house.
Better upkeep of Foreman's house yet
keeping area natural; add benches &
picnic tables
Need sidewalk on west side of
Broadway
Public restrooms
More public boat docks needed;
include large pier on lake
Need to be able to walk along lake
east from Depot
Better use of Section Foreman's House
Parking structure
Consistent sidewalk maintenance
Improve landscaping of city sidewalk
areas
Boardwalk from Rice Creek to west
Meyer's Dairy & East: opportunity for
redevelopment
Bike trail connections
Train garden
Reclaim lakefront parking for lake
access (i.e., Sunset's pkg lot)
Addition of natural features along
Lake Street (trees, planters, etc)
City design requirements for homes

Utility building blocks view of lake from Blue Point

Boulevard needs landscaping attention

Station Foreman's house underutilized - boat rental

Lake/Superior crossing needs to be more ped friendly

Lighter-Quicker-Cheaper: Short term experiments like conversation pits, multi-use farmers market space

Waterfront connection: continuous walkway

Lake walkway: close enough to touch the water; interactive experience of the lake

Maintain views of lake

Promote Wayzata as a walkable city

Maintain natural elements

Add benches on lakefront to triangulate conversation

Underutilized west end needs development

Create trailhead for Dakota Trail

Fire pit at Depot

Biking as driver of economic growth

City policy to enforce maintenance of rental properties

Height limitations on construction

Maintain natural quality of Rice Lake/ SF House but make more accessible

Balance of boaters, walkers, bikes on Lake St

Wetland at SF House needs cleanup

Excursion boats

Shaver park improvements

Rooftop hangouts

West end as destination

Stepped access on Rice St

Pilot (inexpensive) projects - see what works/doesn't work

Handicap access

Multi-use street (Nice, France; Central Park)

Ease RR crossing

Areas for exercise - e.g. Library steps, along lake

Improve aesthetics of fencing @ Met Transit parking; more natural

Farmers Market at Lakefront

Retain views of lake

Branding - take the snootiness out of Wayzata (perception/image)

Books - library, bookshop

Boutique shops, local businesses

Offer activities for whole family - parents, grandparents, children, teens

Microbrewery at Meyer Bros Dairy

4 Season activity on Lake - Skating

Shaver park: Family Friendly

Bike rentals at Shaver park

Pavilion in Shaver Park - event/ performance space

Concert/movies at Depot

600-block: Active Zone

Lake street pedestrian only on weekends

Section Foreman house: "reflective", meditation garden

Structure parking along Mill St west of Muni

Complete streets on lake - supports bike/walk

Roundabout

Opportunity to age in place

Exercise: boot camp stairs by library

Trailhead near beach

Make Lake St bike friendly

Development opportunity at Boatworks

Meyer Bros Dairy revitalization

Better visual/physical connection to west side

Outdoor dining at Boatworks

View of lake along 600 block is sacred

Lake walk - NOT a boardwalk, more natural

Water taxi

Need sidewalk along Broadway

Sidewalk along Circle A Drive

Connection down to lake at Sailing School

Ice Skaters road across lake in winter

Fill or structure along lakefront

Development at West End/Meyer Bros Dairy

More boat parking

Nature reserve with boardwalk east of strip, mall at Circle Dr & Lake St

Improve connectivity from Shaver Park (trailhead) into downtown

Shaver Park: promote & educate re: ecology

Pier at beach

Steps down to the water

Winter bonfires on lake

Extend shoreline (fill)

Ice skating, CC Skiing, broomball on lake (winter)

Improve view of city from lake

Reconfigure Sunsets block

Multiuse/convertible space in Sunsets parking lot

Utilize commercial parking for Art events on weekends

Activate Shaver park: bikes, boats, kiosks

Make docks more inviting

Love RR - keep as is

Barry St RR crossing needs to be ADA

Point)

Rail transit to/from Minneapolis

Shade canopies

Pop-up restaurants

Tunnel under RR

Enforce rental property maintenance

Sidewalks/connections

Boardwalk retaining - pedestrian connection

Legible walkways

Park benches

Auxiliary building in Shaver Park - use?

Walk-up rental & concessions in restroom (Shaver Park)

Coordinate signage

Landscaping along Superior

Additional restrooms, visitor center at beach/Shaver park

Connection: quiet ends, lively center



compliant

Public art

Museum at Depot

Access across RR needed at Minnetonka Ave

Enhance landscaping on RR property

RR Rides for kids & kids at heart

Celebrate RR theme & RR movement

RR themed gateway at Broadway

Improve aesthetics or remove utility building (blocks lake view from Blue

Views from lake of backs of shops is unsightly

Welcoming piers

Presbyterian Homes looks too massive

Muni building looks cheap, like a moved-in old barn. Let's not use this architect again.

Junk, plastic, etc thrown in hillside opposite 815 Rice (apts) & next-door apts on Rice/Grand

930 Rice (apt) unkempt lawn, all



dandelions

Let's keep all big shade trees on Lake Street, don't listen to offices, stores, apt owners who want to remove them - these trees belong to ALL people. Library area outside for little kids is beautiful but needs shade trees on west side against afternoon sun. Lovely, peaceful area at Rice Lake should be kept as a park, NOT developed.

Section Foreman's house: coffee shop, other uses?

Rice Creek park - keep natural, beautify

Historic Rice Creek

Continuity/fence - path of desire along tracks from Depot to Sunsets

Access under tracks (tunnel) at Broadway

Connect to Section Foreman's house

Milfoil/weeds along lake at SF house - needs clean up

Convention Center at Boatworks

Activate Post Office & park

Keep shoreline natural, but make ADA accessible

Butterfly garden at Shaver Park

Docks to lake/Harbor to natural Lakefront at DT is a sacred zone

Expand public docks east toward SF

house

Better purpose for open space along Barry

Sunsets parking: historically was green space

State bank/Restrooms & Visitor Center (corner of Barry & Lake)

Boardwalk goals: Commerce generator - boat rentals, food

Indoor/outdoor theater

Protect & promote lake views via policy

Promote small scale local businesses/ startups

SF House: party rentals

Hotel

Hardware store

Drug store

Open streets/Summer streets

Embrace winter season

Activities are different from commerce Bandshell

Need an east bike trail

Give people options for activity

Shaver park needs better signage, better aesthetics (more welcoming)

Activities for Shaver Park

Rice Lake/SF House: Natural habitat, minimal investment, preservation area - a pedestrian destination

Reclaim parking

Attract & welcome boaters, more like

Excelsior does

Family friendly activities

Skate park

Creative public spaces

Build upon desire lines

Respect natural beauty

Keep lakefront open from Broadway to Minnetonka

Quiet the RR whistle

Put RR in tunnel

Reschedule RR

Move RR in one right-of-way

Better regulate access across/over tracks

Signage czar to coordinate & regulate safety/visual pollution

Convert commercial to public parking at certain times

Make lakefront an educational experience

Address small wheel (baby buggy & walker) issues at rail crossings

Let people touch the water

Create seating for gathering

Draw people from Dakota Trail to lake

600 block of Lake St widen 6 feet on north side

Table benches drainable

Separate bikes & walkers

Lake front ecology & education

Need continual contamination alerts

Need bioswales/pollution control

Need better notices of beach OK to use & under control

Get rid of fences behind & east along RR

Clearly identify ped access

Landscape aesthetics along track

Hide Biffy

Five Swans Preservation

Openness in center of shore

Fish house contamination

Geothermal @ WB Development

Keep trees for shade

Policies for Arch - unique theme

No Biffy

Additional trash cans

Interpretive/Historical signage/kiosks

Workshop 2

Bandshell - east or west bookend

Gateway to Lake Mtka

Boardwalk/lake walk

Consider parking

Feels like a vacation

Fire pits & gathering spaces

Floating restaurant

Shops behind Sunsets - extend view to lake

Bridge across RR Tracks - access & safety

Nice Ride/Rental/cater to bike/restaurant

Bike Lane

Native American museum

More use of Shaver Park

Stormwater treatment before water gets to lake

More docks

Arch boardwalk from Sunsets to Depot

Skating on lake

Dakota Trail connections

Brewery at Meyer Bros Dairy

RR Museum

Fountain at Lake St

Connect to Luce Line trail

More gathering spaces & benches

Valet in downtown

Parking/close lake access

Trolley/Fundriser

Junior High lot

Park & Ride



Spread out use/activities
 Milfoil cleaning stations
 Use the space of the shore
 Sunsets parking lot could be so much more
 Boatworks/Shaver Park – Restaurant
 Shaver park – more visible, more places to sit
 Bandshell in Shaver Park
 Fur traders cabin – move into Shaver park
 Split kayak/paddleboat use from beach
 Some don't like feel of 600 block – architecture, too close to parking
 Lake street feels bare – no real shade trees
 Old shops vs modern architecture – what is theme?
 Train – some find enjoyable, family friendly (fun for kids to see)
 Train is part of our history, live with it & accept it
 Train is a barrier to the lake
 Get over the tracks with glass elevator system
 Historical walking tours for kids, make more visible
 Create park in Sunsets parking lot
 Connection from beach to foreman's house
 Walker street feels like a barrier – people don't know there is more to see



Depot – add interactive things, sculpture for children
 Educate people that depot is there
 Bring people down to docks at Depot
 Schools should be tied
 Continue shops, buildings, etc so people know there is more to see towards Boatworks, depot, etc.
 Move offices to the west down Lake St
 Let the connection be a boardwalk for fishing and transient boat docking
 Environment means water quality of lake – does city have standards to reduce runoff? Need to consider this
 Wayfinding/signage history needed.
 For biking history, etc. Like the Grand Rounds signage; 3 Rivers does it well.
 Campanile idea for Great Tower – icon & views. Maybe this should be up on hill by library
 No port-a-pottys. Put restrooms in buildings (we can't all go)
 Bring back the movie theater in 600 block.
 Meyers Dairy rehab – Entry
 More ramp parking by Muni
 Valet parking at waterfront (Sunsets lot)
 Green path from Depot to SF house
 Parking along Lake St across from new development on east side
 Garden at SF house
 Movie theater/multi-use performance space
 Small-town businesses meeting daily needs of residents
 Cheaper rents
 Tax incentives for local businesses
 Farmers market, bike rentals at Boatworks
 Museum at SF house
 Outdoor food-court style seating for restaurants
 Auto-free times on Lake St – pedal cabs, horse carriages, foot traffic
 Rooftop decks
 Revive Mill Street
 Winter activities – snowshoeing, skating like Rockefeller Center
 Yoga on beach

Amphitheater in Shaver Park
 Parking concerns/lack of parking – distribution along lakefront, off of lake street, ramps
 Art in Wayzata – art fairs, galleries, public art
 Balance development along lakefront
 Bring back trolley
 Go slow with development
 No inexpensive housing
 Keep building height down
 Increase building setbacks
 Vertical mixed use
 Meyers Dairy – service bikers
 Artist studios in Meyer Bros building
 No more office buildings
 Access for boats/kayaks/canoes (from

Keep Sunsets parking lot as is
 Cruise trips
 Water taxi
 Food boats (like food trucks, but on water)
 Boat piano bar
 Dining out on the water
 Add trees, flowers, grass all around city
 SF house as ecological area
 Dining train trip
 Rooftop restaurants with piano bar
 Bridge over RR
 Create community center for condos north of Muni parking lot
 Access points should announce Wayzata character, introduce & celebrate Wayzata



beach)
 Warming hut on lake for ice skating in winter
 Garden park at depot
 More access points to lake & places to inhabit
 Historic & interpretive signs at Depot
 Interpretive kiosks
 Bricks bad on Broadway
 Segway
 High class piano bar
 Bandstand at lake front (Walker Ave)

Bike lane on Lake St to connect Dakota Trail
 Repurpose existing buildings
 Brick walkways are dangerous
 Lake edge path/boardwalk & universal access toll
 Shuttle boats to other communities
 Food barge
 Kids fishing
 Develop more lake habitat
 Preserve green spaces
 Better & more wayfinding – create

iconic symbol
 Park to communicate Wayzata better
 Be Wayzata – go slow & sure
 Boardwalk from Section House to Yacht Club
 Build on RR history
 Healthy lifestyle
 Direct Lake St to Gordon Park
 Better canoe access to lake

Workshop 3

Create winter area at beach
 Extend Dakota trail connection into town
 SF house: winter area on lake
 Rentals at SF house
 Break the barrier (fence) along tracks east of Broadway
 Focus on two blocks from Broadway to Minnetonka
 Don't forget Spirit Island – connect to Native history
 Any steep grassy slope should be planted with native grasses
 Area for sale at corner of Broadway & Indian Mound –create terraced green or green roof plaza on top of parking ramp expansion
 Sunsets parking – move parking, create green space (music/dancing?)
 Bring Indian Mound Rd through to Walker
 Could there be a loop road – get traffic off of Lake St
 Different zones for different activities/programming – use public art to represent zones
 Winter kite flying
 Active areas vs private or passive
 Nice Ride bike rentals
 Create more access to the lake
 Play up the idea of different activity zones/different views: Recreation vs History vs Passive vs Business/Restaurant. But history is everywhere so on top of hill/mounds could be a starting point for the views/tour – frame architecture to visually connect to Spirit Island
 Stormwater management solutions –

consider design e.g., under Grey's Bay Bridge, headwaters behind Minnetonka City Hall
 Create Art District up Minnetonka Ave – use Post Office, draw people up the street
 Create an iconic fountain
 Rent paddles & canoes or license to be fishing guide. Not sure where this is located. Non motorized, rent bikes area, pedi-cab
 Med Council pump station is smelly
 Access for peds by RR barrier would automatically go down & not be able to go between buildings east of Starbucks
 Detention pond & creek outlet at SF house area
 Hire someone to live at & renovate SF house rent free, use building for city purposes
 Great access for lake @ beach, the place the makes
 Dairy as farmers market, retain history
 State Bank is important to save – chamber of commerce, art gallery, coffee house
 Design matters – does it matter, store front architect is a can of worms
 Beach area is more lively, section house is more passive
 Green roofs, urban agriculture/public gardens – bring up slope into town
 Safe harbor area for canoes/kayaks near SF house, connect to the natural habitat edge idea.
 Farmers market at Meyer Bros, develop as a destination
 Public art in Shaver Park
 Outdoor dining at beach/park
 Safe boat launch at Depot
 Lake street – Trolley, bike, ped, rickshaw lane
 Fountains to buffer noise in condo green space on Lake St
 RR crossing needed at Walker
 Preserve lake views from Library green Parking & winery on Mill St
 Lake Street as pedestrian only zone
 Remove Sunsets parking lot
 Public boat park with sign
 Welcome sign at Broadway for visiting boaters
 No on-street parking on lake street
 Floating island
 Fountain on the lake
 Canoe carnival/parade
 Ice road to Excelsior
 Lake as large skating rink in winter
 Water taxi, ducks, trolley boat
 SF House – improve pond aesthetics, renovate & use as recreation rental location
 Gate crossing on RR with movable



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panels to block crossing when trains pass through & signage when train will arrive
 Indian museum built into hill south of library
 Connection needed from SF house east onto Lake St
 Economic development tools for small businesses
 White noise fountain
 Create Wayzata icon
 Better pedestrian circulation
 Remove Sunsets parking
 Diversity west end businesses
 Attract people to west end
 High tech sensors for parking
 More public bathrooms
 Engage community in volunteerism
 Light the lake – summer or winter
 Have non-intimidating visitor experiences
 Use technology for connecting
 Renovate SF house for all-season rental: pedal pubs, skis, bike, canoes, snowshoes, ice skates, warming house
 Special attraction for out of towners
 Lake edge seating
 Concert on the lake
 Build more vigor one block north of Lake Street
 Spread out attractions/services
 Quaint, unique waterfront, family friendly, diverse, relaxing



- More outdoor dining
- Bronze animal statues for kids to climb on – interactive
- Diverse design eras
- Bring back trolley
- Lake Minnetonka interurban
- Event rentals at Depot
- Additional development on west end
 - hardware store, movie theater, bait shop, farmers market, coop
- Welcome & incorporate teens – teen board, teen center
- Retain summer feel in winter
- Floating platform for performance space, fireworks, etc
- Connect lake communities with winter activities
- Parking ramp with green roof for activities on Mill St
- Nighttime use
- Fill in harbor on west side, expand
- Shaver Park, move boat slips out onto lake
- Water Skiing
- Marquee announces train arrivals
- Steam engine
- Caboose concession stand
- Lower the train tracks (but not underground)
- More at-grade crossings
- Move RR tracks north to create more space near lake
- Fountain at condo lawn

- Fire pit alcoves
- Tai Chi on beach
- Parking overflow to HS
- Concerts/arena for concessions
- Bandshell in Sunsets parking lot
- Lake cleaning island
- Thoughtful mix of old & new buildings
- Family friendly bike path
- Sliding hill in Shaver Park
- Meier Bros building as teen center/ theater/cultural center with rooftop garden
- Sensor to alert people to coming trains
- Reroute traffic from Lake Street to Rice St.
- Outdoor dining
- Dog park / Pets matter
- Boat rental at Foreman's house
- Music - bandshell
- Lake-cleaning island w/ entertainment on top
- Flowers on Walker
- Ped & Bike friendly
- Lake Access
- All-season activities
- Trolley + Stops
- Access connections - East to West
- Concessions on the lake
- Capitalize on topography: Views of Lake
- Convert Sunset's parking lot to public plaza
- Section Foreman's house - programming
- Meier Bros Dairy - reuse
- Ecological enhancements - native plants, habitat
- History & Nature - art work
- Bump-ins: curbside drop-offs
- Bike rentals
- Programming for City Hall/Library
- Green space
- Touch the water
- Farmers market
- Close some parts of street to autos
- Convertible street - e.g., closed Sundays
- Maintain quiet area at SF House
- Extend Indian Mound street to reduce traffic on Lake St

- Foreman's House - museum, café
- Blue Point access
- Spread out attractions beyond 2-3 blocks of Lake St
- Rooftop decks w/ lake views

Workshop 4

- Lake walk - all seasons
- More boat docks/pier
- Winter activities - ice skating, skiing, etc
- Bike rentals
- Parking
- SF house: family activities
- Boat/canoe rentals
- Reorient businesses to focus on lake
- Dairy should be pub/brewhouse
- Advertise businesses near post office park
- Music festival/bandshell
- Preserve small town feel (scale)
- Build aesthetics to enhance business activity
- Signage: uptown, downtown, neighborhoods
- Walkability, bikability
- Service businesses (hardware, clothing, etc)
- Policies to attract "right" businesses to town
- Reconfigure Boatworks parking
- Connect/move trailhead for Dakota Trail
- Be mindful of project phasing
- Incentivize business development westward
- Need picnic areas
- Make it attractive to bike through town
- More kid-friendly winter festivals
- Food trucks by local restaurants
- Shops for young families on Lake Street
- Be able to touch the water
- Visitors are important!
- Shaver park - needs to be more active
- Clarify signage, esp for visitors as they enter Wayzata
- Architecture contributes to charm
- Need more handicap accessible parking

- JJ Hill monument @ section house or depot
- Bridge over railroad, but don't block views
- Curve lake street toward lake in 600 block
- Winter events on the lake
- Don't lose any parking – it is all used/ must remain
- Balance visitors with residents
- Welcoming gateway
- Convert Sunsets parking to green space
- Boardwalk on the water with seating options
- Re-examine permit area (more parking for Dakota Trail)
- Safe overpass of RR
- Better signage/wayfinding to the lake
- More interpretation of RR (destinations, what it's carrying)
- Structured parking with green roof by Muni (don't obstruct lake views)
- Sidewalk too narrow on Minnetonka Ave
- Address utility boxes
- Need facade enhancement on Walker St
- Shaver park underutilized
- Revitalize west end
- Keep buildings low
- More piers & docks
- SF House – revitalize, add tea room, rental space, bike, food
- Expand along entire lake front
- Train can't be stopped/blocked
- Underpass under RR
- Second RR line – Folle/Fun RR activity, pump vehicle/RR)
- Keep natural lake edge
- More places to fish
- Share the lake
- Bike safety
- More inviting lake access – "gateways"
- Attract multi age
- Connect bike trail through to Boatworks
- Curve Lake street out toward lake to create plaza at 600 block
- Architecture – keep scale, mix

materials

More tables

Enlarge sidewalk/sidewalk seating

Move utility building next to SF house

SF House – potential bandshell or reuse

Limit Lake Street parking – one-way traffic with bike lane

Maintain small-town feel

Programs that enhance small-town feel

Businesses that support local needs

Bike racks in downtown

Connect Dakota Trail & Luce Line

Connect bike trails eastward

Fix traffic conflicts

Bury utilities, better landscaping

Repurpose building on Barry Ave (private parking)

Boardwalk around docks at Boatworks Building

Lakewalk (all seasons)

Draw people east to west

Broadway pier

Reorient business/expand toward lake

More parking near Boatworks, bike access

Dairy as greenhouse – fresh produce

SF house – more family activities, ice rink, warming house

SF house – maintain historical site, B&B

Bathroom near Sunsets by train crossing

Amphitheater in Shaver park

Better signage

SF House – car free; history; catering

Rip-rap is bad on shore – prevents people getting to water

Art fairs on the water

Farmer's market on Mill St

"Charm" – architecture – history, preservation

Need more handicap accessible parking by Muni

Access to service businesses

Break up building facades

Draw business development west with incentives

Trail brings in tourism – is there more we can do? Marketing for "Come back

Eastman



visit"

No good picnic spots – need more picnic tables

Shops for young families on Lake Street

Enhance area around SF house

Visitor Center along lake, glassed in for view

Floating pier/ "green"

Public restroom on west side of Sunsets parking lot

Retail opportunities on Indian Mound

Market Lake Street from Bluff Area

Embrace railroad – incorporate into downtown

Safety concern – sight lines at Rice & Walker intersection

Roundabout could be option? Safety at Ferndale with bike crossings

Glass-bottom boat to see ecology of lake

More public docks – do people know they are public? Need signage

Connection – gardens, public arts

Dakota trail connections

Love flowers – natural but maintained, concern for invasive species

Improve holding pond at SF house (ecology focus)

Trail connection at Bushaway via Eastman

Connection for biking along tracks vs on street (don't make it all about bikes)

Meyer Dairy – some retail/community engagement /business opportunity

Like eclectic mix – don't prescribe design too much

Murals on blank walls or electric panels cover with art

Stretch connections west/east for commerce

Expanding sidewalk in 600 block (how to accommodate parking? Important for downtown)

Structure parking considerations at Mill Street – negative feelings about West End parking, option for valet

Attract people off lake

Bring back trolley

Lake views – Trimming trees/ protecting eco; The right trees;

Gardens; Character of lake

Walker street needs better sidewalk – ped safety & landscaping (plantings)

Depot as "Heart of Wayzata"

Landmarks – Volunteers, people's history, boat building, signs/walking tour

Educational partnerships – regional colleges, sailing school

Winter – dog joring

Delivery to boats

Bird watching, picnicking at SF house

Footbridge over RR at Broadway connecting to SF House

Catering from Muni to SF House

Outdoor dining

Fire pit at raised garden

Bridge over RR tracks at Walker but don't block view

Crossing arms for ped crossings on

Shade structures in Shaver park

APPENDIX 2

LAKEFRONT SCAN

LAKEFRONT SCAN

Background research and notes.



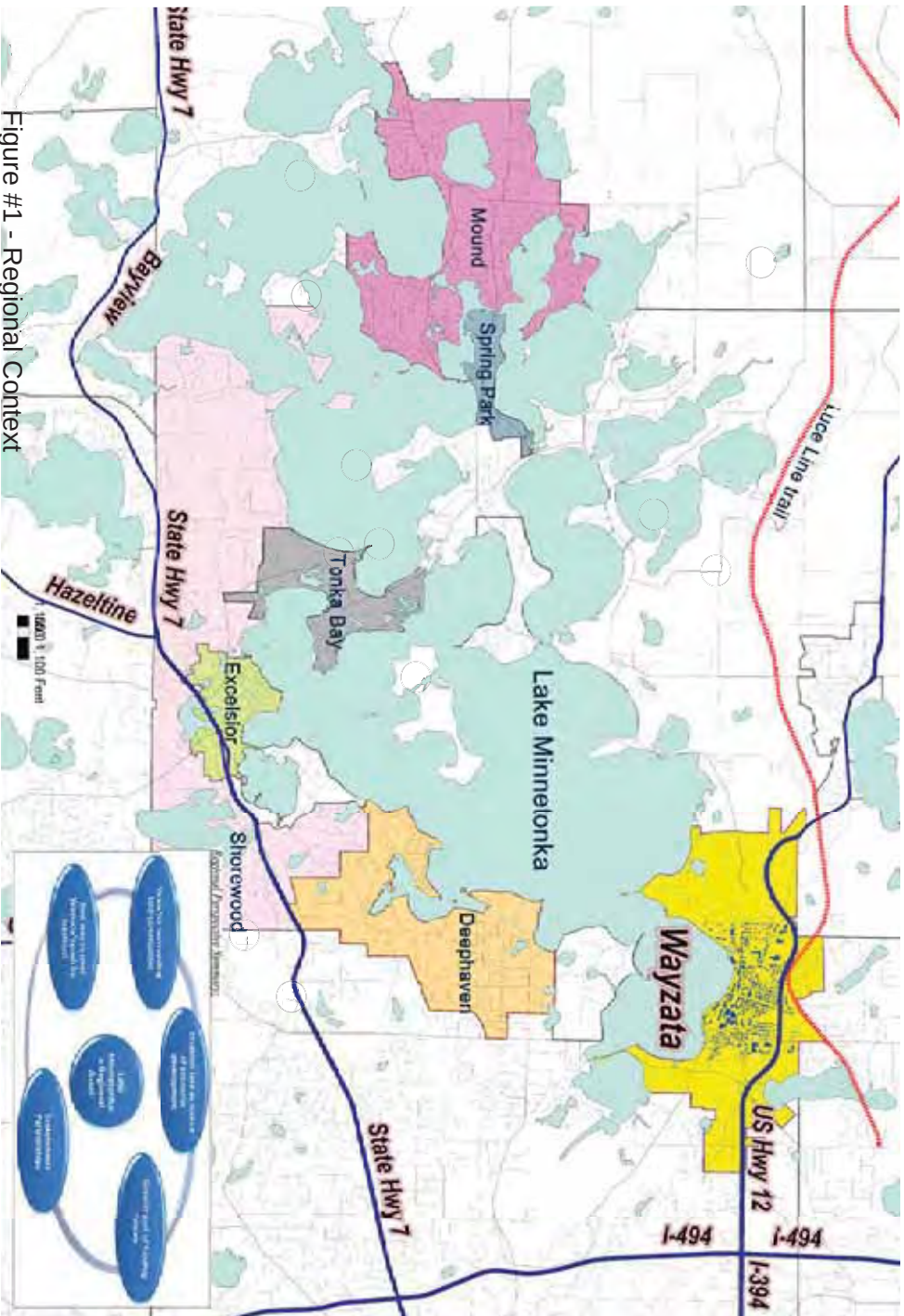


Figure #1 - Regional Context

Regional Perspective Benefits:

Wayzata has always been a regional player in attracting visitors. Now more than ever during stressful economic times, our businesses need visitors. Neighboring communities to the north like Plymouth and Maple Grove have heated the competition within the marketplace by building and integrating large retail spaces throughout their community to persuade their residents to shop within city limits. Healthy cities must have healthy businesses, and Wayzata historically has attracted consumers outside of our city limits. This intense marketplace competition demands that we fortify our sovereignty as a regional "go to" destination. Our city's marketplace is not only an image that comes to mind when one thinks of Wayzata, it is a vital part of our city's financial infrastructure, and integral in supporting the local tax structure. Promoting and sustaining our city's economic viability by welcoming visitors and effectively shaping their visit experience by offering safe and unique amenities is vital not only to visitors, but first and foremost to our own residents.

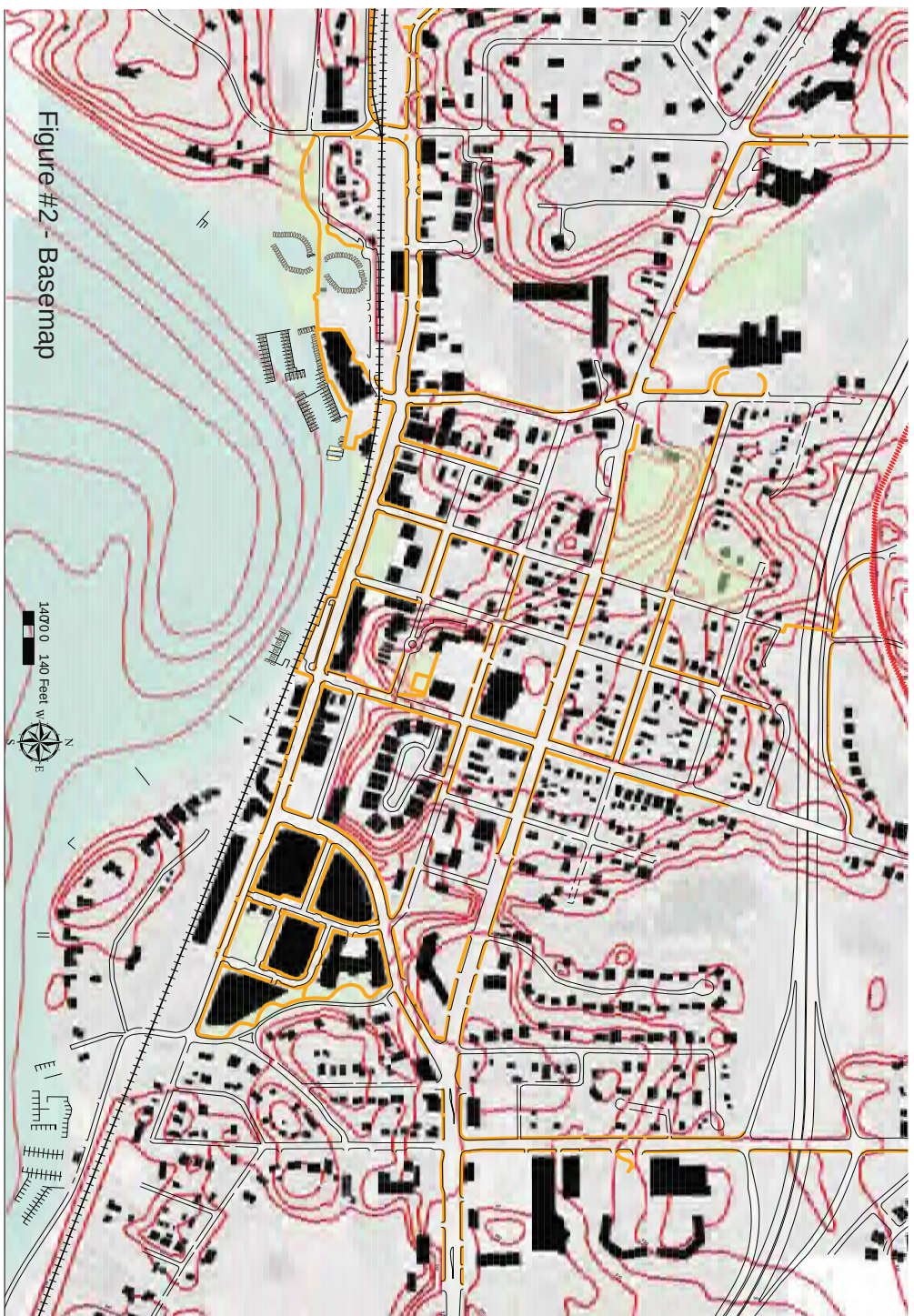
Throughout discussions within the Lakeloft taskforce, as well as with the various stakeholders, the question of whether the process benefits Wayzata only or if the focus of efforts benefits the region as a whole came up again and again. As advocates for and stewards of the Wayzata lakeloft, the taskforce recognized that all improvements to the lake enhance it for all that come to utilize and share in its vitality. It would be narrow-minded of the taskforce to not incorporate a regional perspective within the planning process developed for Wayzata's lakeloft. And in turn, the benefits that are developed for the region serve as benefits for our community. It is recognized that being a gateway to Lake Minnetonka is a gift to not be taken lightly. With this in mind, several benefits can be identified when incorporating a regional perspective into the community planning process and they are as follows:

Goals:

- Draw from surrounding lake communities.
- Tie in to regional recreational elements.
- Utilize Lake Minnetonka popularity as catalyst for economic prospects
- Partner with all Lake Minnetonka communities as a whole

Base Map

Base Map figure #2 will be used as a base upon which additional data and synthesis can be overlapped or compiled. The Wayzata Lake Effect Phase II design workshops will use this map as the point of departure where the citizen designers' ideas can be keyed into specific map locations. The resultant diagrams will contain all the information showing specialized information representing the direction that workshop participants see the project going.



- Map Key:**
- Buildings
 - Curb Lines
 - Sidewalks
 - Boats
 - Luce Line Trail
 - Parcel Lines
 - Dakota Rail Trail
 - 10 foot Contour
 - Open Space

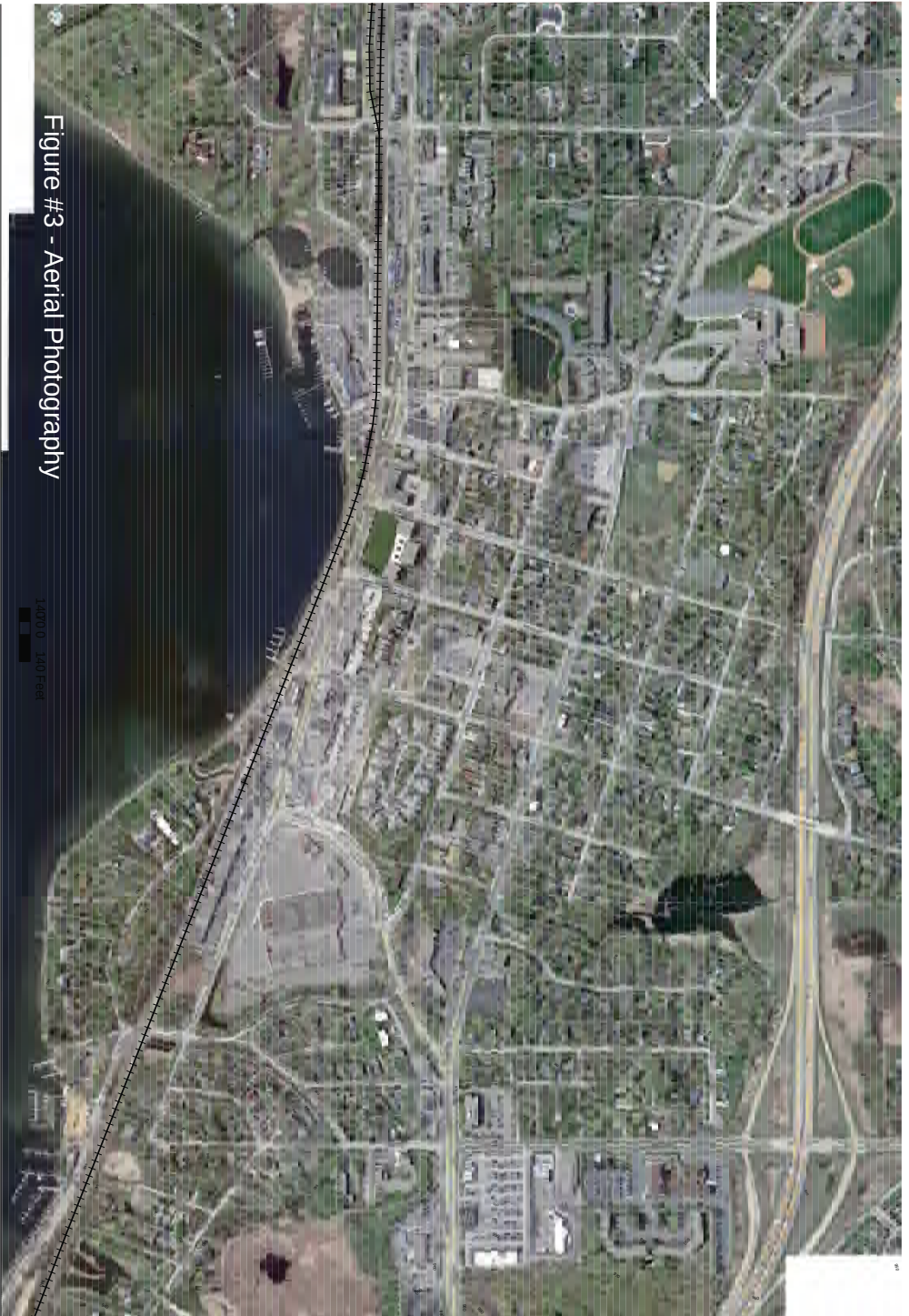


Figure #3 - Aerial Photography

Aerial Photography

The aerial photography map figure #3 represents the 2011 Google Earth photometrics and are represented at a scale value of 1 inch = 200 feet.



Figure #4 - Figure Ground Study

RELATIONSHIP DIAGRAM FIGURE GROUND STUDY:

Figure-ground organization is used to help artists and designers in composition of a two dimensional image such as a map of a city. In its basic sense, it refers to a cognitive ability to separate elements based upon contrast, that is, dark and light, black and white. Many times this definition is expanded from a simple perception based on contrast to include abstract (i.e. non-visual) concepts such as melody/harmony, subject/background and positive/negative space. The idea is to be able to clearly define the spaces and voids created by the cities roads open space and built environment. Below is a summary of identified community resources and potentials.

- 1. Wayzata West Middle School** - At a distance of less than one half mile from the lakefront the surrounding parking lots and playing fields could host a myriad of events dedicated to celebration of the communities natural and cultural relationships.
- 2-3. Wayzata City Beach and Park** - Restrooms are located in the bathhouse where there is an outdoor shower. The connected marina has docking for 100 boats.
- 4. Wayzata Historical Society** - Listed on the National Register of Historic Places, attractions are access to the lakefront garden, toy train display and public parking.
- 5. Lakefront Park** - The lakefront park offers views to the lake and places to sit and rest and beautiful seasonal flower gardens.
- 6. Open Space on Lake Street** - An resource that could produce a really unique viewing and interaction piece for the lakefront in the city.
- 7. Library Viewshed Park** - At the top of the bluff overlooking Lake Street and Lake Minnetonka this property offers exclusive views.
- 8-9. Klappich Park** - Part of the Wayzata Park system this park is a four season draw with baseball fields in the summer, and ice skating in the winter including a warming house.
- 10-11. Bay Development Green Spaces** - The projects includes two green spaces - one as a park fronting Lake Street with a viewing tower and one with a linear green spaces that creates a connection to neighborhoods on Wayzata Blvd.
- 12. Wayzata Yacht Club and Sailing Center** - A great resource for the community and regionally. Offers sailing opportunities to non-members on Thursday nights.
- 13. Section House and Dock** - A city owned historical opportunity with its own dock. Potential interpretive opportunity and lake access point.



Figure #5 - Access and Safety

Paths, Parking, Wayfinding, Recreation and Interpretation

Wayzata stands to leverage its most important natural asset, the lakefront, by enhancing connections between greater Wayzata, downtown Wayzata and the water's edge. To do so it will be important to separate the ideas of "visual accessibility" and "physical accessibility," and then concentrate on strategies to both types of accessibility, the nodes of transportation used and paths that are available to making Wayzata more walkability. Enhancement of the visual experience of the lakefront will require a plan that incorporates a handful of urban design techniques to create accessibility coupled with discrete viewing areas along the lakefront, allowing for a better visual connection to the water. Important improvements would include better designed pedestrian crossings wayfinding, recreation and interpretation.

The access and safety map outlines existing an proposed recreational opportunities, parking counts for cars and boats, existing sidewalks, and potential interpretation and wayfinding sites. The intent of this exercise is to point out where potential linkages may exist or where connections are needed to provide for increased community connectivity.

Recreation Inventory:

1. Dakota Rail Trail
2. Wayzata Beach and Marina
3. Future Connection to Luce Line Trail and the Lakefront
4. Luce Line Trail
5. Wayzata Yacht Club and Sailing Center
6. Bay Development Observation Tower and Park
7. Hennepin County Library
8. Klapprich Park (north and south)
9. Public Dock near Sunsets

Map Key:

-  Potential Wayfinding or Interpretation
-  Existing Sidewalks
-  Parking Lots (with space counts)
-  Future Connection to the Luce Line Trail
-  Dock Slips (with space counts)

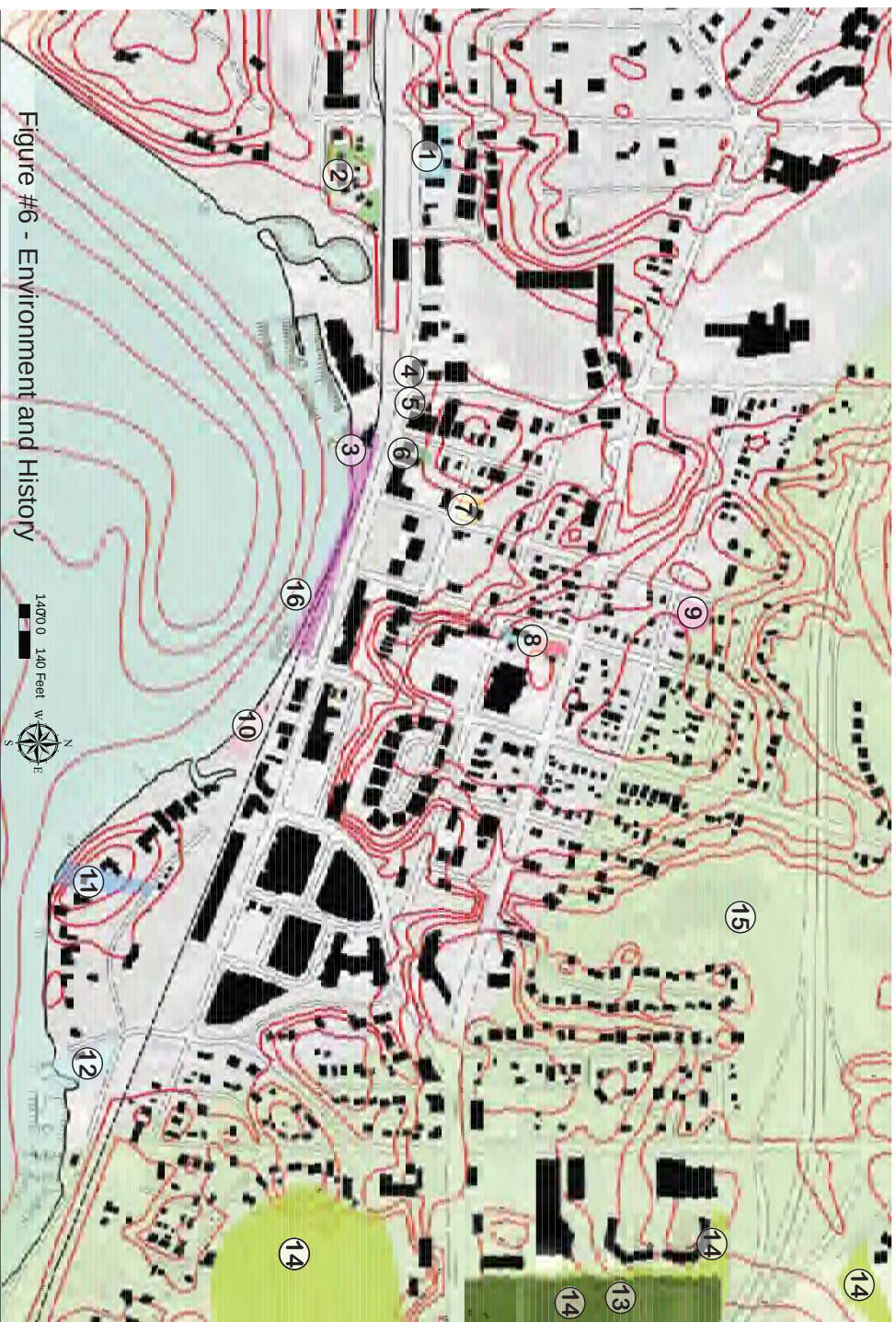


Figure #6 - Environment and History

Historical and Environmental

Stewardship:

Honoring and respecting Wayzata's heritage and history is a proud aspect of the city's quality of life. Several of Wayzata's historical assets are in great need of maintenance and preserving the city's heritage. The conditions of environmental elements tied to Lake Minnetonka located in Wayzata have not kept up with the expectations of the 21st century. Stormwater ponds and shoreline riprap can be improved to better the environment quality of the lakelront.

As our city ages and our community continues to evolve, we have a responsibility to manage the balance of the demand for access to the lakelront. We have a responsibility to protect and enhance our greatest natural resource. In addition to fortifying and expanding safe access to the lakelront, new technologies for environmental lakeshore management and city rainwater discharge have revealed new innovations to help our environment.

Historical Inventory:

1. Heritage Sites
2. Meyer Brother Dairy
4. Wayzata Lake Drug Store
5. Five Swans
6. Kallesstad Building
7. Wayzata Post Office
8. Wayzata Congregational Church and Cemetery
9. Greenlawn Cemetery
10. Section House and Dock
11. Gee House
12. Hague-Rosekrans House
13. Arno House and Grounds
14. Lake Minnetonka Greenway - Big Woods Remnant
15. Minnesota State Green Infrastructure (light green)
16. Wayzata Lake Shore Restoration Potential

Environmental Inventory:



Figure #7 - Lakefront Economy

Lakefront Economy Inventory:

- 1. Village Shops**
 The Village Shops
 Rags Iron Riches
 Fitness Together
 Keyboard Kids
- 2. 800-810 Lake Street East**
 Dr. Margaret C. Keenan
 Realty Executives
- 3. Wayzata Bay Center**
 Lums
- 4. Mill Street Block**
 Sakana Sushi
 The Mum
 Art of Optiks
 God Wine Antiques
 American Family Insurance
- 5. 700-740 Lake Street East**
 Senses Wayzata
 Bone Adventure
 Strabicks
- 6. 600-700 Lake Street East**
 Hot Mama
 Caramella Products
 Gloria's Skatehouse
 Maria Inspired Activewear
 Ben and Jerry's
- 7. 400-500 Lake Street East**
 Bathmon Cosmetic Surgery Center
 Minnesota Travel
 Alexander Design Group
- 8. 300-400 Lake Street East**
 Merrill Lynch
 Five Swans
 Regency Tile
 Valley Bistro
- 9. Edgewood Ct. to Barry Ave.**
 Arthur Alton Motors
 Babers Inn
 Colonial Banker Burnet Realty
- 9. Edgewood Ct. to Barry Ave.**
 TCF National Bank
- 9. Fernside to Edgewood Ct.**
 On the Level
 Wayzata Bay Car Wash
- South of Lake St.**
 TCF Financial Corporation
- South of Lake St.**
 Koch Financial
- Planes MN**
 Maggie's
 Latham Optical
 Extrados and Ummenbables
- Graham Jewelers**
 D'Amico & Sons
- Toggo's Salon**
 Woollet Bakery
 Blue Point Restaurant
 Wayzata Investment Partnership
 Wayzata Wine and Spirits
- Steele Fitness**
 Monique's White Diamonds
- Sakana Sushi**
 The Mum
 RBC Wealth Management
 Caribou Coffee
 The Barre
- Margon Shirley/Smith Barney**
 Bulls Insurance Agency
 RBC Wealth Management
- Epic Grid**
 Nolan Properties
 Jai Architects
- North of Lake St.**
 Judd Frost Clothing
 Candlelight Floral



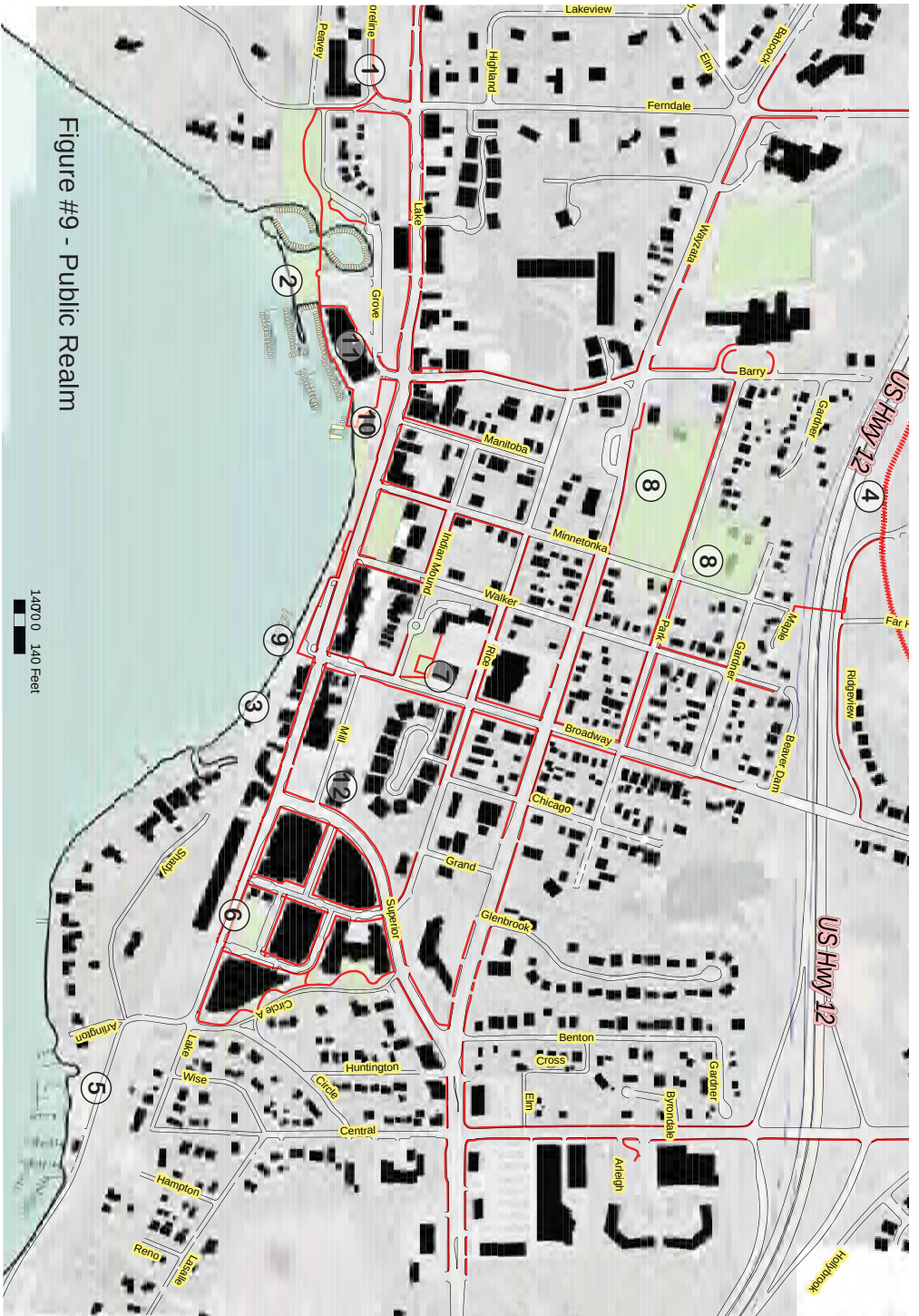
Figure #8 - Landuse - Landcover

Landuse - Landcover

Information on land cover and land use is required in many aspects of land use planning and policy development. It also is required for monitoring and/or modeling environmental change. Many land use/cover classification systems and innumerable maps have been created, most of which blur the difference between land use and land cover. With the escalating concern of land conversion by population growth, there is an urgent need for better matching of land cover and its use. With the rapid increase of available spatial data, along with wider use of remote sensing, it is increasingly possible to map, evaluate and monitor land cover and land use over large areas. The distinction between land cover and land use is fundamental. In previous classifications and legends, the two have often been confused. They should strictly be defined as follows: Land Cover is the observed physical cover, as seen from the ground or through remote sensing, including the vegetation (natural or planted) and human constructions (buildings, roads, etc.) that cover the earth's surface. Water, ice, bare rock, or sand surfaces count as land cover. Land Use is based upon function, the purpose for which the land is being used. Thus, a land use can be defined as a series of activities undertaken to produce one or more goods or services. A given land use may take place on one or more than one piece of land, and several land uses may occur on the same piece of land. Definition of land use in this way provides a basis for precise and quantitative economic and environmental impact analysis, and permits precise distinctions between land uses if required.

Map Key:

- Grasses - Natural/Maintained
- Forest - All Types
- Impervious Surface
- Wetlands
- Water Bodies



Public Realm

What is public realm?

Public realm is defined as any publicly owned streets, pathways, right of ways, parks, publicly accessible open spaces and any public and civic building and facilities.

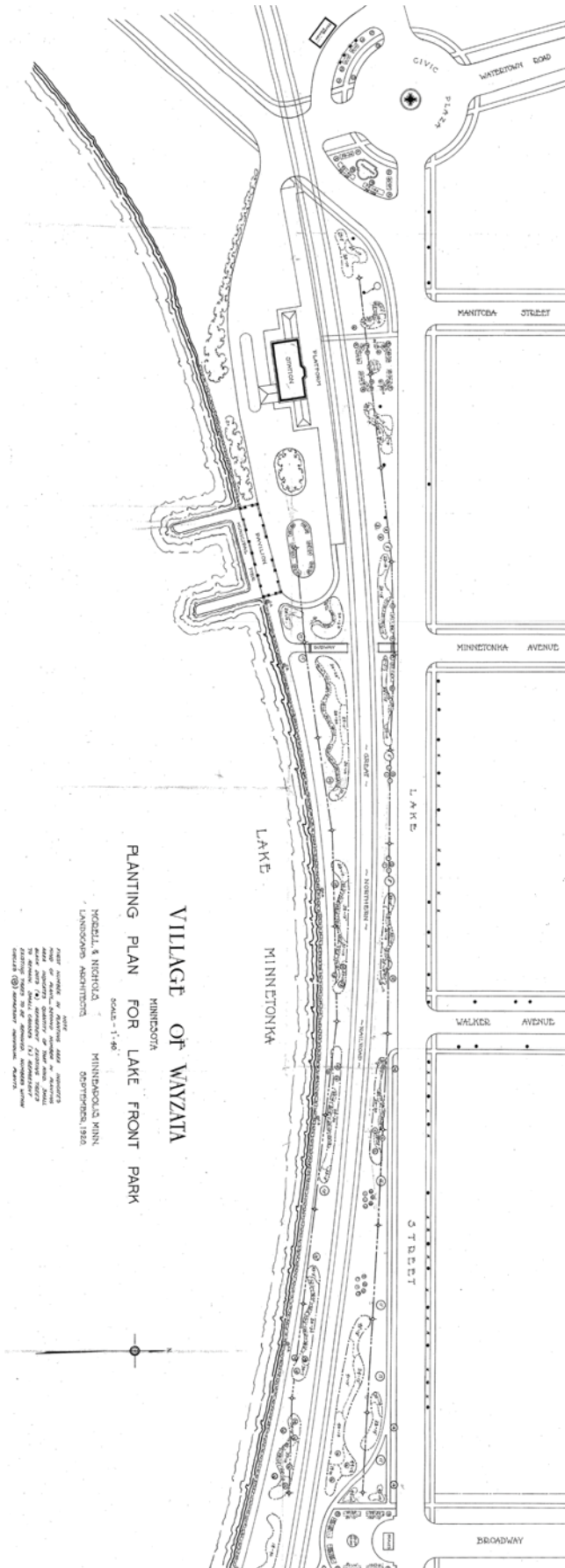
The quality of our public realm is vital if we are to be successful in creating environments that people want to live and work in.

1. Dakota Rail Trail
2. Wayzata Beach and Marina
3. BNSF Section House and Dock
4. Luce Line Trail
5. Wayzata Yacht Club and Sailing Center
6. Bay Development Observation Tower and Park
7. Hennepin County Library
8. Klappich Park (north and south)
9. Public Dock near Sunsets
10. Wayzata Depot and Historical Society
11. Wayzata Boatworks
12. Munt and City Liquor Store
13. Lakefront Park

HISTORIC PLANS



George Cooley Map 1896, showing Harrington Hotel and early platting.



VILLAGE OF WAZATA MINNESOTA PLANTING PLAN FOR LAKE FRONT PARK

MEYER & NICHOLS
LANDSCAPE ARCHITECTS
MINNEAPOLIS, MINN.
OCTOBER, 1920

SCALE - 1"=40'

NOTE: The planting plan is based on the survey of the site made by the architect and the survey of the site made by the architect and the survey of the site made by the architect.

CITY OF WAYZATA

RESOLUTION NO. 09-2014

A RESOLUTION ADOPTING THE LAKE EFFECT FRAMEWORK AND REPORT

WHEREAS, Lake Minnetonka is one of Wayzata's most important community assets; and

WHEREAS, the Wayzata City Council appointed a Lakefront Taskforce in February of 2011 to research and provide a recommendation for the future of the City's lakefront; and

WHEREAS, the Wayzata City Council adopted the Report of the Wayzata Lakefront Taskforce in January of 2012 via Resolution 06-2012, which included a recommendation, among others, to hire a Process Manager to assist the City in conducting an intensive community engagement process (the "Community Engagement Process") for gathering feedback on the lakefront and potential improvements opportunities; and

WHEREAS, the Wayzata City Council and staff conducted an a Request for Proposal (RFP) process for the selection of a Process Manager Consultant for the Lakefront Project (the "Lake Effect"); and

WHEREAS, the Wayzata City Council, through the RFP process, selected the Saint Paul Riverfront Corporation (SPRC) to serve as the Process Manager Consultant in July of 2012; and

WHEREAS, the Wayzata City Council established a Steering Committee, Advisory Committee, and Technical Advisory Committee to assist with the Lake Effect Project; and

WHEREAS, Phase I of the Lake Effect Project included the following community engagement activities from September 2012 to January 2013:

- Booth at James J. Hill Festival on September 8 and 9, 2012
- Lake Effect Launch Event on September 11, 2012
- Briefings before the City Council
- Lake Effect Steering and Advisory Committee Meetings
- One on One Interviews
- Eleven hosted small group sessions
- Various online engagements including social media and E-newsletters
- Mailings to Wayzata Households
- Community Values Workshop on January 7, 2013
- Lake Effect Values Open House on January 15, 2013
- Presentation to Wayzata Chamber and Rotary Luncheon on January 16, 2013; and

WHEREAS, the Wayzata City Council approved the Nine (9) Community Value Statements, the Nine (9) Community Priorities, and authorized staff and SPRC to proceed to Phase II on January 22, 2013; and

WHEREAS, Phase II of the Lake Effect Project included the following community engagement activities from January 2013 to July 2013:

- Lake Effect Steering, Advisory, and Technical Advisory Committee Meetings
- Briefings before the City Council
- Community Design Workshop on June 1, 2013

- Community Design Workshop on June 6, 2013
- Community Design Workshop on June 11, 2013
- Community Design Workshop on June 20, 2013
- Tour of Twin Cities Waterfronts on July 18, 2013
- Lake Effect Community Open House on Alternative Scenarios on August 13, 2013
- Various online engagements including social media and E-newsletters
- Mailings to Wayzata Households
- Booth at James J. Hill Days; and

WHEREAS, the participants in the community engagement process generated over six hundred (600) ideas for the City’s lakefront, which are recorded in the Final Framework; and

WHEREAS, the Wayzata City Council authorized authorized staff and SPRC to proceed to Phase III and present “Scenario D” to the City’s Boards and Commissions, and to area jurisdictional partners on October 15, 2013; and

WHEREAS, SPRC, staff, and Councilmembers presented a Lake Effect Project update and received additional feedback on “Scenario D” from the following organizations from November 2013 to February 2014:

- Wayzata Planning Commission
- Wayzata Park and Trails Board
- Wayzata Housing and Redevelopment Authority
- Three Rivers Park District Board
- Lake Minnetonka Conservation District Board
- Minnehaha Creek Watershed District Board
- Minnehaha Creek Watershed District Community Advisory Committee; and

WHEREAS, additional feedback on the draft Framework Report was gathered from the Steering Committee, Advisory Committee, and City Council through workshop sessions on February 18, 2014; and

WHEREAS, the SPRC has incorporated the received feedback on the draft framework into a final framework and ten year plan (the “Final Framework Report”); and

WHEREAS, the Wayzata Lake Effect Final Framework includes the following components:

- Community Value Statements
- Community Priorities
- Framework
- Metrics
- Implementation
- Strategic Initiatives
- Acknowledgements
- Appendices; and

WHEREAS, the Wayzata Lake Effect Final Framework includes the following objectives for 2014:

- Obtain City Council Approval of Framework
- Establish Non-Profit Organization
- Secure Community Agreement for Top Priority Project
- Develop Work Plan for Priority Project

- Begin Annual “Report to the Community”
- Initiate 3-5 Temporary or Opportunistic Installations (for example, but not limited to):
 - Beach Concession Stand
 - Temporary Bike Lane
 - Wayfinding Signage
 - Native Landscape Restoration
- Celebrate Progress on Current Lake Effect Projects
- Complete Property Survey of Lakefront Area
- Incorporate Lake Effect Principles into City Policy(ies)
- Establish Implementation Committees; and

NOW, THEREFORE, BE IT RESOLVED, that the Wayzata City Council adopts the Wayzata Lakefront Final Framework Report (attached as Exhibit A) into the record; and

BE IT FURTHER RESOLVED, that the Wayzata City Council expresses their sincere thanks and gratitude for the efforts of the members of the community; the Steering Committee; the Advisory Committee; the Technical Advisory Committee; the participating City Boards and Commissions; the participating Jurisdictional Partner Agencies and their staff; Councilmember Anderson; Councilmember Mullin; Councilmember Tanner; Councilmember Amdal; Mayor Willcox; City Staff; and the Saint Paul Riverfront Corporation for the completion of the initial Community Engagement Process and the Lake Effect Final Framework Report; and

BE IT FINALLY RESOLVED, that the Wayzata City Council authorizes City Staff to explore implementation of the recommendations of the Final Framework Report, under the close guidance of the City Council, which will establish sequencing and priorities based on objective needs and feasibility.

Adopted by the Wayzata City Council this _____ day of _____, 2014.

Mayor Kenneth Willcox

Councilmember Jack Amdal

Councilmember Bridget Anderson

Councilmember Andrew Mullin

Councilmember Tom Tanner

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2014.

Becky Malone, Deputy City Clerk

SEAL

DRAFT

CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: March 12, 2014
Re: Anchor Bank/Walgreens Project – Development Agreement

On January 21, 2014, the City Council approved a package of development and land use approvals via Resolution 05-2014 for the redevelopment of the existing Anchor Bank site into a new Anchor Bank, a new Walgreens, and three single family residential lots. On February 18, 2014, the City Council approved Resolution 07-2014 and a 1st reading of Ordinance 744, which authorized the vacation of Elm Lane as part of the redevelopment project. A 2nd reading of Ordinance 744 was approved on March 4, 2014.

One of the conditions of the approvals is that the Applicant and City enter into a development agreement to be recorded against the properties and codify the City's approvals and terms of approval. Over the past few weeks, staff and the City Attorney have worked with the Applicant's attorney to draft the development agreement. This agreement incorporates all of the Council's terms of approval into the document. Once approved, the development agreement will be recorded at Hennepin County.

CITY OF WAYZATA
PUD and Project Development Agreement

THIS PUD AND PROJECT DEVELOPMENT AGREEMENT (“Agreement”) made this ____ day of _____, 2014, by and between the City of Wayzata, a Minnesota municipal corporation (“City”), on the one hand, and NLD Wayzata LLC, a Delaware limited liability company (“NLD”) and Anchor Bank National Association, a national banking association (the Bank,” and together with NLD, jointly, the “Applicant”), on the other, regarding property located at 1055 Wayzata Boulevard East, 141 Central Avenue North, and 155 Central Avenue North, Wayzata, Minnesota that has been approved for redevelopment by the City of Wayzata pursuant to Resolution No. 05-2014 adopted by the Wayzata City Council on the 21st day of January, and amended on the 5th day of February, 2014 (the “City Resolution”), attached as Exhibit B, and Ordinance No. 744 and related Resolution No. 07-2014 adopted by the Wayzata City Council on the 18th day of February, 2014 (the “Ordinance” and “Easement Option Resolution,, respectively), attached as Exhibit C. The City Resolution and the Ordinance are incorporated herein by reference.

In consideration of One Dollar (\$1.00) and other good and valuable consideration, including the foregoing and the terms set forth herein, the parties agree as follows:

1. Terms.

A. The Project. The project includes a new Anchor Bank building with drive-thru at the northeast corner of the site to be constructed by the Bank on that portion of the Property (described below) to be replatted as Lot 2, Block 1, Wayzata Junction, Hennepin County, Minnesota (“Lot 2”), and a new 15,149 square foot Walgreens store with drive-thru, to be constructed by NLD on that portion of the Property (described below) to be replatted as Lot 1, Block 1, Wayzata Junction, Hennepin County, Minnesota (“Lot 1”), and redevelopment of single family residential property to the north of the PUD on that portion of the Property (described below) to be replatted as Outlot A, Wayzata Junction, Hennepin County, Minnesota (“Outlot A”) (the “Project”).

B. The Property. The street address, property identification number and owners of the property that is a part of the Project (collectively, the “Property”), immediately prior to filing the plat of Wayzata Junction, are:

1055 Wayzata Blvd E	06-117-22-14-0077	Anchor Bank National Association, formerly known as First National Bank of Wayzata
141 Central Ave N	06-117-22-14-0005	NLD
155 Central Ave N	06-117-22-14-0006	NLD

Lot 1 and Lot 2 are sometimes referred to in this Agreement and the City Resolution as the “Commercial Parcel” and Outlot A, as the “Residential Parcels”. Legal descriptions of the Property prior to the filing of the plat of Wayzata Junction are on the attached Exhibit A. Following the recording of the plat of Wayzata Junction and one or more conveyances between the parties constituting the Applicant, Lot 1 and Outlot A shall be (or are as of the date of recording this Agreement) owned by NLD and Lot 2 shall be (or is as of the date of recording this Agreement) owned by the Bank.

C. Planned Unit Development (“PUD”) General Plan Approval Conditions and Other Standards; Amendment of Prior Agreement. Subject to the terms and conditions set forth in the City Resolution which is attached hereto as Exhibit B, the City Council of the City of Wayzata has granted Applicant approval of a PUD General Plan for the aspects of the Project on the Commercial Parcel, and use of the commercial parcels within the Property as set forth therein (the “PUD”). Some of the terms and conditions of the City Resolution relate both to the Commercial Parcel (PUD) and the Residential Parcels. The PUD and this Agreement amends that certain Contract for Rezoning to Planned Unit Development for First National Bank of Wayzata between the City and France Avenue Development Corporation dated December 28, 1992 and recorded January 14, 1993 in the office of the County Recorder as Doc. No. 6024467 and the Construction Agreement dated October 26, 1972 referenced therein (collectively, the “Prior Agreement”). To the extent there is a conflict between the terms and conditions of this Agreement and the terms and conditions of the Prior Agreement as to allowed uses, design/performance standards, landscaping or construction requirements, the terms of this Agreement shall control.

D. Street Vacation and Easement Option Approval. Pursuant to the City Ordinance and Easement Option Resolution which are attached hereto as Exhibit C, the City Council of the City of Wayzata has vacated Elm Lane for the PUD, and the Applicant has entered into an Easement Option Agreement that grants the City the option of exercising a public street easement over a portion of Lot 2, as further defined and specified in the Easement Option Agreement.

E. Operations. The Property and the PUD shall at all times be used, and be managed and operated, by Applicant in accordance with the specific terms and conditions of this Agreement and the City Resolution and City Ordinance, including policies on hours of operation, signage, trash removal, landscaping and screening, noise, and parking within the PUD. The Bank shall ensure that Lot 2 is used and managed according to the requirements of this Agreement and all other applicable laws and regulations, including those contained in the PUD General Plan and City Resolution. NLD shall ensure that Lot 1 and Outlot A are used and managed according to the requirements of this Agreement and all other applicable

laws and regulations, including those contained in the PUD General Plan and City Resolution.

2. **Applicant.** Notwithstanding any language to the contrary herein, “Applicant” shall mean NLD as to Lot 1 and Outlot A, and Anchor Bank, as to Lot 2 until such time as the fee title Lot 1, Lot 2 and/or Outlot A is transferred to another entity or person. No such Applicant shall be released from its obligations hereunder unless and until the City consents in writing to the assignment of this Agreement to a new fee title owner or owners of the portion of the Property owned by such Applicant, and the new owner or owners, in writing, assumes the obligations of the applicable Applicant hereunder in a document approved, in writing, by the City (in which event, the new fee owner or owners shall be the “Applicant” as to the applicable portion of the Property for the purposes of this Agreement). Notwithstanding the foregoing (a) upon the City’s approval of the final plat for the replat of Outlot A, NLD and the future owners of any portion of Outlot A shall automatically be released from the terms of this Agreement and governed by the terms of the resolutions of the City granting preliminary and final plat approval to such parcels; and (b) upon the issuance of a Certificate of Completion (as hereafter defined) for either Lot 1 or Lot 2, the Applicant of such Lot and the future owners of such Lot shall automatically be released from the development and construction obligations pertaining to such Lot hereunder, but not from any obligations hereunder that are intended to be ongoing within the PUD.

3. **Definition and Amendment of Plans.** The City, pursuant to City Code Chapter 801 and City Resolution, has approved the preliminary plat for the Residential Parcels, concurrent preliminary and final plat for the Commercial Parcels, Drive Thru CUPs, Project Design, Site Plan, and the PUD General Plan for the Commercial Parcel on the Property including the development plans and specifications, the site plan; plat documentation; lighting plan; phasing plan; utility plan; preliminary grading plan; preliminary landscape plan; building elevations/perspectives; sign plan and operational policies which are attached to the City Resolution as Attachment A and are on file with the City and which are attached to and made part of this Agreement, subject to modifications thereto as required by the City Resolution (the “Plans”). The Bank shall develop Lot 2 in accordance with the Plans and this Agreement as they pertain to Lot 2; NLD shall develop Lot 1 and Outlot A in accordance with the Plans and this Agreement as they pertain to Lot 1 and Outlot A. Each Applicant (as to the portion of the Property it owns and with the consent of the other Applicant) may seek approval of changes to the Plans from the Wayzata City Council according to the requirements of the Wayzata City Code, though the City Council shall not be required to approve such changes. If the City Council approves such changes, the changes shall become amendments to the Plans. No material changes (i.e. changes that will significantly change the configuration, land use or character of the Project) to the Plans may be implemented until such changes have been approved by the City Council according to the requirements of the Wayzata City Code and this Agreement. To the extent required by the City, the Applicant whose property is affected by such amendment shall execute an agreement acknowledging any amendment to this Agreement or the Plans and record the same with in the appropriate land records office by and for Hennepin County for the Property. Each Applicant must also obtain any necessary “City Permits” with respect to that portion of the Property owned by such

Applicant, which shall include but not be limited to the following: 1) building permits, 2) tree permits, 3) grading permits, 4) sign permits, and 5) fence permits prior to commencing any construction activity on the Property. City Permits will be issued only if such Applicant (i) meets the general requirements for such permits and (ii) is in full compliance with this Agreement.

4. Water and Sewer Charges. Each Applicant shall pay any sanitary sewer and water connection charges based on the Metropolitan Council Environmental Services (“MCES”) sewer availability (“SAC”) units and rates as determined by the MCES with respect to that portion of the Property owned by such Applicant, and each Applicant shall be responsible for any increase in the fees due at the time of paying the fees to the City and the MCES with respect to that portion of the Property owned by such Applicant, and each Applicant acknowledges the fees may change to reflect the City and MCES rates in effect at the time the building permit is issued and the fee paid.

The number of SAC units in the Project shall be determined pursuant to regulations and procedures of the MCES applicable at the time such payments are due. Unless NLD and Anchor Bank otherwise make a joint written request to the City signed by both NLD and Anchor Bank the following credits shall apply: (a) any SAC unit credits provided to NLD based upon prior payments related to Lot 1 or Outlot A by MCES will also be credited in calculating the City’s and MCES SAC charges to NLD; (b) any SAC unit credits provided to the Bank based upon prior payments related to Lot 2 by MCES will also be credited in calculating the City’s and MCES SAC charges to the Bank; (c) the City will also credit NLD for any prior payments by any previous owner of the improvements embraced within Lot 1 and Outlot A or prior connection assessments or charges against Lot 1 and Outlot A for water or sanitary sewer related to Lot 1 and Outlot A; and (d) the City will also credit the Bank for any prior payments by any previous owner of the improvements embraced within Lot 2 or prior connection assessments or charges against Lot 2 for water or sanitary sewer related to Lot 2.

5. Maintenance Costs. The Owner of Lot 2 shall maintain, and be liable for the cost of maintaining the portion of the Project lying within Lot 2, including all parking and pedestrian and vehicular traffic ways, and any improvements made within Lot 2; provided, however, that if the City exercise the option set forth in the Easement Option Agreement, the Owner of Lot 2 shall thereafter have no obligation to maintain the road and related road improvements within the easement area therein defined. The Owner of Lot 1 shall maintain, and be liable for the cost of maintaining the portion of the Project lying within Lot 1, including all parking and pedestrian and vehicular traffic ways, and any improvements made within Lot 1.

6. Responsibility for Cost of Improvements. Anchor Bank shall, at its cost, install, in accordance with the Plans and in accordance with all applicable City ordinances and standards, all the improvements set forth in the Plans to be constructed on Lot 2 and shall be responsible, at its cost, for site grading, surveying and staking, as needed, the setting of lot and block monuments, as needed, for Lot 2. NLD shall, at its cost, install, in accordance with the Plans and in accordance with all applicable City ordinances and standards, all the improvements set forth in the Plans to be constructed on

Lot 1 and Outlot A and shall be responsible, at its cost, for site grading, surveying and staking, as needed, the setting of lot and block monuments, as needed, for Lot 1 and Outlot A. The City shall not install or pay for any of the improvements associated with the Plans.

7. **Easements.** The Bank shall grant the City the following pedestrian, emergency access and water line easements by a separate recordable instrument: (a) an easement for pedestrian passage over the sidewalk to be installed on Lot 2 that lies north of the drive aisle to be constructed on Lot 2 (which sidewalk is noted in Site Detail 3D and is shown on the Site Plan, Sheet C-100, included in the Plans) to provide pedestrian access between Central Avenue North and Wood-Dale Avenue; and (b) an easement for the passage of emergency vehicles and personnel over the Option Property as legally described and depicted in Exhibit A to the Easement Option Agreement; and (c) an easement for the maintenance, repair, replacement and removal of an existing waterline and related equipment as shown on the Utility Plan, Sheet C-130, included in the Plans to provide an easement area of at least ten (10) feet north of such existing line commencing at a point in said existing line that is due north of a point that is ten (10) feet west from the northwest corner of the building to be constructed on Lot 2 and extending westerly to the west line of Lot 2; and (d) an easement for the installation, repair, replacement and removal of an underground waterline and related equipment ten (10) feet on either side of the north/south water line to be installed (pursuant to plans approved by the City) between the southerly boundary of Outlot A and the northerly boundary of the existing twenty (20) foot wide east-west public utility easement located on Lot 2.

8. **Site Grading and Stormwater Maintenance.**

A. **Grading.** All site grading for the Project must be done in compliance with the Plans, the site grading plan and the grading permit. Within 60 days after completion of the grading, each Applicant shall provide the City with an “as constructed” grading drawing and a certification by a registered land surveyor or engineer that all elements of the grading, including those associated with the storm water maintenance, have been constructed in accordance with the Plans related to that portion of the Property owned by such Applicant. The “as constructed” drawing shall include field-verified elevations of the location and elevations along all swales and ditches and lot corners and building pads and all other details normally found on such drawings. The City may withhold issuance of building permits to such Applicant until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City.

B. **Storm Water Best Management Practices (BMPs) Improvements and Maintenance.**

1. **Rain Gardens or Other Stormwater Devices.** The Applicant has proposed that storm water within the Project be handled through use of structures, techniques and innovative techniques defined by the United States Environmental

Protection Agency as best management practices (“BMP(s)”) that include: infiltration rain gardens, shoreline filtration, bio-swales or similar devices and techniques which are defined in the Minnesota Stormwater Manual, available at: http://stormwater.pca.state.mn.us/index.php/Main_Page cs. Such BMPs will be owned and maintained by the Applicant, and not the City.

2. BMPs /Storm Water Maintenance. Each Applicant, shall inspect and maintain, at its cost, all BMPs located on its portion of the Project, as agreed to in the Stormwater Maintenance Agreement executed by such Applicant, which shall be in substantially in the form attached hereto as Exhibit E. As scheduled and defined in the Stormwater Management Agreement, the Applicant shall inspect such installed BMPs in a reasonable manner requested in writing by the City Engineer, and provide the City with a written report on the inspection results based on the requirements of the Stormwater Management Agreement. If the Applicant fails to so inspect and report, or fails to maintain such BMP in accordance with the Stormwater Management Agreement and instruction from the City Engineer, within 30 days receipt of written notice from the City of such default, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take anyone or more of the following actions: perform or hire a third party to perform for the account of the Applicant any obligation of the Applicant with respect to such BMP. The Applicant shall promptly reimburse the City for any expense incurred by the City. The foregoing agreements constitutes a non-revocable license in favor of the City and/or its agents to enter the Property and to take such actions, and it shall not be necessary for the City to seek a court order for permission to enter the Property, or perform such inspections or maintenance, or act in accordance with this Agreement. When the City does any work, the City may, in addition to its other remedies, assess the actual out of pocket costs, without seeking costs for overhead, administration or processing in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the same amount expended by the City to perform such work.

9. Access During Construction. Prior to construction, the Applicant shall secure any necessary construction easements from the owners of properties adjacent to the Property. Access to any existing easements benefitting the City located on the Property shall remain open and useable during construction and all other phases of the Project.

10. Clean Up. Prior to issuance of any certificate of occupancy (“CO”) by the City for Lot 2, the Bank shall remove from Lot 2, any trash, waste, excess soil, earth or debris resulting from construction work and not necessary for the completion of construction on Lot 2 as contemplated the Plans as directed by the City. Prior to issuance of any certificate of occupancy (“CO”) by the City for Lot 1 NLD shall remove from Lot 1, any trash, waste, excess soil, earth or debris resulting from construction work and not necessary for the completion of construction on Lot 1 as contemplated the Plans as directed by the City.

11. Hazardous Waste. Each Applicant agrees that prior to or during grading and site redevelopment work on the Applicant's Lot, it shall completely remove and/or remediate any hazardous waste on its Lot, and any contaminated soil and ground water from its Lot, if any is discovered, if and to the extent required by the Minnesota Pollution Control Agency and shall furnish the City with documented approval by such Agency of completion prior to the issuance of any certificate of occupancy for any improvements on such Applicant's Lot.

12. Warranties, Representations and Other Assurances. Each Applicant represents to the City that, with respect to itself (and with respect to thirds parties, to its actual knowledge,) no material misrepresentations have been or will be made, or materially inaccurate information was or will be provided to the City by such Applicant during its review process.

13. Security. NLD shall furnish the City with an irrevocable letter of credit, cash deposit or a payment and performance bond (the "Surety") for 125 percent of estimated actual construction costs, exclusive of City administration, oversight and inspection costs (due at the time of issuance of the building permit) of all utility improvements within the public right of way, including, without limitation, water, sanitary sewer, storm sewer, and landscaping as set forth in the Plans ("Site Improvements"), but such Surety amount shall exclude among other things, costs of the building structure, management and any other improvements not located in the City right-of-way (the "Bond Amount"). The Bond Amount of security shall be subject to the reasonable approval by the City Manager, at the time of issuance of the building permit and will be adjusted to reflect the above costs at that time. The issuer of the Surety, if a letter of credit or the performance bond, shall be subject to the approval of the City Manager. The letter of credit or payment and performance bond shall be in force (or the cash deposit shall remain on deposit) until a Certificate of Occupancy for each Commercial Parcel and one Residential Parcel has been issued by the City. The letter of credit or payment and performance bond may be for a one year term, provided it is automatically renewable for successive one year periods from the present or any future expiration dates, unless sixty (60) days prior to an expiration date, the bank or bond issuer (as the case may be) notifies the City that it elects not to renew for an additional period. The Surety shall secure compliance of the completion of the Site Improvements. The City may make draw on the cash deposit or letter of credit or make a claim on the payment and performance bond, with five (5) business days' notice to Applicant, if the Applicant fails to complete the Site Improvements within thirty (30) days after the issuance of the Certificate of Occupancy, provided however, that the City shall not draw on such letter of credit or cash deposit or make a claim on the bond, if within such notice period, Applicant commences and diligently pursues to completion such cure in a manner satisfactory to the City. With City approval, the Bond Amount may be reduced from time to time as obligations of Applicant under this Agreement secured by such Surety are satisfied. The amount of such reduction shall equal the lesser of the cost or value of the obligation satisfied, provided, however, that the remaining amount after any such reductions shall be sufficient to fund the remaining Site Improvements yet to be completed by the Applicant.

14. License. The Applicant hereby grants the City, its agents, employees, officers and contractors a license to enter the Property to perform all necessary work and/or inspections deemed appropriate by the City, provided that the City shall take no action on the Property to cure Applicant's default without first providing the notice and cure rights provided under this Agreement. The license shall expire after all the improvements required by this Agreement have been inspected and accepted by the City. Only in regard to the Site Improvements, if the Applicant fails to pay or perform its obligations under this Agreement after notice and expiration of any cure period, then the City may enter the Property and pay or perform such obligations and obtain payment for the expenses thereof from the proceeds of the Letter of Credit or Bond. Among other expenditures, the City may draw upon the Letter of Credit or Bond to satisfy the claims of contractors or suppliers which have not been paid or satisfied by the Applicant. After security has been provided to the City Manager in the form described in Section 13 of this agreement, the City hereby grants to the Applicant, its agents, employees, officers and contractors the right to enter upon any of the Property that the Applicant is deeding or dedicating to the City and upon any public right-of-way for purposes of performing any of the work described in the Plans.

15. Construction Phasing and Deadlines.

A. The Applicant shall begin physical implementation of the PUD aspects of the Project within twelve (12) months following adoption of the City Resolution, as amended (the "Commencement Date"), unless Applicant obtains an extension for the PUD as provided for in the City Zoning Ordinance, in which case the date specified in the extension approval resolutions for such extensions shall be the Commencement Date.

B. The Applicant shall complete construction of the Project in phases, and shall complete construction of any phase of the Project for which a building permit is issued no later than two (2) years after commencement of actual construction for that phase. The existing Anchor Bank building on Lot 1 may be occupied until the new bank building is constructed on Lot 2 notwithstanding that some of the existing parking area may be used for construction staging or be subject to re-construction during such occupation. The Walgreens on Lot 1 shall not be opened for business until a certificate of occupancy has been issued for the first house constructed on the Residential Parcels, but such requirement shall not apply to the opening of Anchor Bank on Lot 2.

C. If the Applicant fails to reasonably satisfy one or more of the deadlines provided for in this Section, then unless otherwise extended by the City, such failure shall constitute, among other things, an "Event of Default" hereunder.

16. Responsibility for Costs.

A. Except as otherwise specified herein, the Applicant shall pay all documented costs incurred by it or the City in conjunction with the approval of the Project and ensuring compliance with the Plans, including but not limited to legal, planning, engineering and inspection fees and expenses incurred in connection with approval and acceptance of the PUD, the preparation of this Agreement and other legal documents, and all costs, expenses, legal, engineering and planning fees incurred by the City in reviewing the application and related documents, and in monitoring and inspecting the progress of the Project.

B. The Bank shall indemnify and hold the City and its officers, employees and agents harmless from claims made by the Bank and third parties for damages sustained or costs directly incurred resulting from the violation of this Agreement by the Bank or the negligence, willful misconduct or illegal acts of the Bank, or of its agents, employees, successors and assigns, in connection with the development of Lot 2 and the construction of improvements on Lot 2, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement or applicable laws and ordinances by the City, or its officers or employees. NLD shall indemnify and hold the City and its officers, employees and agents harmless from claims made by the Bank and third parties for damages sustained or costs directly incurred resulting from the violation of this Agreement by NLD or the negligence, willful misconduct or illegal acts of NLD, or of its agents, employees, successors and assigns, in connection with the development of Lot 1 and the construction of improvements on Lot 1, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement or applicable laws and ordinances by the City, or its officers or employees.

C. The Bank shall reimburse the City for costs incurred in the enforcement of this Agreement, with respect to Lot 2 including engineering, building official, planning and attorney's fees, and for the City's performance of the Bank's obligations under this Agreement in the event that the Bank fails to commence or complete such obligations on a timely basis. NLD shall reimburse the City for costs incurred in the enforcement of this Agreement, with respect to Lot 1 and Outlot A including engineering, building official, planning and attorney's fees, and for the City's performance of NLD's obligations under this Agreement in the event that NLD fails to commence or complete such obligations on a timely basis.

D. The Bank shall pay in full all documented bills submitted to it by the City for obligations properly incurred under this Agreement with respect to Lot 2 within sixty (60) days after receipt; if the bills are not paid on time, the City may halt all development work and construction on Lot 2 until the bills are paid in full. NLD shall pay in full all documented bills submitted to it by the City for obligations properly incurred under this Agreement with respect to Lot 1 or that are otherwise the specific obligation of NLD hereunder within sixty (60) days after receipt; if the bills are not paid on time, the City may halt all development work and construction on Lot 1 until the bills are paid in full, and may draw on

the Letter of Credit or Bond set forth above to discharge such obligations. Bills not paid within sixty (60) days shall accrue interest at the rate of twelve percent (12%) per year

17. Events of Default. The following shall be “Events of Default” under this Agreement:

- i. Failure by an Applicant to pay when due and invoiced to Applicant in writing, the amounts required to be paid by such Applicant under any provision of this Agreement.
- ii. Failure by an Applicant to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed by such Applicant under this Agreement.

18. Remedies of Default. Whenever any Event of Default occurs and the defaulting Applicant fails to cure such default within (i) ten (10) days after receipt of written notice of a monetary default by the City; or (ii) twenty (20) days after receipt of written notice by the City of a non-monetary default or such longer period as may be reasonably necessary, provided the defaulting Applicant has acted promptly and pursued such cure with diligence; or (iii) in the case of an emergency meaning an imminent threat to human health or the environment, such shorter period of time as may be reasonable under all of the circumstances, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take any one or more of the following actions:

- i. Perform or hire a third party to perform for the account of the defaulting Applicant any obligation of the Applicant related to Site Improvements (as defined in Section 13 of this Agreement) The defaulting Applicant shall promptly reimburse the City for any reasonable expense incurred by the City. This Agreement is a license for the City to act related to the Site Improvements, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or to act in accordance with this Agreement. When the City does any work as allowed herein, the City may, in addition to its other remedies, assess the cost in whole or in part against that portion of the Property owned by the defaulting Applicant and such portion of the Property shall be deemed to have benefited from the work in the reasonable amount expended by the City to perform such work.
- ii. Withhold approval of any permit with respect to that portion of the Property owned by the defaulting Applicant, including building permits for the Property.
- iii. File a claim on the letter of credit Bond benefitting the City to pay for the cure of the default.

- iv. Require the defaulting Applicant to discontinue work on that portion of the Property owned by the defaulting Applicant until such time as the Event of Default has been cured.
- v. Assess against that portion of the Property owned by the defaulting Applicant any reasonable costs provided for herein and incurred by the City due to the breach of this Agreement by the defaulting Applicant and not theretofore reimbursed by the defaulting Applicant and that portion of the Property owned by the defaulting Applicant shall be deemed to have benefited in the amount and to the extent of such costs.

19. Conformance with Laws. Each Applicant shall comply with the terms of this Agreement and all applicable local, state, and federal laws and regulations applicable to the development of that portion of the Property owned by such Applicant.

20. Miscellaneous.

A. Each Applicant represents to the City, to such Applicant's actual knowledge, the portion of the Project to be developed on that portion of the Property owned by such Applicant complies with all county, metropolitan, state and federal laws and regulations, and such Applicant has no knowledge of any violations by such Applicant or by the portion of the Project to be developed on that portion of the Property owned by such Applicant of applicable City Subdivision Ordinances, City Zoning Ordinances, or environmental regulations (as the same may have been modified by the City Resolution). If the City determines that the Project does not comply and such non-compliance may have serious consequences to the City, the City may, at its option, refuse to allow construction of that portion the Project to be developed on that portion of the Property owned by such Applicant until the Applicant does comply. Upon the City's demand, such the Applicant shall cease work until there is compliance.

B. Only the parties constituting the Applicant, and any successor or assign thereof who assumes the obligations of such Applicant hereunder according to the requirements of this Agreement and in a form acceptable to the City, shall have recourse against the City under this Agreement.

C. If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.

D. The action or inaction of the City shall not constitute a waiver of or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No building permit or certificate of occupancy

shall be issued which conflicts with the requirements of this Agreement, and any such permit or certificate which does so conflict shall be void. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.

E. This Agreement, any amendments hereto, and conditions of the City Resolution and Ordinance are binding on all successors and assigns and shall run with the Property. Each Applicant and its successors and assignees are liable under this Agreement with respect to the obligations of such Applicant until the Certificate of Completion described below is issued with respect to the portion of the Property owned by such Applicant. Neither Applicant may not assign this Agreement, without written consent of the City Council, which shall not be unreasonably withheld, prior to issuance of the Certificate of Completion described below provided however that each Applicant may conditionally assign its rights and obligations under this Agreement to any lender who is providing such Applicant with financing to fund the cost of work as shown in the Plans. Applicant shall provide the City with a recorded copy of this Agreement, and any amendments thereto, as soon as they are available. No building permits shall be issued until (i) evidence of such recording acceptable to the City has been provided by the Applicant, and (ii) Applicant has obtained and recorded agreements by all parties holding an interest in the Property prior to recordation of this Agreement, including but not limited to mortgage holders, agreeing to be subject to the terms and conditions of this Agreement.

F. After (i) an Applicant has completed the work required by this Agreement on that portion of the Property owned by such Applicant for which a building permit has been issued, (ii) the City has inspected, approved and accepted ownership of all public improvements within or immediately adjacent to that portion of the Property owned by such Applicant, and (iii) all warranty periods provided for in this Agreement with respect to that portion of the Property owned by such Applicant have expired, then, at the Applicant's request, the City will execute and deliver to such Applicant a Certificate of Completion in recordable form evidencing performance by Applicant of its obligations hereunder, subject to:

- i. Any representation or warranties, which may be in effect subsequent to the date of completion, and
- ii. Any other obligations specifically identified in such Certificate as having not been performed.
- iii. Any obligations imposed by this Agreement not certified as having been satisfied in such Certificate of Completion, and all warranties and representations of the Applicant, shall remain the ongoing obligation of the Applicant and its successors and assigns. Any subsequent owner of the portion of the Property of such Applicant

shall be subject to all the restrictions and obligations contained herein to the extent that such restrictions and obligations have not been satisfied by the Certificate.

G. The City agrees that it will, from time to time and within ten (10) business days after request by either Applicant or a subsequent owner of any portion of the Property, execute and deliver to the requesting party a compliance certificate (addressed to the requesting party and such other parties as the requesting party may designate) certifying to the City's actual knowledge (to the extent the following is true) (i) that this Agreement is unmodified and in full force and effect (or if there have been modifications, the same is in full force and effect as so modified), (ii) that there have been no defaults hereunder (or specifying any claimed defaults), (iii) that the Applicant has completed its development and construction obligations hereunder, and (iv) such other matters as may be reasonably related to this Agreement.

H. Each right, power or remedy herein conferred upon either party is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to such party at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient to the party having such right, power and remedy and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.

I. This Agreement for the Project must be recorded in the appropriate Hennepin County land records at the expense of the Applicant and a copy of the recorded executed Agreement provided by the Applicant to the City. The City will cooperate with the Applicant in executing and delivering reasonable Subordination Agreements in favor of a mortgage or mortgages of the Property granted by the Applicant to Applicant's lenders.

J. Each Applicant warrants and represents that it has had the benefit of competent legal and other professional counsel on the Project, the Application process and this Agreement, and is entering freely into this Agreement with full understanding of its obligations, covenants, and other terms.

K. Each Applicant agrees to take out and maintain or cause to be taken out and maintained until a Certificate of Completion has been issued for the Project, public liability and property damage insurance covering personal injury, including death, and claims for property damage which may arise out of each Applicant's work or the work of its contractors or subcontractors. Limits for bodily injury and death shall be no less than \$1,000,000 for each occurrence; limits for property damage shall be not less than \$1,000,000 for each occurrence; or a combination single limit policy of \$2,000,000 or more. The City shall be named as an additional insured on the policy. Each Applicant shall file with the City a

certificate evidencing coverage prior to the City signing the plat. The certificate shall provide that the City must be given 30 days advance written notice of the cancellation of the insurance.

21. Effect of Development Approval. Notwithstanding any provision of this Agreement to the contrary, to the full extent permitted by State laws, any further development or construction of new improvements and any additions or alterations to existing improvements not expressly approved under this Agreement will require additional approvals from the City, as required by City ordinances, and in full compliance with any amendments to the City's Comprehensive Plan or Zoning Ordinance requirements enacted after the date of this Agreement.

22. Notices. Required notices to the Applicant shall be in writing, and shall be either hand delivered to the Applicant, its employees or agents, or mailed to the Applicant by certified or registered mail at the following address (or such other address as Applicant later gives to the City in writing referencing this Agreement and this section):

NLD Wayzata LLC
c/o Capital Real Estate, Inc.
Attention: Manager
50 South Sixth Street, Suite 1480
Minneapolis, MN 55402

AND:

Anchor Bank National Association
Attn: Dennis R. Nisler, Chief Financial Officer
1360 Duckwood Drive
Eagan, MN 55123

Notices to the City shall be in writing and shall be either hand delivered to the City Manager, or mailed to the City by registered or certified mail in care of the City Manager at the following address:

Wayzata City Hall
600 East Rice Street
Wayzata, MN 55391
Attention: City Manager

[Remainder of page intentionally left blank; signatures follow]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

City of Wayzata, a Minnesota Municipal corporation

By: _____
Kenneth Willcox, Mayor

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of March 2014, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

By: _____
Heidi Nelson, City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of March 2014, by Heidi Nelson, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Public

APPLICANT:

NLD Wayzata LLC

By: _____
Allison F. Kern, its Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of March 2014, by Allison F. Kern, the Manager of NLD Wayzata LLC, a Delaware limited liability company, on behalf of said company.

Notary Public

Anchor Bank National Association, a national banking association

By: _____
Its _____

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of March 2014,
by _____, the _____ of Anchor Bank
National Association, a national banking association, on behalf of the association.

Notary Public

THIS INSTRUMENT DRAFTED BY:

City of Wayzata
600 E. Rice Street
Wayzata, MN 55391

LIST OF EXHIBITS

- Exhibit A – Legal Description of Property
- Exhibit B – City Council Resolution No. 05-2014
- Exhibit C – City Ordinance 744 and Resolution No. 07-2014
- Exhibit D – Intentionally Omitted
- Exhibit E – Stormwater Maintenance Agreement

EXHIBIT A
LEGAL DESCRIPTION

Parcel A:

Lot 1, Block 1, Hobens Second Addition.

Hennepin County, Minnesota
Abstract Property
Torrens Property
Torrens Certificate No. 787182

Parcel B:

Lots 5 and 6, Batson's Bonny Brae Addition to Wayzata.

Hennepin County, Minnesota
Abstract Property

Parcel C:

That portion of Elm Lane, dedicated in the plat of Batson's Bonny Brae Addition to Wayzata, lying between the extensions Southerly of the Easterly line of Lot 5 and the most Westerly line of Lot 5, said Batson's Bonny Brae Addition.

Hennepin County, Minnesota
Abstract Property

Legal Description of Property

EXHIBIT B

City Council Resolution No. 05-2014

RESOLUTION NO. 05-2014

RESOLUTION APPROVING PUD AMENDMENT, CONCURRENT PRELIMINARY AND FINAL PLAT, DRIVE-THRU CUPS, PROJECT DESIGN, AND SITE PLAN FOR 1055 WAYZATA BLVD E. AND 141, 155 CENTRAL AVE N

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

- 1.1 Project. Anchor Bank and the Leo & Algena Lund Partnership (collectively, the “Applicant”) have submitted an application attached hereto as Attachment A (the “Application”) for approval of a new development that would include a new 4,012 SF Anchor Bank building with drive-thru at the northeast corner of the site, a new 14,500 SF Walgreens store with drive-thru, a widened Wooddale Ave, and three (3) new single family detached residential lots (collectively, the “Project”).
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:
- A. Amendment to existing PUD under Section 801.33.9 to allow two commercial structures on the Property and amendment to applicable provisions in a 1992 PUD Contract that governs the Property (collectively, the “PUD Amendment”)
 - B. Concurrent Preliminary and Final Plat Subdivision for approval under Section 805 to adjust lot lines of the Commercial Parcel (the “Commercial Plat”) and Preliminary Plat Subdivision approval under Section 805 to create three (3) Residential Parcels (the “Residential Plat”) (collectively, “the Proposed Subdivision”)(Note: the Final Plat for the Residential Parcels will be formally submitted and reviewed at a later date)
 - C. Drive-thru CUP approval under Sections 801.77.5.C for bank drive-thru and Walgreens drive-thru (the “Drive-thru CUPs”)
 - D. Project Design (“Design”) approval under Section 801.09 (Design Standards) for two (2) commercial structures
 - E. Site Plan approval under Section 801.22 (the “Site Plan”)
- 1.3 Legal Description. The address, property identification number and owners of the property included in the Application (collectively, the “Property”) are:

1055 Wayzata Blvd E	06-117-22-14-0077	First National Bank of Wayzata
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141 Central Ave N	06-117-22-14-0005	Leo & Algena Lund Partnership
155 Central Ave N	06-117-22-14-0006	Leo & Algena Lund Partnership

The first parcel above is sometimes referred to in this Resolution as the “Commercial Parcel” and the second and third parcels, as the “Residential Parcels”.

1.4 Land Use. The land use designations for the Property are:

	Commercial Parcel	Residential Parcels
Zoning:	Planned Unit Development (PUD)	R-3A Single and Two Family Residential
Comp Plan:	Mixed Use Commercial (MUC)	Low Density Single Family Residential
Design District:	Wayzata Blvd Design District	n/a
Total lot size:	* 142,133 square feet (SF) or 3.26 acres (together with Residential Parcels)	

- 1.5 PUD Agreement. The Commercial Parcel is encumbered by a PUD Contract that was entered into in 1992 and restricts use and further development on the Commercial Property.
- 1.6 Notice. Notice of a public hearing on the Application at the August 5, 2013 Planning Commission Meeting was published in the *Lakeshore Weekly* on July 23, 2013. A copy of the notice was mailed to all property owners located within 350 feet of the Property on July 24, 2013. A notice of the September 16, 2013 Planning Commission Meeting was mailed to all property owners located within 350 feet of the Property on September 10, 2013.
- 1.7 Planning Commission Action. The Planning Commission reviewed the Application and held a public hearing at its August 5, 2013 regular meeting. At the conclusion of that meeting, the Planning Commission moved to continue its review of the Application and requested additional information from the Applicant for the Planning Commission’s September 16, 2013 meeting. The Planning Commission continued review of the Application at its September 16, 2013 meeting, received further public comment, and voted four (4) in favor and three (3) opposed to direct City Staff to prepare a draft Planning Commission Report and Recommendation on the Application for review at its October 7, 2013

meeting. The Planning Commission continued review of the Application at its October 7, 2013 meeting. At that meeting, a motion to recommend approval of the Application to the City Council and adopt the draft Planning Commission Report and Recommendation failed on a vote of two (2) in favor and three (3) opposed, with two (2) commissioners absent. The Planning Commission then voted three (3) in favor and two (2) opposed, with two (2) commissioners absent, to adopt findings of fact and a recommendation of denial of all requests in the Application.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Application Procedures. Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD permit has been approved shall require an amendment of the original permit. An application for amendment of the original PUD permit specifying the proposed variance or alteration shall be submitted to the City, together with a fee established by City Council resolution and such information as is required by the City or as the applicant deems necessary to fully explain his application. Should the applicant request an amendment of a PUD permit to erect an additional building or buildings, the applicant fee therefor shall be established by City Council resolution. In either case, the applicant also shall pay, as an additional fee, any consulting expenses which are incurred by the City in review of the application. The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's Concept Plan, as outlined in Section 801.33.5.
- B. Action by the Planning Commission and City Council. The same review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's Concept Plan, outlined in Section 801.33.5 and 801.33.6 of the Zoning Ordinance. The affirmative majority vote (3 of 5) of the City Council shall be required for approval of an amendment of a PUD permit.
- C. Council Discretion. If the Council determines that the proposed PUD 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 Zoning Ordinance, it may approve the PUD, although it shall not be required to do so. Section 801.33.2.A.
- D. Intent and Purpose of PUDs. The PUD process, outlined in Section 801.33 of the Zoning Ordinance, allows deviation from the strict provisions

of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., for the purpose of encouraging:

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.

E. General Standards. Section 801.33.2.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.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.

11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
 12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
 13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
 14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- F. PUD Agreement. A 1992 PUD Contract encumbers the Commercial Property, which contains numerous restrictions on further development of the Commercial Property. The City Council would need to approve an amendment to this PUD Agreement in order for the Project to be constructed.

2.2 Preliminary and Final Plat.

Chapter 805 of the Wayzata City Code, (the "Subdivision Ordinance") sets forth the procedure and substantive review criteria for applications for a subdivision. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.15 of the Wayzata

Subdivision Ordinance allows the City to review a proposed preliminary and final plat simultaneously.

- A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:
1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan).
 2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
 3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
 4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).
- B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:
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 filling 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 relevant performance standards.
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.

2.3 Drive-Thru CUPs. A drive through service window is permitted as a conditional use under Sections 801.77.5.C and 801.04.2.F

- A. **Compatibility.** The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
- B. **Vehicle Access.** Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.

- C. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
- D. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - 1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) must be provided for the service window.
 - 2. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - 3. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
 - 4. Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
 - 5. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 - 6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five (5) feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 - 7. The provisions of Section 801.04.2.F of the Zoning Ordinance are considered and satisfactorily met. Section 801.04.2.F requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
 - A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's compatibility with present and future uses of the area.

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

2.4 Design Standards.

- A. The design of all new buildings and exterior improvements to the public side of nonresidential and/or multifamily buildings in Wayzata which clearly alter the appearance of a structure are subject to the review and approval of the Wayzata Planning Commission and City Council. City Code Section 801.09.1.5. The relevant design criteria for the "Wayzata Blvd District" which are applicable to the Project are included in the attached Design Critique (Attachment C). There are two (2) deviations requested from the Design Standards for the new buildings that are a part of the Project:
 - 1. Sections 801.09.11.1.A and 801.09.11.1.G – Percent of Accent Materials – More than 10% metal on building facades for the new Anchor Bank and Walgreens buildings
 - 2. Section 801.09.8.4 – Façade Transparency – Less than 50% façade transparency on Wayzata Blvd for new Walgreen building
 - 3. Section 801.09.11.1.H.2 – Parapet Coping at five (5) inches
- B. With the exception of Section 7 of the Design Standards, a deviation from any section of the Design Standards requires a finding by the City Council (after considering the Planning Commission's recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:
 - 1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
 - 2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.

3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.5 Site Plan.

Site and construction plans must be submitted to and approved by the Building Official prior to the issuance of any building permit. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specifications without prior submission of a plan modification request to the Building Official for his review and approval. City Code Section 801.22.2-4.

2.6 Street and Public Easement Vacation.

Section 70 of the Wayzata City Charter provides that the City Council shall have the exclusive power, by ordinance passed by a unanimous vote of all the members thereof, to vacate or discontinue highways, streets and alleys within the city. Such vacations may be made only after notice and hearing of affected property owners and upon such further terms and by such procedure as the council may, by ordinance, prescribe. A record of each such vacation shall be filed in the office of the Register of Deeds of Hennepin County.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the PUD Amendment, Concurrent Preliminary and Final Plat Subdivision, Drive-Thru CUPs, Design, Site Plan, and Street Vacation depicted in the Application and subsequent submittals by the Applicant, if approved with the conditions set forth in this approval

resolution, would meet the applicable requirements of Wayzata's Design Standards, Wayzata's Zoning Ordinance and Subdivision Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD Amendment.

- A. Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance and Section 2.1 of this Resolution. Comments of persons appearing before the Planning Commission at the Public Hearing were mixed, with some neighbors favoring the Project and some against. The main concerns of the Planning Commission with the Amended PUD centered on traffic impacts, impacts to the adjacent residential neighborhood, and potential intensification of use the site. The conditions placed on the approval of the Amended PUD in this Resolution are intended to address these concerns.
- B. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Resolution. The following standards are met:
 - 1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 - 2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
 - 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.
 - 4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.
 - 5. Landscaping. Landscaping in the Amended PUD would be according to a detailed plan approved by the City Council.
 - 6. Health, Safety, and Welfare. Provided the recommended conditions of approval are met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.

3.2 Preliminary and Final Plat.

- A. Goals. The Proposed Subdivision is consistent with the goals of the Subdivision Ordinance.
- B. Criteria for Approval.
1. The Project associated with the Proposed Subdivision is consistent with the Wayzata Comprehensive Plan. The proposed Subdivision conforms with commercial use and low density single family residential development for this area. The proposed lot combination would provide for the redesign and realignment of Elm Lane to serve as an access point for the commercial components and the platting of two existing residential lots into three single family residential lots which would meet the R-3A District lot area minimums.
 2. The commercial building pads associated with the Project ("Proposed Building Pads") would not negatively impact any sensitive areas. The proposed commercial building pads utilize the existing Anchor Bank site. The Applicant has provided a landscaping plan for the screening of the two commercial new buildings to the adjacent residential neighborhood. The Applicant has provided three conceptual building pads for the three residential lots, however would be required to return to the Planning Commission and City Council for review of final building pad locations prior any construction activity of the Residential Parcels.
 3. The Proposed Building Pads have been selected and located with respect to natural topography to minimize filling or grading. The Project proposes some grading work for the building pad locations and realignment of Elm Lane, but will utilize the existing Anchor Bank site for the location of the new structures.
 4. Existing significant trees would be retained where possible on the Property. As part of the Project, there would be a net reduction of 39 trees on the entire site but additional trees would be planted when the Residential Parcels are developed.
 5. The Proposed Subdivision would not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas as it would be consistent with the surrounding area. Further review and approval of the building plans for the residential lots of the Project within the Subdivision would be required as a condition of approval.

6. The design of the lots, the proposed building pads, and the site layout of the Proposed Subdivision responds to and is reflective of the surrounding lots and neighborhood character. The residential building pads would be required to come back for additional review and approval, but are similar in size to other properties in the area. The Project proposes to screen the adjacent residential properties from the two commercial uses.
7. The lot sizes that result from the Proposed Subdivision would not be dissimilar from adjacent lots or lots found in the surrounding neighborhood. The proposed lot sizes are similar to other residential properties in the adjacent area. The proposed lot sizes for the Residential Plat are similar to those in the area. The proposed lots conform with and exceed the R-3A District and Comprehensive Plan minimums for lot area. The commercial lots sizes are similar to other commercial lots in the area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings for the new residential lots created by the Subdivision is not known at this time but would presumably be similar to the characteristics and quality of existing development in the City and neighborhood. Further review and approval of the building plans for the residential lots within the Subdivision should be required as a condition of approval. The Applicant has provided design review submittals for the two commercial components of the Application in Attachment C of the Staff Report. At this time, the Applicant does not have single family residential design plans completed for the three residential lots, but will provide those plans for review at a future time. As a condition of approval, the Applicant and/or future homeowner shall be required to submit plans for review and approval by the City depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residential structures proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9.
9. The proposed lot layout and Proposed Building Pads of the Proposed Subdivision would conform will all relevant performance standards. The proposed lot layout for the three residential lots meets the performance requirements of R-3A District. As a condition of any approval, the specific building pad design will be reviewed by the Planning Commission and City Council at a future date.

10. The Proposed Subdivision is not likely to tend to or actually depreciate the values of neighboring properties in the area in which the Subdivision is proposed. The Project includes screening of the commercial activity to the adjacent residential properties to the west.
 11. The Proposed Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- C. Parkland Dedication. The Applicant shall be required to pay a minimum of two thousand five hundred dollars (\$2,500.00) or ten percent (10%) of the determined land value, whichever is greater, for Parkland Dedication fees, as required under Section 805.37(i)(1) of the Subdivision Ordinance for the creation of each new single-family lot.

3.3 Drive-Thru CUPs.

- A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the new proposed Anchor Bank building, new proposed Walgreens building, and site would not be dissimilar to the existing nearby commercial and residential buildings, and would not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
- B. Vehicle Access. Vehicular access points would be limited, and create a minimum of conflict with through traffic movements.
- C. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings would be surfaced with a material which will control dust and drainage.
- D. Drive-through Windows. The following criteria for service windows would be satisfied:
 1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) must be provided for the service window. The site contains 180 feet of stacking and adjacent drive lanes for vehicle queuing for both drive-thru operations.
 2. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

3. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
4. Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.
5. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five (5) feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
7. General CUP Criteria:
 - A. The use/s associated with the Drive-thru CUP (the "Proposed Use") does not contravene any specific policies and provisions of the official City Comprehensive Plan.
 - B. The Proposed Use conforms with present and future land uses in the area. The Commercial Parcel is currently guided for Mixed Use Commercial in the City Comprehensive Plan.
 - C. Other than those aspects of the Proposed Use for which a design deviation has been requested, the Proposed Use will not affect performance standards contained in the Zoning Ordinance.
 - D. The Proposed Use will not have a significant impact upon property values in the adjacent Residential and Commercial Districts.
 - E. The Proposed Use will not generate traffic that would have a negative impact on the surrounding area according to traffic studies conducted on the Project by the Applicant and the City.
 - F. The Proposed Use will not have a negative impact on the surrounding area.

- G. The Proposed Use is compatible or will be required to be compatible with all of the performance standards contained in Section 801.77.5.C as a conditional of approval.

3.4 Project Design Review.

- A. The Project Design as proposed in the Application meets the criteria of the applicable Design Standards as described in Attachment C, with the exception of the following Design deviations noted in the Design Critique:
 - 1. Sections 801.09.11.1.A and 801.09.11.1.G – Percent of Accent Materials – More than 10% metal on building facades for the new Anchor Bank and Walgreens buildings
 - 2. Section 801.09.8.4 – Façade Transparency – Less than 50% façade transparency on Wayzata Blvd for new Walgreen building
 - 3. Section 801.09.11.1.H.2 – Parapet Coping at five (5) inches
- B. The negative impact of such deviations is outweighed by the positive effect the Project will have on the area in which it is proposed due to the use of high quality materials.

- 3.5 Site Plan. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

Section 4. CITY COUNCIL ACTION

Based on the Findings of this Resolution, the City Council takes the following action (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):

- 4.1 PUD Amendment. The request for approval of the PUD Amendment, as set forth in the Application, is **APPROVED**, subject to the following conditions, which shall be made a part of the PUD Amendment:
 - A. Development Agreement. The Applicant must enter into a development agreement, binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, setting forth the approvals granted in this Resolution along with all applicable conditions, the major concerns the conditions are intended to address, the details on the timing and stages of the various phases of the Project, and a requirement that the commercial operations that are part of the Project may not be open for business until a certificate

of occupancy has been issued for the first house constructed on the Residential Parcels that are a part of the Project.

- B. Deed Restriction. The Applicant must agree to and file a deed restriction for the Residential Parcels that are part of the Project, restricting each parcel to single family residential uses.
- C. Construction Times and Timing.
 - 1. All construction and related work on the Project must be limited to normal business hours as defined in City Code. If it is necessary to work on the weekend, work may start no earlier than 9am.
 - 2. Walgreens may not be open for business until a certificate of occupancy has been issued for the first house constructed on the Residential Parcels that are a part of the Project.
- D. PUD Requirements.
 - 1. All new tree plantings shall be at least three (3) caliper inches in diameter.
 - 2. All parking lot lights shall be downward facing, be equipped with shields around the light source, and all illuminated signage shall be equipped with dimmers.
 - 3. HVAC equipment or similar building equipment must be screened from view of adjacent properties.
 - 4. All garbage receptacles within the PUD shall be located within the respective buildings or sufficiently screened so that they are not visible from adjacent properties. Garbage pickup times must occur between 8:00 a.m and 8:00 p.m.
 - 5. The emergency access point depicted on the PUD Plan must be built as specified in the PUD Plan so as not to be obtrusive to the adjacent neighborhood.
 - 6. Lighted exterior signage shall be restricted to the south and east facing exterior walls of the buildings in the PUD. No lighted exterior signage may exist on the north or west sides of the buildings in the PUD. All illuminated signage must be equipped with dimmers and be turned off in the evening at the close of business operation.
 - 7. Outside lighting (other than permitted signage) must be downward facing with shield protection.

8. All reasonable efforts must be made to shield the sounds emanating from the speakers of the Walgreens and Anchor Bank drive-thrus from reaching the adjacent neighborhood, including shielding barriers to the west of the drive-thru windows.
9. Landscaping within the PUD (Attachment D) shall be dense and adequate to screen the buildings and access point from the Benton Avenue neighborhood. Landscaping will include a variety of types of trees, including evergreens and deciduous trees with multiple heights. Responsibility for maintaining and as replacing landscaping shall be the ongoing responsibility of the property tenants and owners.
10. A walking path, as depicted on the PUD Plan, between the adjacent neighborhood and Central Avenue shall be included in the PUD and maintained by the owner of the Commercial Parcels.
11. The drainage plan for the Property must be reviewed and approved by the City Engineer to ensure proper flow away from the adjacent neighborhood and towards Central Ave N.
12. The Applicant must construct the commercial building designs as included in the Application, and depicted on Attachment B.
13. The Applicant must construct the proposed modifications to Wooddale Ave and the private driveway to the Residential Parcels to meet State Fire Code requirements and provide adequate space for snow removal and vehicle traffic.

D. Operational Requirements.

1. Walgreens may not be open for business between 10:00 p.m. and 6:00 a.m., and deliveries and garbage pickup may only occur between 8:00 a.m. and 8:00 p.m.
2. The exterior of Walgreens must remain free of outside storage and product offerings, such as a Redbox dispenser, salt bags, firewood, propane tanks and other store merchandise.
3. No advertisements, banners or similar material may appear on the windows of or exterior walls of the Walgreens or the Anchor Bank buildings.

4. All Walgreens and Anchor Bank signage must be dimmed at night after each business is closed until open for business the following day.
 5. Drive-thru speakers at Walgreens and Anchor Bank must be kept at the lowest decibel volume possible for acceptable operation.
 6. Responsibility for maintaining and as replacing landscaping within the PUD shall be the ongoing responsibility of the property tenants and owners.
 7. Maintenance and upkeep of the walking path between the adjacent neighborhood and Central Avenue shall be the ongoing responsibility of the property tenants and owners.
 8. Garbage and dumpsters must be located within the interior of the Walgreens and Anchor Bank structures or be sufficiently screened from adjacent residential properties.
- E. Recording. The Applicant must record the deed restriction, PUD Amendment and Development Agreement with the appropriate officials at Hennepin County.
- F. City Expenses. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.
- G. Other Permits. The Applicant must secure all necessary building, grading or other such permits for construction, and follow all laws and regulations applicable to the Project. The Applicant must also secure any necessary permits required by Hennepin County and comply with their requirements for Right-of-Way dedication and access realignment.
- H. Street Vacation or Alternative: One of the following receiving City Council approval: (a) the Street Vacation; (b) an easement and license from the City to the Applicant to use Elm Lane as necessary for and consistent with the design of the Project; or (c) vacation of Elm Lane coupled with a grant of easement rights in favor of the City to utilize the entrance road to the Project and an enhanced connection with Wooddale Avenue for pedestrian and vehicular traffic, drainage and utilities, such easements exercisable by the City in the future upon terms to be negotiated with the Applicant.
- 4.2 Proposed Subdivision. The request for approval of the Proposed Subdivision (for the Commercial Parcel and the Residential Parcels), as set forth in the

Application and depicted in Attachment E, is hereby **APPROVED**, subject to the following conditions:

- A. The PUD Amendment being approved.
 - B. One of the following receiving City Council approval: (a) the Street Vacation; (b) an easement and license from the City to the Applicant to use Elm Lane as necessary for and consistent with the design of the Project; or (c) vacation of Elm Lane coupled with a grant of easement rights in favor of the City to utilize the entrance road to the Project and an enhanced connection with Wooddale Avenue for pedestrian and vehicular traffic, drainage and utilities, such easements exercisable by the City in the future upon terms to be negotiated with the Applicant.
 - C. The Applicant and/or future homeowner submit plans for review and approval by the City depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residential structures proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.e.8 and 805.14.e.9.
 - D. The Applicant and/or future homeowner/s submit a final plat for the Residential Parcels for review by the Planning Commission, and obtain the approval of City Council for that final plat.
 - E. The Applicant pay the required parkland dedication fees for the subdivision of the Residential Property.
 - F. The Applicant records the Commercial Parcel Final Plat document with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7, and provides a recorded copy to the City.
 - G. The Final Plat must include easement language for emergency access and pedestrian use.
- 4.3 Drive-Thru CUPs. The request for approval of the Drive-thru CUPs, as set forth in the Application, is hereby **APPROVED**, provided the PUD Amendment is approved and the Applicant and any future owner of the Commercial Parcel comply with all of the applicable Zoning Ordinance criteria for Drive-thru CUPs.
- 4.4 Project Design. The request for approval of the Project Design and requested deviations, as set forth in the Application, and depicted in Attachment B, is hereby **APPROVED** subject to the following conditions:
- A. The PUD Amendment being approved.

- B. The Applicant shall incorporate photos of historical Wayzata scenes within the windows facing Wayzata Blvd of the Walgreens building to screen views into the structure.
 - C. The Applicant shall use a twelve (12) inch metal architectural cap for the parapet.
- 4.5 Site Plan. The request for approval of the Site Plan, as set forth in the Application, is hereby **APPROVED** subject to the following conditions:
- A. The PUD Amendment being approved.
 - B. One of the following receiving City Council approval: (a) the Street Vacation; (b) an easement and license from the City to the Applicant to use Elm Lane as necessary for and consistent with the design of the Project; or (c) vacation of Elm Lane coupled with a grant of easements in favor of the City to utilize the entrance road to the Project and an enhanced connection with Wooddale Avenue for pedestrian and vehicular traffic, drainage and utilities, such easement rights exercisable by the City in the future, upon terms to be negotiated with the Applicant.
 - C. That prior to the issuance of any building permits for the Property, the final Site Plan must be reviewed and approved by City Staff to ensure conformance with the approved PUD Plan.
 - D. The Applicant shall modify the site plan to remove four (4) parking spaces adjacent to the Walgreens drive-thru island, and construct a three foot vegetated buffer to screen the drive-thru from adjacent properties.

Adopted by the Wayzata City Council this 21st day of January, 2014.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Tanner

Seconded by: Amdal

Voted in favor of: Amdal, Tanner, Willcox

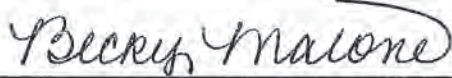
Voted against: Anderson

Abstained: None

Absent: Mullin

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 21, 2014.



Becky Malone, Deputy City Clerk
SEAL

Attachment A
Applicant Submittals

HWY 101 AND E. WAYZATA BLVD. SITE REDEVELOPMENT

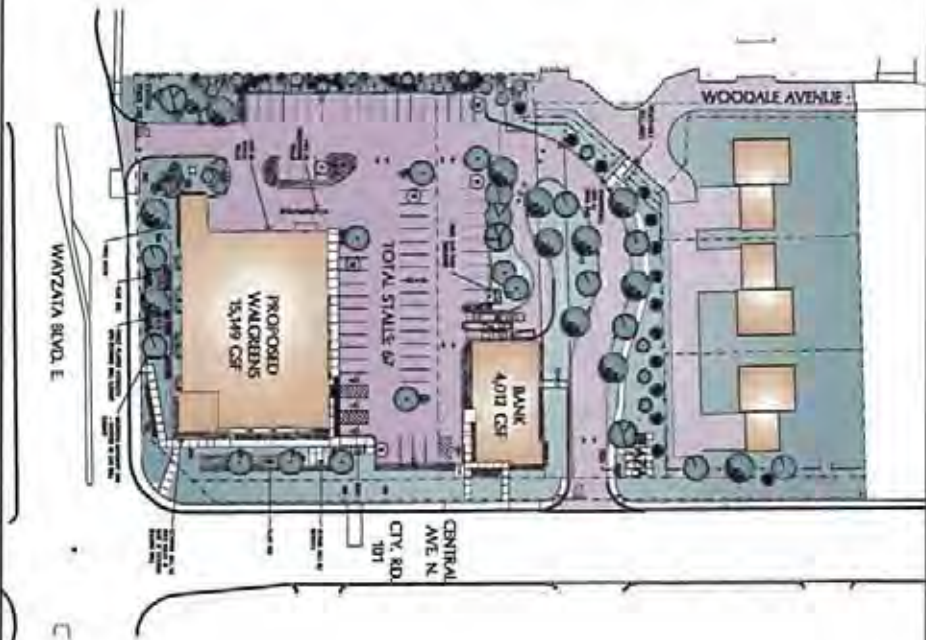
HWY 101 & E WAYZATA BLVD
WAYZATA, MN 55391

12338 LANC

1-15-2014

CITY SUBMITTAL

WORK SITE PLAN



SHEET INDEX

SHEET #	SHEET DESCRIPTION	DATE
001	GENERAL NOTES	1-15-2014
002	PROPOSED WALGREENS	1-15-2014
003	PROPOSED BANK	1-15-2014
004	EXISTING BUILDING	1-15-2014
005	LANDSCAPING	1-15-2014
006	PARKING LOT	1-15-2014
007	STREET LIGHTS	1-15-2014
008	UTILITY LOCATIONS	1-15-2014
009	EXISTING DRIVE	1-15-2014
010	PROPOSED DRIVE	1-15-2014
011	PROPOSED SIDEWALK	1-15-2014
012	PROPOSED BIKEWAY	1-15-2014
013	PROPOSED FENCE	1-15-2014
014	PROPOSED SIGNAGE	1-15-2014
015	PROPOSED LIGHTING	1-15-2014
016	PROPOSED PAVING	1-15-2014
017	PROPOSED CURB	1-15-2014
018	PROPOSED GROUND	1-15-2014
019	PROPOSED ROOF	1-15-2014
020	PROPOSED WALL	1-15-2014
021	PROPOSED DOOR	1-15-2014
022	PROPOSED WINDOW	1-15-2014
023	PROPOSED FLOOR	1-15-2014
024	PROPOSED CEILING	1-15-2014
025	PROPOSED MECHANICAL	1-15-2014
026	PROPOSED ELECTRICAL	1-15-2014
027	PROPOSED PLUMBING	1-15-2014
028	PROPOSED HVAC	1-15-2014
029	PROPOSED INSULATION	1-15-2014
030	PROPOSED GLASS	1-15-2014
031	PROPOSED METAL	1-15-2014
032	PROPOSED WOOD	1-15-2014
033	PROPOSED CONCRETE	1-15-2014
034	PROPOSED BRICK	1-15-2014
035	PROPOSED STONE	1-15-2014
036	PROPOSED TILE	1-15-2014
037	PROPOSED CARPET	1-15-2014
038	PROPOSED LINOLEUM	1-15-2014
039	PROPOSED PAINT	1-15-2014
040	PROPOSED FINISH	1-15-2014



Mohagen
Hansen
Architectural
Group

3000 Towers Drive, Suite 200
Wayzata, MN 55391
Tel: 952.428.7100
Fax: 952.428.7140
www.mohagenhansen.com

PRELIMINARY PLAT WAYZATA JUNCTION



CONTACT

BRUCE BRYANT
1000 1ST ST
BIRMINGHAM, AL 35203
Phone: 205-261-4100
Fax: 205-261-4100

COUNTY OFFICE

CLINTON
COUNTY
CITY OF
WAYZATA

ENGINEER

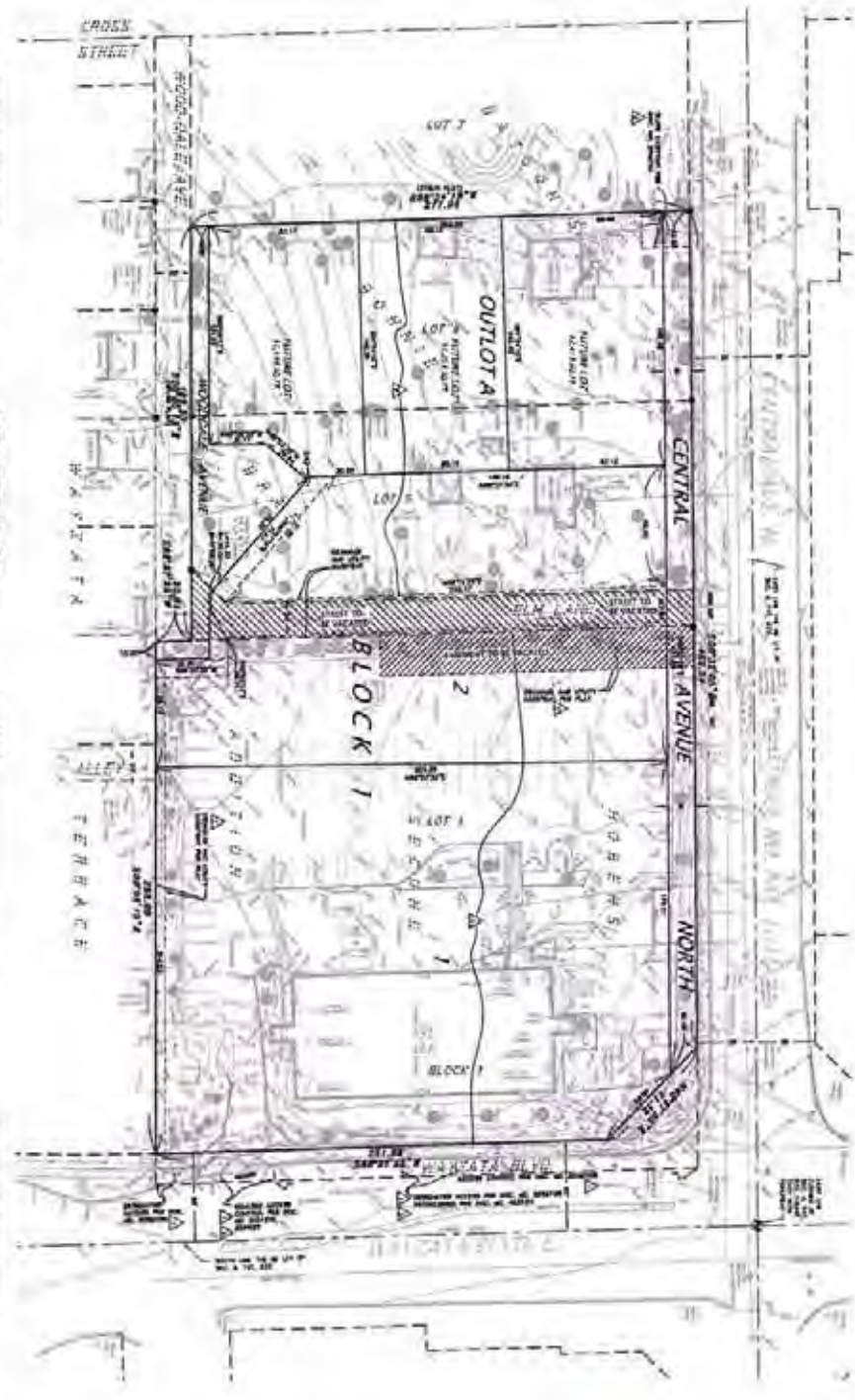
BRUCE BRYANT
1000 1ST ST
BIRMINGHAM, AL 35203
Phone: 205-261-4100
Fax: 205-261-4100

CERTIFICATION

I, the undersigned, being a duly qualified and licensed Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original as the same appears on the records of the County of Clinton, Alabama.

PROJECT LOCATION

1055
WAYZATA BLVD. E.
BIRMINGHAM, AL 35203
Phone: 205-261-4100
Fax: 205-261-4100



LEGAL DESCRIPTION

The following land is hereby described as a certain lot or lots of land situated in the County of Clinton, State of Alabama, to-wit:

EXISTING EASEMENT NOTES

The following easements are shown on the plat as existing easements:

STREET EASEMENT VARIATIONS

The following easements are shown on the plat as existing easements:

STAKE NOTES

The following stakes are shown on the plat as existing stakes:

LEGEND

The following symbols are used on the plat:

ADDITIONAL INFORMATION

The following information is provided for your reference:

ADDITIONAL NOTES

The following notes are provided for your reference:

ADDITIONAL MAP



R.T. DOC. NO.
C.R. DOC. NO.

4. Don't... There's no need to certify that this plot was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plot is a correct representation of the boundary survey; that all mathematical facts and levels are correctly depicted on the plot; that all monuments depicted on the plot have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes 30.01, Subd. 3, are of the state of Minnesota.

Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923. 0890-6895/96 \$05.00 + .00.

Guided Discussion and Activities

CHARLES C. KROEMER, Editor
Minneapolis Tribune, 25778

STATE OF MINNESOTA
COUNTY OF WASHINGTON
This instrument was acknowledged before me this _____ day of _____, 2013, by Daniel L. Thomas.

1

(Printed name)

Notary Public, Dakota County, Minnesota
My Commission Expires January 31, 2015

WAYZATA, MINNESOTA
This site of WAYZATA JUNCTION was abandoned and accepted by the City Council of Wayzata, Minnesota, as a two-lane residential street.

inserted into this _____ day of _____, 20____. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the city or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes Section 705.01 subd. 11.02.

CITY COUNCIL OF WAZZARA, MINNESOTA

By _____ Mayor

By _____ Clerk

*TODAY'S SERVICES OF/AT/ABOUT Minneapolis County, Minnesota
Twenty ninety five tax payable in 20... and prior years have been paid for the land located on site. (date) (day) (month) (year)

Walt V. Douglas County Auditor By _____ Deputy

SILVER DYNASTY, Homograph Company, Manufacturers
Pursuant to Minnesota Statutes Sec. 337B.463 (1993), this filing has been approved this _____ day of _____, 20____.

By William P. Brown, County Supervisor

REGISTRAR OF TITLES, Winnebago County, Minnesota

I hereby certify that the within goal of WAYDATA, SUCTIONE was filed at this office this _____ day of _____ 20____ at _____ o'clock _____ AM.

Michael Smith

Acting Registrar of Titles By _____, D

COUNTY RECORDS, Jefferson County, Missouri
I hereby certify that the within title of WAYSIDE JUNCTION was recorded in this

Office file _____ day of _____ 20__ at _____ o'clock _____
 Michael Smith,
 Acting County Secretary _____ Deputy



CORNERSTONE
LAND SURVEYING, INC.

1055 WYZATA BOULEVARD EAST
WYZATA, MN 55391

4. Treatment results: Long-term studies suggest that treatment with 100 mg of nifedipine daily for 6 weeks results in a 50% reduction in the risk of stroke in patients with hypertension.

- [illegible]

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ASSOCIATED INDEX:

[illegible]

ARKANSAS * CALIFORNIA * GEORGIA * MINNESOTA * PENNSYLVANIA * TEXAS

DATE _____

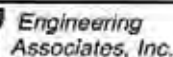
1

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1

1



CC_03182
Page 203 of 203

CC_03182014
Page 203 of 500

WILL PRODUCE
NOT FOR
COPRIGHT © 1963

C-070

姓名	张明
学号	123456789
性别	男
年龄	25
职业	教师

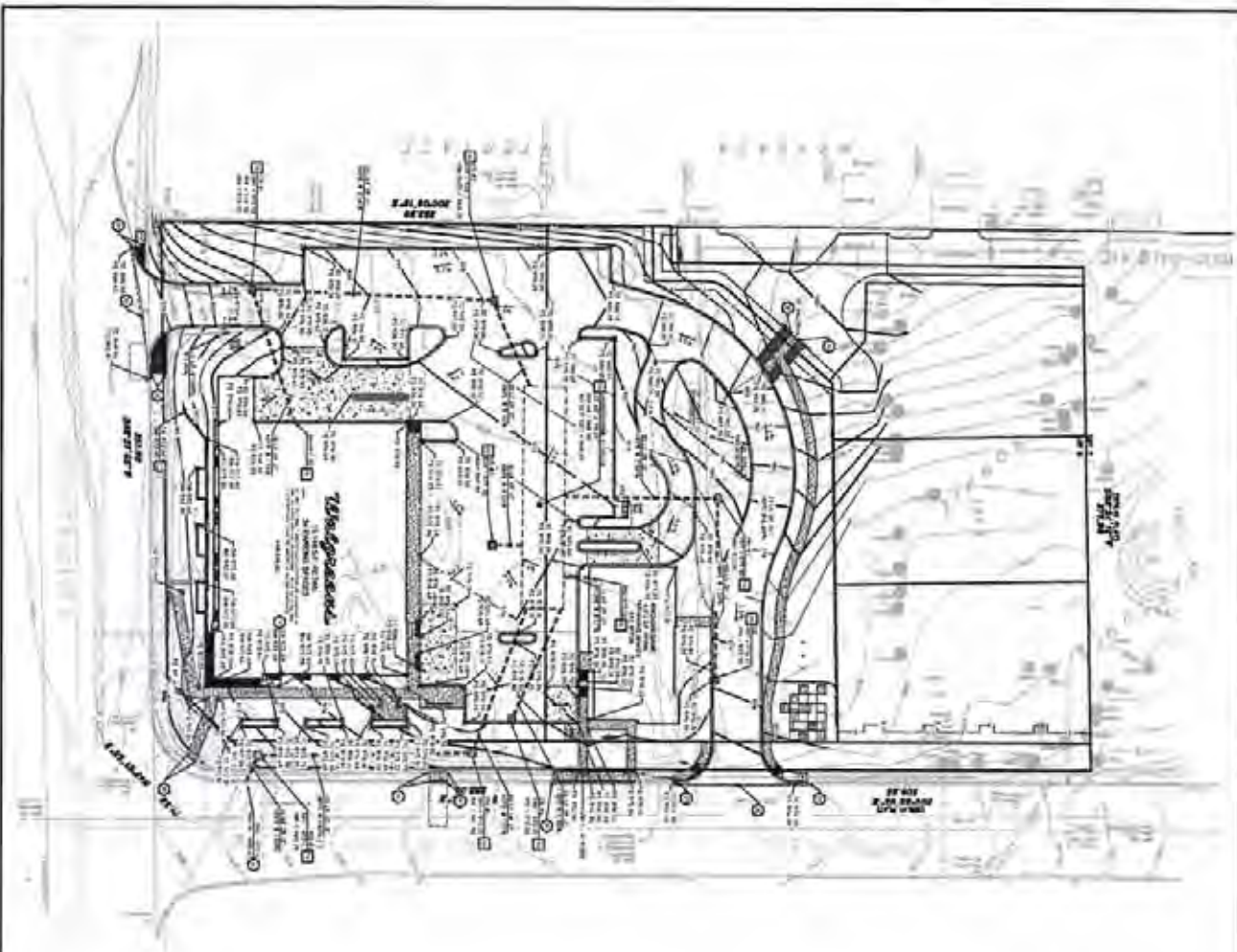




CEI Engineering Associates, Inc.
ENGINEERS PLANNERS & SURVEYORS
LANDSCAPE ARCHITECTS & ENVIRONMENTAL SCIENTISTS
2025 CENTRE POINTE BLVD., SUITE 210
PRAIRIE RIDGE, TX 75127
REV-5



C-100A	PHASED SITE PLAN			PRELIMINARY CONSTRUCTION FROM 1991-5		Engineering Associates, Inc. 1000 W. 10th St., Suite 100 Omaha, Nebraska 68102 Phone: (402) 442-1111 Fax: (402) 442-1112	CC_03182014 Page 206 of 500
	2001-01-01	FUTURE STONE					
	2001-01-01	WALGREENS					
	2001-01-01	1000 W. 10th St. and East Nakata, My Beach					
	2001-01-01						



LEGEND

Symbol	Description
	EXISTING BUILDING FOOTPRINT
	PROPOSED BUILDING FOOTPRINT
	EXISTING PARKING LOT
	PROPOSED PARKING LOT
	EXISTING ROAD
	PROPOSED ROAD
	EXISTING DRAINAGE DITCH
	PROPOSED DRAINAGE DITCH
	EXISTING TREE
	PROPOSED TREE
	EXISTING LANDSCAPE
	PROPOSED LANDSCAPE

NOTES:

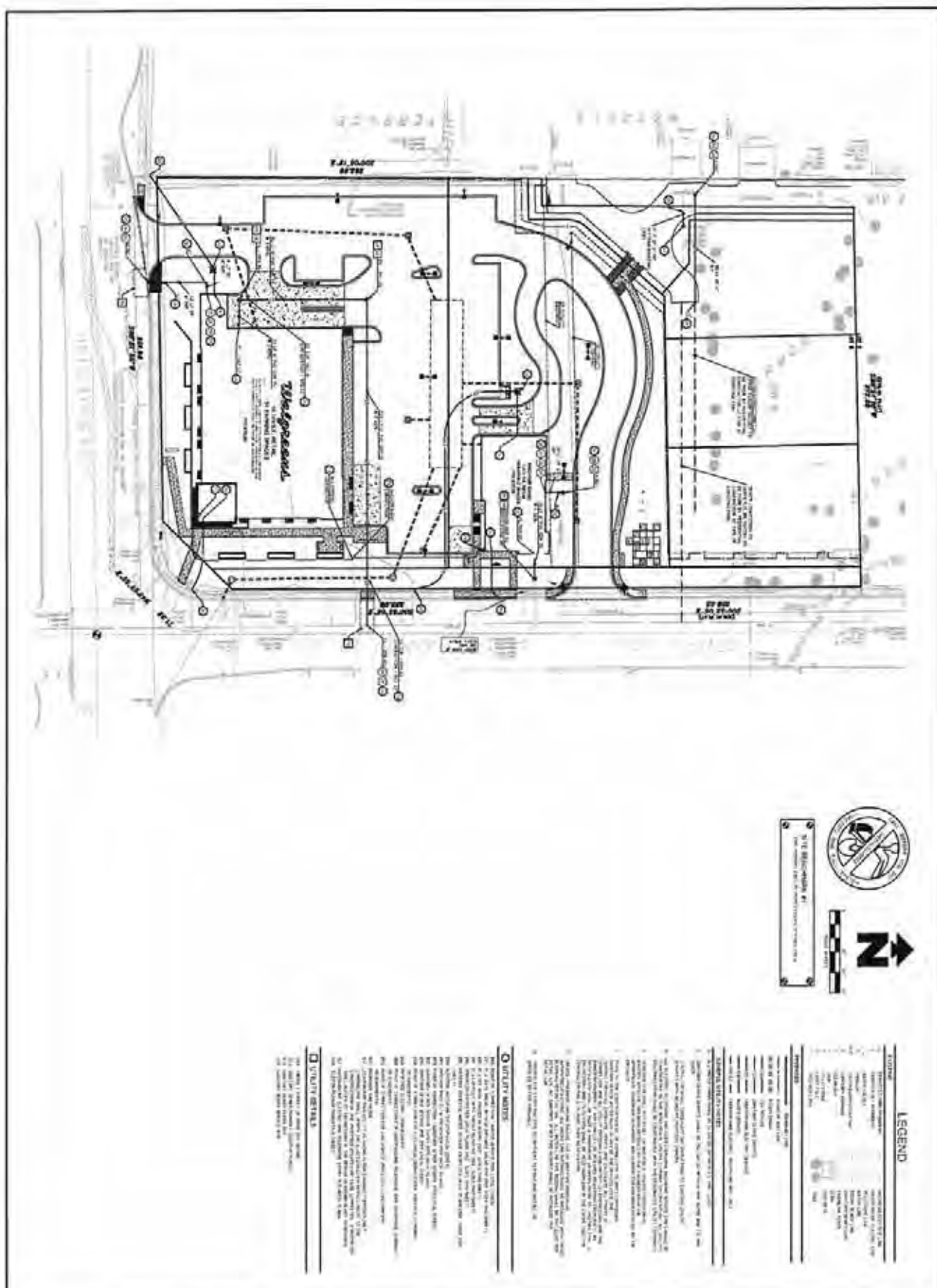
1. ALL PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
2. THE PROPOSED PARKING LOT SHALL BE DESIGNED TO ACCOMMODATE THE FOLLOWING VEHICLE TYPES AND COUNTS:

GRADING NOTES:

1. ALL EXISTING GRADE DATA WAS OBTAINED FROM A SURVEY CONDUCTED ON 08/15/2011.
2. THE PROPOSED GRADE DATA WAS OBTAINED FROM A SURVEY CONDUCTED ON 08/15/2011.
3. THE PROPOSED GRADE DATA WAS OBTAINED FROM A SURVEY CONDUCTED ON 08/15/2011.

LANDSCAPING NOTES:

1. ALL PROPOSED LANDSCAPING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.



LEGEND

SYMBOL	DESCRIPTION
	EXISTING WATER
	EXISTING SEWER
	EXISTING GAS
	EXISTING TELECOMMUNICATIONS
	PROPOSED WATER
	PROPOSED SEWER
	PROPOSED GAS
	PROPOSED TELECOMMUNICATIONS
	MANHOLE
	VALVE
	FIRE HYDRANT
	STREET LIGHT
	UTILITY POLE
	BUILDING FOOTPRINT
	PARKING LOT
	SIDWALK
	STREET

1. This utility plan was prepared for the purpose of showing the location and depth of all existing and proposed utilities within the project area. It is not to be used for any other purpose without the written consent of the Engineer.

2. The Engineer has not been responsible for the accuracy of the existing utility data provided by the owner or other sources. It is the responsibility of the user to verify the accuracy of this data.

3. The proposed utilities shown on this plan are based on the information provided by the owner and the Engineer's field observations. They are not to be used for construction without the approval of the appropriate authorities.

4. The user of this plan is advised that it is not a warranty or guarantee of the accuracy or completeness of the information contained herein. The user assumes all liability for any errors or omissions.

5. This plan is the property of the Engineer and is not to be reproduced or distributed without the written consent of the Engineer.

UTILITY NOTES

1. All utilities shown on this plan are to be installed in accordance with the applicable codes and standards. The user is responsible for obtaining all necessary permits and approvals.

2. The proposed utilities are to be installed at a depth of 4 feet below the finished ground surface, unless otherwise specified.

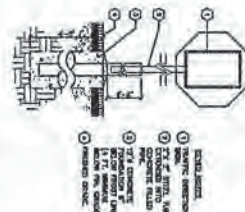
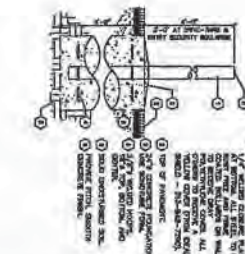
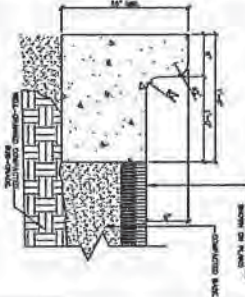
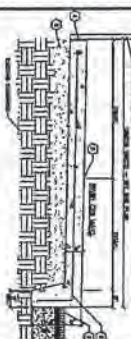
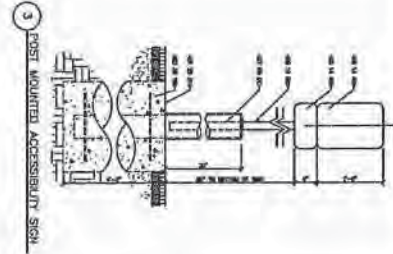
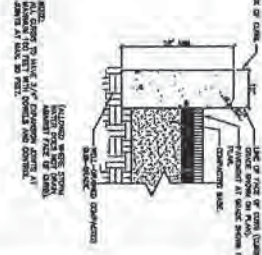
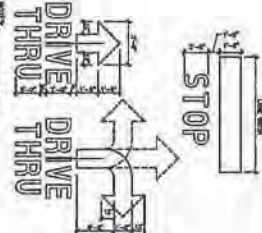
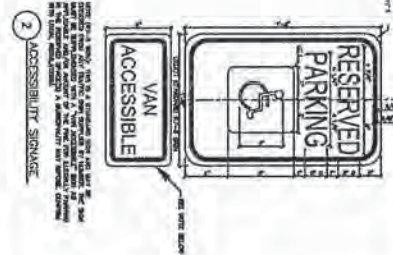
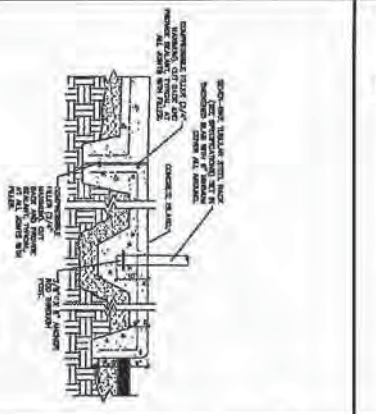
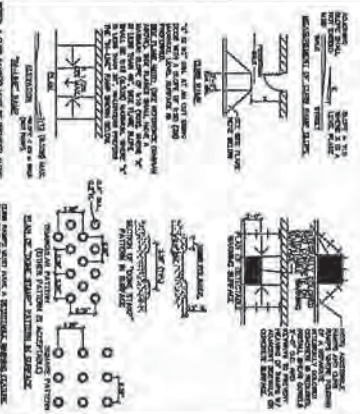
3. The user is responsible for protecting all existing utilities during the construction process. Any damage to existing utilities must be repaired at the user's expense.

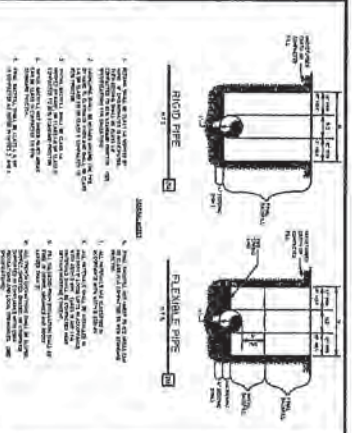
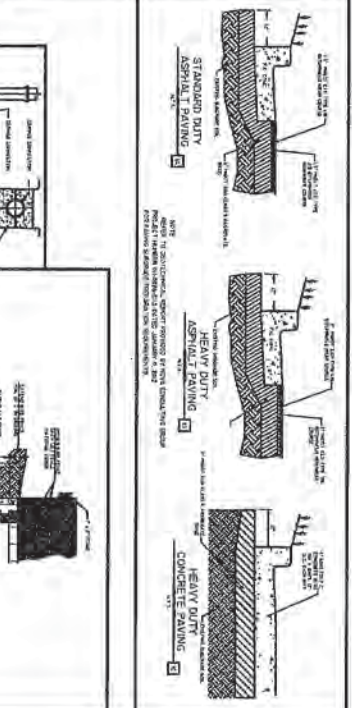
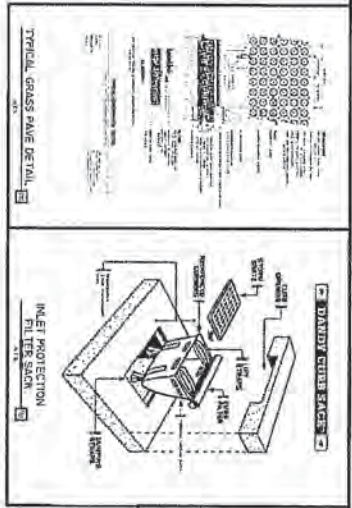
4. The user is responsible for maintaining access to all existing utilities at all times.

5. The user is responsible for providing adequate support and protection for all utilities throughout their life span.

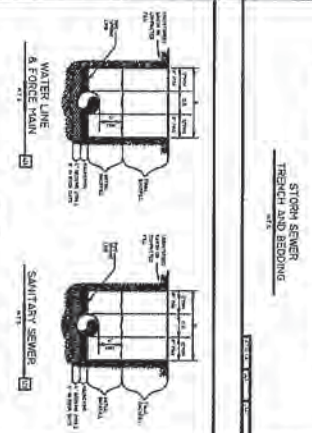
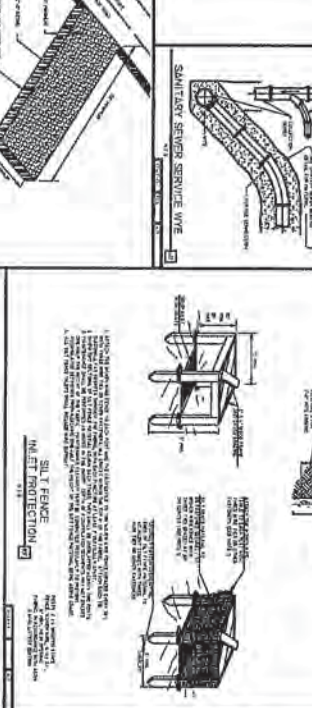
UTILITY DETAILS

C-130	UTILITY PLAN			CEI Engineering Associates, Inc. 1200 W. 25th Avenue, Suite 201 Waukegan, WI 54981 Phone: (920) 855-1111 Fax: (920) 855-1112 Email: info@cei-engineering.com
	FUTURE STORE			
	WALGREENS			
	1200 W. 25th Avenue, Suite 201 Waukegan, WI 54981			

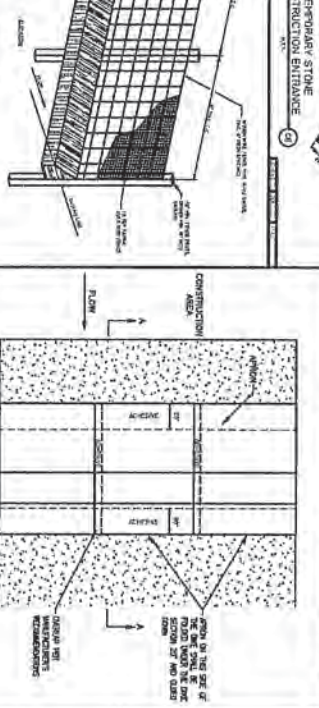
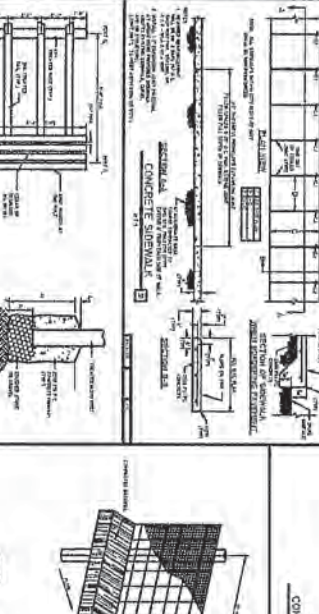




CEI Engineering Associates, Inc.
 ENGINEERS PLANNERS SURVEYORS
 LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS
 118 CHATEAU DRIVE, SUITE 100
 MINNETONKA, MN 55369
 TEL: 952.891.1111 FAX: 952.891.1112
 WWW.CEI-INC.COM



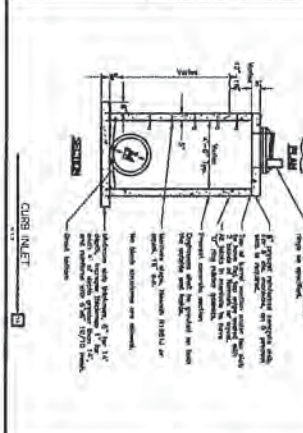
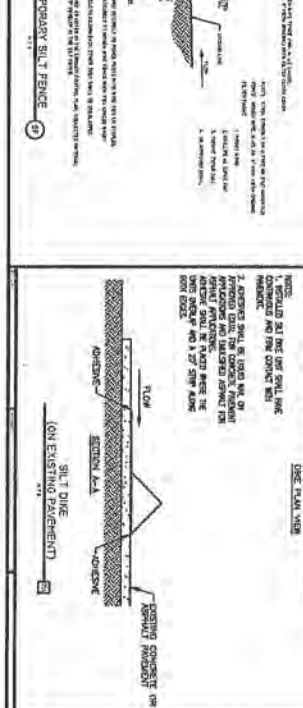
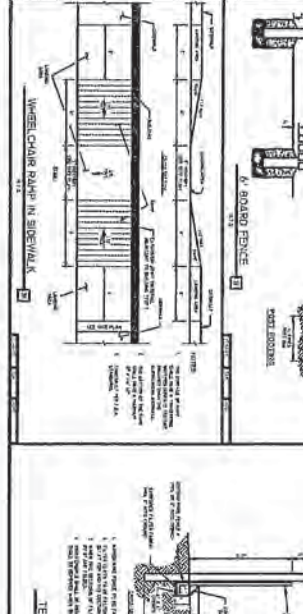
PRELIMINARY NOT FOR CONSTRUCTION



CEI DETAIL SHEET

FUTURE STORE

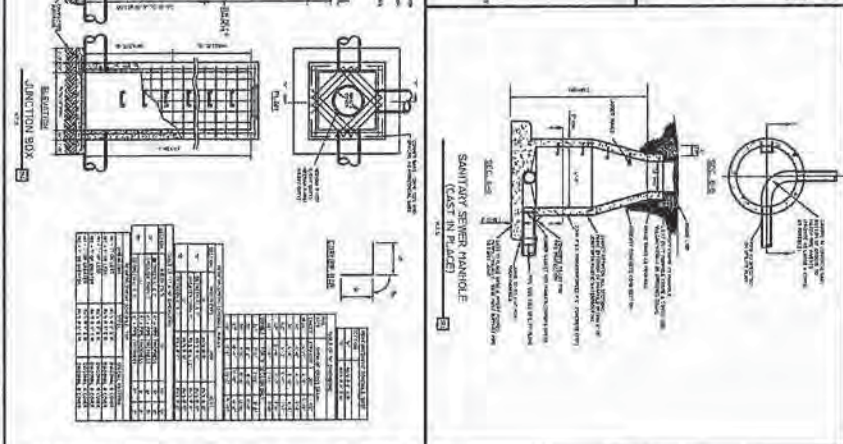
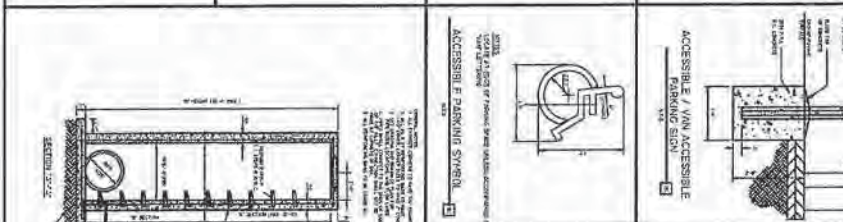
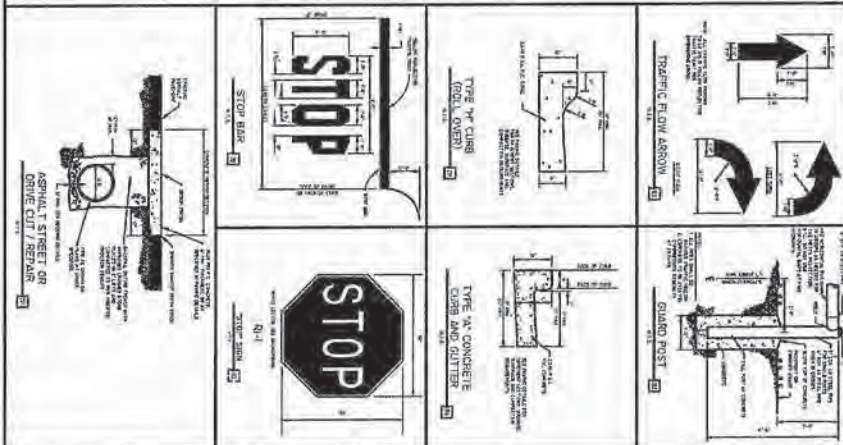
WALGREENS
 1665 WAYZATA BOULEVARD EAST
 WAYZATA, MN 55391



CEI DETAIL SHEET

FUTURE STORE

WALGREENS
 1665 WAYZATA BOULEVARD EAST
 WAYZATA, MN 55391



C-550		FUTURE STORE	
WALGREENS		1005 WAYZATA BOULEVARD EAST	
WAYZATA, MN 55091		DATE: 01/11/11	
DRAWN BY: J. J. J.		CHECKED BY: J. J. J.	
DATE: 01/11/11		APPROVED BY: J. J. J.	
REVISIONS		REVISIONS	

SANITARY STORM CLEAN-OUT

SANITARY STORM CLEAN-OUT

Engineering Associates, Inc.

ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS & ENVIRONMENTAL SCIENTISTS

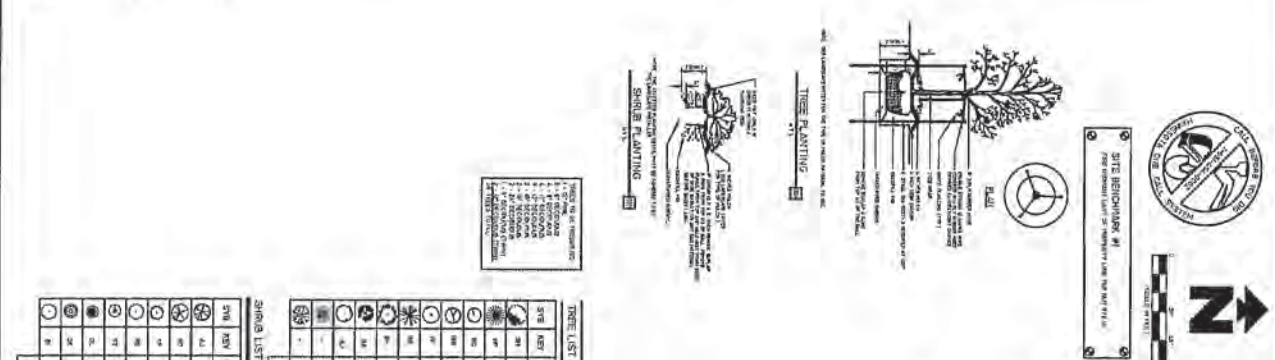
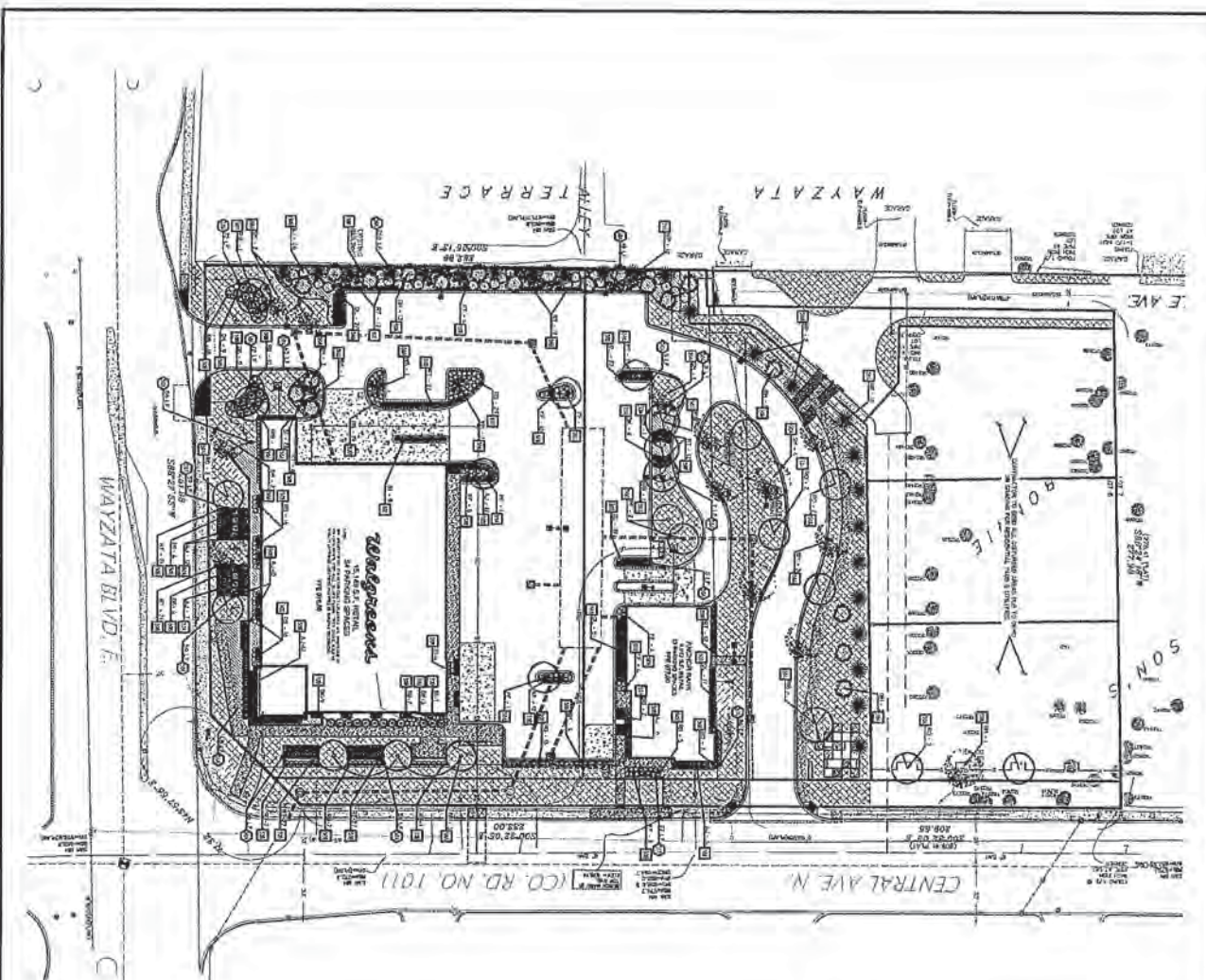
1005 WAYZATA BOULEVARD EAST, SUITE 101

MINNETONKA, MN 55345

REV. 5

CC_03182014

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SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	1. 10' WIDE	10	10. 10' WIDE
2	2. 10' WIDE	11	11. 10' WIDE
3	3. 10' WIDE	12	12. 10' WIDE
4	4. 10' WIDE	13	13. 10' WIDE
5	5. 10' WIDE	14	14. 10' WIDE
6	6. 10' WIDE	15	15. 10' WIDE
7	7. 10' WIDE	16	16. 10' WIDE
8	8. 10' WIDE	17	17. 10' WIDE
9	9. 10' WIDE	18	18. 10' WIDE
10	10. 10' WIDE	19	19. 10' WIDE
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81	81. 10' WIDE	90	90. 10' WIDE
82	82. 10' WIDE	91	91. 10' WIDE
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84	84. 10' WIDE	93	93. 10' WIDE
85	85. 10' WIDE	94	94. 10' WIDE
86	86. 10' WIDE	95	95. 10' WIDE
87	87. 10' WIDE	96	96. 10' WIDE
88	88. 10' WIDE	97	97. 10' WIDE
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90	90. 10' WIDE	99	99. 10' WIDE
91	91. 10' WIDE	100	100. 10' WIDE



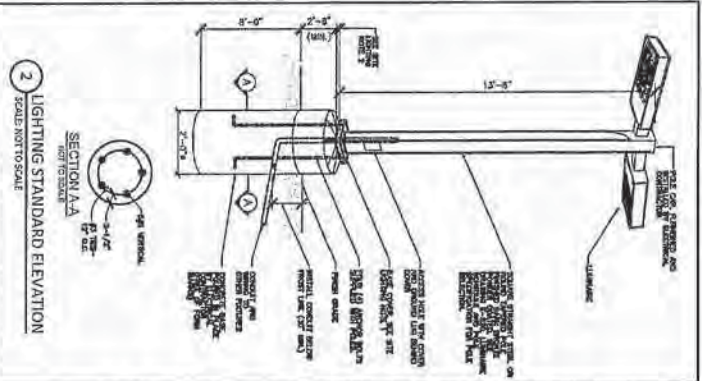
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ENLARGED CROWN DETAIL

SCALE: NOT TO SCALE

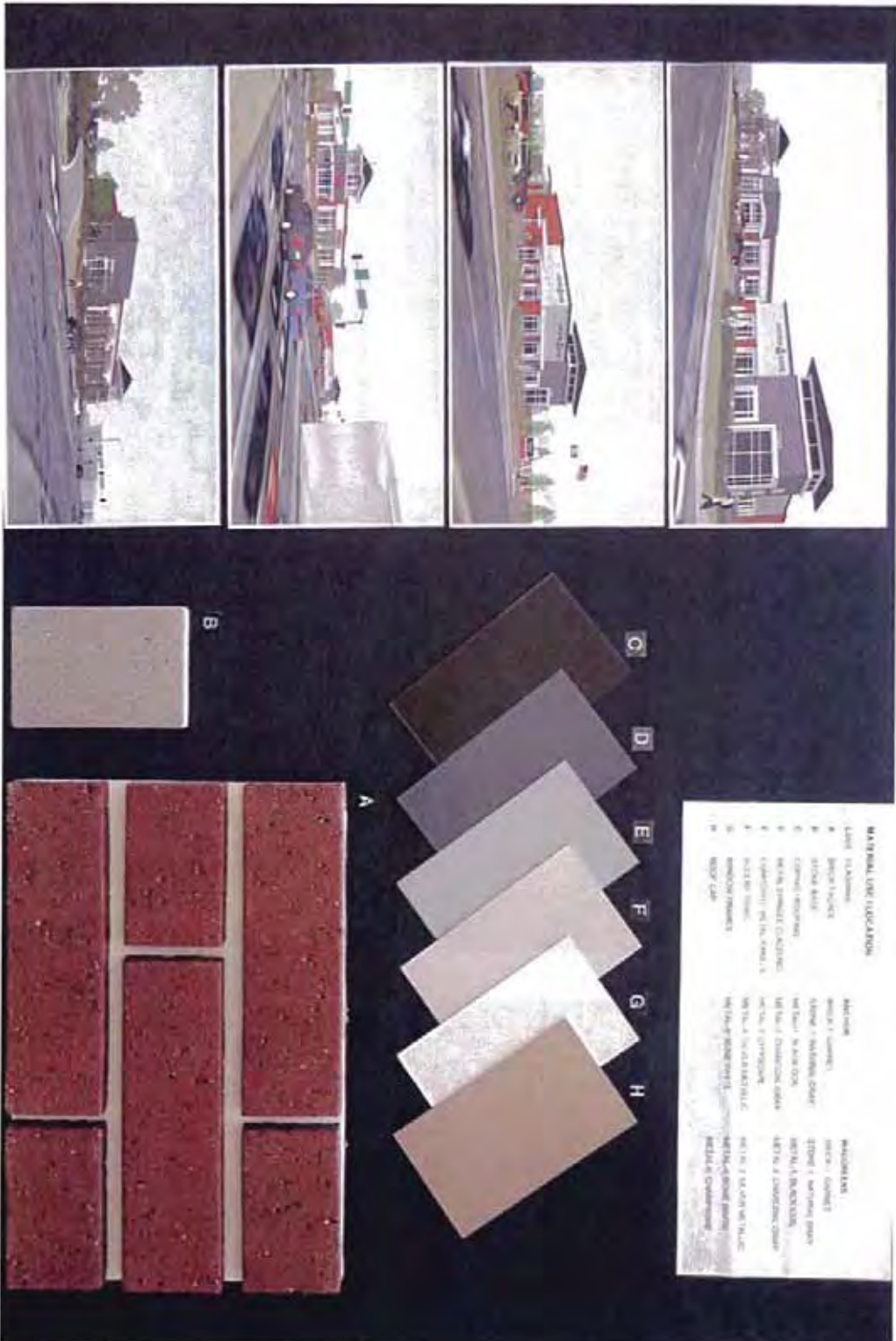
SITE LIGHTING
ALLATION INSTRUCTIONS
(XL, YL, ZL, XL-MM,
YL-MM, ZL-MM)

2 LIGHTING STANDARD ELEVATION
SCALE: NOT TO SCALE

[illegible]

Walgreens
VACUUMS PLANNING
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COUNTRY & ASSOCIATES
Page 214 of 200

HWY 101 AND E WAYZATA BLVD. SITE REDEVELOPMENT



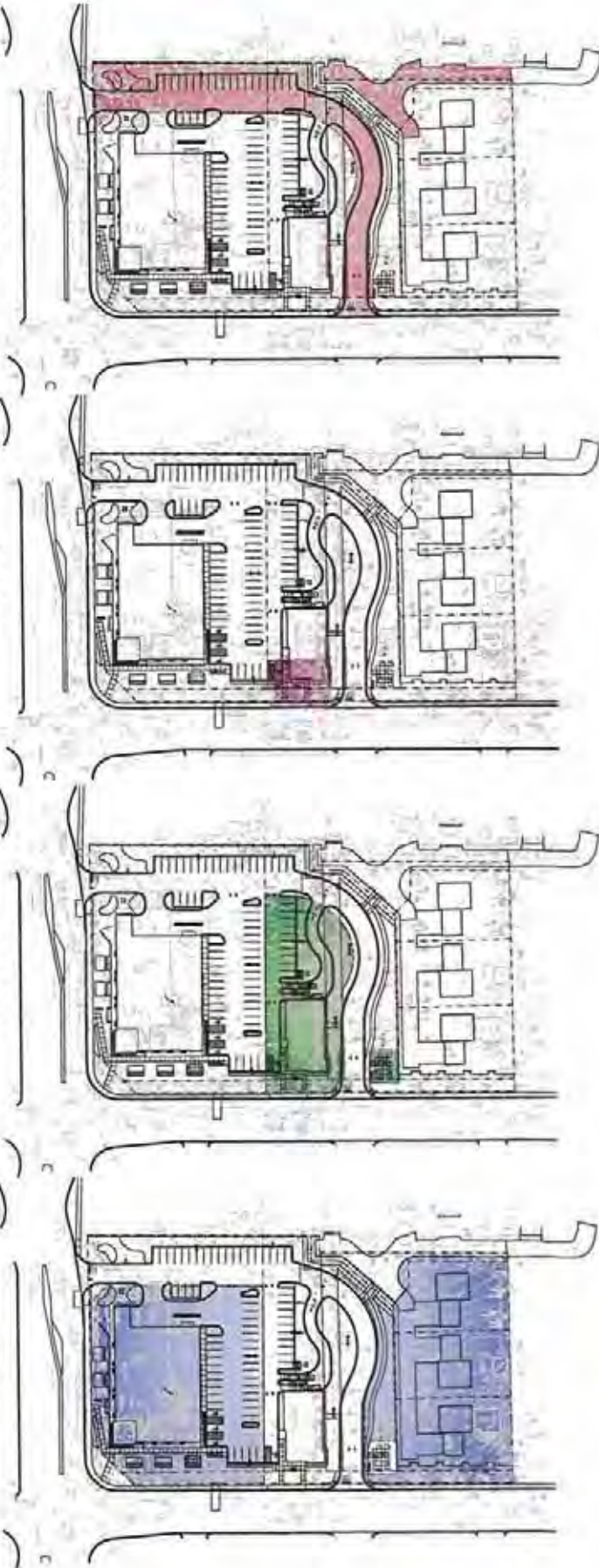


PHASE 1
CONSTRUCT NEW ACCESS
DRIVE AND WIDEN
WOODDALE AVENUE

PHASE 2
REMOVE EXISTING
BANK ACCESS

PHASE 3
CONSTRUCT NEW
BANK BUILDING

PHASE 4
CONSTRUCT WALGREENS
AND RETAIL HOME
CONSTRUCTION



HWY 101 AND E WAYZATA BLVD. SITE REDEVELOPMENT

A101

EXTERIOR MATERIALS

- [illegible]

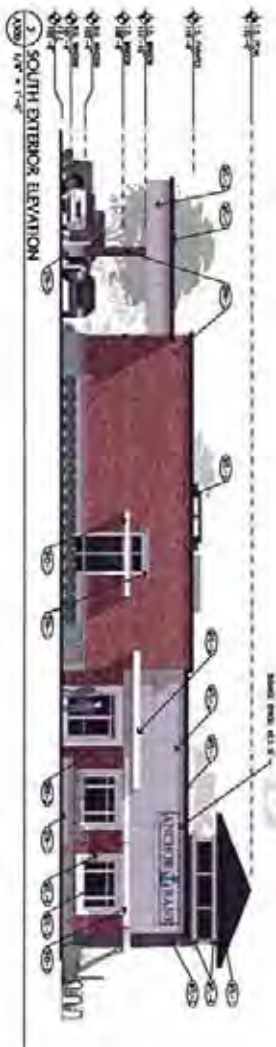
MATERIAL PERCENTAGES

[illegible]

1 NORTH EXTERIOR ELEVATION
1/8" = 1'-0"



1 EAST EXTERIOR ELEVATION
ABC 1/8" = 1'-0"



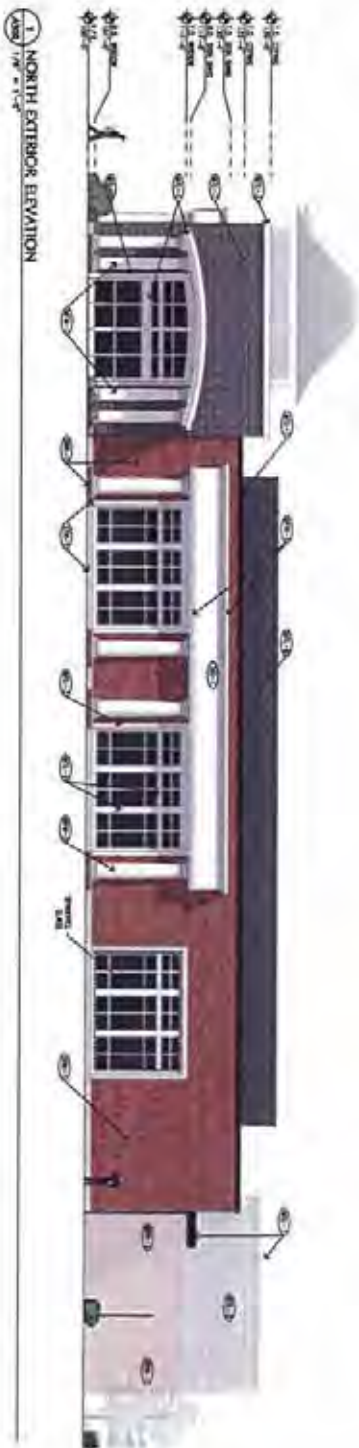
2 SOUTH EXTERIOR ELEVATION
A-2000 1/4" = 1'-0"



WEST EXTERIOR ELEVATION
1/8" = 1'-0"



5 ANCHOR BALK SIGN ELEVATION
 1/8" = 1'-0"



1 NORTH EXTERIOR ELEVATION
Area: 178 = 3'-6"



1 EAST EXTERIOR ELEVATION
4/8" = 1'-0"



WALGREENS SIGN
4/11/11

EXTERIOR MATERIALS

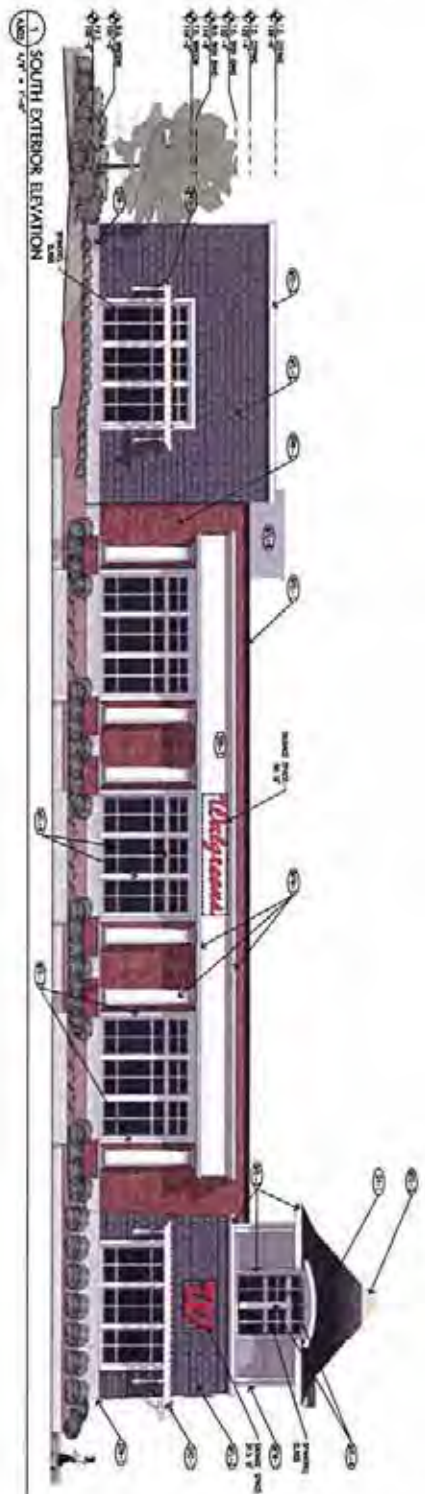
- [illegible]

WALGREENS MATERIAL PERCENTAGES

DATE	TIME	TYPE	WTR	PROV	OFF. TYPED CALLERS OR NEW FILE TO IT * 000000
0000	17:00	0000	0010	0000	0000
0001	01:00	0000	0000	01:00	0000
0002	02:00	0000	0000	02:00	0000
0003	03:00	0000	0000	03:00	0000
0004	04:00	0000	0000	04:00	0000
0005	05:00	0000	0000	05:00	0000
0006	06:00	0000	0000	06:00	0000
0007	07:00	0000	0000	07:00	0000
0008	08:00	0000	0000	08:00	0000
0009	09:00	0000	0000	09:00	0000
0010	10:00	0000	0000	10:00	0000
0011	11:00	0000	0000	11:00	0000
0012	12:00	0000	0000	12:00	0000
0013	13:00	0000	0000	13:00	0000
0014	14:00	0000	0000	14:00	0000
0015	15:00	0000	0000	15:00	0000
0016	16:00	0000	0000	16:00	0000
0017	17:00	0000	0000	17:00	0000
0018	18:00	0000	0000	18:00	0000
0019	19:00	0000	0000	19:00	0000
0020	20:00	0000	0000	20:00	0000
0021	21:00	0000	0000	21:00	0000
0022	22:00	0000	0000	22:00	0000
0023	23:00	0000	0000	23:00	0000
0024	00:00	0000	0000	00:00	0000
0025	01:00	0000	0000	01:00	0000
0026	02:00	0000	0000	02:00	0000
0027	03:00	0000	0000	03:00	0000
0028	04:00	0000	0000	04:00	0000
0029	05:00	0000	0000	05:00	0000
0030	06:00	0000	0000	06:00	0000
0031	07:00	0000	0000	07:00	0000
0032	08:00	0000	0000	08:00	0000
0033	09:00	0000	0000	09:00	0000
00					

CITY ORDINANCE MATERIAL PERCENTAGES

1. NAME - Mr. J. Edgar Hoover
2. ADDRESS - 400 Maryland Drive, N.W.
Washington, D.C. 20535
3. TELEPHONE - (202) 452-3000
4. DATE - 10/10/68
5. TO - Mr. J. Edgar Hoover
6. FROM - Mr. J. Edgar Hoover
7. SUBJECT - Mr. J. Edgar Hoover
8. RE - Mr. J. Edgar Hoover
9. ATTN - Mr. J. Edgar Hoover
10. INFO - Mr. J. Edgar Hoover
11. FILE - Mr. J. Edgar Hoover
12. CLASS - Mr. J. Edgar Hoover
13. STATUS - Mr. J. Edgar Hoover
14. REMARKS - Mr. J. Edgar Hoover
15. INITIALS - Mr. J. Edgar Hoover
16. SIGNATURE - Mr. J. Edgar Hoover
17. DATE - 10/10/68
18. TIME - 10:10 AM
19. LOCATION - Mr. J. Edgar Hoover
20. OTHER - Mr. J. Edgar Hoover



EXTERIOR MATERIALS

- 12.11.10. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.11. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.12. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.13. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.14. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.15. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.16. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.17. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.18. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.19. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*
- 12.11.20. **QUESTION** *What is the difference between a $\mathbb{Q}$ -algebra and a $\mathbb{Q}$ -module?*

WALGREEN'S MATERIAL PERCENTAGES

[illegible]

CITY ORDINANCE MATERIAL PERCENTAGES

1. **NAME** _____
 2. **DATE** _____
 3. **PERIOD** _____
 4. **TEACHER** _____
 5. **SUBJECT** _____
 6. **TOPIC** _____
 7. **OBJECTIVES** _____
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 9. **ASSESSMENT** _____
 10. **REFLECTION** _____
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 188. **SIGNATURE** _____
 189. **DATE** _____
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 217. **CONTENT** _____
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 219. **REFLECTION** _____
 220. **REMARKS** _____
 221. **SIGNATURE** _____
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WALGREENS SE CORNER



WALGREENS NE CORNER

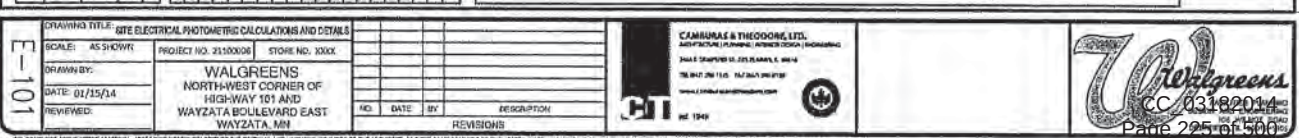


WALGREENS NW CORNER



WALGREENS SW CORNER

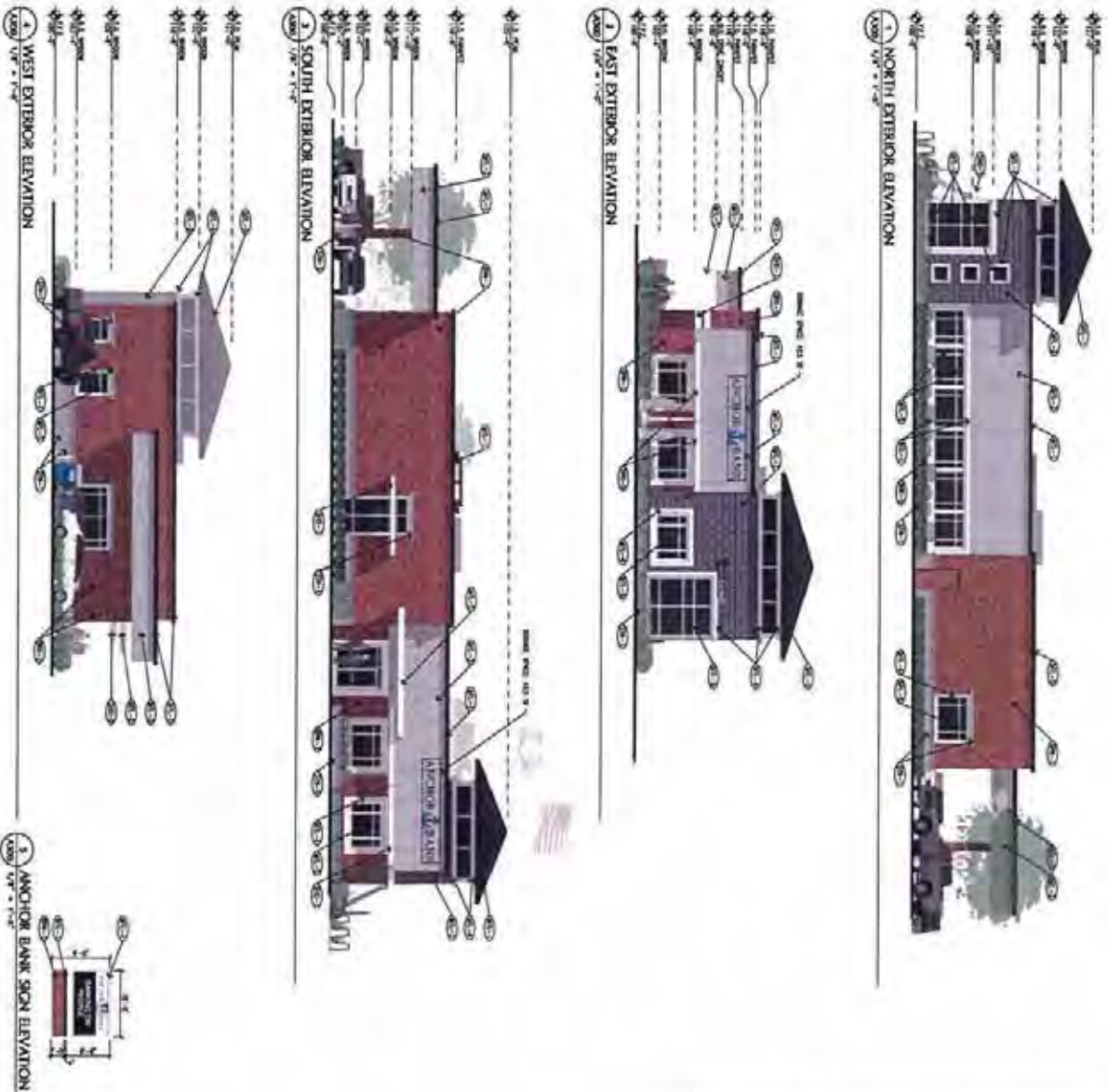




Attachment B
Project Building Plans

HWY 101 AND E WAYZATA BLVD. SITE REDEVELOPMENT

A300



EXTERIOR MATERIALS

- 101 - 10\"/>

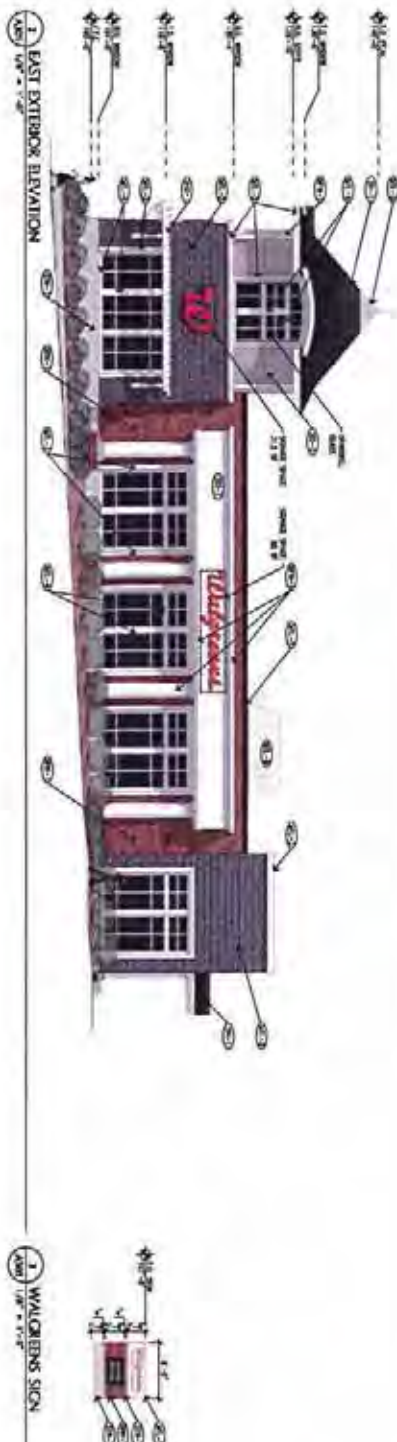
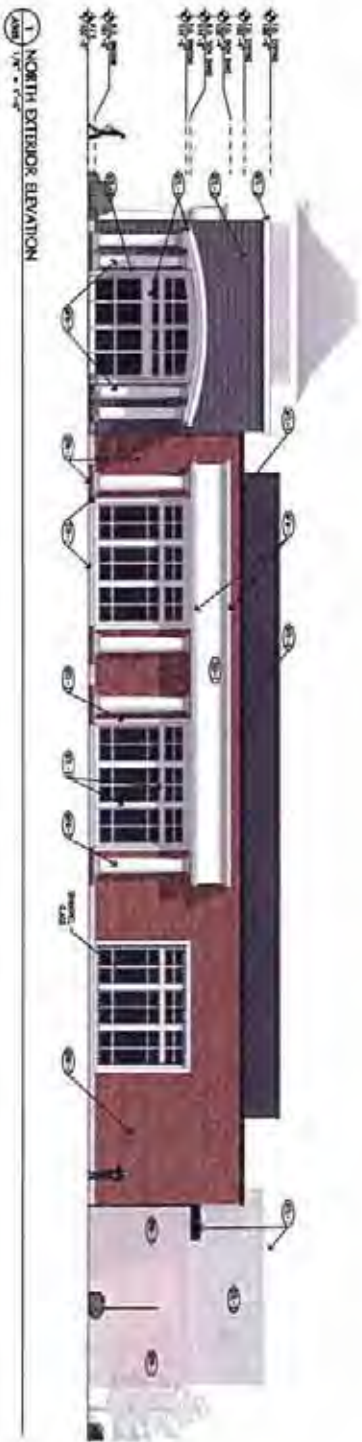
MATERIAL PERCENTAGES

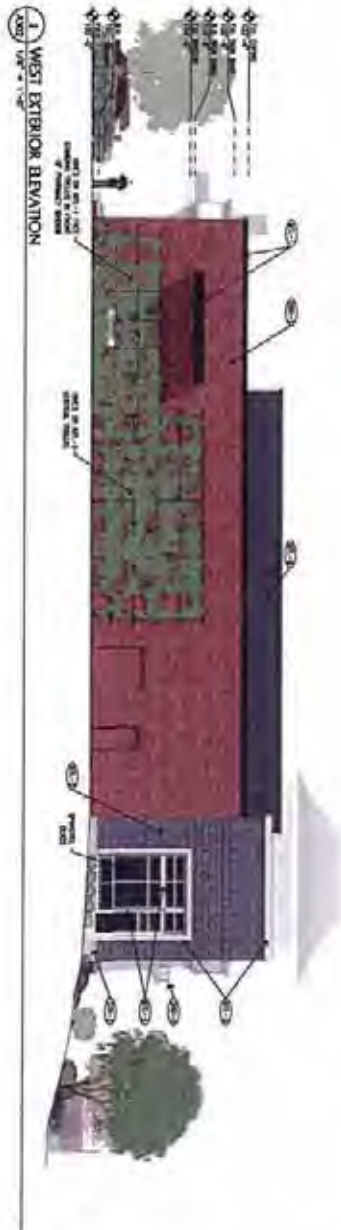
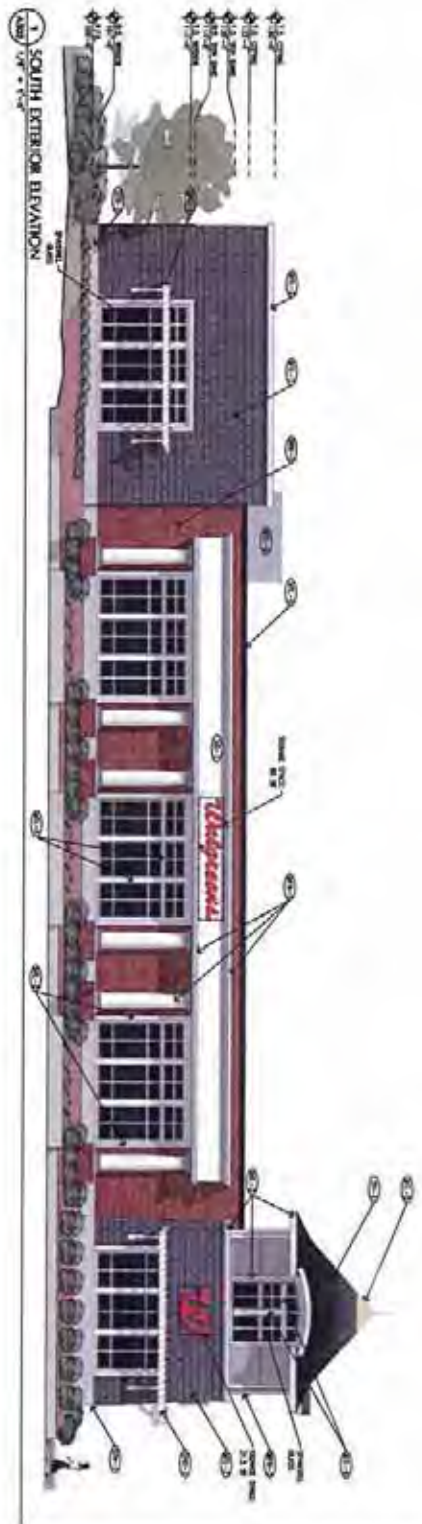
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- ① ① The word "because" indicates that the first clause is the cause of the second clause.
- ② ② The word "because" indicates that the first clause is the cause of the second clause.
- ③ ③ The word "because" indicates that the first clause is the cause of the second clause.
- ④ ④ The word "because" indicates that the first clause is the cause of the second clause.
- ⑤ ⑤ The word "because" indicates that the first clause is the cause of the second clause.
- ⑥ ⑥ The word "because" indicates that the first clause is the cause of the second clause.
- ⑦ ⑦ The word "because" indicates that the first clause is the cause of the second clause.
- ⑧ ⑧ The word "because" indicates that the first clause is the cause of the second clause.
- ⑨ ⑨ The word "because" indicates that the first clause is the cause of the second clause.
- ⑩ ⑩ The word "because" indicates that the first clause is the cause of the second clause.

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2
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[illegible]



EXTERIOR MATERIALS

- [illegible]

WALCRENS MATERIAL PERCENTAGES

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5608	3418	3613	50.00	12.00	5647				
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5610	3613	3210	50.00	12.00	5649				

CITY ORDINANCE MATERIAL PERCENTAGES

1. NAME OF THE PERSON, FIRM OR CORPORATION (If the person is a partner in a firm, the name of the firm should be given, and the name of the person should be given in parentheses.)

2. ADDRESS

3. CITY

4. STATE

5. ZIP CODE

6. DATE OF BIRTH

7. DATE OF DEATH

8. DATE OF ENTRY INTO THE COUNTRY

9. DATE OF EXIT FROM THE COUNTRY

10. DATE OF REENTRY INTO THE COUNTRY

11. DATE OF REENTRY INTO THE COUNTRY

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Attachment C
Staff Design Critique

**1055 Wayzata Blvd E. – Anchor Bank and Walgreens Development
Design Critique (Revised Based on 01/14/2014 Submittals)
January 15, 2014**

Building Recesses		Comments	Compliance
801.09.3.1.A – All Districts 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 buildings utilize recesses and changes in materials to break up the façade.	Yes.
801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The Project proposes landscaping around the exterior of the development and in driveway islands. In addition, the Project includes plaza space at the northeast corner of the site.	Yes.
Building Width			
801.09.4.1 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 Project incorporates the following items: 1. Awning elements 2. Articulations of the façade, between stone and brick elements 3. Special treatment at the north entrances with the parapet element.	Yes

Upper Story Setbacks			
801.09.5.1.A – 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 (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 facade. The 3 rd story facade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3 rd story facade.	This section is not applicable as the Anchor Bank and Walgreens buildings are one story structures.	Not Applicable.
801.09.5.1.B – All Districts – New Buildings	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 facade's length, setting back a minimum of six (6) feet from the face of the first floor facade. The required third floor setback must follow the frontal plane of the second story setback.	This section is not applicable as the Project is only one story structures.	Not Applicable.
801.09.5.1.C – All Districts – New Buildings	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 of the new Walgreens building is 26 ft to the top of the flat roof and 40 ft to the top of the roof tower peak. The building height of the new Anchor Bank building is 18 ft to the top of the flat roof and 27 ft to the top of the roof canopy tower. Due to the setback distances to adjacent properties, there should be no negative impact due to building height. The proposed building heights are less than the existing three story structure.	Yes.

Roof Design			
801.09.6.1 – All Districts “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.		The project does not include a green roof structure.	Not Applicable.
801.09.6.2.A – All Districts – Roof Materials 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 proposed roof material for the flat roof will be a treated synthetic membrane material. The proposed sloped roof portions will be metal shingle in a dark color.	Yes.
801.09.6.2.B – All Districts – Roof Materials The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.			
Screening of Rooftop Equipment			
801.09.7.2 – Wayzata Blvd District All mechanical equipment shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties and pedestrian view vantage points from adjacent sidewalks. No enclosure shall be larger than 25% of the roof area.		The mechanical equipment will be located on the roof deck and screened behind the parapet wall on the Walgreens and Anchor Bank buildings.	Yes.

Facade Transparency	Comments	Compliance
<u>801.09.8.4 – Wayzata Blvd District</u> No less than fifty percent (50%) of ground level facades for buildings containing commercial or office uses fronting Wayzata Blvd shall be transparent glass.	The Anchor Bank building has the following glass percentages: - North: 24.4% - East: 29.6% - South: 14.7% - West: 11.7% The Walgreens building has the following glass percentages: - North: 27% - South: 34% - East: 47.6% - West: 03.5%	Yes. The new Anchor Bank building does not front onto Wayzata Blvd. No, the Walgreen's south facing facade fronting onto Wayzata Blvd does not have 50% glass transparency. The Council should consider whether a deviation is warranted.
Ground Level Expression <u>801.09.9.1 – 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: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the facade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels	Not Applicable.

1055 Wayzata Blvd E. – Anchor Bank Walgreens
 Design Critique
 January 15, 2014

Entries		
<u>801.09.10.1 – 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 Anchor Bank building will have landscape planters at the main entrance. Additional landscaping will be provided around the exterior of the building. Walgreens will have a landscape island at the front façade of the building. The Applicant is open to adding additional seasonal landscaping boxes at the entries.	Yes.

<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.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 building is primarily of brick, stone, metal, and glass with the following percentages: 1) Anchor Bank: North Elevation: Glass: 24.4% Brick: 31.5% Metal: 29.4% Stone: 14.7% East Elevation: Glass: 29.6% Brick: 13.7% Metal: 45.7% Stone: 11.0% South Elevation: Glass: 14.7% Brick: 51.5% Metal: 18.9% Stone: 14.9% West Elevation: Glass: 11.7% Brick: 60.0% Metal: 7.3% Stone: 21.0%	No. The Anchor Bank building would have more metal than allowed as an accent material. The City Council should discuss whether a deviation is warranted.
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<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.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: 6. Brick 7. Stone 8. Cast stone 9. 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) 10. Stucco		
	The building is primarily of brick, stone, metal, and glass with the following percentages: 2) Walgreens Building: North Elevation: Glass: 27% Brick: 49.9% Stone: 4.1% Metal: 10% Spandrel: 9.0% South Elevation: Glass: 34% Brick: 30.1% Stone: 5.8% Metal: 21.1% Spandrel: 9.0% East Elevation: Glass: 47.6% Brick: 29.1% Stone: 5.8% Metal: 17.5% Spandrel: 0% West Elevation: Glass: 3.5% Brick: 79% Stone: 1% Metal: 8.5% Spandrel: 8.0%	No. The Walgreens building would have more metal on two facades than allowed as an accent material. The City Council should discuss whether a deviation is warranted.

<u>801.09.11.1.B – Facade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	Brick, stone, and metal are included on all four sides of both the new Anchor Bank and Walgreens buildings.	Yes.
<u>801.09.11.1.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 brick will be full course brick of a standard size.	Yes.

<u>801.09.11.1.D – Facade 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.	This is a condition of approval.	Yes.
<u>801.09.11.1.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 mortar for the brick be standard grey to match the existing structure and will be assembled as required by code.	Yes.
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	This is a condition of approval.	Yes.

801.09.11.1.G – Accent Materials – All Districts 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		No. The City Council should evaluate if a deviation is warranted.
801.09.11.1.H - Parapets, Flashing, Coping – All Districts 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.	Aluminum with a maximum exposed edge of no more than five inches will be used as parapet material.	Yes.

<u>801.09.11.1 – 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.		Yes.
<u>801.09.11.1.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.	This section is not applicable, as there are no balconies proposed.	Not Applicable.
<u>801.09.11.1.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 801.09.8 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 glass shall meet the standards of the ordinance. The Walgreens building does have portions of glass that will be spandrel for screening purposes.	Yes.
<u>801.09.11.1.L – Doors – 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 will be glass.	Yes.

Franchise Architecture	Comments	Compliance
801.09.12.1		
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.	The proposed building design of the Anchor Bank building is a new design for a smaller footprint than the original building.	The City Council should review the plans and comment on if the proposed buildings and signage are franchise architecture or have distinctive elements.
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 801.09.18 by the Planning Commission at the time of Design Standards Review application	The proposed Walgreens building has been revised to include different roof elements to break up the façade of the building. Signage for both new buildings are included as part of the building elevations in the plan set.	

Walkways			
801.09.13.2 – Bluff District			
A. Continuous sidewalks at least five (5) feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible.		Sidewalks exist on Wayzata Blvd and Central Avenue adjacent to the Project. The Applicant is proposing to install a sidewalk along Central Ave adjacent to the Property.	Yes.
B. Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.			

Landscaping		Comments	Compliance
801.09.14.1 – All Districts A. 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. B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings. C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area. D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		The Applicant has proposed a mixture of trees and shrub around the perimeter of both of the new buildings. A landscape plan is included with the Applicant submittal materials. The Applicant is open to adding additional seasonal planting boxes around the entries of the buildings. The Applicant will add a bench to the east of the main entry of the Walgreens.	The City Council should comment on the plantings proposed for the Project.
801.09.14.3 – Bluff and Wayzata Blvd Districts Trees with a minimum of three (3) caliper inches shall be planted no more than twenty-six (26) feet apart within a landscaped boulevard.		The Applicant will be installing additional trees and landscaping around the entrance of the building.	The City Council should comment on the plantings proposed for the Project.

Parking Lot Landscaping	Comments	Compliance
801.09.15.1 – All Districts 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.	The project proposes an approximately 10 ft landscaped buffer of shrubbery between the building and the adjacent sidewalk to the east for the Anchor Bank building. The Walgreens building has plantings and landscaping in a 20 ft area between the building and the sidewalk along the south façade.	Yes.
Surface Parking		
801.09.16.1 – All Districts		
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.	The proposed parking area is in the interior (rear) of the site, away from the public facades on Wayzata Blvd and Central Avenue.	Yes.
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.		

801.09.16.2 – All Districts – Bicycle Parking 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.		Comments The Applicant will add bicycle parking to the Walgreens building to the east of the main entry of Walgreens. A bike rack will be located to the east of the handicap parking by Anchor Bank.	Compliance Yes, Applicant will add bicycle parking to the site.
Parking Structures 801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.	This section is not applicable, as there is no parking ramp associated with the request.	Compliance Not Applicable.	

Signs	Comments	Compliance
801.09.18.1 – All Districts 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. 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 Section 801.27 of the Wayzata Zoning Ordinance.	The Walgreens building proposes the following illuminated signage: East Elevation: - Walgreens Script: 60 SF - Walgreens "W": 31.5 SF - Total: 91.5 SF South Elevation: - Walgreens Script: 60 SF - Walgreens "W": 15.10 SF - Total: 91.5 SF Monument Sign: - Cabinet sign: 22.2 SF - LED Readerboard: 9.03 SF - Total: 31.23 SF Anchor Bank: East Elevation: Wall Sign: 42.5 SF South Elevation: Wall Sign: 42.5 SF Monument Sign: - LED Readerboard: 60 SF	The City Council should review and comment on the signage plan is compatible with the buildings as part of the Application review.

Parking Lot and Building Lighting		Comments	Compliance
801.09.19.1 – All Districts			
A.	Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare.	All lighting fixtures attached to the building are designed to be downcast lit.	Yes.
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 801.16.6 as it relates to glare.		

Deviations Requested with the Application

- Section 801.09.8.4 – Façade Transparency – Less than 50% façade transparency on Wayzata Blvd
- Section 801.09.11.1.A – Primary Opaque Surfaces – More than 10% metal on building facades
- Section 801.09.11.1.G – Percent of Accent Materials – More than 10% metal on building facades

Attachment D
Landscape Plan

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Attachment E
Concurrent Preliminary and Final Plats

"DENNIS PARK
OUTLOTS TO
WAYZATA"

ADDITIONAL

CHARTER 4155

CENTRAL

ROAD 1007
47221
AVENUE

NORTH

2000

STATES
SONN

6343

OUTLOT A

10

BLOCK 7

SECRET

WAZATA BLVD. E

CROSS
STREET

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CODDLE

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LOT LINES, UNLESS OTHERWISE INDICATED, ARE BEING TO RUN IN WIDTH AND ALIGNING POINTS OF WAY LINES UNLESS OTHERWISE INDICATED AS SHOWN ON THE PLAN.

DRAINAGE AND UTILITY EXISTENTS
ARE SHOWN AS THICK
DIN SCALE

- CONCRETE DETACHES PER PLAN OF BASECOURSE REMOVAL ACCORDING TO MINUTANA MONT. ON THE PLAN OF HIGHER SECOND ADDITION.
- CONCRETE REMOVED 1/2 INCH FROM MONUMENT (UNREINFORCED IN PLACE PORTLAND).
- DETACHED 1/2 INCH BY 1/4 INCH MONUMENT SET AND MAINTAINED AS IS.

CLASSICS SECTION ARE ORIENTATED TO THE EAST LINE OF LOT 1, BLOCK 1, HOBBS SECOND ADDITION WHICH IS ASSIGNED TO BEAR SOUTH 90 DEGREES 37 MINUTES 05 SECONDS EAST.

0 30 60
SCALE IN FEET

NORTH

R.T. DOC. NO.
C.R. DOC. NO.

CC 03182014
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EXHIBIT C

Ordinance 744 and Resolution 07-2014

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 744

**AN ORDINANCE VACATING CERTAIN CITY RIGHT OF WAY AND PUBLIC
UTILITY EASEMENTS.**

WHEREAS, the City Council of the City of Wayzata, pursuant to Section 70 of the Wayzata City Charter and to due notice given to all affected property owners, has heretofore conducted a public hearing of all affected property owners wishing to participate on the vacation of City Right of Way known as "Elm Lane" and certain public utility easements, said portions hereof depicted on the attached Exhibit A and legally described on the attached Exhibit B;

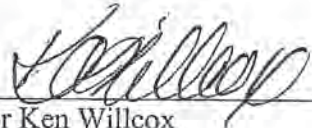
WHEREAS, the request for vacation is part of a development application (the "Application") from Semper Development for the redevelopment of the existing Anchor Bank site at the intersection of Central Ave N and Wayzata Blvd E; and

WHEREAS, all persons present at said public hearing were given the opportunity to be heard.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS that the City Right of Way and Public Utility Easements depicted on the attached Exhibits are hereby vacated.

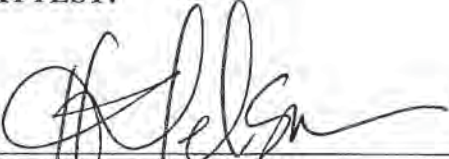
Section 2. Effective Date. This ordinance shall be in full force and effect after its passage and publication according to law.

Adopted by the City Council of Wayzata, Minnesota this 4th day of March, 2014.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

First Reading: February 18, 2014

Second Reading: March 4, 2014

Publication: March 13, 2014

Exhibit A



Exhibit B

Legal Description of Parcels and Easements Involved in Vacation

1. Those parts of Elm Lane and Wood-Dale Avenue, both dedicated in the plat of BASTON'S BONNY BRAE ADDITION TO WAYZATA, MINNESOTA, lying east of the southerly extension of the most westerly line of Lots 5, 6, and 7, said plat, and west of a line drawn from the southeast corner of Lot 5, said plat, to the northeast corner of Lot 1, Block 1, HOBEN'S SECOND ADDITION.
2. That particular Drainage and Utility Easement as dedicated on the plat of HOBENS SECOND ADDITION described as being the north 23.00 feet of the east 175.00 feet of Lot 1, Block 1 of said HOBENS SECOND ADDITION.

RESOLUTION NO. 07-2014

**RESOLUTION APPROVING EASEMENT OPTION AGREEMENT IN CONNECTION
WITH CONDITION OF APPROVAL FOR NEW PLANNED UNIT DEVELOPMENT
("PUD") AT 1055 WAYZATA BLVD E. AND 141, 155 CENTRAL AVE N.**

WHEREAS, pursuant to Resolution No. 05-2014 (the "Resolution"), the terms of which are incorporated herein by reference, the Wayzata City Council has approved a PUD Amendment for the redevelopment of property at 1055 Wayzata Blvd E. and 141, 155 Central Ave N.;

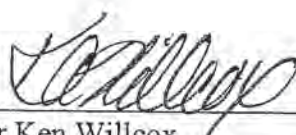
WHEREAS, a condition of that approval required the subsequent City Council approval of one of three further actions related to the use or vacation of Elm Lane ("Options A, B and C"); and

WHEREAS, the Applicant has offered to grant the easement rights to the City that are required under Option C, and has delivered to the City an executed easement option agreement reflecting such grant, attached to this Resolution as Attachment A (the "Option Agreement").

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota that the Option Agreement is hereby approved and accepted by the City.

BE IF FURTHER RESOLVED, that the Mayor and City Manager are authorized and directed to immediately execute the Option Agreement.

Adopted by the Wayzata City Council this 18th day of February, 2014.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Amdal

Seconded by: Anderson

Voted in favor of: Amdal, Anderson, Mullin, Tanner, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on February 18, 2014.


Becky Malone, Deputy City Clerk
SEAL

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Attachment A
Option Agreement

OPTION AGREEMENT

THIS OPTION AGREEMENT (the "Option Agreement") is made and entered into on _____, 2014 (the "Effective Date"), by and between Anchor Bank National Association, a national banking association ("Owner"), and the City of Wayzata Minnesota, a Minnesota municipal corporation (the "City").

WHEREAS, Owner is (or shall be on the date this Option Agreement is recorded) the owner of certain real property more particularly described as Lot 2, Block 1, Wayzata Junction, Hennepin County, Minnesota (the "Property"); and

WHEREAS, the City desires the right, but not the obligation, to acquire an easement over a portion of the Property from Owner for purposes of constructing and maintaining a public roadway.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual promises, covenants and agreements set forth herein, the option fee described hereinafter, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, Owner and the City hereby agree as follows:

1. **Grant of Option to the City.** In consideration of One and No/100 Dollars (\$1.00) and for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Owner hereby grants to the City the option (the "Option") to acquire a public road and utility easement for pedestrian and vehicular traffic and the installation and maintenance of underground utility equipment (the "Easement") lying entirely within that portion of the Property legally described and depicted in Exhibit A attached hereto and made a part hereof ("Option Property"). The City shall have the right to exercise the Option either (a) at any time that the City approves an amendment to the planned unit development of which the Property is a part or approves new planned unit development of which any portion of the Property is a part (each referred to herein as a "PUD Change"), or (b) at any time after February 18, 2044 and on or before February 17, 2054 (such ten-year period of time is referred to herein as the "Option Period").

2. **Easement Agreement.** Upon exercise of the Option, the City and Owner shall enter into an Easement Agreement in the form attached hereto as Exhibit B (the "Easement Agreement").

3. **Method of Exercising Option.** The City may exercise the Option only by giving written notice to Owner of such exercise (the "Option Notice") in accordance with Paragraph 5 hereunder within thirty (30) days after the occurrence of a PUD Change or at any time during the Option Period. Within thirty (30) days after an Option Notice is given to the Owner, the City and Owner shall execute the Easement Agreement (and the same shall be recorded in the real property records of Hennepin by the City at its cost).

4. **Condition Subsequent.** It is agreed that the Easement Agreement will contain a condition subsequent requiring that the City commences construction of roadway improvements within the Easement to provide a continuous driving surface for two-way traffic over the Easement from its point of intersection with Central Avenue North (County Road North 101) to its

intersection with Wood-Dale Avenue within one year after the date of the Easement Agreement and completes such construction within sixty (60) days after the date such construction is commenced, subject to delays caused by forces beyond the control of the City. In the event that such roadway improvements are not constructed and opened within such time frame, said Easement shall terminate without further action from either party, provided that the City shall upon request provide to Owner a recordable termination thereof.

5. **Notice.** All notices hereunder shall be in writing and shall be considered given either (a) when delivered in person, (b) upon receipt when delivered by a reputable overnight delivery service to the address given below, or (c) upon receipt after sent by mail, registered or certified, return receipt requested, in a sealed envelope or container, postage and postal charges prepaid, addressed by name and addressed to the party or person intended as follows:

Notice to Owner

Anchor Bank National Association
Attention: President

Wayzata, MN 55391

Notice to the City

City of Wayzata
Attention: City Administrator
600 Rice Street
Wayzata, MN 55391

Either party may, by notice given at any time or from time to time, require subsequent notices to be given to another individual person, whether a party or an officer or representative, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

6. **Amendments.** This Option Agreement shall not be amended or modified in any way except by an instrument signed by Owner and the City.

7. **Governing Law.** This Option Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.

8. **Counterparts.** This Option Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document.

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SIGNATURES ON SUCCEEDING PAGES

IN WITNESS WHEREOF, the parties hereto have executed this Option Agreement on the date first set forth above to be effective as of the Effective Date.

City of Wayzata

Anchor Bank National Association

By: Its Mayor

By: Its President

Attest:

By:  ~~City Administrator~~ Manager

STATE OF MINNESOTA

COUNTY OF HENNEPIN

} ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, the _____ of Anchor Bank National Association, a national banking association, on behalf of the association.

Notary Stamp or Seal (or other Title or Rank)

Signature of Notary Public or Other Official

STATE OF MINNESOTA

COUNTY OF HENNEPIN

} ss.

The foregoing instrument was acknowledged before me this ____ of _____, 20__, by _____ and _____, the mayor and city administrator, respectively, of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Stamp or Seal (or other Title or Rank)

Signature of Notary Public or Other Official

This Instrument Drafted By:

Malkerson Gunn Martin LLP (KMM)
220 South Sixth Street, Suite 1900
Minneapolis, MN 55402

EXHIBIT A TO OPTION AGREEMENT

Legal Description and Depiction of Option Property

(See attached)

1.

EXHIBIT B TO OPTION AGREEMENT

Easement Agreement Form

(Space above this line for Recorder's use only)

PUBLIC ROAD EASEMENT AGREEMENT

THIS PUBLIC ROAD EASEMENT AGREEMENT ("**Agreement**") is made and entered into as of the _____ day of _____, 20__ (the "**Effective Date**"), by and between City of Wayzata, Minnesota, a Minnesota municipal corporation ("**City**"), and Anchor Bank National Association, a national banking association ("**Owner**").

RECITALS

A. Owner is the owner of the parcel of real property legally described as Lot 2, Block 1, Wayzata Junction, Hennepin County, Minnesota (the "**Property**").

B. City desires to obtain a public road and utility easement from Owner over a portion of the Property (the "**Easement Area**") legally described and depicted on Exhibit A attached hereto for purposes of constructing and maintaining a public road from Central Avenue North (County Road No. 101) to Wood-Dale Avenue, and Owner is willing to grant City such an easement pursuant to the terms of this Agreement.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and City agree as follows:

Section 1. Grant of Easement. Owner hereby grants and conveys to City an exclusive easement for roadway purposes connecting Central Avenue North (County Road No. 101) to Wood-Dale Avenue for pedestrian and vehicular use by the general public on, over, under and across the Easement Area and the installation and maintenance of underground utility lines and underground utility equipment therein. Owner reserves the right to maintain, repair and replace utility lines and utility equipment located within the Easement Area as of the date hereof, provided such does not unreasonably interfere with the City's rights granted herein and provided Owner repairs any street and utility improvements installed or operated by the City in the Easement Area.

Section 2. Condition Subsequent. The grant of easement made herein is expressly subject to the condition subsequent that the City commences construction of roadway improvements within the Easement Area to provide a continuous driving surface for two-way traffic over the Easement from Central Avenue North (County Road No. 101) to Wood-Dale Avenue within one year after the Effective Date hereof and completes such construction within sixty (60) days after the date such construction is commenced, subject to delays caused by forces beyond the control of the City. Upon completion of such construction, Owner shall (upon the City's request) provide the City with written confirmation, in recordable form, of completion and extinguishment of this condition subsequent. In the event that the City has not constructed and opened such roadway improvements within the Easement Area, from Central Avenue North (County Road No. 101) to Wood-Dale Avenue, within such time frame, this Easement shall terminate and City shall, upon request, execute and deliver a recordable termination of this Easement.

Section 3. Use; Construction; Maintenance; Access to the Property. The City shall use the easement granted herein only for the purposes herein specified and no other purpose.

Once the public road is constructed within the Easement Area, the same shall be maintained, repaired and replaced by the City in accordance with all applicable City standards at the City's expense. The City shall not block or obstruct the opening and access point between the southwesterly terminus of the public road constructed in the Easement Area and its connection to the existing driveway on the Property, except temporarily during periods of construction or maintenance. Once any construction, maintenance, repair or replacement of road improvements within the Easement is commenced, the same shall be expeditiously completed and the City will take reasonable measures to limit the impact of such activities on vehicular access between the Property and Central Avenue North (County Road No. 101). No change in the grade of the Easement Area shall be made that that would adversely affect the Owner's use and enjoyment of the Easement Area or the Property. Except as otherwise expressly provided in this Agreement, once constructed, in the event of any damage to or destruction of all or a portion of the Easement Area or the Property, the City shall, at its sole cost and expense, with due diligence repair and restore the Easement Area and the Property to their condition prior to such damage or destruction (or with such changes as shall not conflict with this Agreement).

Should the City Council of the City resolve that the City should cease maintaining the street, the easement shall immediately terminate.

Section 4. Miscellaneous.

4.1 Governing Law. This Agreement is made in Minnesota and shall be governed by the laws of the State of Minnesota.

4.2 Entire Agreement. This Agreement constitutes the entire agreement between City and Owner and supersedes any and all prior oral or written understandings, representations or statements among the parties. This Agreement may not be amended except in a writing executed by both parties.

4.3 Counterparts; Recording. This Agreement may be executed in two or more counterparts and by different parties on separate counterparts, all of which shall be considered one and the same agreement and each of which shall be deemed an original. City shall have the right to record this Agreement in the real property records.

IN WITNESS WHEREOF, the parties have signed this Agreement the date and year first above written.

City of Wayzata

Anchor Bank National Association

By: Its Mayor

By: Its President

Attest.

By: City Administrator
Manager

STATE OF MINNESOTA

COUNTY OF HENNEPIN

}

ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, the _____ of Anchor Bank National Association, a national banking association, on behalf of the association.

Notary Stamp or Seal (or other Title or Rank)

Signature of Notary Public or Other Official

STATE OF MINNESOTA

COUNTY OF HENNEPIN

}

ss.

The foregoing instrument was acknowledged before me this ____ of _____, 20__, by _____ and _____, the mayor and city ~~administrator~~ ^{manager}, respectively, of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Notary Stamp or Seal (or other Title or Rank)

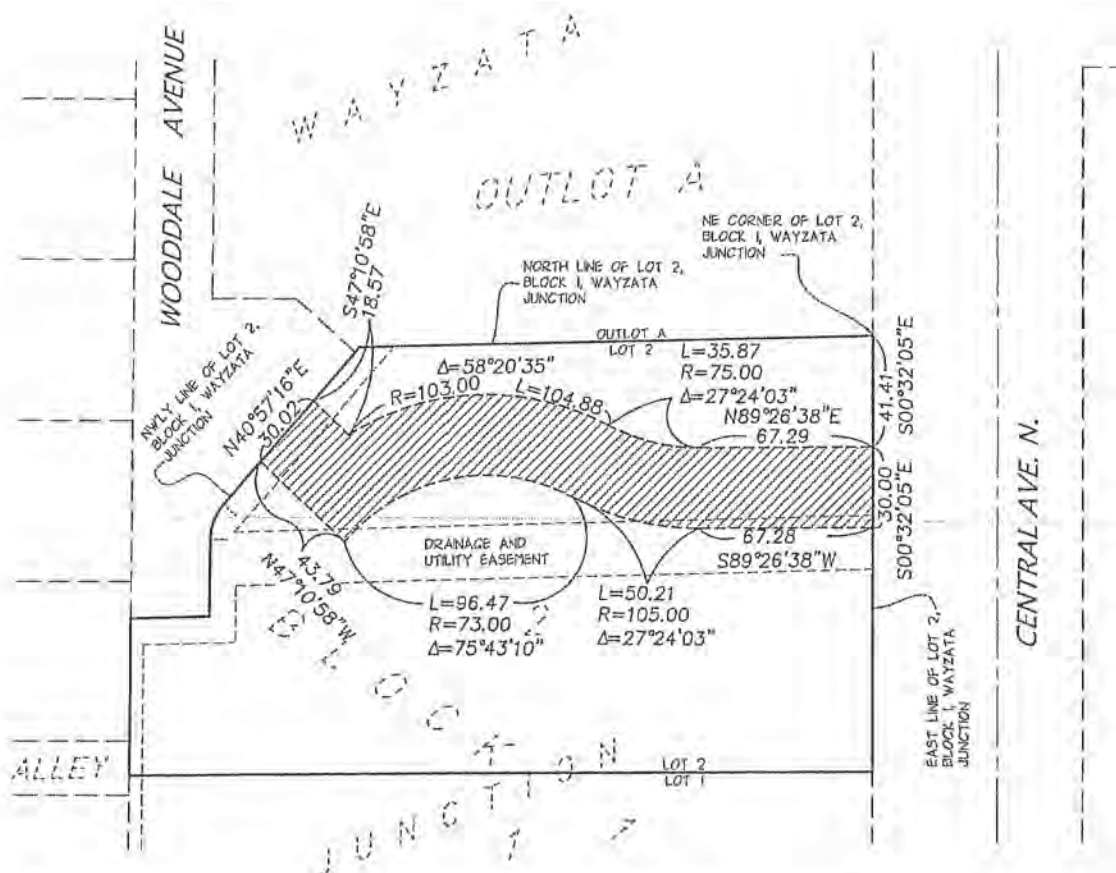
Signature of Notary Public or Other Official

This Instrument Drafted By:

EXHIBIT A TO PUBLIC ROAD EASEMENT AGREEMENT

Easement Area

(See attached)



An easement for Access purposes over and across that part of the following described property:

Lot 2, Block 1, WAYZATA JUNCTION, Hennepin County, Minnesota.

said easement is described as COMMENCING at the northeast corner of said Lot 2; thence on an assumed bearing of South 00 degrees 32 minutes 05 seconds East along the east line of said Lot 2 a distance of 41.41 feet to the POINT OF BEGINNING; thence continuing South 00 degrees 32 minutes 05 seconds East a distance of 30.00 feet; thence South 89 degrees 26 minutes 38 seconds West a distance of 67.28 feet; thence westerly 50.21 feet along a tangential curve concave to the north having a radius of 105.00 feet and a central angle of 27 degrees 24 minutes 03 seconds; thence westerly 96.47 feet along a reverse curve concave to the south having a radius of 73.00 feet and a central angle of 75 degrees 43 minutes 10 seconds; thence North 47 degrees 10 minutes 58 seconds West a distance of 43.79 feet to the northwesterly line of said Lot 2; thence North 40 degrees 57 minutes 16 seconds East along said northwesterly line a distance of 30.02 feet; thence South 47 degrees 10 minutes 58 seconds East a distance of 18.57 feet; thence easterly 104.88 feet along a non-tangential curve concave to the south having a radius of 103.00 feet a central angle of 58 degrees 20 minutes 35 seconds and a chord which bears North 87 degrees 40 minutes 23 seconds East; thence easterly 35.87 feet along a reverse curve concave to the north having a radius of 75.00 feet and a central angle of 27 degrees 24 minutes 03 seconds; thence North 89 degrees 26 minutes 38 seconds East a distance of 67.29 feet to the POINT OF BEGINNING. Containing 7,248.77 square feet or 0.1664 acres, more or less.



DENOTES ACCESS EASEMENT



NORTH
SCALE: 1" = 60'

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 744

**AN ORDINANCE VACATING CERTAIN CITY RIGHT OF WAY AND PUBLIC
UTILITY EASEMENTS.**

WHEREAS, the City Council of the City of Wayzata, pursuant to Section 70 of the Wayzata City Charter and to due notice given to all affected property owners, has heretofore conducted a public hearing of all affected property owners wishing to participate on the vacation of City Right of Way known as "Elm Lane" and certain public utility easements, said portions hereof depicted on the attached Exhibit A and legally described on the attached Exhibit B;

WHEREAS, the request for vacation is part of a development application (the "Application") from Semper Development for the redevelopment of the existing Anchor Bank site at the intersection of Central Ave N and Wayzata Blvd E; and

WHEREAS, all persons present at said public hearing were given the opportunity to be heard.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS that the City Right of Way and Public Utility Easements depicted on the attached Exhibits are hereby vacated.

Section 2. Effective Date. This ordinance shall be in full force and effect after its passage and publication according to law.

Adopted by the City Council of Wayzata, Minnesota this _____ day of _____, 201_.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

First Reading:
Second Reading:
Publication:

Exhibit A

COUNTY/CITY:

REVISIONS:

DATE	REVISION
1-23-82	INITIAL DLS
2-12-82	PRELIMINARY PLAT
6-19-82	PRELIMINARY PLAT
7-22-82	CHANGE (1) SHED (2) SHED
7-23-82	LANDING SURFACE
8-24-82	ADDITIONAL AREA

CERTIFICATION:

[4-19-79] 4470791 (SAL 1979) 2001 1979
 prepared by me, per [unclear] [unclear]
 [unclear], and that I am a [unclear]
 [unclear] Long [unclear] [unclear] [unclear]
 of the state of [unclear] [unclear] [unclear].
 [unclear] [unclear] [unclear]
 Signed in [unclear] [unclear] [unclear] [unclear]
 2118

PROJECT LOCATION:

1055
WAYZATA BLVD. E.
PID#0611722140077
PID#0611722140005
PID#0611722140006
PID#0611722140007

Subs #1
3750 Glenview Blvd. N.
St. Paul, MN 55123
Phone 651.273.6600
Fax 651.273.6076
CANDY
CHERRY

CORNERSTONE
LAND SURVEYING, INC.

FILE NAME: ELK204
PROJECT NO.: 301 JAY

PRELIMINARY
PLAT

[illegible]

STREET/PAVEMENT VACATIONS

UNPAVED STREET VACATION
 The City of Waukegan has a number of streets that are paved with gravel. These streets are located in the unincorporated areas of the city and are not maintained by the City of Waukegan. The City of Waukegan is responsible for the maintenance of these streets. The City of Waukegan is responsible for the maintenance of these streets. The City of Waukegan is responsible for the maintenance of these streets.

[illegible][illegible]

CC_03182014
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Exhibit B

Legal Description of Parcels and Easements Involved in Vacation

1. Those parts of Elm Lane and Wood-Dale Avenue, both dedicated in the plat of BASTON'S BONNY BRAE ADDITION TO WAYZATA, MINNESOTA, lying east of the southerly extension of the most westerly line of Lots 5, 6, and 7, said plat, and west of a line drawn from the southeast corner of Lot 5, said plat, to the northeast corner of Lot 1, Block 1, HOBEN'S SECOND ADDITION.
2. That particular Drainage and Utility Easement as dedicated on the plat of HOBENS SECOND ADDITION described as being the north 23.00 feet of the east 175.00 feet of Lot 1, Block 1 of said HOBENS SECOND ADDITION.

EXHIBIT D

Intentionally Omitted

EXHIBIT E
STORM WATER FACILITIES MAINTENANCE AGREEMENT
AND RESTRICTIVE COVENANT

This Storm Water Facilities Maintenance Agreement and Restrictive Covenant is made this _____ day of March, 2014, by and between the City of Wayzata, a Minnesota municipal corporation (hereinafter the “City”), and _____, a _____ (hereinafter “Owner”).

R E C I T A L S

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in the northwest quadrant of the intersection of Wayzata Boulevard and Central Avenue North in Wayzata, Minnesota (hereinafter the “Property”) and legally described in **Attachment A** (hereinafter the “Property”), which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner’s proposed development of the Property, the City has required and the Owner has agreed to construct a storm water collection and detention system; and

WHEREAS, such drainage system is described and shown on a grading plan prepared by the engineering firm CEI Engineering (hereinafter the “Drainage System Drawing”), for the Owner’s Property, a copy of which is attached hereto as **Attachment B** and incorporated herein by this reference; and

WHEREAS, as a condition of project approval and/or as a condition of the City’s utilization of the Owner’s storm drainage system, the parties have entered into this Maintenance Agreement and Restrictive Covenant, in order to ensure that the drainage system will be constructed and maintained in accordance with the approved plans and the City’s development standards;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City hereby agree as follows:

T E R M S

Section 1. Construction and Maintenance. Owner agrees to construct and maintain a drainage system on its Property, as shown on the Drainage System Drawing, **Attachment B**. The drainage system shall be maintained and preserved by the Owner until such time as the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

Section 2. No Removal. No part of the drainage system shall be dismantled, revised, altered or removed, except as necessary for maintenance, repair or replacement.

Section 3. Access. The City shall have the right to ingress and egress over the Property to access the drainage system for inspection and to reasonably monitor the system for performance, operational flows or defects.

Section 4. Reporting. The Property Owner shall be responsible for inspecting and maintaining the storm water treatment and conveyance system (and any of the following features that have been installed pursuant to the plans approved by the City), at minimum as follows:

1. Gardens: Visually inspected annually for areas of compressed dirt. Areas of compressed dirt will be tilled.
2. Lawn areas: Visually inspected annually for areas of bare compressed dirt. Areas of bare compressed dirt will be aerated, raked and seeded.
3. Areas on plan designated as an Infiltration Trench (subsurface perforated pipe): Visually inspected annually for continuous flow. Lack of flow will require investigation and removal of blockage.
4. Stormwater structures: The grading plan indicates underground storage and sump manholes in parking areas, which shall be inspected annually. Lack of flow will require investigation and removal of blockage.

The Property Owner shall be responsible for providing a letter to the City Engineer, by September 1st of each year (commencing on the September 1st that first occurs after a certificate of occupancy has been issued by the City for the Property), stating that inspection and maintenance have been completed.

Section 5. Repairs, Failure of Owner to Maintain. If at any time the City Engineer does not receive this inspection and maintenance report and the City determines that maintenance or repair work is required to be performed on the system, the City Engineer or his/her designee shall give notice to the Owner of the noted deficiency. The Engineer shall also set a reasonable time in which the Owner shall perform such work. If the repair or maintenance required by the Engineer is not completed within the time set by the Engineer, the City may perform the required maintenance and/or repair. Written notice will be sent to the Owner, stating the City's intention to perform such repair or maintenance, and such work will not commence until at least 30 days after such notice is mailed, except in situations of emergency. If, within the sole discretion of the Engineer, there exists an imminent or present danger to the system, the City's facilities or the public health and safety, such 30 day period will be waived and maintenance and/or repair work

will begin immediately.

Section 6. Cost of Repairs and/or Maintenance. The Owner shall assume all responsibility for the cost of any maintenance and for repairs to the drainage system. Such responsibility shall include reimbursement to the City for any expenses the City incurs if it performs any repairs or maintenance pursuant to Section 5 hereof) within 30 days after the City mails an invoice to the Owner for the actual out of pocket costs of any work performed by the City specifically excluding costs for overhead, administration and processing. Overdue payments will require payment of interest by the Owner at the current legal rate as liquidated damages.

Section 7. Notice to City of Repairs and/or Maintenance. The Owner is hereby required to obtain written approval from the City Engineer prior to filling, piping, cutting or removing vegetation (except in routine landscape maintenance) in open vegetated drainage facilities (such as swales, channels, ditches, ponds, etc.), or performing any alterations or modifications to the drainage system.

Section 8. Rights Subject to Permits and Approvals. The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Maintenance Agreement and Covenant.

Section 9. Terms Run with the Property. The terms of this Maintenance Agreement and Covenant are intended to be and shall constitute a covenant running with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

Section 10. Notice. All notices required or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt of three (3) days after deposit in the mail, postage prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:
City Engineer
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

To the Owner:

Section 11. Severability. Any invalidity, in whole or in part, of any provision of this Maintenance Agreement and Covenant shall not affect the validity of any other provision.

Section 12. Waiver. No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

Section 13. Integration. This Maintenance Agreement and Covenant constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.

Section 14. Modification. This Agreement may be terminated, amended or modified only by registering with the Registrar of Titles for Hennepin County, Minnesota, a document executed by the parties (or their respective successors and assigns) representing their unanimous consent to such amendment or modification. This consent may require City Council action.

[Remainder of page intentionally left blank; signatures follow]

IN WITNESS WHEREOF, the parties have caused this Maintenance Agreement and Covenant to be executed as of the date first above written.

OWNER:

By: _____

Its _____

STATE OF MINNESOTA)

) ss.

COUNTY OF HENNEPIN)

I certify that I know or have satisfactory evidence that

_____ is the person who appeared before me this _____
day of _____ 2014, and said person acknowledged that (he/she) signed this
instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it as the _____ of

_____, to be the free and voluntary act of such party
for the uses and purposes mentioned in the instrument.

Notary Public

CITY OF WAYZATA
A Minnesota municipal corporation

By: _____
Kenneth Willcox
Its: Mayor

CITY OF WAYZATA
A Minnesota municipal corporation

By: _____
Heidi Nelson
Its: City Manager

STATE OF MINNESOTA)) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

By: _____

Notary Public, State of Minnesota

My Commission Expires_____

STATE OF MINNESOTA)) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Heidi Nelson, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

By: _____

Notary Public, State of Minnesota

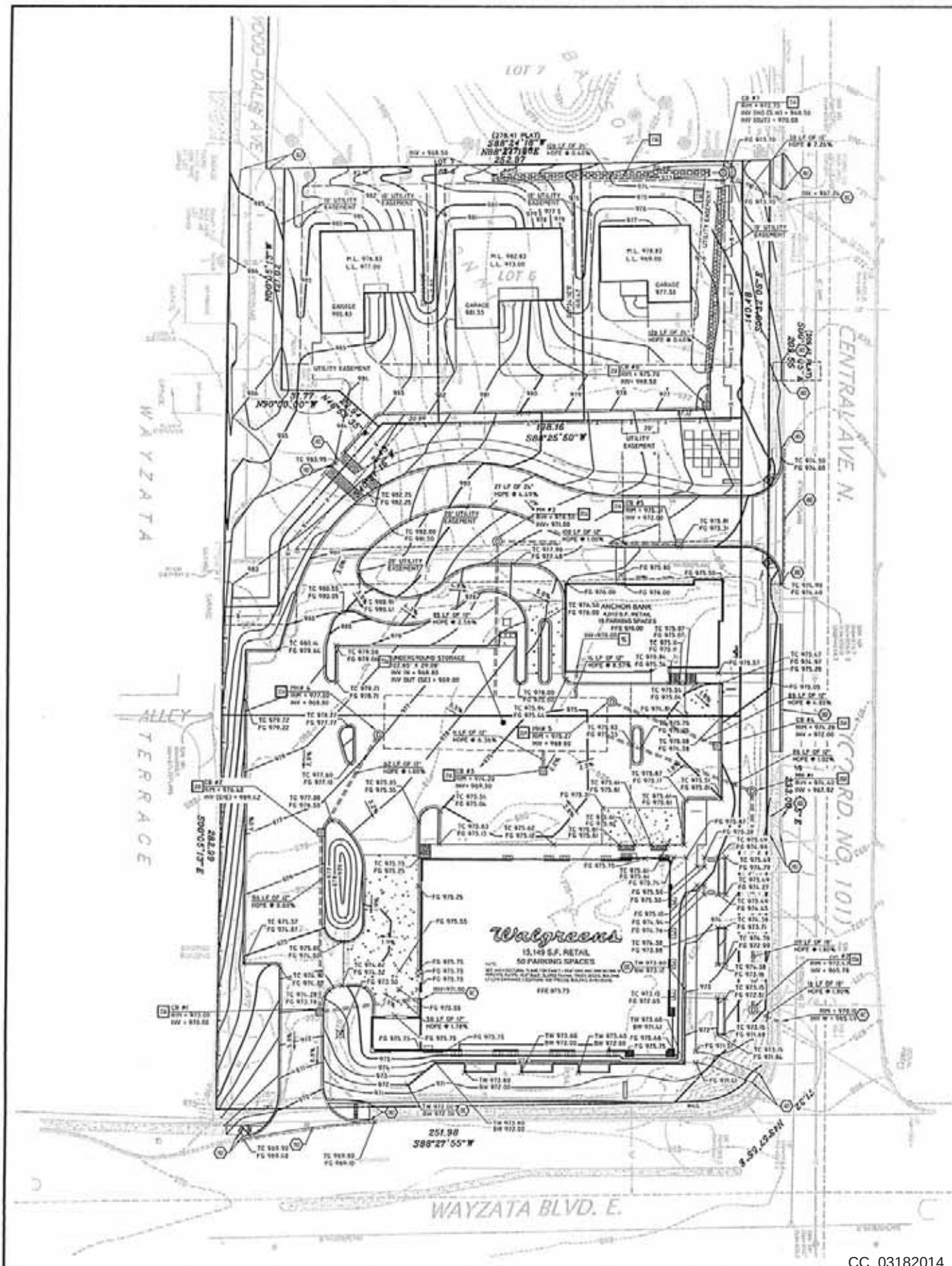
My Commission Expires_____

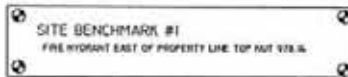
Attachment A

Lot ____, Block ____, Wayzata Junction, Hennepin County, Minnesota

Attachment B

(see attached)





STORMWATER RUNOFF SUMMARY:

TOTAL PROPERTY AREA = 43.59 ACRES OR 76,253 SF
TOTAL DISTURBED AREA = 43.59 ACRES = 1 THEREFORE A NP PERMIT WILL BE REQUIRED.

1. ON-SITE AREAS & RUNOFF COEFFICIENTS:

EXISTING DEVELOPMENT

DRAINAGE AREA NORTH = 1.57 ACRES
PERVIOUS AREA = 1.31 ACRES
PERVIOUS CN = 81
IMPERVIOUS AREA = 0.26 ACRES
IMPERVIOUS CN = 98
COMPOSITE CN = 87

DRAINAGE AREA SOUTH = 1.92 ACRES
PERVIOUS AREA = 0.52 ACRES
PERVIOUS CN = 81
IMPERVIOUS AREA = 1.41 ACRES
IMPERVIOUS CN = 98
COMPOSITE CN = 88

PROPOSED DEVELOPMENT

DRAINAGE AREA NORTH = 1.57 ACRES
PERVIOUS AREA = 1.31 ACRES
PERVIOUS CN ASSUMED = 81
IMPERVIOUS AREA = 0.26 ACRES
IMPERVIOUS CN ASSUMED = 98
COMPOSITE CN = 79

DRAINAGE AREA SOUTH = 1.78 ACRES
PERVIOUS AREA = 0.45 ACRES
PERVIOUS CN = 81
IMPERVIOUS AREA = 1.33 ACRES
IMPERVIOUS CN = 98
COMPOSITE CN = 88

2. EXISTING SITE RUNOFF VOLUME AND PEAK DISCHARGE FOR DESIGN STORMS:

NORTH: 1.57 ACRES			
1-HR	0.062 AC-FT	1.03 CFS	
5-HR	0.136 AC-FT	2.85 CFS	
10-HR	0.181 AC-FT	3.89 CFS	
100-HR	0.328 AC-FT	7.40 CFS	
SOUTH: 1.92 ACRES			
1-HR	0.062 AC-FT	4.17 CFS	
5-HR	0.422 AC-FT	8.88 CFS	
10-HR	0.508 AC-FT	7.98 CFS	
100-HR	0.764 AC-FT	12.97 CFS	

3. PROPOSED SITE RUNOFF VOLUME AND PEAK DISCHARGE FOR DESIGN STORMS:

NORTH: 1.56 ACRES			
1-HR	0.037 AC-FT	0.99 CFS	
5-HR	0.125 AC-FT	2.49 CFS	
10-HR	0.178 AC-FT	3.89 CFS	
100-HR	0.346 AC-FT	7.28 CFS	
SOUTH: 2.31 ACRES			
1-HR	0.104 AC-FT	1.75 CFS	
5-HR	0.234 AC-FT	8.32 CFS	
10-HR	0.328 AC-FT	7.98 CFS	
100-HR	0.547 AC-FT	12.08 CFS	

4. SUMMARY: STORAGE SYSTEM MAINTAINS RUNOFF VOLUME AND PEAK DISCHARGE FOR DESIGN STORMS TO AT OR BELOW EXISTING LEVELS.

LEGEND

EXISTING	
1	EXISTING FOUND MONUMENT
2	EXISTING SET MONUMENT
3	WATER VALVES
4	HYDRANT
5	CATCH BASIN/STORM MH
6	SANITARY MANHOLE
7	CLEAN OUT
8	DOWN
9	UTILITY POLE
10	LIGHT POLE
11	TELEPHONE BOX
12	OVERHEAD ELECTRIC LINE
13	UNDERGROUND ELECTRIC LINE
14	TELEPHONE LINE
15	WATER LINE
16	STORM SEWER LINE
17	SANITARY SEWER LINE
18	CHARLARK FENCE
19	CURB
20	CONCRETE
21	TREE
PROPOSED	
22	BOUNDARY LINE
23	RIGHT OF WAY LINE
24	GRADE BREAK
25	CONTOUR ELEVATIONS
26	STORM DRAIN
27	MANHOLE
28	CURB INLET
29	SPOT ELEVATIONS
30	TH = TOP OF WALL
31	BM = BASE OF WALL
32	TC = TOP OF CURB
33	C = CUTTER
34	FL = FINISHED GRADE
35	PL = PAVEMENT LEVEL
36	LL = LOWER LEVEL
37	*ALL SPOT ELEVATIONS ARE CUTTERLINE OR FINISHED GRADE UNLESS NOTED OTHERWISE
38	FLOW ARROW
39	LIMITS OF DISTURBANCE

GENERAL GRADING NOTES

- PRIOR TO INSTALLATION OF STORM OR SANITARY SEWER, THE CONTRACTOR SHALL EXCAVATE, VERIFY, AND CALCULATE ALL CROSSINGS AND INFORM THE OWNER AND THE ENGINEER OF ANY CONFLICTS PRIOR TO CONSTRUCTION. THE ENGINEER WILL BE HELD HARMLESS IN THE EVENT THE ENGINEER IS NOT NOTIFIED OF DESIGN CONFLICTS.
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND 4" OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SODED, FERTILIZED, PLANTED, WATERED AND MAINTAINED UNTIL MAINTAIN GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES.
- UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS:
 - ALL STORM DRAIN PIPE BEDDING SHALL BE INSTALLED PER DETAILS 26A & 26B.
 - ALL STORM DRAIN PIPES ARE MEASURED FROM CENTER OF STRUCTURES AND ENDS OF FLARED END SECTIONS.

GRADING NOTES

- 9E CONNECT DOWNSPOUTS TO DRAIN PIPE. (SEE ARCH PLANS FOR EXACT NO. AND LOCATION OF DOWN SPOUTS)
- 10C LIMITS OF RETAINING WALL
- 10C CONNECT TO EXISTING STORM DRAIN MANHOLE OR INLET
- 10B MATCH EXISTING PAVEMENT ELEVATIONS

GRADING DETAILS

- 26A JUNCTION BOX
- 21A CURB INLET
- 27E STORM DRAIN CLEAN-OUT
- 73A TYPICAL 5-10 UNDERGROUND STORAGE DETENTION SYSTEM OR APPROVED EQUAL
- 73B INFILTRATION TRENCH

Engineering
Associates, Inc.



PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS
1035 CENTRE PARK BLVD., SUITE 210
MINNETONKA, MN 55345
TEL: 952-894-8668
FAX: 952-894-8669
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REVISIONS	
NO.	DATE
1	05/24/14
2	07/24/14
3	11/27/14
4	11/27/14
5	11/27/14
6	11/27/14
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CADD PLOT:	
FUTURE STORE # 15679	
WALGREENS	
1055 WAYZATA BOULEVARD EAST	
WAYZATA, MN 55391	
DRAWN BY: L. COOPER	
DATE: 10/14	
REVIEWED: A. CATHUPA	

CITY OF WAYZATA



PLANNING DEPARTMENT

MEMORANDUM

To: City Council
From: Bryan Gadow, City Planner
Date: March 12, 2014
Re: Wayzata Yacht Club & Wayzata Community Sailing School – Development Agreements

In July of 2012, the City Council approved a package of development and land use changes via Resolutions 12-2012 and 25-2012, and Ordinance 726, for a new Planned Unit Development (PUD) District encompassing both the Wayzata Yacht Club (WYC) and Wayzata Community Sailing Center (WCSC). The purpose of the new PUD District was to provide a clear set of standards to guide proposed future development and operations of both organizations' properties.

One of the conditions of the approvals was that the Applicants and City enter into a development agreement to be recorded against the properties and codify the City's approvals and the terms of approval.

Attached are drafts of separate development agreements, one for the WYC and one for WCSC. The agreements are essentially the same document, but reference each organization individually, and will allow each organization's governing body to review and approve separately. The plan sets that are referenced and attached to both development agreements are the same plan sets that were approved by the City Council in July of 2012, and incorporated into Resolution 12-2012. Once approved, the development agreements will be recorded at Hennepin County.

CITY OF WAYZATA

Wayzata Yacht Club

THIS DEVELOPMENT AGREEMENT (“Agreement”) made this ____ day of _____, 2014, by and between the City of Wayzata, a Minnesota municipal corporation (“City”), and the Wayzata Yacht Club a Minnesota non-profit corporation (the “Applicant”), regarding that property located at 1100 Eastman Lane, Wayzata, Minnesota (the “Property”) which together with property owned by the Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center, is part of a Planned Unit Development that has been approved by the City of Wayzata pursuant to Resolution No. 12-2012 and Resolution No. 25-2012 adopted by the Wayzata City Council on the 17th day of July, 2012 (the “City Resolutions”), attached as Exhibit B, and Ordinance No. 726 adopted by the Wayzata City Council on the 17th day of July, 2012 (the “Ordinance”), attached as Exhibit C, the City Resolutions and the Ordinance being hereby incorporated herein by reference. In consideration of One Dollar (\$1.00) and other good and valuable consideration, including the foregoing and the terms set forth herein, the parties agree as follows:

1. **Terms.**

- A. **The Property.** The street address and property identification numbers for the Applicant’s Property in the PUD are on the attached Exhibit A.
- B. **The Project.** The project to be constructed by Applicant involves making various improvements to the existing Wayzata Yacht Club properties (the “Project”) as more fully described in the approved PUD plans.
- C. **Planned Unit Development (“PUD”) General Plan Approval Conditions and Other Standards.** Subject to the terms and conditions set forth in the City Resolutions which are attached hereto as Exhibit B, the City Council of the City of Wayzata has granted Applicant approval of the Planned Unit Development (“PUD”) General Plan for the Project and continued use of the Property under the terms of the PUD. The terms of the PUD shall control site use and zoning standards found within the PUD.
- D. **Planned Unit Development District (“PUD District”) Rezoning Approval.** Subject to the terms and conditions set forth in the City Ordinance which is attached hereto as Exhibit C, the City Council of the City of Wayzata has granted Applicant approval of a Zoning Amendment for the PUD.
- E. **Operations.** The Property and the PUD shall at all times be used, and be managed and operated, by Applicant in accordance with the specific terms and conditions of this Agreement and the City Resolutions and City Ordinance, including policies on noise and parking applicable to the PUD. Applicant shall ensure that the Property is used and managed according to the requirements of this Agreement and all other applicable laws and regulations, including the

operational policies of the Wayzata Yacht Club contained in the PUD General Plan and specifications.

2. **Applicant.** Notwithstanding any language to the contrary herein, “Applicant” shall mean Wayzata Yacht Club until such time as the fee title to the Property is transferred to another entity or person. The Applicant shall not be released from its obligations hereunder unless (i) the City consents in writing to the assignment of this Agreement to a new fee title owner of the Property, and (ii) the new owner, in writing, assumes the obligations of the Applicant hereunder in a document approved, in writing, by the City. Thereafter, the new fee owner shall be the “Applicant” for the purposes of this Agreement.
3. **Definition and Amendment of Plans.** The City, pursuant to City Code Chapter 801 and City Resolutions, has approved the PUD General Plan for the Property, including, without limitation, the conditions of the City Resolutions; the development plans and specifications; the site plan; preliminary grading plan; preliminary landscape plan; building elevations/perspectives; sign plan and operational policies dated January through March 2012 (the “Plans”) and which are attached as Attachment A to the City Resolutions and are on file with the City and which are attached to and made part of this Agreement. The Applicant shall develop the Property in phases in accord with the Plans and this Agreement, including best reasonable efforts to comply with the schedule shown in Exhibit F hereto. The Applicant may seek approval of changes to the Plans from the Wayzata City Council according to the requirements of Section 33 of the Wayzata Zoning Ordinance, though the City Council shall not be required to approve such changes. If the City Council approves such changes, the changes shall become amendments to the Plans. Except as regards to the marina configuration where a separate approval process is contained in the City Council Resolution and the Plans, no material changes (i.e. changes that will significantly change the configuration, land use or character of the Project) to the Plans may be implemented until such changes have been approved by the City Council according to the requirements of Section 33 of the Wayzata Zoning Ordinance. To the extent required by the City, the parties shall execute an agreement acknowledging any amendment to this Agreement or the Plans and record the same with in the appropriate land records office by and for Hennepin County for the Property. The Applicant must also obtain any necessary “City Permits”, which shall include but not be limited to the following: 1) building permits, 2) tree permits, 3) grading permits, 4) sign permits, and 5) fence permits prior to commencing any construction activity on the Property. City Permits will be issued only if Applicant (i) meets the general requirements for such permits and (ii) is in full compliance with this Agreement.

The City shall issue within a reasonable time any City Permits that conform with this Agreement, Metropolitan, State, Federal laws and regulations and City of Wayzata applicable ordinances. Applicant acknowledges that it must also obtain any other permits required by any other regulatory body necessary for construction of the Improvements as described herein.

4. **Water and Sewer Charges.** The Applicant shall pay any applicable sanitary sewer and water connection charges based on the Metropolitan Council Environmental Services

("MCES") sewer availability ("SAC") units and rates as determined by the MCES. The Applicant shall be responsible for any increase in the fees due at the time of paying the fees to the City and the MCES, and the fees may change to reflect the City and MCES rates in effect at the time the building permit is issued and the fee paid.

The number of SAC units in the Project shall be determined pursuant to regulations and procedures of the MCES applicable at the time such payments are due. Any SAC unit credits provided to the Applicant based upon prior payments related to the Property or otherwise by MCES, will also be credited in calculating the City and MCES SAC charges. The City will also credit Applicant for any prior payments by any previous owner of the Property or prior connection assessments or charges against the Property for water or sanitary sewer related to the Property.

5. **Maintenance Costs.** The Applicant shall be liable for the cost of maintaining the Project and any improvements not transferred to the City made within the PUD.
6. **Responsibility for Cost of Improvements.** The Applicant shall, at its cost, install, in accordance with the Plans and in accordance with all applicable City ordinances and standards, all the improvements set forth in the Plans. In addition, the Developer shall be responsible for all of the following, at its cost, to the extent it is related to the Project or the PUD: site grading, surveying and staking, as needed, the setting of lot and block monuments, as needed. The City shall not install or pay for any of the improvements associated with the Plans.
7. **Storm Water Best Management Practices (BMPs) Improvements and Maintenance.**
 - A. **Rain Gardens or Other Stormwater Devices.** The Applicant has proposed that storm water within the Project be handled through use of structures, techniques and innovative techniques defined by the Minnesota Pollution Control Agency Stormwater Manual as best management practices ("BMP(s)") that include: infiltration rain gardens, shoreline filtration, bio-swales or similar devices and techniques which are defined in the Minnesota Stormwater Manual, available at http://stormwater.pca.state.mn.us/index.php/Main_Page, as currently specified or as hereinafter amended. Such BMPs will be owned and maintained by the Applicant, and not transferred to the City.
 - B. **BMPs /Storm Water Maintenance.** The Applicant shall inspect and maintain, at its cost all BMPs, as agreed to in the Stormwater Maintenance Agreement in substantially the form attached hereto as Exhibit E. As scheduled and defined in the Stormwater Management Agreement, in a reasonable manner requested in writing by the City Engineer, the Applicant shall inspect such installed BMPs and provide the City with a written report on the inspection results based on the requirements of the Stormwater Management Agreement. If the Applicant fails to so inspect and report, or fails to maintain such BMP in accordance with the Stormwater Management Agreement and instruction from the City Engineer, within 30 days receipt of written notice from the City of such default, then the

City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take anyone or more of the following actions: perform or hire a third party to perform for the account of the Applicant any obligation of the Applicant with respect to such BMP. The Applicant shall promptly reimburse the City for any expense incurred by the City. This Agreement constitutes a non-revocable license in favor of the City and/or its agents to enter the Property and to take such actions, and it shall not be necessary for the City to seek a Court order for permission to enter the Property, or perform such inspections or maintenance, or act in accordance with this Agreement. When the City does any work, the City may, in addition to its other remedies, assess the actual out of pocket costs, without seeking costs for overhead, administration or processing in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the same amount expended by the City to perform such work.

8. **Site Grading.** In order to construct the Project and prepare the site for development, it will be necessary for the Applicant to grade portions of the Property. All site grading must be done in compliance with the Plans, the site grading plan and the grading permit. Within 60 days after completion of the grading, the Applicant shall provide the City with an “as constructed” grading drawing and a certification by a registered land surveyor or engineer that all elements of the grading, including those associated with the storm water maintenance, have been constructed in accordance with the Plans. The “as constructed” drawing shall include field-verified elevations of the location and elevations along all swales and ditches and lot corners and building pads and all other details normally found on such drawings. The City may withhold issuance of building permits until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City.
9. **Access During Construction.** Prior to construction, the Applicant shall secure any necessary construction easements from the owners of properties adjacent to the Property. Access to any existing easements benefitting the City located on the Property shall remain open and useable during construction and all other phases of the Project.
10. **Clean Up.** Prior to issuance of any certificate of occupancy (“CO”) by the City, the Applicant shall remove from the particular lot within the Property for which the CO is sought, any trash, waste, excess soil, earth or debris resulting from construction work and not necessary for the completion of the Plans by the Applicant as directed by the City.
11. **Hazardous Substances.** Applicant agrees that prior to or during grading and site earth work, it shall completely remove and/or remediate any Hazardous Substances that are present on the Property and not in compliance with all Federal, State and Local Environmental Laws. For purposes of this Agreement, the term “Hazardous Substance” shall mean any substance which at any time shall be listed as “hazardous” or “toxic” or in the regulations implementing the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 et seq. as now or hereafter amended, the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C.

§§ 6901 et seq. as now or hereafter amended or the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et. seq.; the Minnesota Environmental Response and Liability Act (Minn. Stat. § 115B et. seq.) (“MERLA”), as now and hereafter amended, including, without limitation, any pollutant or contaminant as such terms are defined within MERLA, For purposes of this Agreement, the term “Environmental Law(s)” shall include, but is not limited to: any and all applicable federal, state or local directive, statute, law, rule, regulation, ordinance, or rule of common law in effect and any judicial or administrative decisions, including any judicial or administrative order, consent decree or judgment, relating to the control of any pollutant or hazardous material, the protection of the environment or the effect of the environment on human health, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Sections 9601 et seq.; the Resource Conservation and Recovery Act, as amended, U.S.C. Sections 6901 et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. Sections 1252 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. Sections 2601 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.; the Safe Drinking Water Act, as amended, 42 U.S.C. Sections 300f et seq.; the Hazardous Materials Transportation Act, as amended 49 U.S.C. Sections 1801 et seq.; the Atomic Energy Act, as amended, 42 U.S.C. Sections 2011 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. Sections 136 et seq.; the Occupational Safety and Health Act, as amended, 20 U.S.C. Section 651 et seq.; the Emergency Planning and Community Right to Know Act, as amended, 42 U.S.C. Sections 11001 et seq.; the Minnesota Environmental Response and Liability Act (Minn. Stat. Section 115B.02 et seq.) (“MERLA”), as now and hereafter amended. If any Hazardous Substance in violation of any Environmental Law is discovered on the Property, such Hazardous Substances shall be removed, remediated or stabilized to the extent required by the Minnesota Pollution Control Agency and Applicant shall furnish the City with documented approval by such Agency of completion prior to the issuance of any certificate of occupancy for any parcels of the Property which previously contained Hazardous Substances in violation of any Environmental Law (the “Affected Parcels”).

12. **Warranties, Representations and Other Assurances.** The Applicant represents to the City that no knowing misrepresentations have been or will be made, or materially inaccurate information was or will be provided to the City by Applicant during its review process. Except as provided in the Plans and by Council Resolution concerning marina configuration, the Applicant represents that no material changes in the layouts, structures, designs, materials, locations or forms of the Project on the Property shown on the Plans shall be made unless this Agreement is amended in writing by both parties. The City recognizes that the Applicant is a non-profit corporation under the laws of the State of Minnesota and that all representation of the Applicant shall be made to the best of the Applicant’s knowledge.
13. **Security.** The Applicant shall furnish the City with a letter of credit (“Letter of Credit”) or a payment and performance bond for 125 percent of estimated actual construction costs (the “Bond”), exclusive of City administration, oversight and inspection costs (due at the time of issuance of the City Permit) of all Property and utility improvements within

the public right of way, including, without limitation, water, sanitary sewer, storm sewer, and landscaping as set forth in the Plans ("Site Improvements"), but such bond amount shall exclude among other things, costs of the building structure, management and any other improvements not located in the City right-of-way (the "Bond Amount"). The Bond Amount of security shall be subject to approval by the City Manager, at the time of issuance of the City Permit and will be adjusted to reflect the above costs at that time. The issuer of the performance bond shall be subject to the approval of the City Manager. The payment and performance bond shall be in force until a Certificate of Occupancy for Project has been issued by the City. The payment and performance bond may be for a one year term, provided it is automatically renewable for successive one year periods from the present or any future expiration dates, unless sixty (60) days prior to an expiration date, the bond issuer notifies the City that it elects not to renew for an additional period. The payment and performance bond shall secure compliance of the completion of the Site Improvements. The City may make a claim on the payment and performance bond, with five (5) business days' notice to Applicant, if the Applicant fails to complete the Site Improvements within thirty (30) days after the issuance of the Certificate of Occupancy, provided however, that the City shall not make a claim on the bond, if within such notice period, Applicant commences and diligently pursues to completion such cure in a manner satisfactory to the City. With City approval, the Bond Amount may be reduced from time to time as obligations of Applicant under this Agreement secured by such payment and performance bond are satisfied. The amount of such reduction shall equal the lesser of the cost or value of the obligation satisfied, provided, however, that the remaining amount after any such reductions shall be sufficient to fund the remaining Site Improvements yet to be completed by the Applicant.

14. **License.** The Applicant hereby grants the City, its agents, employees, officers and contractors a license to enter the Property to perform all necessary work and/or inspections deemed appropriate by the City, provided that the City shall take no action on the Property to cure Applicant's default without first providing the notice and cure rights provided under this Agreement. The license shall expire after all the improvements required by this Agreement have been inspected and accepted by the City. Only in regard to the Site Improvements, if the Applicant fails to pay or perform its obligations under this Agreement after notice and expiration of any cure period, then the City may enter the Property and pay or perform such obligations and obtain payment for the expenses thereof from the proceeds of the Letter of Credit or Bond. Among other expenditures, the City may draw upon the Letter of Credit or Bond to satisfy the claims of contractors or suppliers which have not been paid or satisfied by the Applicant. After security has been provided to the City Manager in the form described in Section 13 of this agreement, the City hereby grants to the Applicant, its agents, employees, officers and contractors the right to enter upon any of the Property that the Applicant is deeding or dedicating to the City and upon any public right-of-way for purposes of performing any of the work described in the Plans.

15. **Construction Phasing and Deadlines.**

- A. The Applicant began physical implementation of the Project, including installing

the required screening of the eastern edge of the Applicant's Property and the western edge of West PUD property line, within twelve (12) months following City Council approval of the PUD. Applicant shall use best reasonable efforts to comply with the Schedule listed in Exhibit F.

- B.** The Applicant shall complete construction of the Project in phases, working on each Project element as listed on Exhibit F. The Applicant shall complete all phases and Project elements of the PUD no later than twenty (20) years after the date of the City Resolutions, and shall complete construction of any Project element of the Project for which City Permit is issued no later than two (2) years after commencement of actual construction for that element.
- C.** Applicant understands, in accordance with the City Council Resolutions, that storage in the Plan's indicated areas cannot be allowed until the Plan's required screening is approved by the City Staff. Likewise, the City and the Applicant understand the Project can only be completed as the Applicant, a non-profit organization, obtains gifts, grants and contributions for the various elements of the Project and an exact schedule of improvements depends upon, among other things, receiving such gifts, grants and contributions.
- D.** If the Applicant fails to reasonably satisfy one or more of the deadlines provided for in this Section, then unless otherwise extended by the City, such failure shall constitute an "Event of Default" hereunder.

16. Responsibility for Costs.

- A.** Except as otherwise specified herein, the Applicant shall pay all costs incurred by it or the City in conjunction with the approval of the Project and ensuring compliance with the Plans, including but not limited to legal, planning, engineering and inspection fees and expenses incurred in connection with approval and acceptance of the development, the preparation of this Agreement and all costs, expenses, legal, engineering and planning fees incurred by the City in monitoring and inspecting the progress of the Project.
- B.** The Applicant shall hold the City and its officers, employees and agents harmless from claims made by Applicant and third parties for damages sustained or costs directly incurred resulting from development of the Project, construction and operation, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement or applicable laws and ordinances by the City. Except as limited by the preceding sentence, the Applicant shall indemnify the City and its officers and employees for all reasonable costs, damages or expenses which the City may pay or incur in consequence of such claims, including reasonable attorney and other reasonable consulting fees.

The City shall look to the Applicant, and not any individual employee, officer, member or staff person of the Applicant, for any damages sustained or costs directly incurred by the City, resulting from development of the Project, or construction and operation of the PUD, except for such damages or costs resulting from the City's gross negligence, intentional misconduct or intentional violation of this agreement or applicable laws and ordinances.

- C. The Applicant shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering, building official, planning and attorney's fees, and for the City's performance of the Applicant's obligations under this Agreement in the event that Applicant fails to commence or complete such obligations on a timely basis.
- D. The Applicant shall pay in full all documented bills submitted to it by the City for obligations properly incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all development work and construction until the bills are paid in full, and may draw on the Letter of Credit or Bond set forth herein to discharge such obligations. Bills not paid within thirty (30) days shall accrue interest at the rate of twelve percent (12%) per year.

17. **Events of Default.** Events of Default Defined. The following shall be "Events of Default" under this Agreement:

- A. Failure by the Applicant to pay, when due, the true and correct amounts required to be paid under any provision of this Agreement and that have been invoiced to the Applicant in writing.
- B. Failure by the Applicant to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed under this Agreement.

18. **Remedies of Default.** Whenever any Event of Default occurs and the Applicant fails to cure such default within (i) ten (10) days after receipt of written notice of a monetary default by the City; or (ii) twenty (20) days after receipt of written notice by the City of a non-monetary default or such longer period as may be reasonably necessary, provided Applicant has acted promptly and pursued such cure with diligence; or (iii) in the case of an emergency meaning an imminent threat to human health or the environment, such shorter period of time as may be reasonable under all of the circumstances, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take anyone or more of the following actions:

- i. Perform or hire a third party to perform for the account of the Applicant any obligation of the Applicant related to Site Improvements contained herein of this agreement hereunder. The Applicant shall promptly

reimburse the City for any reasonable and market value expense incurred by the City. This Agreement is a license for the City to act related to the Site Improvements, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or to act in accordance with this Agreement. When the City does any work as allowed herein, the City may, in addition to its other remedies, assess the cost in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the reasonable amount expended by the City to perform such work.

- ii. Withhold approval of any permit with respect to the Property, including building permits for the Property.
- iii. File a claim on the Bond benefitting the City to pay for the cure of the default.
- iv. Require the Applicant to discontinue work on the Property until such time as the Event of Default has been cured.
- v. Assess against the Property any reasonable costs provided for herein and incurred by the City due to the breach of this Agreement by Applicant and not theretofore reimbursed by the Applicant and the Property shall be deemed to have benefited in the amount and to the extent of such costs.

19. **Conformance with Laws.** The Applicant shall comply with the terms of this Agreement and all applicable local, state, and federal laws and regulations applicable to the development and Property.

20. **Miscellaneous.**

- A. The Applicant represents to the City that to the best of Applicant's knowledge, the Project complies with all county, metropolitan, state and federal laws and regulations, and that Applicant has no knowledge of any violations by the Project or Applicant of applicable City Subdivision Ordinances, City Zoning Ordinances, or any violation of LMCD regulations, permits and authorizations, and Environmental Laws. If the City determines that the Project does not comply with any of the foregoing, the City may, at its option, refuse to allow construction of the Project until the Applicant does comply. Upon the City's demand, the Applicant shall cease work until there is compliance.
- B. Only the Applicant, and any successor or assign who assumes the obligations of the Applicant hereunder according to the requirements of this Agreement and in a form acceptable to the City, shall have recourse against the City under this Agreement.

- C. If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
- D. The action or inaction of the City shall not constitute a waiver of or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No City Permit or certificate of occupancy shall be issued which conflicts with the requirements of this Agreement, and any such permit or certificate which does so conflict shall be void. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- E. This Agreement, any amendments hereto, and conditions of the City Resolutions and Ordinance are binding on all successors and assigns and shall run with the Property. Applicant and its successors and assignees are liable under this Agreement. The Applicant may not assign this Agreement, without written consent of the City Council, which shall not be unreasonably withheld, prior to issuance of the Certificate of Completion described below provided however that subject to the reasonable judgment of the City Manager the Applicant may conditionally assign its rights and obligations under this Agreement to any lender who is providing the Applicant with financing to fund the cost of work as shown in the Plans. Applicant shall provide the City with a recorded copy of this Agreement, and any amendments thereto, as soon as they are available. No City Permits shall be issued until (i) evidence of such recording acceptable to the City has been provided by the Applicant, and (ii) Applicant has obtained and recorded agreements by all parties holding an interest in the Property, including but not limited to mortgage holders, agreeing to be subject to the terms and conditions of this Agreement.
- F. After (i) the Applicant has completed the work for each phase for which a City Permit has been issued required of it under this Agreement, (ii) the City has inspected, approved and accepted ownership of all Public Improvements, and (iii) all warranty periods provided for in this Agreement have expired, then, at the Applicant's request, the City will execute and deliver to the Applicant a Certificate of Completion in recordable form evidencing performance by Applicant of its obligations hereunder, subject to:
 - i. Any representation or warranties, which may be in effect subsequent to the date of completion, and
 - ii. Any other obligations which are not specifically identified in such Certificate as having been performed.
 - iii. Any obligations imposed by this Agreement not certified as having been satisfied in such Certificate of Completion, and all warranties and representations of the Applicant, shall remain the ongoing obligation of the

Applicant and its successors and assigns. Any owner of the Property shall be subject to all the restrictions and obligations contained herein to the extent that such restrictions and obligations have not been satisfied by the Certificate.

- G.** Each right, power or remedy herein conferred upon either party is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to such party at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient to the party having such right, power and remedy and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.
- H.** This Agreement for the Project must be recorded in the appropriate Hennepin County land records at the expense of the Applicant and a copy of the recorded executed Agreement provided by the Applicant to the City. The City will cooperate with the Applicant in executing and delivering reasonable Subordination Agreements in favor of a mortgage or mortgages of the Property granted by the Applicant to Applicant's lenders.
- 21. Effect of Development Approval.** Notwithstanding any provision of this Agreement to the contrary, to the full extent permitted by State laws, any further development or construction of new improvements and any additions or alterations to existing improvements not expressly approved under this Agreement will require additional approvals from the City, as required by City ordinances, and in full compliance with any amendments to the City's Comprehensive Plan or Zoning Ordinance requirements enacted after the date of this Agreement.
- 22. Notices.** Required notices to the Applicant shall be in writing, and shall be either hand delivered to the Applicant, its employees or agents, or mailed to the Applicant by certified or registered mail at the following address (or such other address as Applicant later gives to the City in writing referencing this Agreement and this section):

Wayzata Yacht Club
Attention: Commodore
1100 Eastman Lane, Wayzata, MN 55391

With a copy to;
Halleland Habicht, P.A.
33 South Sixth Street #3900
Minneapolis, Minnesota 55402
Attn: P. Quast

Notices to the City shall be in writing and shall be either hand delivered to the City Manager, or mailed to the City by registered or certified mail in care of the City Manager at the following address:

Wayzata City Hall
600 East Rice Street
Wayzata, MN 55391
Attention: City Manager

[NEXT PAGE IS THE SIGNATURE PAGE]

City of Wayzata, a Minnesota Municipal
corporation

By: _____
Kenneth Willcox, its Mayor

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014,
by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on
behalf of the corporation.

Notary Public

By: _____
Heidi Nelson, its City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by
Heidi Nelson, City Manager of the City of Wayzata, a Minnesota municipal corporation, on
behalf of the corporation.

Notary Public

Wayzata Yacht Club, a Minnesota non-profit organization

By: _____
Its President

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by _____, the _____ of the Wayzata Yacht Club, a Minnesota non-profit organization, on behalf of the organization.

Notary Public

THIS INSTRUMENT DRAFTED BY:

City of Wayzata
600 E. Rice Street
Wayzata, MN 55391

LIST OF EXHIBITS

- Exhibit A – Legal Description of Property
- Exhibit B – City Council Resolution No. 12-2012 and Resolution No. 25-2012
- Exhibit C – City Ordinance 726
- Exhibit D – Approved Plans (PUD General Plan)
- Exhibit E – Stormwater Maintenance Agreement
- Exhibit F – Project Development Schedule

EXHIBIT A

PID and Property Legal Description

All of Block 62, "Minnetonka Arlington Heights", except that part thereof lying Southwesterly of a line drawn parallel to and 135 feet Northeasterly from the Southwesterly line of said Block.

ALSO

All that part of Government Lot 1 and accretions thereto in Section 5, Township 117 North, Range 22 West that lies within the tract described as follows: Commencing at a point on the West line of said section distant 5.5 feet north of meander corner on north side of lake, said meander corner being 1879 feet south of west quarter corner of said Section 5; thence South 73 degrees 2 minutes East along a line distant 16.5 feet southwesterly measured at right angles from the center line of the road as now laid out and traveled a distance of 141.27 feet to a point of beginning of a curve the radius of which is 634.8 feet and a central angle of 17 degrees 4 minutes; thence southeasterly along said curve a distance of 50.73 feet; thence South 20 degrees 28 minutes West to the shore of the lake; thence northwest along shore line of the lake to a point which bears South 12 degrees West from said meander corner; thence North 12 degrees East to meander corner; thence north along west line of said Section 5 to point of beginning, and the riparian rights to any additions thereto by reason of accretion or reliction between extensions toward the mean center line of Wayzata Bay of the side lines of the above described premises.

ALSO

All that part of Government Lot 1 and accretions thereto in Section 5, Township 117 North, Range 22 West that lies within the tract described as follows: Commencing at a point on the West line of said section distant 5.5 feet north of meander corner on north side of lake, said meander corner being 1879 feet south of west quarter corner of said Section 5; thence South 73 degrees 2 minutes East along a line distant 16.5 feet southwesterly, measured at right angles from the center line of the road as now laid out and traveled a distance of 141.27 feet to a point of beginning of a curve the radius of which is 634.8 feet and a central angle of 17 degrees 4 minutes; thence southeasterly along said curve a distance of 50.73 feet to the point of beginning of the land to be described; thence continuing along said curve southeasterly a distance of 138.27 feet to the end of said curve; thence South 55 degrees 58 minutes East on a tangent to said curve 259.3 feet; thence South 34 degrees 2 minutes West at right angles to said tangent of said mentioned curve 3.5 feet to a point on the southerly right-of-way line of said Great Northern Railway Company, said point being marked by a judicial landmark; said right-of-way line being 150 feet southwesterly measured at right angles from the center line of the east bound main track, distance 945.4 feet northwesterly measured along said right-of-way line from the center line of state highway no. 101; thence continuing South 34 degrees 2 minutes West along a straight line 319 feet to a judicial landmark located on the shore of Lake Minnetonka; thence southwesterly and northwesterly along the shore line of the lake to a point which bears South 20 degrees 28 minutes West from the point of beginning; thence North 20 degrees 28 minutes East

EXHIBIT A (continued)

to the point of beginning; and the riparian right to any additions thereto by reason of accretion or reliction between extensions toward the mean center line of Wayzata Bay of the side lines of the above described premises.

ALSO

All of those parts of Government Lot 1 and the Southeast Quarter of the Southwest Quarter of Section 5, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows: Beginning at the intersection of a line parallel with and distant 50 feet southwesterly, measured at right angles, from the center line of double track of the railway of the Great Northern Railway Company, as now located and constructed, with the center line of former County Road No. 13, Now State Highway No. 101; thence northwesterly parallel with said center line of double track to a point in a line parallel with and distant 66 feet northeasterly, measured at right angles, from a line designated as Line "A"; thence southeasterly parallel with said Line "A" to a point in a line parallel with and distant 150 feet Southwesterly, measured at right angles, from the center line of eastbound main track of said Railway Company; thence southeasterly parallel with said center line of eastbound main track and distant 150 feet southwesterly, measured at right angles therefrom, to an intersection with said center line of former County Road No. 13; thence northeasterly along said center line of former County Road No. 13 to the place of beginning. Said Line "A" is described as follows: Commencing at a point in the West line of said Section 5 distant 5.5 feet north of meander corner on north side of Lake Minnetonka, said meander corner being 1879 feet south of the west quarter corner of said Section 5; thence South 73 degrees 02 minutes East for a distance of 141.27 feet; thence along a curve to the right having a radius of 634.8 feet and a central angle of 17 degrees 04 minutes for a distance of 189 feet; thence South 55 degrees 58 minutes East tangent to said curve for a distance of 700.00 feet to the end of this description.
PID # 05-117-22-33-0003

EXHIBIT B

City Council Resolution No. 12-2012 and Resolution No. 25-2012

RESOLUTION NO. 12-2012

RESOLUTION APPROVING AN APPLICATION BY THE WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING CENTER FOR A NEW PLANNED UNIT DEVELOPMENT AND RELATED APPROVALS AT 456 ARLINGTON CIRCLE, 1000 EASTMAN LANE, 1100 EASTMAN LANE, 1200 EASTMAN LANE, AND 1400 EASTMAN LANE

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1 Development Application. The Wayzata Yacht Club and Wayzata Community Sailing Center (collectively, the “Applicant”) have submitted a two related applications (the “Application”) for approval of a joint Concept and General Plan PUD pursuant to Section 33 of the Wayzata Zoning Ordinance (the “PUD” or the “Project”); deviations from applicable standards for non-residential PUD District projects that include residentially zoned properties to implement the master plan (the “Deviations”); rezoning to a PUD District for the PUD (the “Rezoning”); a Comprehensive Plan map amendment to reguide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private (the “Comprehensive Plan Amendment”, addressed through separate Resolution 25-2012); a Shoreland Conditional Use Permit (the “Shoreland CUP”); a Floodplain Conditional Use Permit (the “Floodplain CUP”); and site plan review (the “Site Plan”). The Application is based on a master planning process undertaken by the Applicant that included a community design charrette in June of 2010. The Application covers the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane (collectively, the Property”). Attachment A includes the following documents associated with the requests in the Application and the components of the Project:

- a. Site Plan, Details Sheets 1-5, dated March 2012
- b. Make Ready Area (Dolly) Screening Sketch, dated March 14, 2012
- c. WCSC/WYC Summer Trailer Storage Area Sketch, dated March 15, 2012
- d. Preliminary Landscape Plan Sheets 1-2, dated January 2012
- e. Preliminary Grading Plan Sheets 1-2, dated January 2012
- f. Operating Policies described on Pages 10 of the PUD Master Plan Narrative, dated January 27, 2012

1.2 Property. The property identification numbers and owners for the Property involved in the proposed PUD are as follows:

456 Arlington Circle S.	06-117-22-44-0006	Wayzata Sailing Foundation
1000 Eastman Lane	06-117-22-44-0005	Wayzata Yacht Club
1100 Eastman Lane	05-117-22-33-0003	Wayzata Yacht Club
1200 Eastman Lane	05-117-22-33-0004	Wayzata Yacht Club

1400 Eastman Lane	05-117-22-33-0001	Wayzata Yacht Club
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- 1.3 Land Use. The Property is located within the R-1 Low Density Single Family Residential District, as defined in Section 801.52 of the Wayzata Zoning Ordinance, and R-2A Single Family Residential District, as defined in Section 801.53 of the Wayzata Zoning Ordinance, and the Bluff District of the Design Standards, as defined in Section 801.09 of the Wayzata Zoning Ordinance. All of the Property is guided for Semi-Public/Private Use in the Wayzata Comprehensive Plan, except 1200 Eastman Lane which is guided Estate Single Family.
- 1.4 Notice. Notice of a public hearing on the Development Application was published in the *Sun Sailor* on January 26, 2012. A copy of the notice was mailed to all property owners located within 350 feet of the Property on January 26, 2012. Notice of a public hearing on the original Development Application was published in the *Lakeshore Weekly* on August 2, 2011. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 4, 2011.
- 1.5 Planning Commission Action. The Planning Commission began its review of the 2011 Applicant at its August 15, 2011 meeting and held a public hearing. The Planning Commission continued discussing the first Application at its September 7th, September 19th, October 26th, and November 7th meetings. At the close of these meetings, the Planning Commission recommended denial of certain components of the first Application, and approval of others. The City Council asked the Applicant to withdraw certain components of its first application related to a new Semi-public/Private PUD Zoning District and resubmit those requests as part of a second Application. The Planning Commission began its review of the second Application on February 6, 2012 and held a public hearing, before continuing discussion to February 27, 2012. At the February 27, 2012 meeting, after holding a public hearing, the Planning Commission reviewed and adopted a Planning Commission Report and Recommendation on the Concept and General Plan PUD, the individual Deviations requests, and the Rezoning from R-1 and R-2A to PUD, recommending approval to the City Council with conditions.

Section 2. STANDARDS

2.1 Planned Unit Development – General Standards – 801.33.1

Purpose. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

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

2.2 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
 - 1. Health Safety and Welfare. The Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
 - 2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 - 3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.

4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.
6. Common Space. The proposed PUD must provide common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD.
7. Common Space Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
8. 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.
9. Density. The proposed PUD must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
10. Utilities. All utilities associated with proposed PUD must be installed underground.
11. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.

12. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
13. Landscaping. All landscaping associated with the proposed 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.
14. 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.
15. 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.

2.3 Concept Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof. Should concept approval be granted for a PUD project, this approval in no way shall bind the City to subsequent approval of a General Plan of Development.

2.4 Non-residential PUD District Projects that include Residentially Zoned Properties. Section 801.33.4.A.6 of the Wayzata City Code provides that for non-residential PUD District projects that include residentially zoned properties, the normal

standards of either the C-1, C-2, C-3, C-4, C-4A, C-4B, INS, RD and BW zoning classifications shall apply to each project, excepting usage standards, unless the Council determines that another standard is (i) more appropriate, (ii) reasonable and consistent with the overall purpose and intent of the PUD ordinance, and (iii) will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

- 2.5 Site Plan Review. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. City Code Section 801.22.3.
- 2.6 Shoreland Conditional Use Permit (CUP). Except for certain situations not applicable to the Project, Section 801.91.19 of the Zoning Ordinance requires landowners or developers developing land in the Shoreland District to first submit a conditional use permit application in accordance with Section 801.04 (CUPs) and a Shoreland Impact Plan in accordance with Section 801.91.19A. The purpose of the Shoreland Impact Plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation. All conditional use permits for consideration under Section 801.91.19 are subject to the following stipulations:
1. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
 2. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
 3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
 4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof

materials minimize the appearance and blend the structure into the shoreland and vegetation.

5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of the Zoning Ordinance.
7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in the Zoning 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.

The Shoreland Conditional Use Permits are regulated by Section 801.04.2.F which requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.

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

2.7 Floodplain Conditional Use Permit. Under Section 801.93, the placement of fill or structures in the Floodway is permitted in the Floodplain Districts as a conditional use. Conditional uses within the floodplain districts must meet the standards outlined in Section 801.04, in addition to any applicable standards in Section 801.93.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata's Zoning Ordinance, and the Comprehensive Plan, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

PUD AND DEVIATIONS

3.1 Concurrent Concept and General PUD.

- A. Purpose of PUDs. The PUD Concept and General Plan conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. General Standards. The PUD Concept and General Plan, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.1 of this Report.
 - 1. Application Complete. The Development Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.

2. Ownership. All of the property to be included in the PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed General Plan PUD conforms with the applicable goals in the Comprehensive Plan.
 4. Common Space. The PUD proposed in the PUD General Plan would provide sufficient common private or public open space and facilities.
 5. Landscaping. The PUD proposed in the PUD General Plan will be according to a detailed plan approved by the City Council.
 6. Health, Safety, and Welfare. The overall effect of the PUD proposed in the PUD General Plan would not have a negative effect to the welfare of residents of the community and the surrounding area.
- C. PUD Procedure. Applicant has met the procedural requirements for review of the PUD General and Concept Plan, and has submitted all materials in connection with the Application as required and/or requested.
- 3.2 Deviations. The City Council makes the following findings on the Deviations requested as part of the Application:
- A. Proposed Lakeshore Setback for Club House Addition – Fifty Three (53) ft
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
 - B. Club House Addition Setbacks – Five (5) ft Front Yard (north) and Five (5) ft Side Yard (west)
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.

- iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- C. Sailing School – Fifteen (15) ft Front Yard Setback (Arlington Circle)
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- D. Allowance for one (1) Handicapped Stall to be placed within Ten (10) ft parking lot setback on the Wayzata Community Sailing Center property, as described in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- E. East Parking Lot Accessory Structure – Twenty (20) ft Front Yard Setback (Eastman Lane).
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- F. East Parking Lot Accessory Structure – Five (5) ft Rear Yard Setback

- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- G. East Parking Lot Setback – Five (5) ft Rear Yard Setback.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- H. Location of Parking – West Parking Lot - Parking Spaces shall be located fifteen (15) feet from the street surface of Eastman Lane, and no less than five (5) from the south property line abutting Lake Minnetonka.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- I. Proximity for Non-Residential Uses – Allow parking on the East Parking Lot more than three hundred (300) ft from the main entrance of the principal use being served for the Wayzata Yacht Club Clubhouse property.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.

- ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- J. Parking Area Construction – East Parking Lot: Crushed Granite as an allowed material, as depicted on the submitted plan set in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- K. Parking Area Construction – West Parking Lot: Crushed Granite as an allowed material, as depicted on the submitted plan set in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- L. Temporary Signage – Temporary Signage Allowance in Designated Locations.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

- M. Directional Signage – Directional Signage Allowance in Designated Locations.
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- N. East Parking Lot – Accessory Structure of no more than Six Hundred Forty Square Feet (640 SF) Allowed Without a Principal Structure.
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- O. East Parking Lot – Storage of Trailers during Wayzata Yacht Club organized Regatta events for no longer than seventy two (72) hours after a Regatta event, and not more than fifteen (15) WYC/WCSC Trailer Storage within Front and Rear Yard, only in designated locations during the sailing season, as described in the Site Plan and WCSC/WYC Summer Trailer Storage Area Sketch in the Application (Attachment A).
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- P. West Parking Lot and Sailing School Property – Sailing School Boat Storage in the Front Yard, Side and Rear Yard of the 456 Arlington Circle

Property with proper screening from adjacent properties and the right of way, as depicted on the Site Plan, Landscape Plan, Make Ready Area (Dolly) Screening Sketch (Attachment A) and Year Round Storage in the western portion of the West Parking with proper screening from adjacent properties and right of way, as depicted on the Site Plan and Landscape Plan (Attachment A).

- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
- ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
- iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

SITE PLAN

3.3 Site Plan Review.

- A. With the exception of the Deviations noted elsewhere in this Resolution, the Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

SHORELAND CUP

3.4 Shoreland Conditional Use Permit.

- A. Granting the Shoreland CUP does not contravene any specific policies and provisions of the official City Comprehensive Plan.
- B. The Proposed Use conforms with present and future land uses in the area. The Applicant has applied for a Comprehensive Plan Amendment to reguide the property at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private. If the Comprehensive Plan Amendment is approved, the Proposed Use would conform with the Semi-Public/Private guidance.
- C. Granting the Shoreland CUP will not affect performance standards contained in the Zoning Ordinance.
- D. Granting the Shoreland CUP will not have a negative effect on the area it is proposed.
- E. Granting the Shoreland CUP will not have a significant impact upon

property value in the area in the adjacent Residential and Commercial Districts.

- F. Granting the Shoreland CUP, in and of itself, will not generate traffic that would have a negative impact on the surrounding area. This finding is independent of any other requests that are a part of the Application, which may have an impact on traffic.
- G. Granting the Shoreland CUP will not have a negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- H. The Project complies with, and as a condition of approval, will continue to comply with, the stipulations of 801.91.19.C.

FLOODPLAIN CUP

3.5 Floodplain Conditional Use Permit.

- A. Granting the Floodplain CUP does not contravene any specific policies and provisions of the official City Comprehensive Plan.
- B. The Proposed Use conforms with present and future land uses in the area. The Applicant has applied for a Comprehensive Plan Amendment to regrade the property at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private. If the Comprehensive Plan Amendment is approved, the Proposed Use would conform with the Semi-Public/Private guidance.
- C. Granting the Floodplain CUP will not affect performance standards contained in the Zoning Ordinance.
- D. Granting the Floodplain CUP will not have a negative effect on the area it is proposed.
- E. Granting the Floodplain CUP will not have a significant impact upon property value in the area in the adjacent Residential and Commercial Districts.
- F. Granting the Floodplain CUP, in and of itself, will not generate traffic that would have a negative impact on the surrounding area. This finding is independent of any other requests that are a part of the Application, which may have an impact on traffic.
- G. Granting the Floodplain CUP will not have a negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings in Section 3 of this Resolution, the request for approval of the Concurrent Concept and General Plan requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the following conditions and other standards contained in the PUD General Plan (failure to comply with any one of these conditions and other standards contained in the PUD General Plan may result in the revocation of the approvals):
- A. A Project and Development Agreement, in a form acceptable to the City Attorney, is entered into between the Applicant and the City to address matters related to the Project, including, but not limited to:
 - 1. Project Performance and Development Timeline
 - 2. Stormwater Facilities Maintenance
 - 3. Conditions of approval and PUD standards outlined in this Resolution
 - B. The Applicant shall record the Development Agreement with the appropriate officials at Hennepin County.
 - C. The Applicant must enter into a stormwater maintenance agreement with the City that will cover design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.
 - D. That all expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred be fully reimbursed by the Applicant.
 - E. The Applicant must coordinate the implementation of the shoreland impact plan and the stormwater management techniques set forth in the Application with the Public Service Director, Utilities Superintendent and the City Engineer.
 - F. The Applicant must secure all necessary building permits and secure any other approvals required by City Code Section 801.91.19.C.
 - G. The Applicant must coordinate the implementation of the landscaping plan with the appropriate City Staff, including the City Forestry Department.
 - H. Upon installation of the rain gardens and other stormwater management systems, the Applicant must pay for an annual inspection of the systems by a qualified professional selected by the City or mutually agreed upon by the Applicant and the City in perpetuity as defined in the stormwater maintenance agreement defined in Section 4.1.C of this Resolution.

- I. Subject to the approved footprints of the structures, and the design standards contained in the Site Plan Sheet 3 and Sheet 4, and the standards contained in the Landscape Plan (Attachment A), approved as part of the PUD, the Applicant must submit applications for and receive approval of Project Design for any structure associated with the PUD Master Plan, under Section 9 of the Wayzata Zoning Ordinance, prior to submission of any building permit application. The materials utilized for the structures shall be of a high quality.
- J. The uses within the PUD District shall be limited as follows:
 1. A semi-public/private yacht club and a semi-public/private community sailing center.
 2. Accessory uses related to a semi-public/private yacht club and semi-public/private community sailing center operations, education, security, activities, and functions.
 3. Land uses that are related to semi-public/private yacht club and semi-public/private community sailing center uses, with the exception of commercial marina activities.
 4. Social functions involving members and their guests related to the operations of a semi-public/private yacht club and semi-public/private community sailing center.
 5. Limited rentals of sailboats owned and operated by the Wayzata Yacht Club to not more than two (2) promotional sailboat charters per year.
 6. Storage in designated, specified, and screened areas in the Plan Sets included in Attachment A and limited as follows:
 - a. Storage shall be limited to small Lake Minnetonka Conservation District (LMCD)-defined unrestricted water craft and related trailers.
 - b. The storage building as defined on the Master Plan in the Application.
 - c. Storage on the East Parking Lot shall be limited to only storage of trailers during Applicant-sponsored Regatta events for no longer than seventy two (72) hours after the Regatta event, with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan in Attachment A. Storage of Wayzata Yacht Club and Wayzata Community Sailing Center trailers to the west of the proposed storage building on the East Parking Lot shall be limited to not more than fifteen (15) trailers, and during the sailing season (summer) only with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan and WCSC/WYC Summer Trailer Storage Area Sketch

in Attachment A. The required screening shall be installed by the Applicant and approved by City Staff prior to the storage of any trailers on the East Parking Lot.

- d. Storage on 456 Arlington Circle Property shall be limited to storage for sailing boats owned and operated by the Wayzata Community Sailing Center for sailing school use within the front (north), side and rear yard of the 456 Arlington Circle Property. The Applicant shall endeavor to store as many sailing school boats within the proposed new sailing school structure as feasible. Front Yard storage of "make ready" Wayzata Community Sailing School owned boats shall be only for the sailing season (summer) with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan and Make Ready Area (Dolly) Screening Sketch in Attachment A. The required screening shall be installed by the Applicant and approved by City Staff prior to the storage of any boats in the front yard of the 456 Arlington Circle Property.
- e. Sailing boats may be stored on a year-round basis in the western portion of West Parking lot, as depicted in the Site Plan included in Attachment A as "Existing Children Small Boat Storage", provided that they are owned and operated exclusively by the Wayzata Community Sailing Center, in addition to seventy two (72) hour storage of boats for launching and recover per City Code.

- 7. The following uses are expressly prohibited within the PUD:
 - a. Event center use, such as weddings, graduations, and similar activities, where space or facilities are leased out to non-members or non-affiliates with either organization for payment.
 - b. Charter boat cruises or related uses, as defined by the Lake Minnetonka Conservation District (LMCD).
 - c. The sale of off-sale liquor.
 - d. The sale or distribution of petroleum products.
 - e. Boat storage in the East Parking Lot.

K. The Applicant and all future property owners shall be limited to one hundred eighty six (186) slips and buoys total within the PUD District. The Applicant shall not apply for, and the Lake Minnetonka Conservation District (LMCD) shall not approve, any additional slips and buoys for the Applicant on the Property in excess of 186. Any approved slips and buoys in excess of 186 shall void the approvals granted in this Resolution.

L. The Applicant or future owner of the Property shall not place any slides north of the bridge spanning the lagoon between 456 Arlington Circle

(Wayzata Community Sailing Center) and 1000 Eastman Lane (West Parking Lot).

- M. Prior to the issuance of any building permits for the Property, the final Site Plan shall be subject to review and approval by Staff to ensure the Site Plan and its elements conform with the approved PUD Plan.
- N. The Applicant shall comply with the following comments from Staff:
 - i. Submittal of final drawings and plans signed by a Licensed Engineer or Surveyor.
 - ii. Conform with all requirements of the State Fire Code.
 - iii. Conform with all requirements of the Wayzata Tree Ordinance.
- O. The Applicant shall submit the necessary materials for Final Plan PUD approval for review by Staff as required under Section 801.33.7. The Applicant shall submit a Final Plan PUD Development Plan Set and other revised documents that contain the conditions of approval and approved deviations included in this Resolution for review and approval by Staff and the City Council as part of the required Development Agreement. Such revised Plan Set and the Development Agreement shall be the governing documents of this PUD.
- P. The WYC and WCSC shall be operated as non-motorized sail boat racing and sailing school organizations, respectively, in accordance with each organization's governing documents. The use and rental of slips and buoys shall be governed by the standards contained in Attachment B ("PUD Standard on Rental and Use of Boat Slips and Buoys for Powerboats").
- Q. The quiet hours for the Property shall be 10:00pm to 8:00am as described in the Operating Policies contained in Attachment A.
- R. The Applicant and any successors shall comply with all City and State liquor laws.
- S. The island (defined as "LMCD Site 3" on the Site Plan in Attachment A) may only be used by Wayzata Yacht Club and Wayzata Community Sailing Center members as it is currently being used, with storage limited to prams, optimists, or similar type boats for youth sailing activities on racks as currently being stored. Boat storage on the island shall only be permitted during the sailing season, and shall not be allowed during the winter or non-sailing season. No other type of boats shall be stored on the island other than the above permitted boats related to youth sailing activities.

- T. The length and width of slips within the PUD District shall not exceed the size authorized by the Lake Minnetonka Conservation District (LMCD) (presently the August 2009 approval). The Applicant may request approval from the LMCD for modifications in boat slip length and configuration under the following process:
- i. The Applicant shall inform the City in writing and the City Council at a regular City Council meeting of their intent to request a modification to existing slip length or configuration from the LMCD.
 - ii. The City Council shall review the request and provide their comments on the request, which shall be documented in a formal letter from the City.
 - iii. The Applicant shall include the City's comment letter as part of their application materials to the LMCD.
- U. The Revision to the Master Plan Narrative dated January 27, 2012 as submitted by the Applicant, attached as Attachment C replaces all earlier version of the Applicant's Master Plan Narrative, which are considered null and void. The approvals granted in this Resolution supersede anything to the contrary to the January 27, 2012 Master Plan Narrative.

- 4.2 Based on the Findings in Section 3 of this Resolution, the Deviations requested in the Application, and defined and described in Attachment A, are approved as follows, subject to the conditions and other PUD standards noted below (failure to comply with any one of these conditions and other standards may result in the revocation of the approvals):
- A. Proposed Lakeshore Setback for Club House Addition – Fifty Three (53) ft: **APPROVED**
 - B. Club House Addition Setbacks – Five (5) ft Front Yard (north) and Five (5) ft Side Yard (west): **APPROVED**
 - C. Sailing School – Fifteen (15) ft Front Yard Setback (Arlington Circle): **APPROVED**
 - D. Allowance for one (1) Handicapped Stall to be placed within Ten (10) ft parking lot setback: **APPROVED**
 - E. East Parking Lot Accessory Structure – Twenty (20) ft Front Yard Setback (Eastman Lane): **APPROVED**
 - F. East Parking Lot Accessory Structure – Five (5) ft Rear Yard Setback: **APPROVED**
 - G. East Parking Lot Setback – Five (5) ft Rear Yard Setback: **APPROVED**

- H. Amount of Compact Cars – Thirty Four Percent (34%) May Be Marked for Compact Cars Only: **DENIED**.
- I. Location of Parking – Allow Parking Spaces fifteen (15) feet from the street surface of Eastman Lane, and no less than five (5) from the south property line abutting Lake Minnetonka. : **APPROVED**
- J. Proximity for Non-Residential Uses – Allow parking on the East Parking Lot more than three hundred (300) ft from the main entrance of the principal use being served: **APPROVED**
- K. Parking Area Construction – East Parking Lot: Crushed Granite as an allowed material **APPROVED**, subject to the following condition:
 - i. The installation of the crushed granite and required parking lot striping shall be subject to the review, modification, and approval of the City Engineer.
- L. Parking Area Construction – West Parking Lot: Crushed Granite as an allowed material **APPROVED**, subject to the following condition:
 - i. The installation of the crushed granite and required parking lot striping shall be subject to the review, modification, and approval of the City Engineer.
- M. Temporary Signage – Temporary Signage Allowance in Designated Locations **APPROVED**, with the modification that temporary “No Parking” neighborhood signage is allowed to remain in place during the sailing season, and subject to the following condition:
 - i. The installation of temporary signage shall require sign permit approval by City Staff.
- N. Directional Signage – Directional Signage Allowance in Designated Locations **APPROVED**, subject to the following condition:
 - i. The installation of temporary signage shall require sign permit approval by City Staff.
- O. East Parking Lot – Accessory Structure Allowed Without a Principal Structure: **APPROVED**, subject to the following conditions:
 - i. The Applicant shall submit a subsequent application for formal design review of the proposed accessory structure for review and approval by the Planning Commission and City Council.
 - ii. The proposed accessory structure shall not block the view field of adjacent residential properties.

- iii. The proposed accessory structure shall not exceed six hundred forty square feet (640 SF) as described in the Application, and shall be of high quality materials.
 - P. East Parking Lot – Storage of Trailers during Wayzata Yacht Club organized Regatta events for no longer than seventy two (72) hours after a Regatta event for Regatta related parking, and not more than fifteen (15) WYC/WCSC Trailer Storage within Front and Rear Yard only in designated locations during the sailing season, as described in the WCSC/WYC Summer Trailer Storage Area Sketch (Attachment A): **APPROVED**.
 - Q. West Parking Lot and Sailing School Property – Sailing School Boat Storage in the Front, Side and Rear Yard of the 456 Arlington Circle Property with proper screening from adjacent properties and the right of way, as depicted on the Landscape Plan (included in Attachment A) and Year Round Storage in the western portion of the West Parking with proper screening from adjacent properties and right of way, as depicted on the Site Plan, Landscape Plan, Make Ready Area (Dolly) Screening Sketch (included in Attachment A): **APPROVED** subject to the following:
 - i. Storage on 456 Arlington Circle Property shall be limited to storage for sailing boats owned and operated by the Wayzata Community Sailing Center for sailing school use within the front (north), side and rear yard of the 456 Arlington Circle Property. The Applicant shall endeavor to store as many sailing school boats within the proposed new sailing school structure as feasible. Front Yard storage of “make ready” Wayzata Community Sailing School owned boats shall be only for the sailing season (summer) with required screening from adjacent properties and the right of way as depicted on the Applicant’s Landscape Plan and Make Ready Area (Dolly) Screening Sketch included in Attachment A. The required screening shall be installed the Applicant and approved by City Staff prior to the storage of any trailers on the 456 Arlington Circle Property.
- 4.3 Based on the Findings in Section 3 of this Resolution, the request for approval of the Site Plan requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.
- 4.4 Based on the Findings in Section 3 of this Resolution, the request for approval of the Shoreland CUP requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.

- 4.5 Based on the Findings in Section 3 of this Resolution, the Floodplain CUP requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.

Adopted by the Wayzata City Council this 17th day of July, 2012.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Mullin

Seconded by: Amdal

Voted in favor of: Amdal, Bader, Mullin, Tanner, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

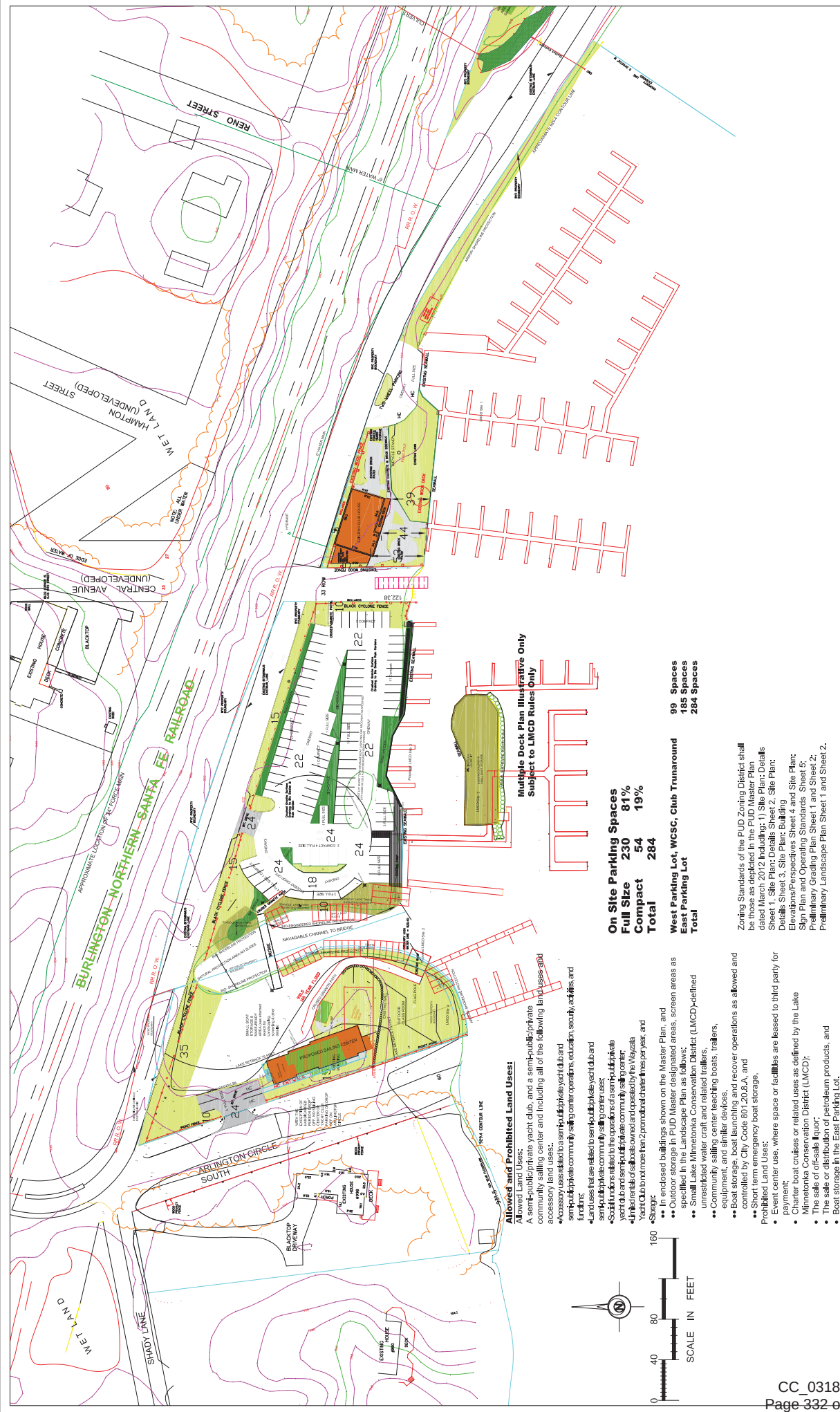
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 17, 2012.



Becky Malone, Deputy City Clerk
SEAL

Attachment A

WYC/WCSC Plan Sets



WYC WCSC MASTER PLAN



SITE PLAN: Details
CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes

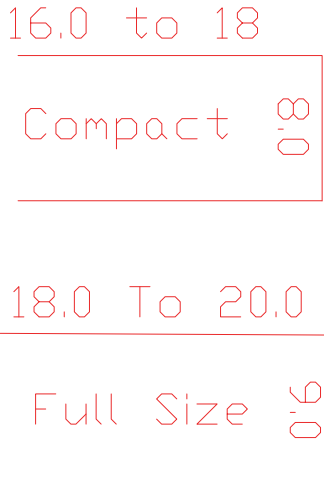
Sheet 2
MPD
March, 2012

WYC WCSC MASTER PLAN

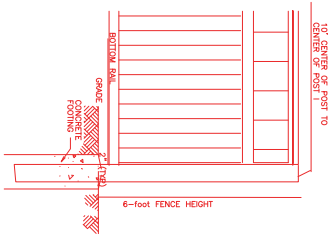
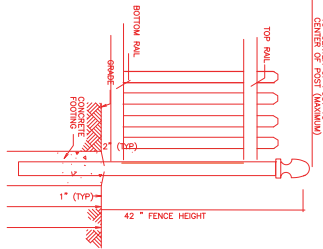
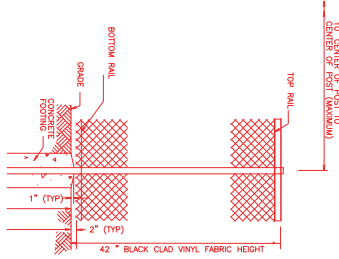
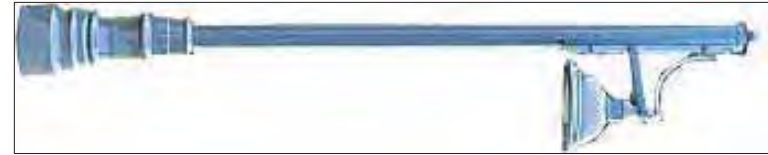
TYPICAL DARK SKIES LIGHTING, NAUTICAL FLAG POLE and BICYCLE STAND



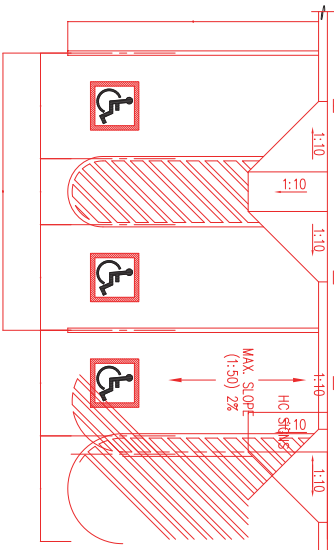
TYPICAL STRIPED PARKING SPACE DETAIL



TYPICAL FENCE DETAILS



**Typical
nonsalvage
striped
granite
parking
lot**



EAST PARKING LOT CROSS SECTION BOARDWALK



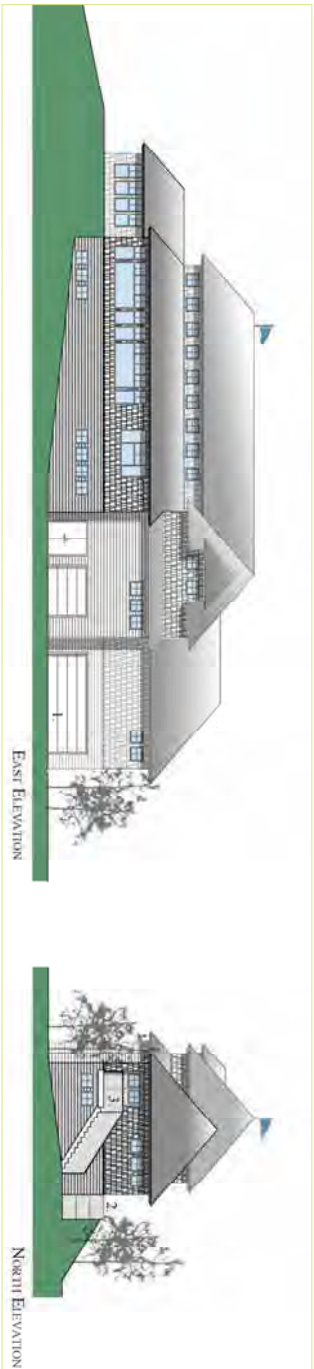
TYPICAL BIO-SWALE



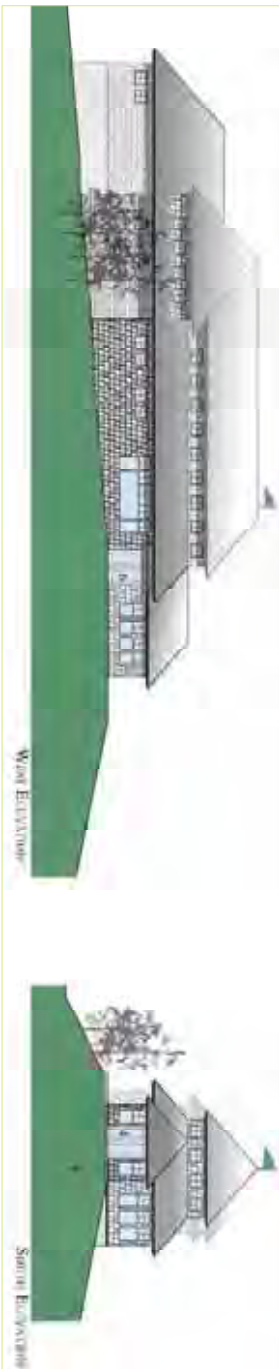
TYPICAL HC PARKING SPACE DETAIL

WYC WCSC MASTER PLAN

SITE PLAN: Details
CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes



TYPICAL SAILING CENTER BUILDING



TYPICAL BUILDING MATERIAL LIST:

- Asphalt shingles to match Club House or similar;
- Lap 6 inch wood, wood shingles or similar to match Club House;
- Detail Material: Premium grade wood trim with mitered outside corners.
- Parapets: premium grade wood.
- Residential character custom windows with transparent glass;
- Window boxes or similar all elevations;
- Vines on wall with more than 100 square feet of uninterrupted surface;
- Block or poured concrete foundation flood proofed if not located 3 feet above OHWL and 2 feet above 931.1 feet.



SC_03182014
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**TYPICAL ONE STORY EAST
PARKING LOT STORAGE BUILDING**



**TYPICAL ONE STORY ADDITION
TO CLUB HOUSE BUILDING**



WYC WCSC MASTER PLAN

**Site Plan: Building
Elevations/Perspectives**

MPD, SAILING CENTER March, 2012

Sheet 4

Typical Temporary Signs Displayed During Regattas or Similar Occasions in the Club House Area



Zoning District General Operating Policies:

For the purposes of the zoning district, the following general operating policies are made part of this PUD Zoning District:

Noble policies:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce policies to reduce noise in the neighborhood.

Parking policies:

1. Within City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and guest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street.
2. WCSC will have left parking with WYC.
3. No parking will be allowed on Arlington Circle.
4. Except for handicapped drop off, WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are down to dusk.
2. Crane boom shall be stored pointed directly north.

Public Amenities:

Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules

Typical Directional Signs Used to Control Traffic, Parking, or Transmit Club or Sailing Center Policy

Typical West Parking Lot Directional and Policy Signs:



Typical Sailing Center Directional and Policy Signs:



Typical East Turn Around & Club House Entrance Area Directional and Policy Signs:



Typical East Parking Lot Directional and Policy Signs:



Typical Identification Ground or Monument Signs with in Character with Building:



Located in the "turn around island" east of the club House, Indirect illumination



Located at the entrance to each parking lot, on the bridge from the sailing center, and on the gate adjacent to the public boat launch

Sailing Center ID Sign similar to WYC

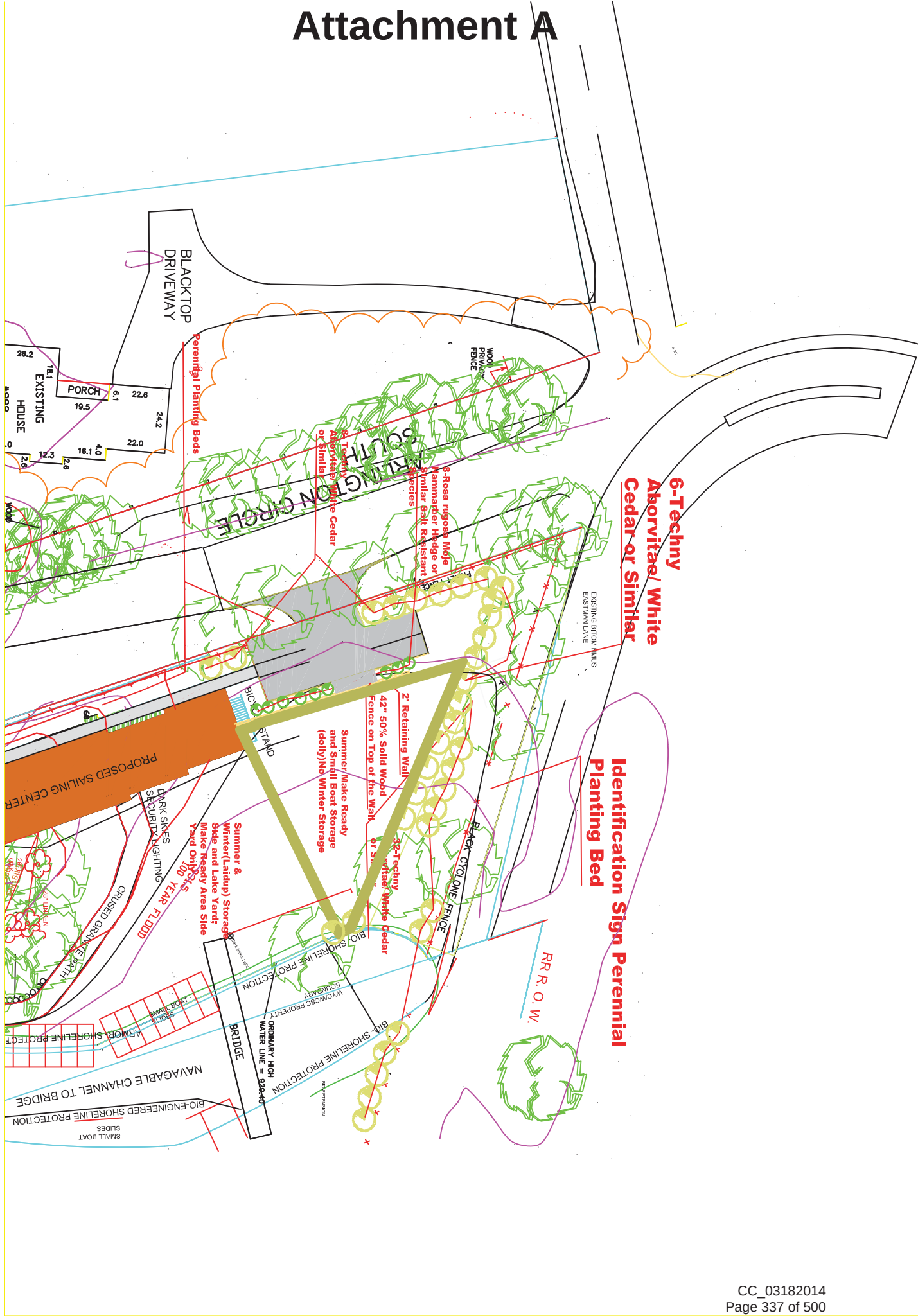
Location centered along Eastman Lane on Sailing Center Property

- Standards of Section 27, Signs shall govern the size and placement of signs. Provided however that the following exceptions shall occur:
- Temporary Banners will be governed by the Section 27.05 N and this Plan in designated areas only and shall not require City Council approval.
- Parking Lot Directional Signs shall be governed by this plan, provide however that such signs shall not be more than square feet in area.
- Identification signs shall be placed in each parking area and other designated locations shall be no larger than 4 square feet in area each.
- One Identification ground or monument sign for sailing center and one Identification ground or monument sign for the yacht club shall be allowed in designated areas and shall not each be more than 9 square feet in area each.
- All other requirements of Section 27 as it applies to a low density residential zoning district shall apply.
- Final sign Plan subject to staff approval.
- WYC no parking neighborhood signs shall be placed on public residential streets during the sailing season

WYC WCSC MASTER PLAN

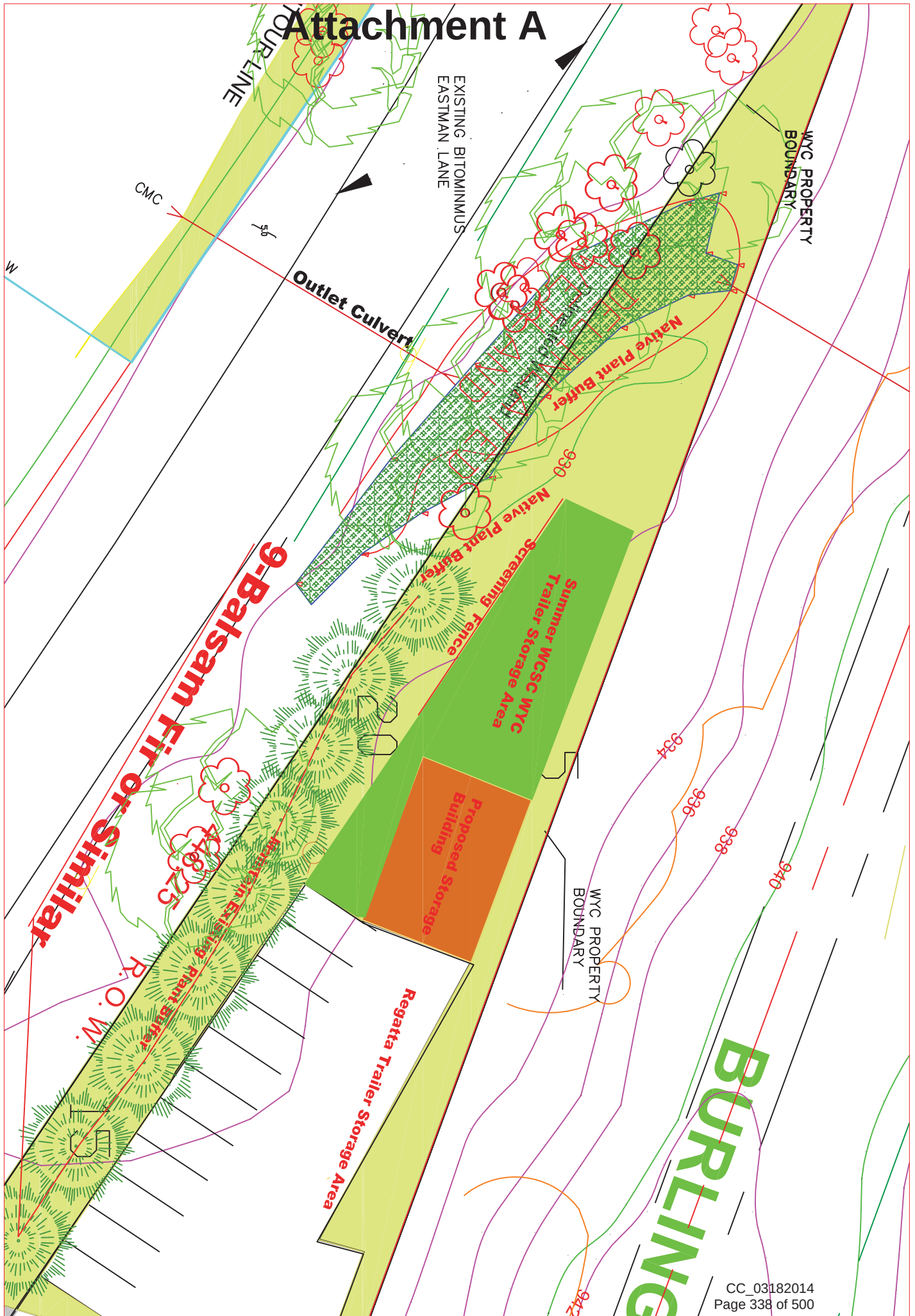
Site Plan: Sign Plan & Zoning District Operating Policies

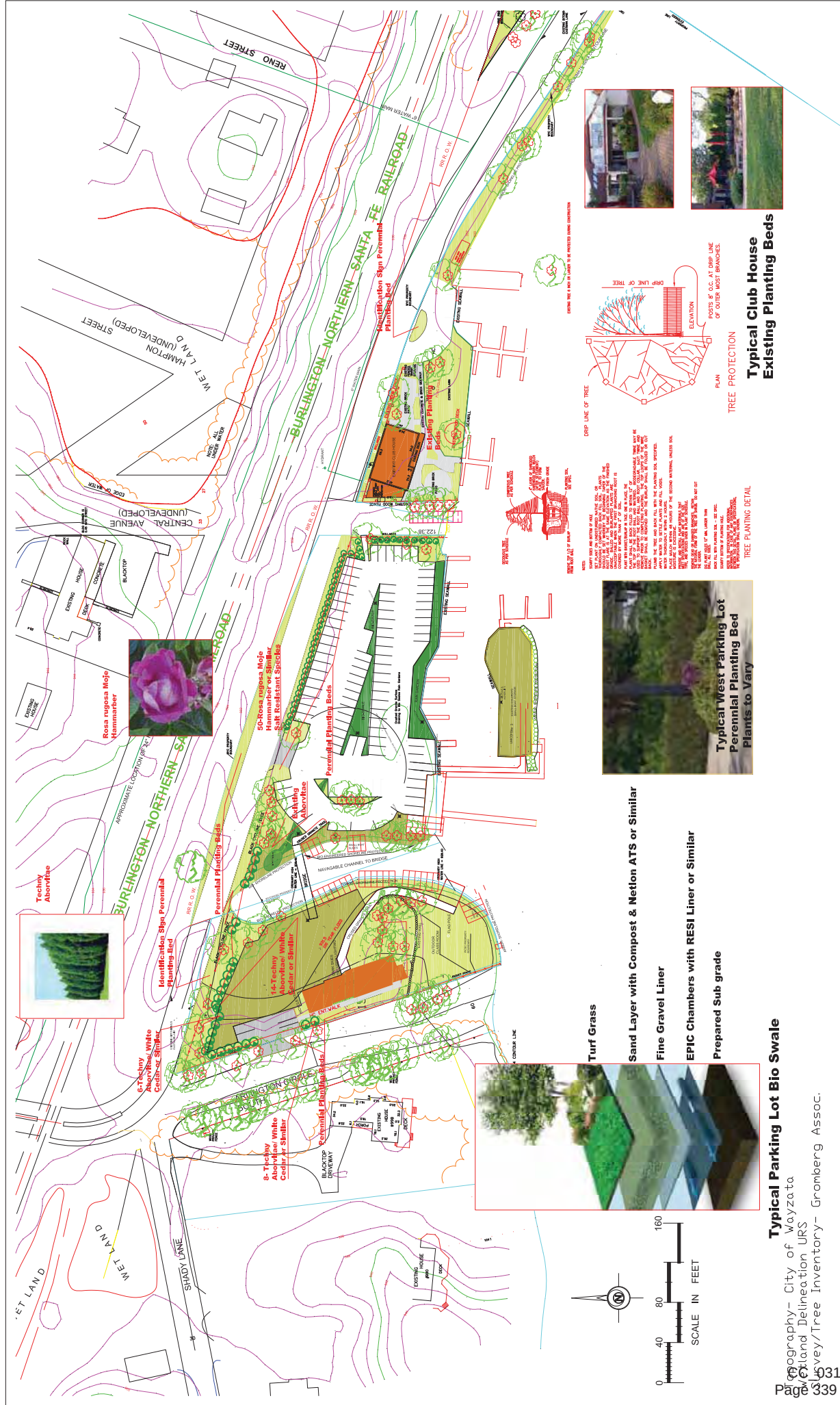
MAKE READY AREA (DOLLY) AREA
SCREENING SKETCH



Attachment A

WCSC/ WYC Summer Trailer Storage Area Sketch





WYC WCSC MASTER PLAN

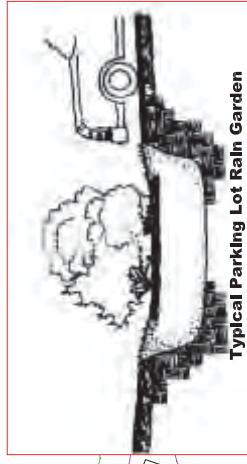
Revised Preliminary Landscape Plan
Not for construction

MPD/SWB
January 2012
SHEET 1

Page 3
Aerial Photography- City of Wayzata
Aerial Wetland Delineation URS
Wetland Survey/Tree Inventory- Gronberg Assoc.

Survey/Tree Inventory - Gromberg Assoc.

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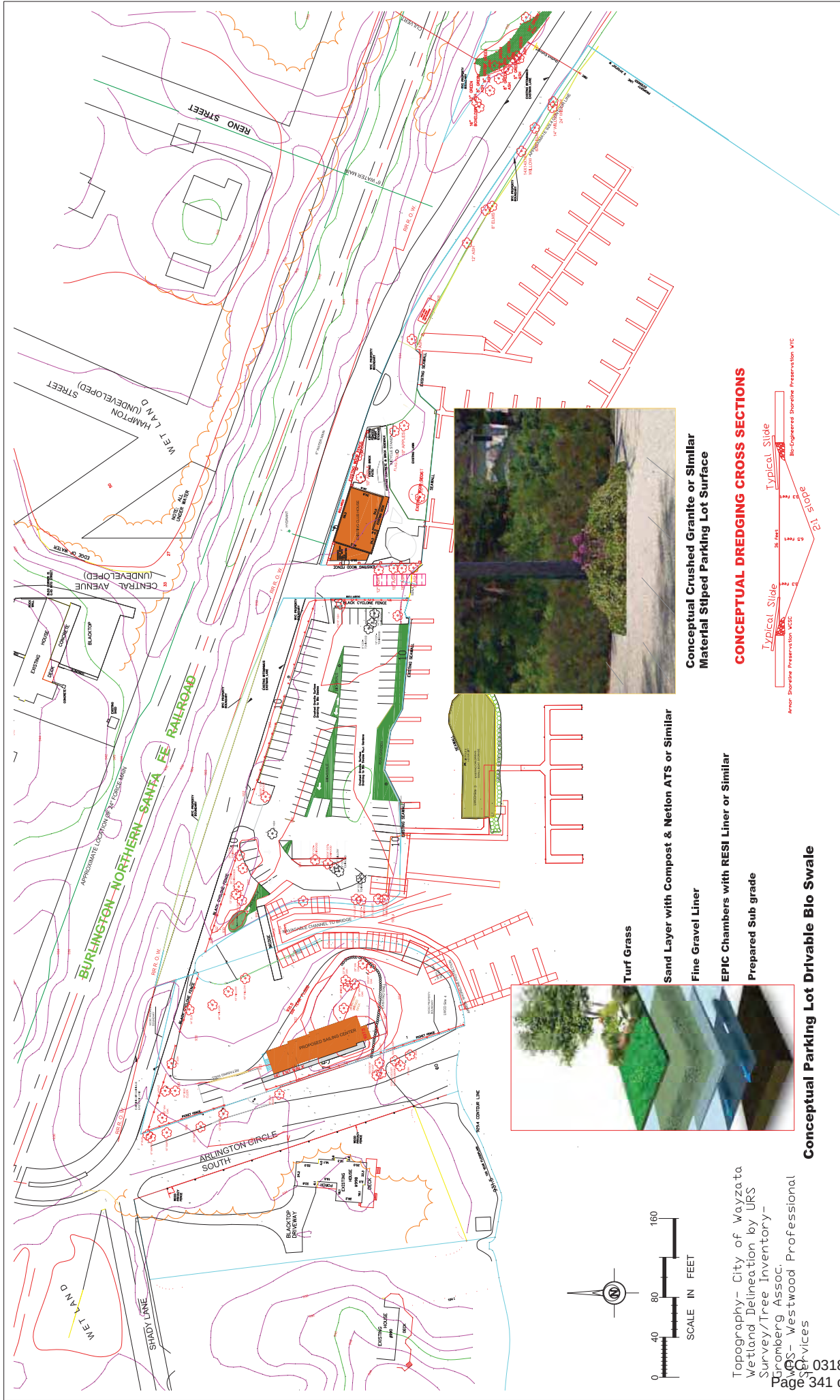
TYPICAL PLANT LIST

COMMON NAME	BOTANICAL NAME	SIZE	SPACING
EVERGREEN TREES			
Techny Aborvitae	<i>Thuja occidentalis</i>	8' B&B	8' O.C.
Canadian Hemlock	<i>Tsuga canadensis</i>	# 5 30"	25'0.C.
Balsam fir	<i>Abies balsamea</i>	6' B&B	20' O.C.
RAIN GARDEN DECIDUOUS SHRUBS			
Rugose rose	<i>Rosa rugosa</i> thumb.	# 5 container	4'0.C.
RAIN GARDEN DECIDUOUS SHRUBS			
Ruby Spice Clethra	<i>Clethra alnifolia</i> 'Ruby Spice'	#3 Cont.	3.5'0.C.
Red Gnome Dogwood		#5 Cont.	4' O.C.
Isanti Dogwood	<i>Cornus sericea</i> 'Isanti'	#5 Cont.	8' O.C.
Dwarf Bush Honeysuckle	<i>Diervilla lonicera</i>	#5 Cont.	3.5'0.C.
Blue Muffin Viburnum	<i>Viburnum dentatum</i> 'Blue Muffin'	#5 Cont.	4.5'0.C.
RAIN GARDEN PERENNIALS			
Joan Senior Day lily	<i>Hemerocallis</i> 'Joan Senior'	#1 Cont.	1' O.C.
Butterfly Flower	<i>Asclepias tuberosa</i>	#1 Cont.	1' O.C.
Yarrow	<i>Achillea</i> Coronation Rose	#1 Cont.	1' O.C.
Feather Reed Grass	<i>Calamagrostis</i> Karl Forester's	#1 Cont.	1' O.C.
Purple Cone Flower	<i>Echinacea purpurea</i>	#1 Cont.	1' O.C.

Topography- City of Wayzata
Wetland Delineation URS
Page 10
Survey/ Tree Inventory- Gron

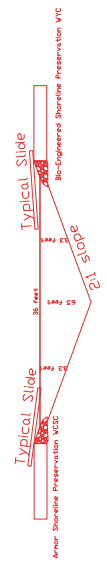
_03182014
340 of 500

Typical Rain Garden Species May Vary



Conceptual Crushed Granite or Similar Material Stiped Parking Lot Surface

CONCEPTUAL DREDGING CROSS SECTIONS



Turf Grass

Sand Layer with Compost & Netlon ATS or Similar

Fine Gravel Liner

EPIC Chambers with RESI Liner or Similar

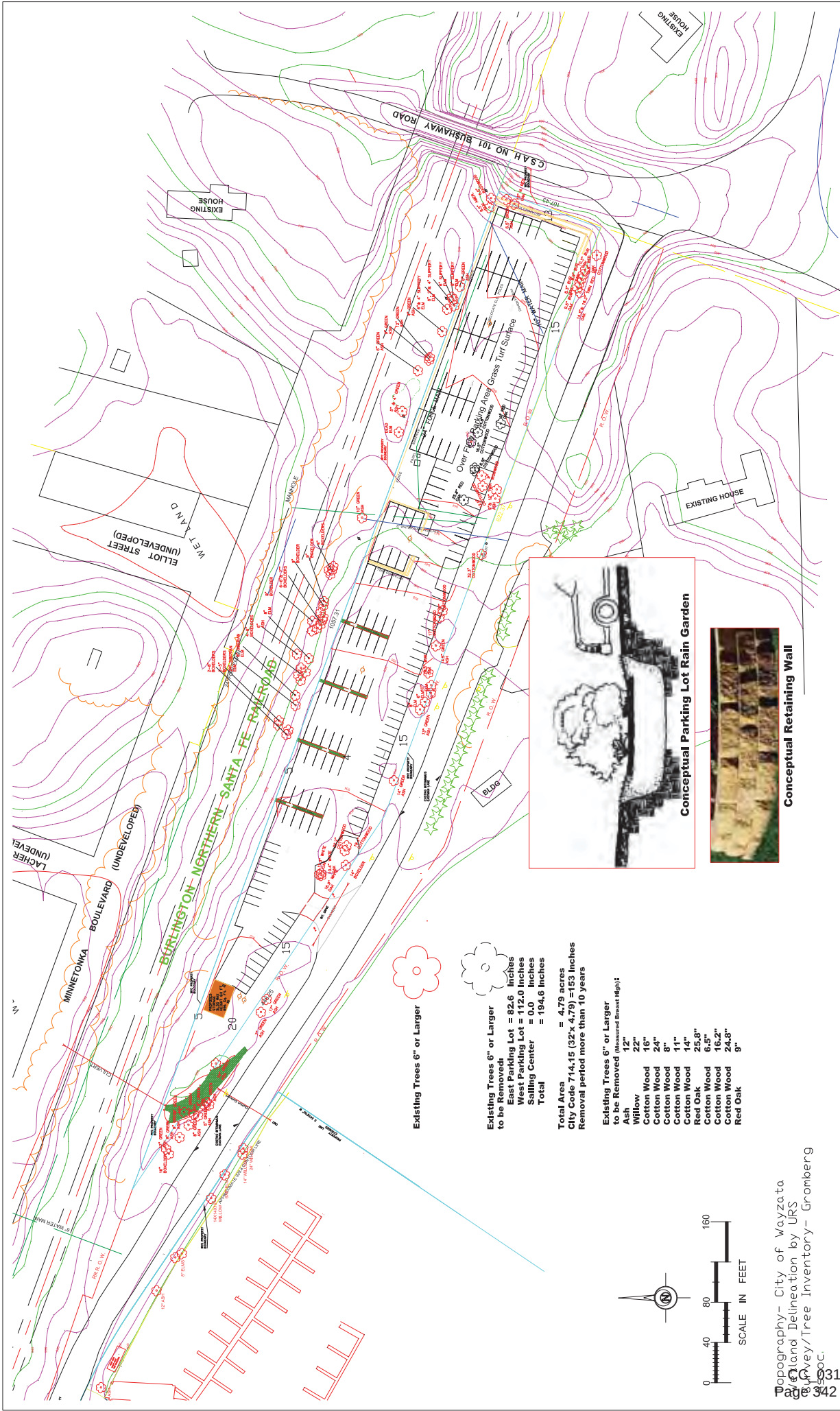
Prepared Sub grade

Conceptual Parking Lot Drivable Bio Swale

Topography- City of Wayzata
Wetland Delineation by URS
Survey/Tree Inventory-
Surrender Assoc.
WCS- Westwood Professional
Services

WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
Not for construction



Existing Trees 6" or Larger

Existing Trees 6" or Larger to be Removed

East Parking Lot = 82.6 Inches

West Parking Lot = 112.0 Inches

Grading Center = 60.0 Inches

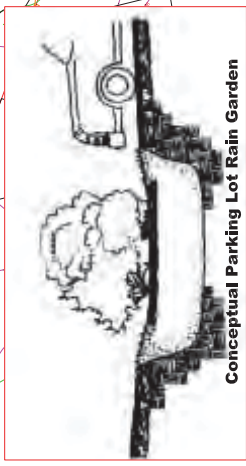
Total = 194.6 Inches

Total Area = 4.79 acres

City Code 714.15 (32"x 4.79) = 153 inches

Removal period more than 10 years

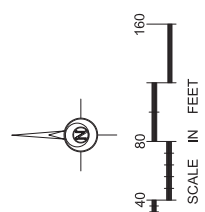
Existing Trees 6" or Larger to be Removed	(Measured Breast High)
Ash	12"
Willow	22"
Cotton Wood	16"
Cotton Wood	24"
Cotton Wood	8"
Cotton Wood	11"
Cotton Wood	14"
Red Oak	25.8"
Cotton Wood	6.5"
Cotton Wood	16.2"
Cotton Wood	24.5"
Red Oak	9"



Conceptual Parking Lot Rain Garden



Conceptual Retaining Wall



Topography - City of Wayzata
 Land Delineation by URS
 Survey/Tree Inventory - Gramberg
 3182014
 342 of 500

WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
 Not for construction sheet
 MPD/WPS
 January, 2012
 Sheet 2

Attachment A

Noise polices:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce polices to reduce noise in the neighborhood.

Parking polices: .

1. With City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and quest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street;
2. WSCS will have joint parking with WYC;
3. No parking will be allowed on Arlington Circle;
4. WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are dawn to dusk;
2. Crane boom shall be stored pointed directly north.

Public Amenities:

Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules and those amenities shown on the master plan such as bike stands.

Storage:

Storage is limited to the areas shown on the master plan and shown in the maps provided in this narrative.

Master Plan: Site Plan:

This section of the narrative along with the attached plans describes the PUD Master Plan elements.

Attachment B

PUD Standard on Rental and Use of Boat Slips and Buoys for Non-Sailing Boats

Attachment B

PUD Standard on Rental and Use of Boat Slips and Buoys for Powerboats

Boat slips and buoys (collectively, “Boat Slips”) may not be used or rented for non-sailing motorboats (“powerboats”) except as follows:

Section 1. Less than 24 Slips

As of the 2012 sailing season, the total number of Boat Slips utilized by powerboats is twenty-three (23). Seventeen (17) Boat Slips have been rented by the Wayzata Yacht Club and the Wayzata Community Sailing Center to powerboat users for the 2012 sailing season, and six (6) Boat Slips are being used by the operational powerboats of the Wayzata Yacht Club and Wayzata Community Sailing Center. The organizations currently operate a total of twelve (12) powerboats in connection with their activities. Presently, no boat buoys are utilized for powerboat rentals. In future sailing seasons, the Wayzata Yacht Club and Wayzata Community Sailing Center may utilize up to twenty-three (23) Boat Slips for powerboats (rentals and operational powerboats combined) in any sailing season, with no additional City approval or procedural steps required.

Section 2. 24 to 43 Slips

The Wayzata Yacht Club and Wayzata Community Sailing Center may utilize twenty four (24) to forty three (43) Boat Slips for powerboats, inclusive of the Applicant’s operational powerboats, subject to the following:

- i. Rental of Boat Slips (24-43) for powerboats may only occur during a sailing season in which (a) the LMCD has formally declared low water, or (b) the Wayzata Yacht Club and/or Wayzata Community Sailing Center¹ is suffering financial hardship or need, as evidenced by an inability to fill the additional slips up to forty three (43) with their sailboat rental priority system in their organizational charter and bylaws.
- ii. Prior to the rental of any Boat Slips (24-43) to powerboats for an upcoming sailing season, the Applicant shall provide written notice to the City that it is the Applicant’s intent to utilize some of its slips for powerboats and the number it expects to be used for powerboats. With the notice, the Applicant must provide the following information:
 - Evidence of marketing efforts to sail boat users (e.g. advertisements, mailings, etc.)
 - Slip rosters indicating boat type for January and March of the sailing year
 - Documentation that the declared low water level precludes certain sail boat types from being placed in the slips
 - The organization’s annual financial report

¹ Individually and collectively, the “Applicant”

This information shall provide the factual evidence to support that one or both of the above circumstances described in Section 1(i) has occurred.

- iii. Powerboat rentals shall be for one sailing season only, and any new or renewed use and/or rental of Boat Slips for powerboats shall be reviewed annually through the process outlined herein.

Section 3. Greater than 43 Slips

In sailing seasons where the Applicant wishes to utilize more than forty three (43) Boat Slips for powerboat usage, the following process will apply:

- i. The Applicant shall make a formal written request to the City specifying the number of slips it wishes to use for powerboats and documenting, as described in Section 1 above, the declared low water, or financial hardship or need (as evidenced by an inability to fill the additional Boat Slips with sailboats through the sailboat rental priority system in their organizational charter and bylaws) that necessitates the renting or utilization of more than forty three (43) Boat Slips for powerboat usage. The formal written request must include the following information:
 - Evidence of marketing efforts to sail boat users (e.g. advertisements, mailings, etc.)
 - Slip rosters indicating boat type for January and March of the sailing year
 - Documentation that the declared low water level precludes certain sail boat types from being placed in the slips
 - The organization's annual financial report
- ii. The City Council shall promptly review any such request and within thirty (30) days of receiving the request or sooner, either (a) approve the request, or (b) approve a number of slips less than requested.
- iii. Provided that the Applicant continues to maintain its current sailboat membership and rental priority system, as outlined in the Applicant's bylaws and charter in effect as of the date of this Resolution, the City Council will generally look favorably on and not unreasonable withhold granting the Applicant's request for additional powerboat usage above forty three (43) Boat Slips, and shall make all decisions on such requests based on the following agreed upon declarations and representations:
 - a. The City is supportive of the Wayzata Yacht Club and Wayzata Community Sailing Center's mission and sailing related activities as defined in the Applicant's bylaws and charter in effect as of the date of this Resolution.
 - b. The City has strong support for sailboat-related activities, but strong concerns regarding the impacts of powerboat usage in the Wayzata Yacht Club and Wayzata Community Sailing Center, due to the

- proximity of residential neighborhoods to the Wayzata Yacht Club and Wayzata Community Sailing Center properties.
- c. The mission of the Wayzata Yacht Club and Wayzata Community Sailing Center is to remain a racing and educational sailboat operation.
 - d. The Wayzata Yacht Club and Wayzata Community Sailing Center have established policies, bylaws, and charter documents which prioritize the recruitment of active sailing members, and desire to fill their allotment of Boat Slips with sailboats over non-sailing motorboats or powerboats.
 - e. The Wayzata Yacht Club and the Wayzata Community Sailing Center actively market their Boat Slips to sailboat users rather than powerboat users.
 - f. Circumstances, such as declared low water and financial hardships may occur, which require the Wayzata Yacht Club and Wayzata Community Sailing Center to temporarily utilize some portion of their allotment of Boat Slips for powerboat rentals to remain an economically viable organization.
 - g. Within the above context and as a general rule, the City does not desire the noted circumstances of low water and economic distress to result in empty Boat Slips that would cause the Wayzata Yacht Club and the Wayzata Community Sailing Center to suffer financial harm.
- iv. Powerboat rentals shall be for one sailing season only, and any new or renewed use and/or rental of Boat Slips for powerboats shall be reviewed annually through the process outlined herein.

Attachment C

Revisions to Master Plan Narrative, dated January 27, 2012

Wayzata Yacht Club
Wayzata Sailing Foundation
(Wayzata Community Sailing Center)

Revisions to Master Plan Narrative:
For Wayzata City Council

Midwest Planning & Design, LLC
January 27, 2012



January 27, 2012

Honorable Mayor and City Council
Planning Commissioners, City Manager Orsen
City of Wayzata,
600 Rice Street
Wayzata, MN 55391

RE: Application for a Zoning District Amendment

Dear Mayor, Council, Commissioners, and Manager Orsen

We are pleased to submit the attached amendment to the Zoning Ordinance along with supporting narrative and plans. The amendment is the result of the charrette held in June 2010 with neighbors, elected and appointed officials and sailing center and yacht club members along with changes requested by the City Council and Planning Commission.

Application Summary:

Over 40 people participated in the 2 day Charrette having come prepared with information provided to them in an extensive Briefing Handbook. The participants were divided into work groups with at least one professional designer participating with each group. Each group was assigned a specific task. The groups came together with the help of a professional facilitator to develop a vision statement, master plan, and operating policies. With a number of clarifications, and city requests the plan being presented here is the result of the charrette. Subsequent to the charrette, an ongoing advisory committee made up of neighbors, yacht club, sailing center, city and LMCD representatives was organized to review the submittal, applications and resolve any ongoing issues.

Submittal:

The submittal attached to this letter includes information that we previously submitted and at the City Council's request revised information that supports the City Council's request an amended application for a PUD concept and final plan, zoning district amendment, and variances:

1. Development Application:
 - a. Application for a Comprehensive Plan amendment (previously submitted),
 - b. Application for PUD concept and final approval,

Attachment C

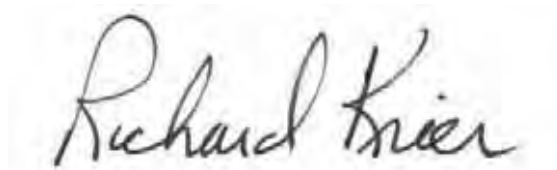
- c. Application for a PUD zoning district amendment,
 - d. Application for a Shore Impact CUP, (previously submitted),
 - e. Application for a Flood Plain CUP (previously submitted),
2. We understand that previously submitted fees and information will be used for the requested amended applications and that this information will be provided to the Planning Commission and City Council. We previously submitted:
- a. Application Fees: Zoning Text Amendment-\$315, Zoning Map Amendment- \$315, Comprehensive Plan Amendment- \$315, Plan Unit Development-\$263 for a total of \$1,208, and escrow
 - b. List of Property Owners within 350 feet
 - c. Certified Land Survey,
 - d. Tree inventory,
 - e. Briefing Handbook,
 - f. Cultural resource Inventory
 - g. EAW,
 - h. Wetland delineation and report, and
 - i. Several clarification Letters that we have previously submitted

With this amendment we are submitting:

1. A revised application
2. Revised Narrative,
3. Revised Master Plan: Site Plan,
4. Revised Master Plan Preliminary Grading Plan,
5. Revised Master Plan Preliminary Landscape Plan,

This cooperative planning effort resulted in a master plan that resolves a number of issues, provides predictability and reaches the vision statement developed by the participants at the charrette. We are deeply thankful to all those that took their valuable time to develop this cooperative plan. We look forward to this momentous effort of cooperation being review by the Planning Commission and its approval by the City Council.

Sincerely,
Midwest Planning & Design, LLC



Richard Krier, AICP
President

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Briefing Handbook	
EAW	
Phase One Cultural Resource Survey	
Wetland Survey	
Plans, Maps and Drawings:	
a. Certificate of Surveys/ Tree Inventories:	
b. Master Plan Site Plan 5 sheets	
c. Master Plan Preliminary Grading Plan 2 sheets	
d. Master Plan Preliminary Landscape Plan 2 sheets	

Acknowledgements:

All the charrette participants
Charrette Steering Committee
Neighborhood Advisory Committee
Volunteer WYC & WSCS Boards and members
City of Wayzata Planner and Engineer

Sources:

Topographic 2 foot contour intervals	City of Wayzata
Base map, Stormwater Calculations,	Gronberg and Associates
Surveys, Legal Descriptions	Gronberg and Associates
Wetland Inventory and Report	URS
Tree Inventory East Parting Lot	URS/ Gronberg and Associates
Tree Inventory West Parking Lot	Gronberg and Associates
WCSC	Gronberg and Associates
Phase One Report	West Wood Professional Services
Neighborhood Mailing List	City of Wayzata
Building Elevations	John Crump, AIA & Bruce Schmidt, AIA
Preliminary Grading Plan Assistance	West Wood Professional Services
Preliminary Landscape Plan Assistance	Sanders Wacker Bailey

Revised Master Plan Narrative:

Attachment C

This revised narrative has been prepared by Midwest Planning & Design, LLC (MPD) on behalf of the Wayzata Yacht Club (WYC) and Wayzata Community Sailing Center (Wayzata Sailing Foundation)(WCSC) for the purpose of making changes as requested by the Wayzata City Council and Planning Commission. The revised narrative provides support of the application material submitted as part of the application for: 1) a comprehensive plan amendment, 2) zoning ordinance map amendment from R-2A and R-1 to a PUD zoning district, 3) combined concept and final PUD, 4) site plan approval, 5) flood plain conditional use permit, 6) shore land conditional use permit, and 7) deviations/variances from the underlying ordinance performance standards in the R-2A zoning district and R-1 zoning district for a non residential use. The original application also included a zoning text amendment that has been withdrawn.

The Wayzata Yacht Club is a separate legal entity from the Wayzata Community Sailing Center (Wayzata Sailing Foundation). They are: incorporated separately; own and manage their own properties, have separate board of directors and leadership. As such they will enter into separate related agreements implementing this PUD.

The Charrette:

Although Wayzata Yacht Club and Wayzata Community Sailing Center (Wayzata Sailing Foundation) are the applicants, the original master plan was the result of a cooperative effort by the charrette participants listed in the previous narrative that was provided to the Council and Planning Commission. The PUD master plan that is part of this application is one product created by the charrette participants. With the City's requested changes, this is their plan that they developed through very intense cooperative effort know as a charrette. Other charrette products that are not part of this application are listed later in this narrative.

A charrette is an intense participatory workshop based on the principles of teamwork, civic engagement, trust, and above all optimism. The June 18 and 19 Charrette's mission was to: *"bring together community and neighborhood leaders; the leaders of the Wayzata Yacht Club and Wayzata Community Wayzata Community Sailing Center along with key City, Lake Minnetonka Conservation District, and Minnehaha Creek Watershed District leaders and technical and design experts to create a Master Plan for the Wayzata Yacht Club, Wayzata Community Sailing Center and surrounding streets that:*

- *Resolves existing issues;*
- *Protects and enhances the Lake, Neighborhood; Wayzata Yacht Club and Wayzata Community Sailing Center as community assets;*
- *Creates a balance of neighborhood and community needs with those of the Wayzata Yacht Club and Wayzata Community Sailing Center so that all exist in harmony"*

Charrette Preparation:

Attachment C

Research and Publications:

In the summer of 2009, MPD conducted forty-two (42) interviews of all then members of the City Council, Planning Commission; key City: LMCD and watershed district and DNR staff along with Wayzata Yacht Club members, Wayzata Community Sailing Center Board and a large number of neighbors. The interviews accomplished the purpose of identifying the issues and opportunities that needed to be addressed in the charrette and providing insights as to the possible points of conflict that needed to be addressed. The interviews identified growth and parking as major concern. MPD also, with the help of a number of public officials and others, completed a records search of the Wayzata Yacht Club, City, LMCD, Watershed District and historical society records related to the property and the neighborhood.

To further understand the primary issues, a parking study, and Phase One cultural resource analysis were conducted and other existing data was analyzed related to growth history, membership trends, and dock regulations and use.

We also gathered data on programs and natural resource data on the lake, topography, trees and wetlands. A summary and analysis of the interviews and the research is contained in the attached *Stakeholders Briefing Hand Book: Wayzata Yacht Club & Wayzata Community Wayzata Community Sailing Center* May 2010. Other documents attached to this narrative include: the Phase One Cultural Resource Survey, Wetland Survey, Surveys, a Tree Inventory and EAW.

A Environmental Assessment Work Sheet (EAW) was later produced at the request of the LMCD and has been made part of this application (attached).

Charrette Steering Committee:

Formal charrette preparation started in February 2010 with the first of 3 steering committee meetings. The committee was made up of neighbors, city officials WYC and WCSC leadership. The steering committee members are listed in the briefing handbook.

The committee reviewed information to be used at the charrette, organized the charrette and made a number of key decisions on who to invite as stakeholders, how to make the charrette open to all interested people and who should facilitate the charrette. They also formulated the draft mission statement and draft vision statement which was reviewed, changed and approved by the charrette participants during the charrette.

Charrette organization:

The Steering Committee invited key stakeholders, but also made the charrette open by inviting all the neighbors in the area, all City Council members and all Planning Commissioner. A list of invitations was previously provided. The committee organized the charrette into three detail stages: information gathering, small group work stations and over all participation, with an

Attachment C

expected product. In addition areas were set aside for individuals or small groups to work on specific issues. The Work Stations were organized to address specific areas of concern or geographical areas. The Workstation Participants are listed as an attachment to this narrative.

The following charrette products are the only products that are part of this application:

- o **Vision Statement,**
- o **Master Plan for the for the Wayzata Community Sailing Center and Wayzata Yacht Club property;**

The following were products of the Charrette but are not part of this application:

- o Concept Plan for the adjoin public properties (This element was removed from the master plan at the request of the City Council)
- o Wayzata Community Sailing Center and Wayzata Yacht Club general operating policies developed with the neighbors,
- o Agreement to establish a WYC and WCSC advisory committee, which was later defined as two neighbors from the Old Holdridge neighborhood, one neighbor from the Shady Lane neighborhood, one neighbor from the Bushaway neighborhood, City staff member to be appointed by the City Manager, and Wayzata's LMCD Board member.
- o Agreement on how government applications and issues would be processed, which was later refined to be: Issues of substance that would affect the City, neighborhood, Wayzata Yacht Club and Wayzata Community Sailing Center would be reviewed by the advisory committee as part of the submittal process.
- o A zoning ordinance text amendment that will allow the Master Plan to be implemented was withdrawn at the request of the City Council and replaced with a proposal developed with the City Staff.

Charrette Master Plan Vision Statement:

The participants developed the following vision statement:

"We envision the Wayzata Yacht Club and Wayzata Community Sailing Center as being recognized by its community as stewards of the Lake and as an important part of the community's character that adds to the quality of life, community fabric and the image of the small town on the Lake. Our vision is of a first rate sail boat racing Wayzata Yacht Club and educational Wayzata Community Sailing Center which welcomes all members of the community in experiencing the sport of sailing. Working together, the Wayzata Yacht Club, the Wayzata Community Sailing Center and the neighbors strive to balance their needs, sharing their character and values while working in a spirit of camaraderie, cooperation, mutual respect to: maintain and enhance a sustainable Wayzata Yacht Club, Wayzata Community Sailing Center, small town character, the natural beauty and a quiet neighborhood environment."

Eastman Lane Alternative Scenarios:

There is an understanding that one of Hennepin County's scenarios for the improvement of Eastman Lane is dependent on the cooperation of the

Attachment C

Wayzata Yacht Club. In March 2010, with this understanding the Wayzata Yacht Club approached the City Council to discuss scenario planning where the charrette participants would develop alternative plans related to the club's east parking area based on the preliminary plans provided by Hennepin county. During the charrette the neighborhood participants preferred to approach the issue with one alternative, by leaving the parking lot in its present location and Eastman Lane in its present location.

Applications:

Comprehensive Plan Amendment:

The Comprehensive Plan amendment application is to correct an apparent oversight, when the most recent plan was amended. The Wayzata Community Sailing Center, Wayzata Yacht Club, Wayzata Yacht Club's east parking lot and Wayzata Yacht Club's west parking lot are all designated Semi Public Private land use in the Comprehensive Plan. The strip of land where the Wayzata Yacht Club began in 1964 and which is governed by the 1974 and 1976 conditional use permit entitling the Wayzata Yacht Club to use land is designated Estate Single Family in the Comprehensive Plan. The Wayzata Yacht Club is requesting that this oversight be corrected by designating the land as Semi Public/ Private in the Comprehensive Plan. The following air photo illustrates the comprehensive plan amendment (lot 2):



Shoreland Conditional Use Permit:

The proposed improvements are within the Shoreland Overlay District ("S") and are subject to Section 801.91 of the City Code. An analysis of the conditions contained in the City Code for issuing a Shoreland Impact Conditional Use Permit concluded that all the conditions have been met, with the exception that the small addition to the "club house" is less than 75 feet from the Ordinary High Water Level. This addition is 53 feet from the OHWL. The Planning

Attachment C

Commission previously recommended to the City Council that the Council approve this CUP.

Zoning Ordinance Text Amendment:

This application was withdrawn by WYC and WCSC in a Letter to Bryan Gadow on January 12, 2012

Zoning Ordinance Map Amendment:

A legal description of the proposed PUD zoning district is included in this revised Narrative. The charrette participants created a Master Plan that includes the Wayzata Yacht Club, Wayzata Community Sailing Center property and the surrounding streets (Eastman Lane and Arlington Circle South Fire Lane, Central Avenue Public Boat Launch). Although these public uses are an integral part of the area, the City Council requested that the master plan and PUD zoning district include only the property owned by the Wayzata Community Sailing Center and Wayzata Yacht Club. The public spaces have been removed from this application.

PUD Master Plan (Concept and Final PUD:

Slips and Buoys:

WYC and WCSC are agreeing to limit the number of slips and buoys to 189. The current number of slips and buoys is 183. With the number of small boat educational slides provided and under LMCD rules, WYC and WCSC could have up to 206 slips and buoys. This limit to WYC WCSC potential growth is a major compromise that is not required by City Ordinance.

Master Plan Allowed Land Uses and Operating Policies:

The charrette participants developed the general operating policies and allowable land use. At several meetings in late 2011, the Planning Commission and City Council requested several changes to the original submittal. Those changes are reflected in this Narrative and in the revised attached plans.

Zoning District Allowed Land Uses:

The Master Plan list the allowed primary and accessory land uses. In general, the uses are those that are associated with current operations or are necessary to operate a yacht club and community sailing center. Only land uses that are listed on the Master Plan are allowed. All other land uses are prohibited (see site plan sheet 1).

PUD Zoning District General Performance Standard:

Besides the standards included in the attached plans, for the purposes of the zoning district, the following general operating policies are presented as part of this narrative to be made part of this PUD Zoning District. These are current operating policies, developed with neighborhood cooperation at the charrette or are part of various previous City approvals:

Attachment C

Noise polices:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce polices to reduce noise in the neighborhood.

Parking polices: .

1. With City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and quest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street;
2. WSCS will have joint parking with WYC;
3. No parking will be allowed on Arlington Circle;
4. WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are dawn to dusk;
2. Crane boom shall be stored pointed directly north.

Public Amenities:

Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules and those amenities shown on the master plan such as bike stands.

Storage:

Storage is limited to the areas shown on the master plan and shown in the maps provided in this narrative.

Master Plan: Site Plan:

This section of the narrative along with the attached plans describes the PUD Master Plan elements.



The Planning area and area to be included in the proposed zoning district consists of properties owned by Wayzata Yacht Club (Lot 1, Lot 2, Lot 3, and Lot 4) and the Wayzata Sailing Foundation (Lot 5)

The attached Master Plan; site plan consists of:

Site plan (attached sheets 1 and 2) with allowable land uses, parking standards, setbacks, and other related performance standards; Typical Details (sheet 3) with site details including parking stall dimensions; Typical Building elevations (sheet 4) and A Sign Plan (sheet 5). The Plan shows the following standards of the zoning district:

Master Plan Setbacks, Heights and Deviations:

Wayzata Community Sailing Center:

- Current Building:
 - o Height; 38 feet
 - o Arlington Circle setback: 8.8 feet
 - o Eastman Lane setback: 120.7 feet
 - o OHWL setback: 82 feet
- Proposed New Sailing Center Building:
 - o not more than 35-foot high,
 - o more than 75 feet from the Ordinary High Water Level (OHWL),
 - o behind the average setback of the two closest buildings (neighbor on the west and Wayzata Yacht Club, club-house),
 - o more than 30 feet setback from the north property line, and
 - o 15-foot setback from the west property line.
- Parking Lot setbacks:
 - o Eastman Lane: 10 feet
 - o Arlington Circle 10 feet except for one handicapped stall

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o OHWL: 75 feet

- WCSC small boat make ready area is in a designated area. Rather than being in the “lake yard”, as allowed by the City ordinance, the small boat make ready and storage area is in a designated screened form view area in the side yard and the Eastman Lane yard 35 feet from Eastman Lane and Arlington Circle and 15 feet from the OHWL. The following graphics show the boat, lift and other material storage locations currently allowed (R-2A and R-1 zoning districts) and the locations being proposed in the master plan.

Currently Allowed Storage Areas



East Parking Lot:
No structures
No boat trailers
No boats
No other storage except during the boating season

Proposed master plan storage areas:

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Wayzata Yacht Club's West Parking Lot:

- Current Use: the principle marina use and its accessory parking lot are non-conforming uses and do not have existing parking lot setback requirements. The marina part of the use is regulated by the LMCD.
- Proposed Parking Area (see graphic above)
 - Parking areas: Ten-foot setback from all lot lines and the OWHL;
 - Small boat storage area: 35-foot setback from Eastman Lane and Arlington Circle; Zero foot setback from the OWHL west parking lot, and 15 foot setback from the OWHL Sailing center.

WYC Club House Area:

- Current Buildings (Allowed by City Council approved variance and building permit):
 - Club House:
 - Eastman Lane setback: 5 feet
 - Central Ave Boat Launch setback 20 feet
 - OWHL setback: 44 feet
 - Existing Storage Building:
 - Eastman Lane: 5 feet
 - Central Ave Boat Launch setback: 3feet
 - OWHL setback: 53 feet
 - Allowed parking lot (partially built)
 - Central Ave Boat Launch and Eastman Lane setback: 5 feet,
 - OWHL: 1feet
- Proposed new view protected, single story not more than 20-foot high, 471-foot addition to the club house for storage and handicapped rest rooms setback: 5 feet from Eastman Lane and Central Avenue and 53 feet from the OWHL;
- Proposed neighborhood canoe rack; 5-foot setback from Eastman Lane.

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- Existing Parking Lot (located on the east part of the site setback:
 - o Eastman Lane 5 feet,
 - o OHWL existing 1 foot

Wayzata Yacht Club's East Parking Lot:

- Proposed new eight-foot high storage building screened from view:
 - o Eastman Lane setback: 20 feet,
 - o North property line (rail road r-o-w) setback: 5 feet,
 - o Unclassified wetland setback: 34 feet
- Parking lot setbacks(screen from view):
 - o 5 feet from the rail road right-of-way;
 - o 15 feet from the south property line, and
 - o 13 feet from the east property line.
- Restricted use storage screened from view, mast down area setbacks in a westerly designated part of the east parking lot as indicated in the following graphics and on the master plan:
 - o Zero feet from the rail road right-of-way
 - o 15 feet from the south property line.



This cross section shows the rail road and proposed east parking lot storage are after the rail road has been lower as proposed by the County. County Plans indicated that existing top of rail is 942.81 feet at this location with a lowering to 941.41 feet a reduction of 1.4 feet at this location. Clearly, the storage area cannot be seen from the homes located north of the rail road.

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Proposed PUD Zoning District Deviations from Existing Zoning Setback and Height Standards:

Sailing Center Deviations from the R-2A zoning district requirements:

1. A 15 foot building side setback adjacent to Arlington Circle rather than the required 30 foot setback;
2. Parking Lot setback on the west side to allow one handicapped stall to be placed in the parking lot's required 10-foot setback;
3. Screened storage in the Eastman Lane setback to allow small boat storage in this area rather than in the "lake yard".

Yacht Club Deviations from the R-2A (West parking Lot) and R-1(Club House) zoning district requirements:

1. Club house area:
 - a. Club house and Addition: 5-foot setback from Central Avenue and Eastman Lane ;
 - b. Neighborhood canoe rack: 5 foot setback from Eastman Lane;
 - c. Parking lot: 5 foot setback from Eastman Lane and 1 foot setback from the OHWL.
2. West parking lot storage area: Zero feet rather than 15 feet from the navigable channel's OHWL to store small boats;
3. East parking Lot:
 - a. 20 and 5-foot setback for the proposed small storage building,
 - b. 5-foot parking lot setback from the rail road right-of-way;
 - c. 15-foot storage area setback from Eastman Lane.

Rather than providing an East Parking Lot setback of 10 feet around the entire lot, the Master Plan provides 5-foot parking lot setback adjacent to the rail road right-of-way and a 15-foot setback from Eastman Lane. This additional setback provides additional visual buffer from Eastman Lane and for the neighbors south of Eastman Lane, creates a nicer gateway to the community and saves a number of significant trees.

Traffic and Traffic Congestion (source: EAW)

Traffic generated by WYC and WCSC and Thursday evening peak hour traffic according to accepted traffic engineering practice does not tax the road system and is not considered extensive or congestive. The estimated total average daily traffic generated is: 26 ADT annually, 61 ADT during the May to October Sailing Season. By comparison the typical annual urban residential street accommodates between 800 ADT to 1000 ADT and the existing ADT on Eastman lane is 6000 vehicles.

Estimated maximum peak hour traffic during the sailing season generated by WYC participants is 229 vehicles occurring between 4:30 PM and 5:30PM on

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Thursdays and with less traffic between 11:00 AM and 12:00 AM on Sunday.

A study conducted during the 2009 season indicated the following:

- The background traffic on Eastman Lane is 6,000 ADT. This is expected to increase with the Development of the Bay Center (See 2007 Bay Center EAW);
- The peak traffic generated occurred over a two hour period on Thursday evenings between 4:00 PM and 6:00PM (229 vehicles) with the highest concentration of traffic between 4:30 PM and 5:30 PM. Vehicles start arriving as early as 3:00PM and continue to arrive as late as 6:00PM. Because of the social activities after the race, vehicles leave between 7:30 PM and 10:00 PM;
- The second peak demand occurs on Sunday with substantially less traffic;
- At other times, traffic is generated by parents dropping off children for classes and students arriving for high school and college instruction or races. The highest peak hour generation during these times is 40 vehicles. These times do not correspond to peak Thursday evening generation time. They occur at different times of the day and in many cases at different days in the week.
- On occasion an inter club race (regatta) will generate traffic. These regattas, although intense, generate less traffic than the peak generation on Thursday evenings.

An origin and destination study, completed as part of the proposed Bay Center redevelopment, studied cut through traffic in the Old Holdridge Neighborhood at midday and in the PM hours. Cut through traffic was identified as one the WYC issues. In summary the study concludes:

- a) A large percentage of *existing* traffic in the neighborhood east of the proposed Wayzata Bay Center Redevelopment is cut-through traffic. The primary cut through route is Central Avenue South and Circle Drive East (61% of the cut through traffic).
- b) There is not a significant difference in cut through traffic between the study at midday and the study at the PM hours; indicating that the majority of the cut through issue is not associated with WYC.
- c) Although there was not significant rail traffic during the study period to corroborate the assumption, the traffic pattern of Lake Street / LaSalle Street is a logical cut-through route for vehicles avoiding the at-grade rail crossing.
- d) The traffic pattern of Central Avenue / LaSalle Street showed that there was no significant cut-through of traffic avoiding County Road 101; Wayzata Boulevard and Bushaway Road.
- e) Since traffic volumes are well below levels that would rise any capacity concerns, the issue with the cut-through traffic is not operational. HRG (the consultant conducting the study) believes the issue is unsafe driver behavior through the neighborhood. The field recorder that was stationed at the intersection of Central Avenue and E Circle Drive observed a large number of vehicles failing to stop at the stop

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sign at this intersection, which was most prevalent with the vehicles traveling South on Central Avenue. This creates safety concerns with both pedestrians and vehicles turning north onto Central Avenue from Circle Drive East.”ⁱ

- f) HRG recommend improving major roads to reduce delays, improving driver awareness and improving enforcement as solutions to the cut through traffic.

Zoning District Parking Standards:

The parking lots have been designed to accommodate the peak hour traffic demand and to eliminate the disorganization that currently exists. The parking standards proposed as part of the PUD satisfy the current and projected parking demand.

Parking Study:

A parking study, conducted by Midwest Planning & Design, LLC in the summer of 2009, counted parked cars by type and club participation in WYC and WCSC parking lots. Vehicles and fishing boat trailers on Eastman Lane, vehicles on nearby residential streets and vehicles parked at the Bay Center were also counted. The study was conducted on Thursday evening and Sunday afternoon for 12 weeks. This study along with other parking information provide a rational basis to create parking standards for the proposed PUD zoning district.

This study revealed that the average number of vehicles parked at all locations during the peak parking demand period (Thursday) was 266 and the median number of vehicles was 279. During the same period an average of 6 fishing boat trailers were using the spaces provided along Eastman Laneⁱⁱ. During the 12 week study period; there was only one occurrence where the maximum demand of 305 parked vehicles was reached. In all other cases the parking demand was substantially less than the maximum demand. The following table shows the total results of the parking study during the peak parking demand period:

Number of Vehicles Parked

Thursday Race Night

Date	Vehicles
6/18/09	282
6/25/09	293
7/9/09	305
7/16/09	262
7/23/09	285
7/30/09	279
8/6/09	248
8/13/09	236
8/20/09	285
8/27/09	254
9/3/09	218

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9/10/09

281

The location where the vehicles parked and the vehicle type (compact, midsize, full size, vans, SUVs and small trucks) was also studied. All but 68 vehicles were parked on WYC and WCSC property of those that were not parked on WYC and WCSC property, parking was as follows:

Bay Center:	36 Vehicles
Eastman Lane:	29 Vehicles
Neighborhood Streets:	3 Vehicles

The following graphic shows parking in each of the parking lots by vehicle type, and WYC parking that occurred at other locations other than at WYC/WCSC.



Although it may have occurred at one time, WYC parking on neighborhood residential streets has ceased to be an issue. Also, contrary to the common assumption that sailors use large vehicles, a large number of compact cars were found to be using the existing parking.

Parking Ratios:

The Institute of Traffic Engineers (ITE) parking demand study indicates that a marina's parking ratio should be 0.29 parking spaces per boat berth. The City Ordinance requires 0.7 parking spaces per boat or mooring space. At the Wayzata City Marina 100 parking by permit spaces are provided for 100 slips or a parking ratio of 1.0. Although the municipal marina has a large number of power boats adjacent to residential uses and just a few sail boats, the City has

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establish a precedence 1.0 ratio of parking spaces per slip. A search of the LMCD code did not provide any objective parking requirements, except as it relates to the municipal codes.

Based on the parking study a higher but flexible parking standard ratio and other parking standards are included in the PUD master plan. Like all zoning standards the law requires that the standard be based on the legal principle of “rational basis”; that is, it cannot be arbitrary. The parking standards also need to be strong enough to continue to discourage parking in the adjacent residential neighborhoods, and developed within the vision statement created at the charrette.

Proposed PUD Master Plan Parking:

The proposed PUD Master Plan parking will accommodate 289 off street parking spaces.

The master plan shows 189 slips and buoys. To create a more environmentally sustainable parking area building too many parking spaces based on a onetime parking occurrence is not in the best interest of the environment or the neighborhood. The key to environmentally sustainable development is to find a balance between the largest possible parking demand and that demand that would likely occur on an ongoing basis while keeping the vehicles out of the residential neighborhood.

Proposed parking standards:

The proposed standards are based on the study, city precedent and the following rationale:

- Tying the parking ratio to slips and buoys rather than LMCD Boat Storage Units. BSUs include slips and buoys but also includes slides used for teaching boats, which are not used during the peak parking demand period;
- Allowing some parking ratio flexibility so WYC/WCSC can create a sustainable parking system which is not over reaching;
- Limit the parking at the Sailing Center to 4 spaces. This is a major compromise in that the sailing center could accommodate 20 vehicles on site under its current CUP;
- Prohibiting Yacht Club parking on neighborhood streets;
- Requiring parking attendants at major functions, and
- Not allowing other WYC and WCSC function to occur at the same time that would increase the parking demand during the peak demand period.

Parking Spaces Required and Proof of Parking:

The median of the top quartile from the parking study conducted by Midwest Planning & Design, LLC in 2009 indicates that a reasonable parking ratio would be 1.50 parking spaces per slip or buoy. With the above extra conditions that are not generally imposed by zoning standards, the zoning districts parking ratio should be 1.50 parking spaces per slip and buoy.

Parking Spaces Required:

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Number of Slips and Buoys	Parking Demand Ratio	Number of Spaces Needed	Number of Spaces Provided in the Master Plan
Existing 183	1.50	275	289
Proposed 189	1.50	284	289

Parking stall mix standards:

Base on the parking study the parking stall mix would be as follows:

- 185 full size stalls including 4 HC stalls 64% of total spaces
- 104 compact stalls 36% of total spaces

Parking stall sizes:

At the request of the City Council the parking stall size conforms to the zoning ordinance size requirement. The stalls are stripe and compact stalls are marked "compact car only".

1. Full size 9.0 feet by 20 feet (18 feet where an additional 2-foot vehicle over hang area is provided);
2. Midsize: 9.0 feet by 20 feet (18 feet where an additional 2-foot vehicle over hang area is provided);
3. Compact size: 8.0 feet by 16 feet with stalls having an additional 2-foot vehicle over hang area;
4. Parallel stalls 23 ft by 8 ft

Driving isle widths:

1. 18 -foot one way student drop off isle designed at this width for child safety purposes(at the request of the Council this was increased from 17 feet) ;
2. 22-foot one way parking access isles;
3. 24-foot two way parking access isles for full size access.

Emergency access "fire lane"

24-foot two way and 7-foot clear access to the crane and ramp area of the West Parking Lot is provided.

Parking lot surface and parking stall delineation: As indicated on the PUD Master Plan Site Plan:

1. Crush granite surface with non soluble white stripes
2. Grass Turf for over flow parking with painted white stripes in the east parking lot;
3. Drivable bio-swales;
4. Rain gardens in both the east and west parking lots;
5. Bituminous handicapped parking stalls, parking lot and service entry ways.

Impervious Surface/ Stormwater Management:

The following table shows the existing and proposed impervious surface and the mitigating measures used to filter and reduce storm water runoff. Using these measures (rain gardens, bio swales, vegetative shoreline and natural plant buffers) reduces storm water runoff over the existing conditions even with an increase in impervious surface.

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Storm Water Management Table	Total Area	Area Used for Storm Water Calculations	Existing Condition Area and Percent Coverage	Proposed Coverage Area and Percent Coverage	Types of Mitigating Measures	Storm Water Runoff in CFS Cubic feet per second		
						Event	Existing	Proposed
Wayzata Community Sailing Center	46,475 SF	34,848 SF	2,070 SF 6%	Granite 3,869 SF 11% Other 3,312 SF 10%	Native Veg. Buffer 1,556 SF	2 Year	0.26 CFS	.22 CFS
						10 Year	1.22 CFS	.92 CFS
						100 Year	2.86 CFS	2.07 CFS
West Parking Lot	53,894 SF	44,431 SF	28,859 SF 65%	Granite 29,535 SF 67% Other 525 SF 1%	Bio-Swale: 1569 SF Bio-Retention: 440 SF Rain Garden: 1947 SF Bio eng channel shoreline south of bridge, Native Veg. Buffer along part of the navigable channel north of bridge 1,083SF	2 Year	1.30 CFS	1.19 CFS
						10 Year	3.04 CFS	2.74 CFS
						100 Year	5.46 CFS	4.88 CFS
Club House Area	20,038 SF	20,038 SF	9,059 SF 45%	10,159 SF 51%	Super elevate pedestrian path to the north away from the lake to bio-retention basin, natural shoreline buffer 3,537 SF	2 Year	0.69 CFS	.78 CFS
						10 Year	1.57 CFS	1.70 CFS
						100 Year	2.77 CFS	2.92 CFS
East Parking Lot	88,033 SF	87,991 SF	34,842 SF 40%	Granite 32,750 SF 37% Other 1,618 SF 2%	Rain Gardens: 685 SF natural over land buffer to unclassified wetland, Wetland Native Plant Buffer 1,052SF	2 Year	1.17 CFS	.96 CFS
						10 Year	3.50 CFS	2.98 CFS
						100 Year	6.99 CFS	6.01 CFS
Total	208,440 SF	187,308 SF	74,830 SF 40%	Granite 66,154 SF 35% 15,614 SF 8%	Added or maintain bio retention and buffers 10,314 SF Note additional buffers and bio swales in Eastman	2 Year	3.42 CFS	3.15 CFS
						10 Year	9.33CFS	8.34 CFS
						100 Year	18.08 CFS	15.88 CFS

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Landscape Plan

Features:

- Bio-retention and rain gardens to reduce the storm water runoff and add flowering plant beauty to both parking areas;
- Low level, so as not to interrupt views (rose bush) boarder of the west parking lot;
- Several perennial planting beds at the sailing center and west parking lot;
- Maintaining the garden like atmosphere around the club house;
- Arborvitae screening of the WCSC small boat storage and make ready area;
- Evergreen (Balsam fir) and natural screening of the east parking lot storage area and parking area from Eastman Lane, and
- Vegetative screening (Canadian Hemlock), natural existing vegetation and a fence to screen the east parking lot from the neighbors north of the rail road.

Added Vegetation:

East parking lot:

- 26: 6-foot Balsam Fir with a breast height width of 3" each
- 14: 6-foot Canadian Hemlock with a breast height width of 3" each
- Rain garden plants (see LS plan for detail)

West parking lot:

- 5: 8 foot Arborvitae with a breast height width of 2" each
- 50 Rose Shrubs
- Perennial planting beds
- Rain garden plants(see LS plan for detail)
- Bio-engineered shoreline protection plants adjacent to the navigable channel to MCWD standards

Sailing Center:

- 24: 8 foot Arborvitae with a breast height width of 2" each
- Perennial planting beds
- 25 foot vegetated buffer adjacent to the lake to MCWD standards
- Bio-engineered shoreline protection plants adjacent to the navigable channel and north of the bridge to MCWD standards

Tree Removal (Preliminary Grading Plan):

The City's Tree Preservation Ordinance allows, for this 4.79 acre PUD, the removal of 153 inches measured at breath height in a given year. We propose to remove a total of 194.6 inches to be done over a 10 year period of time. The proposed tree removal falls well within the requirements of the City Ordinance.

Existing Trees 6" or Larger
to be Removed within the PUD:

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East Parking Lot	82.6 inches
West Parking Lot	112.0 inches
Sailing Center	0.0 inches
Total	194.6 inches

List of Specific Existing Trees 6" or Larger
to be Removed (Measured Breast High):

Ash	12"
Willow	22"
Cotton Wood	16"
Cotton Wood	24"
Cotton Wood	8"
Cotton Wood	11"
Cotton Wood	14"
Red Oak	25.8"
Cotton Wood	6.5"
Cotton Wood	16.2"
Cotton Wood	24.8"
Red Oak	9"

Flood Plain (931.1 feet):

Lowest floor of all buildings are at least 2 feet above 931.1-foot regional flood elevation or are to be flood proofed. There is not any filling of the flood plain proposed.

Shore Land:

1. Primary lake shoreline stabilization is maintained by rip rap and sea walls in accord with Minnehaha Creek Watershed District (MCWD) Rules;
2. Shoreline stabilization within the navigable channel is maintained with riprap on the west shore, bio mechanical shoreline stabilization on the east side and bio shoreline preservation north of the bridge in accord with MCWD Rules;
3. The crushed granite parking lots are designed to direct surface water away from the lake to a bio swale/ rain garden system;
4. Shoreline plant buffers are used on the sailing center site.

Building Design

The information being provided with this narrative meets the criteria for a PUD application. We have not applied for design review at this time and we are not asking the Planning Commission to make a recommendation relative to design review.

PUD Proposal:

An addition to the WYC club house and two new buildings are proposed:

- 1) Wayzata Community Sailing Center building, and 2) east parking lot storage building.

These typical residential style buildings shown on the Master Plan shall have the following characteristics:

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1. Gable roof with asphalt shingles to match Club House or similar;
2. Lap 6 inch wood or similar to match Club House or wood shingles;
3. Detail Material: Premium grade wood trim with mitered outside corners.
4. Parapets: premium grade wood.
5. Residential character custom windows with transparent glass;
6. Window boxes or similar material all elevations;
7. Vines on wall with more than 100 square feet of uninterrupted surface;
8. Block or poured concrete foundation flood proofed if not located 3 feet above OHWL and 2 feet above 931.1 feet.

Both the addition to the club house and the east parking lot storage building are design to not restrict the views of the lake from any residential homes (see Briefing Hand Book: View Analysis and cross section above). A condition of plan approval would be the views are not further restricted by the height or design of these buildings.

Signs:

A sign plan has been provided as part of the Master Plan. The sign plan provides standards for temporary signs, directional signs and identification signs.

1. Temporary signs, function banners and flags are displayed during regattas, to announce sailing events or to provide additional direction or similar occasions. These signs may only be displayed during the function for banners and flags and not more than 2 days prior to the function and two days after the function for temporary directional signs and announcements.
2. Permanent directional signs are used to control traffic and parking and transmit information related to the facilities. These smaller signs are located at the entrance to each parking lot, the pedestrian entrance from the public boat launch and on the bridge from the Wayzata Community Sailing Center
3. Identification signs are 6 square foot ground or monument signs in character with the architecture.
4. Sign standards in the PUD zoning district would be as follows:
Standards of Sections 9 and 27 shall govern the size and placement of signs. Provided however that the following exceptions shall occur:
 - a. Temporary Banners, flags, directional and announcement will be governed by the Section 27.05 N and this Master Plan in designated areas only;
 - b. Permanent Parking Lot Directional Signs shall be governed by this plan, provide however that such signs shall not be more than 2 square feet in area each;
 - c. Permanent identification signs at the entrance to each parking area and other designated locations shall be no larger than 4 square feet in area;
 - d. One 6 square foot identification ground or monument sign for Wayzata Community Sailing Center and one 6 square foot identification ground or monument sign for the Wayzata Yacht Club shall be allowed in designated areas;
 - e. All other requirements of Section 27 as it applies to a low density residential zoning district shall apply.

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Future Actions:

City Ordinances provide further future review and approval of elements of the PUD that include:

- WYC and WCSC Improvements:
 - o Sailing Center: City design review approval and building permit approval;
 - o East Parking Lot: City design review and, building permit approval for the small storage building
 - o Club House area: City design review, building permit approval for the handicapped rest room/storage addition;
 - o City Grading and Fill permit: Sailing Center, West Parking Lot, East Parking Lot;
 - o Tree Removal Permit: City of Wayzata;
 - o Fence Permit: City of Wayzata.

LMCD and MCWD Rules provide future review and approval of the following:

- o Channel dredging: Minnehaha Creek Watershed District approval;
- o Bio shoreland preservation and riprap: Minnehaha Creek Watershed District;
- o Grading and erosion control permit from the MCWD;
- o Any changes in the marina: Lake Minnetonka Conservation District approval.

Staging Plan:

The Master Plan is intended to be implements in the following priority:

- Priority One- Sailing Center may be built in stages;
- Priority Two-West Parking Lot;
- Priority Three-Addition to the club house;
- Priority Four- East Parking Lot.

Legal Descriptions Zoning District:

Wayzata Community Sailing Center (Wayzata Sailing Foundation):PID 0611722440006
All that part of Block 62, Minnetonka Arlington Heights lying Westerly from a line drawn through said Block, parallel to and distant 135 feet Easterly from the Westerly line of said Block, Excepting there from a strip of land lying Northerly from a line drawn parallel to and distant 20 feet Southerly from the Northerly line of said Block, which last mentioned strip of land is excepted and reserved for the purposes of a public roadway.

Wayzata Yacht Club:
PID 0611722440005

PID 0511422330003

PID 0511722330004

PID 0511722330001

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Attachments:

Plans, Maps and Drawings:

Master Plan Site Plan

Master Plan Preliminary Grading Plan

Master Plan Preliminary Landscape Plan

Foot Notes:

- ii Up to 30 fishing boat trailers were observed on the Fourth of July

RESOLUTION NO. 25-2012

RESOLUTION APPROVING AN APPLICATION BY THE WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING CENTER FOR A COMPREHENSIVE PLAN MAP AMENDMENT RELATED TO 1200 EASTMAN LANE

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

- 1.1 Development Application. The Wayzata Yacht Club and Wayzata Community Sailing Center (collectively, the "Applicant") have submitted an Application for a Comprehensive Plan map amendment to reguide 1200 Eastman Lane (the "Property") from Estate Single Family to Semi-Public/Private land use (the "Comprehensive Plan Amendment").

This Application is part of a larger multiple part application by the Applicant for approval of a joint Concept and General Plan PUD pursuant to Section 33 of the Wayzata Zoning Ordinance (the "PUD" or the "Project"); deviations from applicable standards for non-residential PUD District projects that include residentially zoned properties to implement the master plan (the "Deviations"); rezoning to a PUD District for the PUD (the "Rezoning"); a Comprehensive Plan map amendment to reguide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private (the "Comprehensive Plan Amendment"); a Shoreland Conditional Use Permit (the "Shoreland CUP"); a Floodplain Conditional Use Permit (the "Floodplain CUP"); and site plan review (the "Site Plan"). The other components of the multiple part application will be addressed through a separate resolution. The multiple part application covers the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane.

- 1.2 Property. The property identification numbers and owners for the Property involved in the Comprehensive Plan Amendment is as follows:

1200 Eastman Lane	05-117-22-33-0004	Wayzata Yacht Club
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- 1.3 Land Use. The Property is located within the R-1 Low Density Single Family Residential District, as defined in Section 801.52 of the Wayzata Zoning Ordinance, and the Bluff District of the Design Standards, as defined in Section 801.09 of the Wayzata Zoning Ordinance. The 1200 Eastman Lane property is guided Estate Single Family.
- 1.4 Notice. Notice of a public hearing on the Development Application was published in the *Sun Sailor* on January 26, 2012. A copy of the notice was mailed to all property owners located with 350 feet of the Property on January 26, 2012. Notice of a public hearing on the original Development Application was published

in the *Lakeshore Weekly* on August 2, 2011. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 4, 2011.

- 1.5 Planning Commission Action. The Planning Commission began its review of the 2011 Applicant at its August 15, 2011 meeting and held a public hearing. The Planning Commission continued discussing the first Application at its September 7th, September 19th, October 26th, and November 7th meetings. At the close of these meetings, the Planning Commission recommended denial of certain components of the first Application, and approval of others. The City Council asked the Applicant to withdraw certain components of its first application related to a new Semi-public/Private PUD Zoning District and resubmit those requests as part of a second Application. The Planning Commission began its review of the second Application on February 6, 2012 and held a public hearing, before continuing discussion to February 27, 2012. At the February 27, 2012 meeting, after holding a public hearing, the Planning Commission reviewed and adopted a Planning Commission Report and Recommendation on the Concept and General Plan PUD, the individual Deviations requests, and the Rezoning from R-1 and R-2A to PUD, recommending approval to the City Council with conditions.

Section 2. STANDARDS

- 2.1 Comprehensive Plan Amendment. In adopting or amending the Comprehensive Plan, the City acts in a legislative capacity, even in cases where an amendment only relates to a single parcel. The existing provisions of the Comprehensive Plan are presumed to be constitutional and otherwise valid. The City has broad discretion in whether to grant or deny a request to amend the Comprehensive Plan. The City need not change its Comprehensive Plan unless it is demonstrated that the existing provisions are unsupported by any rational basis related to the public health, safety and welfare.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata's Zoning Ordinance, and the Comprehensive Plan, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

- 3.1 Comprehensive Plan Amendment – Estate Single Family to Semi-Public/Private.
 - A. The request for reguiding the parcel at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private Use would match the guidance of the Applicant's other adjoining properties and involve only a small outlot parcel that is included as part of the Applicant's operation of the Wayzata Yacht Club. The change would also clear an inconsistency on the City's 2030 Land Use Map.

- B. The Comprehensive Plan Amendment reflects the overall policy goals of the Comprehensive Plan, based upon the existing and future uses of the Property as a whole.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings in Section 3 of this Resolution, the request for approval of the Comprehensive Plan Amendment requested in the Application is **APPROVED**.

Adopted by the Wayzata City Council this 17th day of July, 2012.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Mullin

Seconded by: Tanner

Voted in favor of: Amdal, Bader, Mullin, Tanner, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 17, 2012.



Becky Malone, Deputy City Clerk
SEAL

EXHIBIT C
Ordinance 726

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 726

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE 456 ARLINGTON CIRCLE AND 1000 EASTMAN LANE FROM R-2A
SINGLE FAMILY RESIDENTIAL DISTRICT TO PUD PLANNED UNIT
DEVELOPMENT DISTRICT; AND TO REZONE 1100 EASTMAN LANE, 1200
EASTMAN LANE, AND 1400 EASTMAN LANE FROM R-1 LOW DENSITY SINGLE
FAMILY RESIDENTIAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT
DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. BACKGROUND

- 1.1 Development Application. The Wayzata Yacht Club and Wayzata Community Sailing Center (collectively, the "Applicant") have submitted an application (the "Application") for approval of a joint Concept and General Plan PUD pursuant to Section 33 of the Wayzata Zoning Ordinance (the "PUD" or the "Project"); rezoning to a PUD District for the PUD (the "Rezoning"); deviations from applicable standards for non-residential PUD District projects that include residentially zoned properties to implement the master plan (the "Deviations"); a Comprehensive Plan map amendment to reguide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private (the "Comprehensive Plan Amendment"); a Shoreland Conditional Use Permit (the "Shoreland CUP"); a Floodplain Conditional Use Permit (the "Floodplain CUP"); and site plan review (the "Site Plan"). The Application is based on a master planning process undertaken by the Applicant that included a community design charrette in June of 2010. The Application includes the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane (collectively, the Property).
- 1.2 Property. The property identification numbers and owners for the Property involved in the proposed PUD are as follows:

456 Arlington Circle S.	06-117-22-44-0006	Wayzata Sailing Foundation
1000 Eastman Lane	06-117-22-44-0005	Wayzata Yacht Club
1100 Eastman Lane	05-117-22-33-0003	Wayzata Yacht Club
1200 Eastman Lane	05-117-22-33-0004	Wayzata Yacht Club
1400 Eastman Lane	05-117-22-33-0001	Wayzata Yacht Club

- 1.3 Land Use. The Property is located within the R-1 Low Density Single Family Residential District, as defined in Section 801.52 of the Wayzata Zoning Ordinance, and R-2A Single Family Residential District, as defined in Section 801.53 of the Wayzata Zoning Ordinance, and the Bluff District of the Design Standards, as defined in Section 801.09 of the Wayzata Zoning Ordinance. All of the Property is guided for Semi-Public/Private Use in the Wayzata Comprehensive Plan, except 1200 Eastman Lane which is guided Estate Single Family.
- 1.4 Notice. Notice of a public hearing on the Development Application was published in the *Sun Sailor* on January 26, 2012. A copy of the notice was mailed to all property owners located within 350 feet of the Property on January 26, 2012. Notice of a public hearing on the original Development Application was published in the *Lakeshore Weekly* on August 2, 2011. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 4, 2011.
- 1.5 Planning Commission Action. A public hearing on the Application was held at the Planning Commission's February 6, 2012 meeting, and was continued to the Planning Commission's February 27, 2012 meeting at which The Planning Commission adopted a *Planning Commission Report and Recommendation* recommending approval of the Rezoning on a vote of seven (7) in favor and zero (0) opposed.

Section 2. STANDARDS

- 2.1 Rezoning from R-1 and R-2 to PUD. An application for a rezoning is a request for an amendment to the Zoning Ordinance. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4.
- 2.2 Standards for Rezoning. When reviewing applications for re-zoning, the City acts in a legislative capacity, even in cases where a re-zoning application only relates to a single parcel. The City has broad discretion in whether to grant or deny a request to rezone. An applicant is only legally entitled to a change in the Zoning Ordinance if it can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
 - A. The proposed action in relation to the specific policies and provisions of

the official City Comprehensive Plan.

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

Section 3. FINDINGS

- 3.1 The City Council of the City of Wayzata hereby confirms and memorializes that the Zoning Amendment requested in the Application reflects the overall policy goals of the Comprehensive Plan and City Code Section 801.03.2.F based upon the following findings made on the record, including City Staff reports and presentations, Planning Commission Report and Recommendation, public and written comment, and the other Resolutions adopted by City Council for the Project, all of which are incorporated herein by reference:
 - A. The proposed Project conforms with the applicable guidance in the Comprehensive Plan.
 - B. The proposed Project conforms with present and future land uses in the area.
 - C. The proposed Project conforms with all applicable performance standards contained in the Wayzata Zoning Ordinance, with the exception of the variances that are requested as part of the Application.
 - D. The proposed Project would not have a negative effect on the area in which it is proposed.
 - E. The proposed Project would not have a negative effect on property values in the area.

- F. The proposed Project would not have a negative effect on traffic in the area.
- G. The proposed Project will be accommodated with the existing City water and sanitary sewer and roadway systems.

Section 4. CITY COUNCIL ACTION

4.1 Contingent upon City Council approval of each request and component of the Application as set forth in Section 1.1 above, contingent upon the full compliance with all conditions placed on said approvals, the Zoning Amendment is hereby **APPROVED** and the Official Zoning Map of the City of Wayzata shall be amended to change the Zoning District designation of the Property located at 456 Arlington Circle (PID no. 06-117-22-44-0006) and 1000 Eastman Lane (PID no. 06-117-22-44-0005) from R-2A Single Family District to a new PUD District; and 1100 Eastman Lane (PID no. 05-117-22-33-0003), 1200 Eastman Lane (PID no. 05-117-22-33-0004), and 1400 Eastman Lane (PID no. 05-117-22-33-0001) to a new PUD District, as such district is set forth in the PUD General Plan approved by City Council in Resolution No. 12-2012.

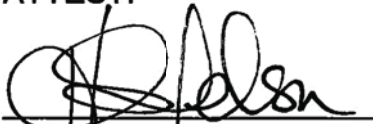
4.2 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 17th day of July, 2012.



Ken Willecox
Mayor

ATTEST:



Heidi Nelson
City Manager

First Reading: July, 17, 2012
Second Reading: August 9, 2012
Publication: August 16, 2012

EXHIBIT D

Approved Plans (PUD General Plan)

See Attachment A to Exhibit B

EXHIBIT E
Stormwater Maintenance Agreement

**STORM WATER FACILITIES MAINTENANCE AGREEMENT
AND RESTRICTIVE COVENANT**

This Storm Water Facilities Maintenance Agreement and Restrictive Covenant is made this _____ day of _____, 2014, by and between the City of Wayzata, a Minnesota municipal corporation (hereinafter the “City”), and the Wayzata Yacht Club, a Minnesota non-profit organization, owner of the property located at _____ (hereinafter “Owner”).

R E C I T A L S

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in Wayzata, Minnesota, commonly described as _____, (hereinafter the “Property”) and legally described in **Attachment A**, which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner’s proposed development of the Property, the City has required and the Owner has agreed to construct a storm water collection and detention system; and

WHEREAS, such drainage system is described and shown on a grading plan prepared by the engineering firm WSB (hereinafter the “Drainage System Drawing”), for the Owner’s Property, a copy of which is attached hereto as **Attachment B** and incorporated herein by this reference; and

WHEREAS, as a condition of project approval and/or as a condition of the City’s utilization of the Owner’s storm drainage system, the parties have entered into this Maintenance Agreement and Restrictive Covenant, in order to ensure that the drainage system will be constructed and maintained in accordance with the approved plans and the City’s development standards;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City hereby agree as follows:

T E R M S

Section 1. Construction and Maintenance. Owner agrees to construct and maintain a drainage system on its Property, as shown on the Drainage System Drawing, **Attachment B**. The drainage system shall be maintained and preserved by the Owner until such time as the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

Section 2. No Removal. No part of the drainage system shall be dismantled, revised, altered or removed, except as necessary for maintenance, repair or replacement.

Section 3. Access. The City shall have the right to ingress and egress over those portions of the Property described in **Attachment A** in order to access the drainage system for inspection and to reasonably monitor the system for performance, operational flows or defects.

Section 4. Reporting. The Property Owner shall be responsible for inspecting and maintaining the storm water treatment and conveyance system, at minimum as follows:

1. Gardens: Visually inspected annually for areas of compressed dirt. Areas of compressed dirt will be tilled.
2. Lawn areas: Visually inspected annually for areas of bare compressed dirt. Areas of bare compressed dirt will be aerated, raked and seeded.
3. Crushed Granite parking surface: Visually inspected annually for compressed areas that do not allow drainage. Compressed areas will be tilled until loose.
4. Areas on plan designated as Bio-Swales (vegetated areas with a purpose of filtering and slowing surface water): Visually inspected yearly for full vegetation and continuous surface flow. Bare areas will be planted and areas of ponding will be regarded to establish surface flow.
5. Areas on plan designated as “rain garden” (an area fully planted where water will sometimes stand and slowly filter through the earth below): Visually inspected annually for plantings, tested every five years for filtration. Bare areas will be planted with plantings designated on landscape plan. If properly working, silt will build up in the rain gardens reducing their effectiveness. If filtration testing indicates 12” of standing water remains within the rain garden after 7 days, the rain garden will be excavated and restored to its original configuration. Standing water for test may be from natural stormwater during a rain event.
6. Stormwater structures: The grading plan indicates slot drains and drain tile at parking areas. Tested every 5 years for free flow of drain tile via introducing water at the high point and visually confirming outflow at the low point. Lack of flow will require investigation and removal of blockage

The Property Owner shall be responsible for providing a letter to the City Engineer, by September 1st of each year, stating that inspection and maintenance have been completed.

Section 5. Repairs, Failure of Owner to Maintain. If at any time the City Engineer does not receive this inspection and maintenance report and the City determines that maintenance or repair work is required to be performed on the system, the City Engineer or his/her designee shall give notice to the Owner of the noted deficiency. The Engineer shall also set a reasonable time in which the Owner

shall perform such work. If the repair or maintenance required by the Engineer is not completed within the time set by the Engineer, the City may perform the required maintenance and/or repair. Written notice will be sent to the Owner, stating the City's intention to perform such repair or maintenance, and such work will not commence until at least 15 days after such notice is mailed, except in situations of emergency. If, within the sole discretion of the Engineer, there exists an imminent or present danger to the system, the City's facilities or the public health and safety, such 15 day period will be waived and maintenance and/or repair work will begin immediately.

Section 6. Cost of Repairs and/or Maintenance. The Owner shall assume all responsibility for the cost of any maintenance and for repairs to the drainage system. Such responsibility shall include reimbursement to the City within 30 days after the City mails an invoice to the Owner for any work performed by the City. Overdue payments will require payment of interest by the Owner at the current legal rate as liquidated damages.

Section 7. Notice to City of Repairs and/or Maintenance. The Owner is hereby required to obtain written approval from the City Engineer prior to filling, piping, cutting or removing vegetation (except in routine landscape maintenance) in open vegetated drainage facilities (such as swales, channels, ditches, ponds, etc.), or performing any alterations or modifications to the drainage system.

Section 8. Rights Subject to Permits and Approvals. The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Maintenance Agreement and Covenant.

Section 9. Terms Run with the Property. The terms of this Maintenance Agreement and Covenant are intended to be and shall constitute a covenant running with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

Section 10. Notice. All notices required or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt of three (3) days after deposit in the mail, postage prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:
City Engineer
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

To the Owner:
Wayzata Yacht Club
1100 Eastman Lane
Wayzata, Minnesota 55391
Attn: Commodore

Section 11. Severability. Any invalidity, in whole or in part, of any provision of this Maintenance Agreement and Covenant shall not affect the validity of any other provision.

Section 12. Waiver. No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

Section 13. Integration. This Maintenance Agreement and Covenant constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.

Section 14. Modification. This Agreement may be terminated, amended or modified only by registering with the Registrar of Titles for Hennepin County, Minnesota, a document executed by the parties (or their respective successors and assigns) representing their unanimous consent to such amendment or modification. This consent may require City Council action.

ATTACHMENT A to EXHIBIT E – LEGAL DESCRIPTION

EXHIBIT A

PID and Property Legal Description

All of Block 62, "Minnetonka Arlington Heights", except that part thereof lying Southwesterly of a line drawn parallel to and 135 feet Northeasterly from the Southwesterly line of said Block.

ALSO

All that part of Government Lot 1 and accretions thereto in Section 5, Township 117 North, Range 22 West that lies within the tract described as follows: Commencing at a point on the West line of said section distant 5.5 feet north of meander corner on north side of lake, said meander corner being 1879 feet south of west quarter corner of said Section 5; thence South 73 degrees 2 minutes East along a line distant 16.5 feet southwesterly measured at right angles from the center line of the road as now laid out and traveled a distance of 141.27 feet to a point of beginning of a curve the radius of which is 634.8 feet and a central angle of 17 degrees 4 minutes; thence southeasterly along said curve a distance of 50.73 feet; thence South 20 degrees 28 minutes West to the shore of the lake; thence northwest along shore line of the lake to a point which bears South 12 degrees West from said meander corner; thence North 12 degrees East to meander corner; thence north along west line of said Section 5 to point of beginning, and the riparian rights to any additions thereto by reason of accretion or reliction between extensions toward the mean center line of Wayzata Bay of the side lines of the above described premises.

ALSO

All that part of Government Lot 1 and accretions thereto in Section 5, Township 117 North, Range 22 West that lies within the tract described as follows: Commencing at a point on the West line of said section distant 5.5 feet north of meander corner on north side of lake, said meander corner being 1879 feet south of west quarter corner of said Section 5; thence South 73 degrees 2 minutes East along a line distant 16.5 feet southwesterly, measured at right angles from the center line of the road as now laid out and traveled a distance of 141.27 feet to a point of beginning of a curve the radius of which is 634.8 feet and a central angle of 17 degrees 4 minutes; thence southeasterly along said curve a distance of 50.73 feet to the point of beginning of the land to be described; thence continuing along said curve southeasterly a distance of 138.27 feet to the end of said curve; thence South 55 degrees 58 minutes East on a tangent to said curve 259.3 feet; thence South 34 degrees 2 minutes West at right angles to said tangent of said mentioned curve 3.5 feet to a point on the southerly right-of-way line of said Great Northern Railway Company, said point being marked by a judicial landmark; said right-of-way line being 150 feet southwesterly measured at right angles from the center line of the east bound main track, distance 945.4 feet northwesterly measured along said right-of-way line from the center line of state highway no. 101; thence continuing South 34 degrees 2 minutes West along a straight line 319 feet to a judicial landmark located on the shore of Lake Minnetonka; thence southwesterly and northwesterly along the shore line of the lake to a point which bears South 20 degrees 28 minutes West from the point of beginning; thence North 20 degrees 28 minutes East

EXHIBIT A (continued)

to the point of beginning; and the riparian right to any additions thereto by reason of accretion or reliction between extensions toward the mean center line of Wayzata Bay of the side lines of the above described premises.

ALSO

All of those parts of Government Lot 1 and the Southeast Quarter of the Southwest Quarter of Section 5, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows: Beginning at the intersection of a line parallel with and distant 50 feet southwesterly, measured at right angles, from the center line of double track of the railway of the Great Northern Railway Company, as now located and constructed, with the center line of former County Road No. 13, Now State Highway No. 101; thence northwesterly parallel with said center line of double track to a point in a line parallel with and distant 66 feet northeasterly, measured at right angles, from a line designated as Line "A"; thence southeasterly parallel with said Line "A" to a point in a line parallel with and distant 150 feet Southwesterly, measured at right angles, from the center line of eastbound main track of said Railway Company; thence southeasterly parallel with said center line of eastbound main track and distant 150 feet southwesterly, measured at right angles therefrom, to an intersection with said center line of former County Road No. 13; thence northeasterly along said center line of former County Road No. 13 to the place of beginning. Said Line "A" is described as follows: Commencing at a point in the West line of said Section 5 distant 5.5 feet north of meander corner on north side of Lake Minnetonka, said meander corner being 1879 feet south of the west quarter corner of said Section 5; thence South 73 degrees 02 minutes East for a distance of 141.27 feet; thence along a curve to the right having a radius of 634.8 feet and a central angle of 17 degrees 04 minutes for a distance of 189 feet; thence South 55 degrees 58 minutes East tangent to said curve for a distance of 700.00 feet to the end of this description.
PID # 05-117-22-33-0003

ATTACHMENT B TO EXHIBIT E – APPROVED DRAINAGE SYSTEM PLAN



Turf Grass

- Sand Layer with Compost & Netlon ATS or Similar
- Fine Gravel Liner
- EPIC Chambers with RESI Liner or Similar
- Prepared Sub grade

Conceptual Parking Lot Drivable Blo Swale

Conceptual Crushed Granite or Similar Material Stiped Parking Lot Surface

CONCEPTUAL DREDGING CROSS SECTIONS

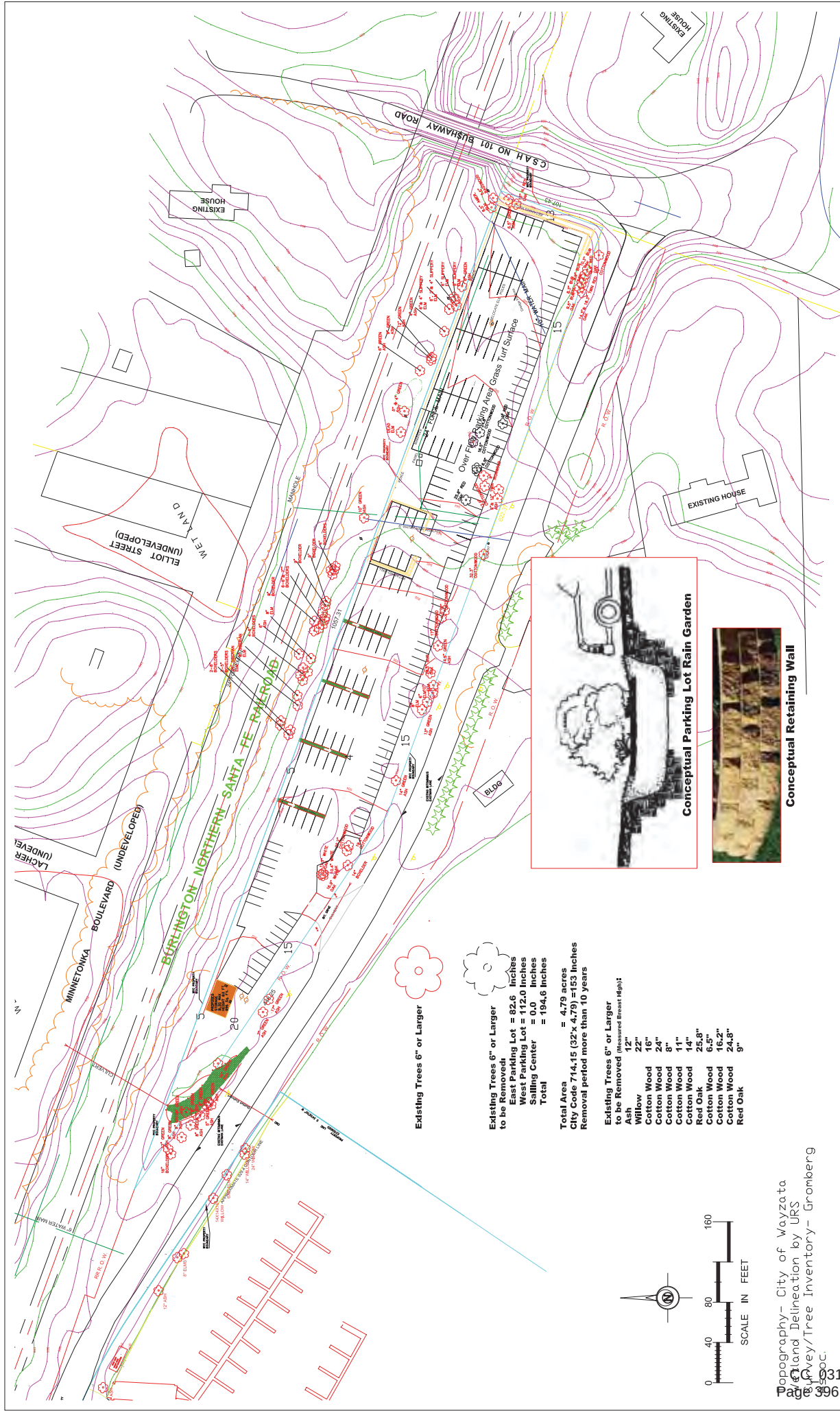


Topography- City of Wayzata
Wetland Delineation by URS
Survey/Tree Inventory-
Surrender Assoc.
GIS- Westwood Professional
Services

WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
Not for construction

MPD/WPS
January, 2012
Sheet 1



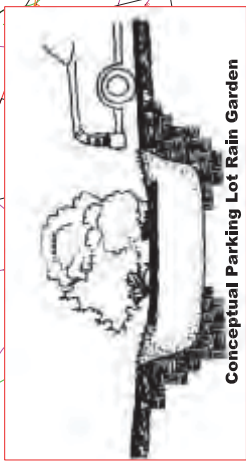
Existing Trees 6" or Larger

East Parking Lot = 82.6 Inches
 West Parking Lot = 112.0 Inches
 Walling Center = 60.0 Inches
Total = 194.6 Inches

Total Area = 4.79 acres
 City Code 714.15 (32"x 4.79) = 153 inches
 Removal period more than 10 years

Existing Trees 6" or Larger to be Removed

Tree Species	Measured Breast High
Ash	12"
Willow	22"
Cotton Wood	16"
Cotton Wood	24"
Cotton Wood	8"
Cotton Wood	11"
Cotton Wood	14"
Red Oak	25.8"
Cotton Wood	6.5"
Cotton Wood	16.2"
Cotton Wood	24.5"
Red Oak	9"



Conceptual Parking Lot Rain Garden



Conceptual Retaining Wall

WYC WCSC MASTER PLAN

EXHIBIT F
PROJECT DEVELOPMENT SCHEDULE

Project Element	Dependent On or In Conjunction With	Estimated Start Date of Project Element
Project Screening East Parking Lot and West Parking Lot		2013-2014
New Sailing Center Building		2015
West Parking Lot	New Sailing Center Building	Within 2 years of completion of the New Sailing Center Building
East Parking Lot	New Sailing Center Building and After Completion of Eastman Lane and Bushaway Road Improvements by the County	Within 5 years of the New Sailing Center Building and within 2 years of the completion of Bushaway Road
Addition to the Club House	New Sailing Center Building	Within 10 years of the completion of the New Sailing Center Building

CITY OF WAYZATA

Wayzata Community Sailing Center Development Agreement

THIS DEVELOPMENT AGREEMENT (“Agreement”) made this ____ day of _____, 2014, by and between the City of Wayzata, a Minnesota municipal corporation (“City”), and the Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center (the “Applicant”), regarding that property located at 456 Arlington Circle, Wayzata, Minnesota (the “Property”) which together with property owned by the Wayzata Yacht Club, is part of a Planned Unit Development that has been approved by the City of Wayzata pursuant to Resolution No. 12-2012 adopted by the Wayzata City Council on the 17th day of July, 2012 (the “City Resolution”), attached as Exhibit B, and Ordinance No. 726 adopted by the Wayzata City Council on the 17th day of July, 2012 (the “Ordinance”), attached as Exhibit C, the City Resolution and the Ordinance being hereby incorporated herein by reference. In consideration of One Dollar (\$1.00) and other good and valuable consideration, including the foregoing and the terms set forth herein, the parties agree as follows:

1. Terms.

- A. The Property.** The street address and property identification numbers for the Applicant’s Property in the PUD are on the attached Exhibit A.
- B. The Project.** The project to be constructed by Applicant involves making various improvements to the existing Wayzata Sailing Foundation properties (the “Project”) as more fully described in the approved PUD plans.
- C. Planned Unit Development (“PUD”) General Plan Approval Conditions and Other Standards.** Subject to the terms and conditions set forth in the City Resolution which is attached hereto as Exhibit B, the City Council of the City of Wayzata has granted Applicant approval of the Planned Unit Development (“PUD”) General Plan for the Project and continued use of the Property under the terms of the PUD. The terms of the PUD shall control site use and zoning standards found within the PUD.
- D. Planned Unit Development District (“PUD District”) Rezoning Approval.** Subject to the terms and conditions set forth in the City Ordinance which is attached hereto as Exhibit C, the City Council of the City of Wayzata has granted Applicant approval of a Zoning Amendment for the PUD.
- E. Operations.** The Property and the PUD shall at all times be used, and be managed and operated, by Applicant in accordance with the specific terms and conditions of this Agreement and the City Resolution and City Ordinance, including policies on noise and parking applicable to the PUD. Applicant shall ensure that the Property is used and managed according to the requirements of this Agreement and all other applicable laws and regulations, including the

operational policies of the Wayzata Community Sailing Center contained in the PUD General Plan and specifications.

2. **Applicant.** Notwithstanding any language to the contrary herein, “Applicant” shall mean Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center until such time as the fee title to the Property is transferred to another entity or person. The Applicant shall not be released from its obligations hereunder unless (i) the City consents in writing to the assignment of this Agreement to a new fee title owner of the Property, and (ii) the new owner, in writing, assumes the obligations of the Applicant hereunder in a document approved, in writing, by the City. Thereafter, the new fee owner shall be the “Applicant” for the purposes of this Agreement.
3. **Definition and Amendment of Plans.** The City, pursuant to City Code Chapter 801 and City Resolution, has approved the PUD General Plan for the Property, including, without limitation, the conditions of the City Resolution; the development plans and specifications; the site plan; preliminary grading plan; preliminary landscape plan; building elevations/perspectives; sign plan and operational policies dated January through March 2012 (the “Plans”) and which are attached as Attachment A to the City Resolution and are on file with the City and which are attached to and made part of this Agreement. The Applicant shall develop the Property in phases in accord with the Plans and this Agreement, including best reasonable efforts to comply with the schedule shown in Exhibit F hereto. The Applicant may seek approval of changes to the Plans from the Wayzata City Council according to the requirements of Section 33 of the Wayzata Zoning Ordinance, though the City Council shall not be required to approve such changes. If the City Council approves such changes, the changes shall become amendments to the Plans. Except as regards to the marina configuration where a separate approval process is contained in the City Council Resolution and the Plans, no material changes (i.e. changes that will significantly change the configuration, land use or character of the Project) to the Plans may be implemented until such changes have been approved by the City Council according to the requirements of Section 33 of the Wayzata Zoning Ordinance. To the extent required by the City, the parties shall execute an agreement acknowledging any amendment to this Agreement or the Plans and record the same with in the appropriate land records office by and for Hennepin County for the Property. The Applicant must also obtain any necessary “City Permits”, which shall include but not be limited to the following: 1) building permits, 2) tree permits, 3) grading permits, 4) sign permits, and 5) fence permits prior to commencing any construction activity on the Property. City Permits will be issued only if Applicant (i) meets the general requirements for such permits and (ii) is in full compliance with this Agreement.

The City shall issue within a reasonable time any City Permits that conform with this Agreement, Metropolitan, State, Federal laws and regulations and City of Wayzata applicable ordinances. Applicant acknowledges that it must also obtain any other permits required by any other regulatory body necessary for construction of the Improvements as described herein.

4. **Water and Sewer Charges.** The Applicant shall pay any applicable sanitary sewer and water connection charges based on the Metropolitan Council Environmental Services

("MCES") sewer availability ("SAC") units and rates as determined by the MCES. The Applicant shall be responsible for any increase in the fees due at the time of paying the fees to the City and the MCES, and the fees may change to reflect the City and MCES rates in effect at the time the building permit is issued and the fee paid.

The number of SAC units in the Project shall be determined pursuant to regulations and procedures of the MCES applicable at the time such payments are due. Any SAC unit credits provided to the Applicant based upon prior payments related to the Property or otherwise by MCES, will also be credited in calculating the City and MCES SAC charges. The City will also credit Applicant for any prior payments by any previous owner of the Property or prior connection assessments or charges against the Property for water or sanitary sewer related to the Property.

5. **Maintenance Costs.** The Applicant shall be liable for the cost of maintaining the Project and any improvements not transferred to the City made within the PUD.
6. **Responsibility for Cost of Improvements.** The Applicant shall, at its cost, install, in accordance with the Plans and in accordance with all applicable City ordinances and standards, all the improvements set forth in the Plans. In addition, the Developer shall be responsible for all of the following, at its cost, to the extent it is related to the Project or the PUD: site grading, surveying and staking, as needed, the setting of lot and block monuments, as needed. The City shall not install or pay for any of the improvements associated with the Plans.
7. **Storm Water Best Management Practices (BMPs) Improvements and Maintenance.**
 - A. **Rain Gardens or Other Stormwater Devices.** The Applicant has proposed that storm water within the Project be handled through use of structures, techniques and innovative techniques defined by the Minnesota Pollution Control Agency Stormwater Manual as best management practices ("BMP(s)") that include: infiltration rain gardens, shoreline filtration, bio-swales or similar devices and techniques which are defined in the Minnesota Stormwater Manual, available at http://stormwater.pca.state.mn.us/index.php/Main_Page, as currently specified or as hereinafter amended. Such BMPs will be owned and maintained by the Applicant, and not transferred to the City.
 - B. **BMPs /Storm Water Maintenance.** The Applicant shall inspect and maintain, at its cost all BMPs, as agreed to in the Stormwater Maintenance Agreement in substantially the form attached hereto as Exhibit E. As scheduled and defined in the Stormwater Management Agreement, in a reasonable manner requested in writing by the City Engineer, the Applicant shall inspect such installed BMPs and provide the City with a written report on the inspection results based on the requirements of the Stormwater Management Agreement. If the Applicant fails to so inspect and report, or fails to maintain such BMP in accordance with the Stormwater Management Agreement and instruction from the City Engineer, within 30 days receipt of written notice from the City of such default, then the

City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take anyone or more of the following actions: perform or hire a third party to perform for the account of the Applicant any obligation of the Applicant with respect to such BMP. The Applicant shall promptly reimburse the City for any expense incurred by the City. This Agreement constitutes a non-revocable license in favor of the City and/or its agents to enter the Property and to take such actions, and it shall not be necessary for the City to seek a Court order for permission to enter the Property, or perform such inspections or maintenance, or act in accordance with this Agreement. When the City does any work, the City may, in addition to its other remedies, assess the actual out of pocket costs, without seeking costs for overhead, administration or processing in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the same amount expended by the City to perform such work.

8. **Site Grading.** In order to construct the Project and prepare the site for development, it will be necessary for the Applicant to grade portions of the Property. All site grading must be done in compliance with the Plans, the site grading plan and the grading permit. Within 60 days after completion of the grading, the Applicant shall provide the City with an “as constructed” grading drawing and a certification by a registered land surveyor or engineer that all elements of the grading, including those associated with the storm water maintenance, have been constructed in accordance with the Plans. The “as constructed” drawing shall include field-verified elevations of the location and elevations along all swales and ditches and lot corners and building pads and all other details normally found on such drawings. The City may withhold issuance of building permits until the approved certified grading plan is on file with the City and all erosion control measures are in place as determined by the City.
9. **Access During Construction.** Prior to construction, the Applicant shall secure any necessary construction easements from the owners of properties adjacent to the Property. Access to any existing easements benefitting the City located on the Property shall remain open and useable during construction and all other phases of the Project.
10. **Clean Up.** Prior to issuance of any certificate of occupancy (“CO”) by the City, the Applicant shall remove from the particular lot within the Property for which the CO is sought, any trash, waste, excess soil, earth or debris resulting from construction work and not necessary for the completion of the Plans by the Applicant as directed by the City.
11. **Hazardous Substances.** Applicant agrees that prior to or during grading and site earth work, it shall completely remove and/or remediate any Hazardous Substances that are present on the Property and not in compliance with all Federal, State and Local Environmental Laws. For purposes of this Agreement, the term “Hazardous Substance” shall mean any substance which at any time shall be listed as “hazardous” or “toxic” or in the regulations implementing the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 et seq. as now or hereafter amended, the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C.

§§ 6901 et seq. as now or hereafter amended or the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et. seq.; the Minnesota Environmental Response and Liability Act (Minn. Stat. § 115B et. seq.) (“MERLA”), as now and hereafter amended, including, without limitation, any pollutant or contaminant as such terms are defined within MERLA, For purposes of this Agreement, the term “Environmental Law(s)” shall include, but is not limited to: any and all applicable federal, state or local directive, statute, law, rule, regulation, ordinance, or rule of common law in effect and any judicial or administrative decisions, including any judicial or administrative order, consent decree or judgment, relating to the control of any pollutant or hazardous material, the protection of the environment or the effect of the environment on human health, including, but not limited to, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Sections 9601 et seq.; the Resource Conservation and Recovery Act, as amended, U.S.C. Sections 6901 et seq.; the Federal Water Pollution Control Act, as amended, 33 U.S.C. Sections 1252 et seq.; the Toxic Substances Control Act, as amended, 15 U.S.C. Sections 2601 et seq.; the Clean Air Act, as amended, 42 U.S.C. 7401 et seq.; the Safe Drinking Water Act, as amended, 42 U.S.C. Sections 300f et seq.; the Hazardous Materials Transportation Act, as amended 49 U.S.C. Sections 1801 et seq.; the Atomic Energy Act, as amended, 42 U.S.C. Sections 2011 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. Sections 136 et seq.; the Occupational Safety and Health Act, as amended, 20 U.S.C. Section 651 et seq.; the Emergency Planning and Community Right to Know Act, as amended, 42 U.S.C. Sections 11001 et seq.; the Minnesota Environmental Response and Liability Act (Minn. Stat. Section 115B.02 et seq.) (“MERLA”), as now and hereafter amended. If any Hazardous Substance in violation of any Environmental Law is discovered on the Property, such Hazardous Substances shall be removed, remediated or stabilized to the extent required by the Minnesota Pollution Control Agency and Applicant shall furnish the City with documented approval by such Agency of completion prior to the issuance of any certificate of occupancy for any parcels of the Property which previously contained Hazardous Substances in violation of any Environmental Law (the “Affected Parcels”).

12. **Warranties, Representations and Other Assurances.** The Applicant represents to the City that no knowing misrepresentations have been or will be made, or materially inaccurate information was or will be provided to the City by Applicant during its review process. Except as provided in the Plans and by Council Resolution concerning marina configuration, the Applicant represents that no material changes in the layouts, structures, designs, materials, locations or forms of the Project on the Property shown on the Plans shall be made unless this Agreement is amended in writing by both parties. The City recognizes that the Applicant is a non-profit corporation under the laws of the State of Minnesota and that all representation of the Applicant shall be made to the best of the Applicant’s knowledge.
13. **Security.** The Applicant shall furnish the City with a letter of credit (“Letter of Credit”) or an payment and performance bond for 125 percent of estimated actual construction costs (the “Bond”), exclusive of City administration, oversight and inspection costs (due at the time of issuance of the City Permit) of all Property and utility improvements within

the public right of way, including, without limitation, water, sanitary sewer, storm sewer, and landscaping as set forth in the Plans ("Site Improvements"), but such bond amount shall exclude among other things, costs of the building structure, management and any other improvements not located in the City right-of-way (the "Bond Amount"). The Bond Amount of security shall be subject to approval by the City Manager, at the time of issuance of the City Permit and will be adjusted to reflect the above costs at that time. The issuer of the performance bond shall be subject to the approval of the City Manager. The payment and performance bond shall be in force until a Certificate of Occupancy for Project has been issued by the City. The payment and performance bond may be for a one year term, provided it is automatically renewable for successive one year periods from the present or any future expiration dates, unless sixty (60) days prior to an expiration date, the bond issuer notifies the City that it elects not to renew for an additional period. The payment and performance bond shall secure compliance of the completion of the Site Improvements. The City may make a claim on the payment and performance bond, with five (5) business days' notice to Applicant, if the Applicant fails to complete the Site Improvements within thirty (30) days after the issuance of the Certificate of Occupancy, provided however, that the City shall not make a claim on the bond, if within such notice period, Applicant commences and diligently pursues to completion such cure in a manner satisfactory to the City. With City approval, the Bond Amount may be reduced from time to time as obligations of Applicant under this Agreement secured by such payment and performance bond are satisfied. The amount of such reduction shall equal the lesser of the cost or value of the obligation satisfied, provided, however, that the remaining amount after any such reductions shall be sufficient to fund the remaining Site Improvements yet to be completed by the Applicant.

14. **License.** The Applicant hereby grants the City, its agents, employees, officers and contractors a license to enter the Property to perform all necessary work and/or inspections deemed appropriate by the City, provided that the City shall take no action on the Property to cure Applicant's default without first providing the notice and cure rights provided under this Agreement. The license shall expire after all the improvements required by this Agreement have been inspected and accepted by the City. Only in regard to the Site Improvements, if the Applicant fails to pay or perform its obligations under this Agreement after notice and expiration of any cure period, then the City may enter the Property and pay or perform such obligations and obtain payment for the expenses thereof from the proceeds of the Letter of Credit or Bond. Among other expenditures, the City may draw upon the Letter of Credit or Bond to satisfy the claims of contractors or suppliers which have not been paid or satisfied by the Applicant. After security has been provided to the City Manager in the form described in Section 13 of this agreement, the City hereby grants to the Applicant, its agents, employees, officers and contractors the right to enter upon any of the Property that the Applicant is deeding or dedicating to the City and upon any public right-of-way for purposes of performing any of the work described in the Plans.

15. **Construction Phasing and Deadlines.**

- A. The Applicant began physical implementation of the Project, including installing

the required screening of the eastern edge of the Applicant's Property and the western edge of West PUD property line, within twelve (12) months following City Council approval of the PUD. Applicant shall use best reasonable efforts to comply with the Schedule listed in Exhibit F.

- B.** The Applicant shall complete construction of the Project in phases, working on each Project element as listed on Exhibit F. The Applicant shall complete all phases and Project elements of the PUD no later than twenty (20) years after the date of the City Resolution, and shall complete construction of any Project element of the Project for which City Permit is issued no later than two (2) years after commencement of actual construction for that element.
- C.** Applicant understands, in accordance with the City Council Resolution, that storage in the Plan's indicated areas cannot be allowed until the Plan's required screening is approved by the City Staff. Likewise, the City and the Applicant understand the Project can only be completed as the Applicant, a non-profit organization, obtains gifts, grants and contributions for the various elements of the Project and an exact schedule of improvements depends upon, among other things, receiving such gifts, grants and contributions.
- D.** If the Applicant fails to reasonably satisfy one or more of the deadlines provided for in this Section, then unless otherwise extended by the City, such failure shall constitute an "Event of Default" hereunder.

16. Responsibility for Costs.

- A.** Except as otherwise specified herein, the Applicant shall pay all costs incurred by it or the City in conjunction with the approval of the Project and ensuring compliance with the Plans, including but not limited to legal, planning, engineering and inspection fees and expenses incurred in connection with approval and acceptance of the development, the preparation of this Agreement and all costs, expenses, legal, engineering and planning fees incurred by the City in monitoring and inspecting the progress of the Project.
- B.** The Applicant shall hold the City and its officers, employees and agents harmless from claims made by Applicant and third parties for damages sustained or costs directly incurred resulting from development of the Project, construction and operation, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement or applicable laws and ordinances by the City. Except as limited by the preceding sentence, the Applicant shall indemnify the City and its officers and employees for all reasonable costs, damages or expenses which the City may pay or incur in consequence of such claims, including reasonable attorney and other reasonable consulting fees.

The City shall look to the Applicant, and not any individual employee, officer, member or staff person of the Applicant, for any damages sustained or costs directly incurred by the City, resulting from development of the Project, or construction and operation of the PUD, except for such damages or costs resulting from the City's gross negligence, intentional misconduct or intentional violation of this agreement or applicable laws and ordinances.

- C. The Applicant shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering, building official, planning and attorney's fees, and for the City's performance of the Applicant's obligations under this Agreement in the event that Applicant fails to commence or complete such obligations on a timely basis.
- D. The Applicant shall pay in full all documented bills submitted to it by the City for obligations properly incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all development work and construction until the bills are paid in full, and may draw on the Letter of Credit or Bond set forth herein to discharge such obligations. Bills not paid within thirty (30) days shall accrue interest at the rate of twelve percent (12%) per year.

17. **Events of Default.** Events of Default Defined. The following shall be "Events of Default" under this Agreement:

- A. Failure by the Applicant to pay, when due, the true and correct amounts required to be paid under any provision of this Agreement and that have been invoiced to the Applicant in writing.
- B. Failure by the Applicant to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed under this Agreement.

18. **Remedies of Default.** Whenever any Event of Default occurs and the Applicant fails to cure such default within (i) ten (10) days after receipt of written notice of a monetary default by the City; or (ii) twenty (20) days after receipt of written notice by the City of a non-monetary default or such longer period as may be reasonably necessary, provided Applicant has acted promptly and pursued such cure with diligence; or (iii) in the case of an emergency meaning an imminent threat to human health or the environment, such shorter period of time as may be reasonable under all of the circumstances, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take anyone or more of the following actions:

- i. Perform or hire a third party to perform for the account of the Applicant any obligation of the Applicant related to Site Improvements contained herein of this agreement hereunder. The Applicant shall promptly

reimburse the City for any reasonable and market value expense incurred by the City. This Agreement is a license for the City to act related to the Site Improvements, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or to act in accordance with this Agreement. When the City does any work as allowed herein, the City may, in addition to its other remedies, assess the cost in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the reasonable amount expended by the City to perform such work.

- ii. Withhold approval of any permit with respect to the Property, including building permits for the Property.
- iii. File a claim on the Bond benefitting the City to pay for the cure of the default.
- iv. Require the Applicant to discontinue work on the Property until such time as the Event of Default has been cured.
- v. Assess against the Property any reasonable costs provided for herein and incurred by the City due to the breach of this Agreement by Applicant and not theretofore reimbursed by the Applicant and the Property shall be deemed to have benefited in the amount and to the extent of such costs.

19. **Conformance with Laws.** The Applicant shall comply with the terms of this Agreement and all applicable local, state, and federal laws and regulations applicable to the development and Property.

20. **Miscellaneous.**

- A. The Applicant represents to the City that to the best of Applicant's knowledge, the Project complies with all county, metropolitan, state and federal laws and regulations, and that Applicant has no knowledge of any violations by the Project or Applicant of applicable City Subdivision Ordinances, City Zoning Ordinances, or any violation of LMCD regulations, permits and authorizations, and Environmental Laws. If the City determines that the Project does not comply with any of the foregoing, the City may, at its option, refuse to allow construction of the Project until the Applicant does comply. Upon the City's demand, the Applicant shall cease work until there is compliance.
- B. Only the Applicant, and any successor or assign who assumes the obligations of the Applicant hereunder according to the requirements of this Agreement and in a form acceptable to the City, shall have recourse against the City under this Agreement.

- C. If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
- D. The action or inaction of the City shall not constitute a waiver of or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No City Permit or certificate of occupancy shall be issued which conflicts with the requirements of this Agreement, and any such permit or certificate which does so conflict shall be void. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- E. This Agreement, any amendments hereto, and conditions of the City Resolution and Ordinance are binding on all successors and assigns and shall run with the Property. Applicant and its successors and assignees are liable under this Agreement. The Applicant may not assign this Agreement, without written consent of the City Council, which shall not be unreasonably withheld, prior to issuance of the Certificate of Completion described below provided however that subject to the reasonable judgment of the City Manager the Applicant may conditionally assign its rights and obligations under this Agreement to any lender who is providing the Applicant with financing to fund the cost of work as shown in the Plans. Applicant shall provide the City with a recorded copy of this Agreement, and any amendments thereto, as soon as they are available. No City Permits shall be issued until (i) evidence of such recording acceptable to the City has been provided by the Applicant, and (ii) Applicant has obtained and recorded agreements by all parties holding an interest in the Property, including but not limited to mortgage holders, agreeing to be subject to the terms and conditions of this Agreement.
- F. After (i) the Applicant has completed the work for each phase for which a City Permit has been issued required of it under this Agreement, (ii) the City has inspected, approved and accepted ownership of all Public Improvements, and (iii) all warranty periods provided for in this Agreement have expired, then, at the Applicant's request, the City will execute and deliver to the Applicant a Certificate of Completion in recordable form evidencing performance by Applicant of its obligations hereunder, subject to:
 - i. Any representation or warranties, which may be in effect subsequent to the date of completion, and
 - ii. Any other obligations which are not specifically identified in such Certificate as having been performed.
 - iii. Any obligations imposed by this Agreement not certified as having been satisfied in such Certificate of Completion, and all warranties and representations of the Applicant, shall remain the ongoing obligation of the

Applicant and its successors and assigns. Any owner of the Property shall be subject to all the restrictions and obligations contained herein to the extent that such restrictions and obligations have not been satisfied by the Certificate.

- G. Each right, power or remedy herein conferred upon either party is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, available to such party at law or in equity, or under any other agreement, and each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient to the party having such right, power and remedy and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy.
- H. This Agreement for the Project must be recorded in the appropriate Hennepin County land records at the expense of the Applicant and a copy of the recorded executed Agreement provided by the Applicant to the City. The City will cooperate with the Applicant in executing and delivering reasonable Subordination Agreements in favor of a mortgage or mortgages of the Property granted by the Applicant to Applicant's lenders.

- 21. **Effect of Development Approval.** Notwithstanding any provision of this Agreement to the contrary, to the full extent permitted by State laws, any further development or construction of new improvements and any additions or alterations to existing improvements not expressly approved under this Agreement will require additional approvals from the City, as required by City ordinances, and in full compliance with any amendments to the City's Comprehensive Plan or Zoning Ordinance requirements enacted after the date of this Agreement.
- 22. **Notices.** Required notices to the Applicant shall be in writing, and shall be either hand delivered to the Applicant, its employees or agents, or mailed to the Applicant by certified or registered mail at the following address (or such other address as Applicant later gives to the City in writing referencing this Agreement and this section):

Wayzata Community Sailing Center
Attention: President
426 Arlington Circle Wayzata, MN 55391

With a copy to;
Halleland Habicht, P.A.
33 South Sixth Street #3900
Minneapolis, Minnesota 55402
Attn: P. Quast

Notices to the City shall be in writing and shall be either hand delivered to the City Manager, or mailed to the City by registered or certified mail in care of the City Manager at the following address:

Wayzata City Hall
600 East Rice Street
Wayzata, MN 55391
Attention: City Manager

[NEXT PAGE IS THE SIGNATURE PAGE]

City of Wayzata, a Minnesota Municipal
corporation

By: _____
Kenneth Willcox, its Mayor

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014,
by Kenneth Willcox, Mayor of the City of Wayzata, a Minnesota municipal corporation, on
behalf of the corporation.

Notary Public

By: _____
Heidi Nelson, its City Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by
Heidi Nelson, City Manager of the City of Wayzata, a Minnesota municipal corporation, on
behalf of the corporation.

Notary Public

Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center, a Minnesota non-profit organization

By: _____
Its President

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, the _____ of the Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center, a Minnesota non-profit organization, on behalf of the organization.

Notary Public

THIS INSTRUMENT DRAFTED BY:

City of Wayzata
600 E. Rice Street
Wayzata, MN 55391

LIST OF EXHIBITS

- Exhibit A – Legal Description of Property
- Exhibit B – City Council Resolution No. 12-2012
- Exhibit C – City Ordinance 726
- Exhibit D – Approved Plans (PUD General Plan)
- Exhibit E – Stormwater Maintenance Agreement
- Exhibit F – Project Development Schedule

EXHIBIT A

PID and Property Legal Description

All that part of Block 62, Minnetonka Arlington Heights lying Westerly from a line drawn through said Block, parallel to and distant 135 feet Easterly from the Westerly line of said Block, Excepting therefrom a strip of land lying Northerly from a line drawn parallel to and distant 20 feet Southerly from the Northerly line of said Block, which last mentioned strip of land is excepted and reserved for the purposes of a public roadway.

PID # 06-117-22-44-0006

EXHIBIT B

City Council Resolution No. 12-2012

RESOLUTION NO. 12-2012

RESOLUTION APPROVING AN APPLICATION BY THE WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING CENTER FOR A NEW PLANNED UNIT DEVELOPMENT AND RELATED APPROVALS AT 456 ARLINGTON CIRCLE, 1000 EASTMAN LANE, 1100 EASTMAN LANE, 1200 EASTMAN LANE, AND 1400 EASTMAN LANE

BE IT RESOLVED by the City Council of Wayzata, Minnesota as follows:

Section 1. BACKGROUND

1.1 Development Application. The Wayzata Yacht Club and Wayzata Community Sailing Center (collectively, the “Applicant”) have submitted a two related applications (the “Application”) for approval of a joint Concept and General Plan PUD pursuant to Section 33 of the Wayzata Zoning Ordinance (the “PUD” or the “Project”); deviations from applicable standards for non-residential PUD District projects that include residentially zoned properties to implement the master plan (the “Deviations”); rezoning to a PUD District for the PUD (the “Rezoning”); a Comprehensive Plan map amendment to reguide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private (the “Comprehensive Plan Amendment”, addressed through separate Resolution 25-2012); a Shoreland Conditional Use Permit (the “Shoreland CUP”); a Floodplain Conditional Use Permit (the “Floodplain CUP”); and site plan review (the “Site Plan”). The Application is based on a master planning process undertaken by the Applicant that included a community design charrette in June of 2010. The Application covers the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane (collectively, the Property”). Attachment A includes the following documents associated with the requests in the Application and the components of the Project:

- a. Site Plan, Details Sheets 1-5, dated March 2012
- b. Make Ready Area (Dolly) Screening Sketch, dated March 14, 2012
- c. WCSC/WYC Summer Trailer Storage Area Sketch, dated March 15, 2012
- d. Preliminary Landscape Plan Sheets 1-2, dated January 2012
- e. Preliminary Grading Plan Sheets 1-2, dated January 2012
- f. Operating Policies described on Pages 10 of the PUD Master Plan Narrative, dated January 27, 2012

1.2 Property. The property identification numbers and owners for the Property involved in the proposed PUD are as follows:

456 Arlington Circle S.	06-117-22-44-0006	Wayzata Sailing Foundation
1000 Eastman Lane	06-117-22-44-0005	Wayzata Yacht Club
1100 Eastman Lane	05-117-22-33-0003	Wayzata Yacht Club
1200 Eastman Lane	05-117-22-33-0004	Wayzata Yacht Club

1400 Eastman Lane	05-117-22-33-0001	Wayzata Yacht Club
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- 1.3 Land Use. The Property is located within the R-1 Low Density Single Family Residential District, as defined in Section 801.52 of the Wayzata Zoning Ordinance, and R-2A Single Family Residential District, as defined in Section 801.53 of the Wayzata Zoning Ordinance, and the Bluff District of the Design Standards, as defined in Section 801.09 of the Wayzata Zoning Ordinance. All of the Property is guided for Semi-Public/Private Use in the Wayzata Comprehensive Plan, except 1200 Eastman Lane which is guided Estate Single Family.
- 1.4 Notice. Notice of a public hearing on the Development Application was published in the *Sun Sailor* on January 26, 2012. A copy of the notice was mailed to all property owners located with 350 feet of the Property on January 26, 2012. Notice of a public hearing on the original Development Application was published in the *Lakeshore Weekly* on August 2, 2011. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 4, 2011.
- 1.5 Planning Commission Action. The Planning Commission began its review of the 2011 Applicant at its August 15, 2011 meeting and held a public hearing. The Planning Commission continued discussing the first Application at its September 7th, September 19th, October 26th, and November 7th meetings. At the close of these meetings, the Planning Commission recommended denial of certain components of the first Application, and approval of others. The City Council asked the Applicant to withdraw certain components of its first application related to a new Semi-public/Private PUD Zoning District and resubmit those requests as part of a second Application. The Planning Commission began its review of the second Application on February 6, 2012 and held a public hearing, before continuing discussion to February 27, 2012. At the February 27, 2012 meeting, after holding a public hearing, the Planning Commission reviewed and adopted a Planning Commission Report and Recommendation on the Concept and General Plan PUD, the individual Deviations requests, and the Rezoning from R-1 and R-2A to PUD, recommending approval to the City Council with conditions.

Section 2. STANDARDS

2.1 Planned Unit Development – General Standards – 801.33.1

Purpose. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

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

2.2 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
 - 1. Health Safety and Welfare. The Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
 - 2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 - 3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.

4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.
6. Common Space. The proposed PUD must provide common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD.
7. Common Space Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
8. 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.
9. Density. The proposed PUD must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
10. Utilities. All utilities associated with proposed PUD must be installed underground.
11. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.

12. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
13. Landscaping. All landscaping associated with the proposed 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.
14. 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.
15. 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.

2.3 Concept Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof. Should concept approval be granted for a PUD project, this approval in no way shall bind the City to subsequent approval of a General Plan of Development.

2.4 Non-residential PUD District Projects that include Residentially Zoned Properties. Section 801.33.4.A.6 of the Wayzata City Code provides that for non-residential PUD District projects that include residentially zoned properties, the normal

standards of either the C-1, C-2, C-3, C-4, C-4A, C-4B, INS, RD and BW zoning classifications shall apply to each project, excepting usage standards, unless the Council determines that another standard is (i) more appropriate, (ii) reasonable and consistent with the overall purpose and intent of the PUD ordinance, and (iii) will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

- 2.5 Site Plan Review. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. City Code Section 801.22.3.
- 2.6 Shoreland Conditional Use Permit (CUP). Except for certain situations not applicable to the Project, Section 801.91.19 of the Zoning Ordinance requires landowners or developers developing land in the Shoreland District to first submit a conditional use permit application in accordance with Section 801.04 (CUPs) and a Shoreland Impact Plan in accordance with Section 801.91.19A. The purpose of the Shoreland Impact Plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation. All conditional use permits for consideration under Section 801.91.19 are subject to the following stipulations:
1. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
 2. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards, and microsilts basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.
 3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
 4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof

materials minimize the appearance and blend the structure into the shoreland and vegetation.

5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of the Zoning Ordinance.
7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in the Zoning 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.

The Shoreland Conditional Use Permits are regulated by Section 801.04.2.F which requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.

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

2.7 Floodplain Conditional Use Permit. Under Section 801.93, the placement of fill or structures in the Floodway is permitted in the Floodplain Districts as a conditional use. Conditional uses within the floodplain districts must meet the standards outlined in Section 801.04, in addition to any applicable standards in Section 801.93.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata's Zoning Ordinance, and the Comprehensive Plan, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Report and Recommendation of the Planning Commission):

PUD AND DEVIATIONS

3.1 Concurrent Concept and General PUD.

- A. Purpose of PUDs. The PUD Concept and General Plan conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. General Standards. The PUD Concept and General Plan, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.1 of this Report.
 - 1. Application Complete. The Development Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.

2. Ownership. All of the property to be included in the PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed General Plan PUD conforms with the applicable goals in the Comprehensive Plan.
 4. Common Space. The PUD proposed in the PUD General Plan would provide sufficient common private or public open space and facilities.
 5. Landscaping. The PUD proposed in the PUD General Plan will be according to a detailed plan approved by the City Council.
 6. Health, Safety, and Welfare. The overall effect of the PUD proposed in the PUD General Plan would not have a negative effect to the welfare of residents of the community and the surrounding area.
- C. PUD Procedure. Applicant has met the procedural requirements for review of the PUD General and Concept Plan, and has submitted all materials in connection with the Application as required and/or requested.
- 3.2 Deviations. The City Council makes the following findings on the Deviations requested as part of the Application:
- A. Proposed Lakeshore Setback for Club House Addition – Fifty Three (53) ft
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
 - B. Club House Addition Setbacks – Five (5) ft Front Yard (north) and Five (5) ft Side Yard (west)
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.

- iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- C. Sailing School – Fifteen (15) ft Front Yard Setback (Arlington Circle)
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- D. Allowance for one (1) Handicapped Stall to be placed within Ten (10) ft parking lot setback on the Wayzata Community Sailing Center property, as described in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- E. East Parking Lot Accessory Structure – Twenty (20) ft Front Yard Setback (Eastman Lane).
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- F. East Parking Lot Accessory Structure – Five (5) ft Rear Yard Setback

- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- G. East Parking Lot Setback – Five (5) ft Rear Yard Setback.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- H. Location of Parking – West Parking Lot - Parking Spaces shall be located fifteen (15) feet from the street surface of Eastman Lane, and no less than five (5) from the south property line abutting Lake Minnetonka.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- I. Proximity for Non-Residential Uses – Allow parking on the East Parking Lot more than three hundred (300) ft from the main entrance of the principal use being served for the Wayzata Yacht Club Clubhouse property.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.

- ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- J. Parking Area Construction – East Parking Lot: Crushed Granite as an allowed material, as depicted on the submitted plan set in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- K. Parking Area Construction – West Parking Lot: Crushed Granite as an allowed material, as depicted on the submitted plan set in the Application.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- L. Temporary Signage – Temporary Signage Allowance in Designated Locations.
 - i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

- M. Directional Signage – Directional Signage Allowance in Designated Locations.
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- N. East Parking Lot – Accessory Structure of no more than Six Hundred Forty Square Feet (640 SF) Allowed Without a Principal Structure.
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- O. East Parking Lot – Storage of Trailers during Wayzata Yacht Club organized Regatta events for no longer than seventy two (72) hours after a Regatta event, and not more than fifteen (15) WYC/WCSC Trailer Storage within Front and Rear Yard, only in designated locations during the sailing season, as described in the Site Plan and WCSC/WYC Summer Trailer Storage Area Sketch in the Application (Attachment A).
- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
 - ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
 - iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.
- P. West Parking Lot and Sailing School Property – Sailing School Boat Storage in the Front Yard, Side and Rear Yard of the 456 Arlington Circle

Property with proper screening from adjacent properties and the right of way, as depicted on the Site Plan, Landscape Plan, Make Ready Area (Dolly) Screening Sketch (Attachment A) and Year Round Storage in the western portion of the West Parking with proper screening from adjacent properties and right of way, as depicted on the Site Plan and Landscape Plan (Attachment A).

- i. The above standard proposed in the PUD General Plan is appropriate for the type of lake shore recreational, social and educational uses associated with the Project.
- ii. The above standard proposed in the PUD General Plan is reasonable and consistent with the overall purpose and intent of the PUD ordinance.
- iii. The above standard proposed in the PUD General Plan will not have a negative impact on the general health, safety and welfare of the community and the surrounding area.

SITE PLAN

3.3 Site Plan Review.

- A. With the exception of the Deviations noted elsewhere in this Resolution, the Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

SHORELAND CUP

3.4 Shoreland Conditional Use Permit.

- A. Granting the Shoreland CUP does not contravene any specific policies and provisions of the official City Comprehensive Plan.
- B. The Proposed Use conforms with present and future land uses in the area. The Applicant has applied for a Comprehensive Plan Amendment to reguide the property at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private. If the Comprehensive Plan Amendment is approved, the Proposed Use would conform with the Semi-Public/Private guidance.
- C. Granting the Shoreland CUP will not affect performance standards contained in the Zoning Ordinance.
- D. Granting the Shoreland CUP will not have a negative effect on the area it is proposed.
- E. Granting the Shoreland CUP will not have a significant impact upon

property value in the area in the adjacent Residential and Commercial Districts.

- F. Granting the Shoreland CUP, in and of itself, will not generate traffic that would have a negative impact on the surrounding area. This finding is independent of any other requests that are a part of the Application, which may have an impact on traffic.
- G. Granting the Shoreland CUP will not have a negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- H. The Project complies with, and as a condition of approval, will continue to comply with, the stipulations of 801.91.19.C.

FLOODPLAIN CUP

3.5 Floodplain Conditional Use Permit.

- A. Granting the Floodplain CUP does not contravene any specific policies and provisions of the official City Comprehensive Plan.
- B. The Proposed Use conforms with present and future land uses in the area. The Applicant has applied for a Comprehensive Plan Amendment to regrade the property at 1200 Eastman Lane from Estate Single Family to Semi-Public/Private. If the Comprehensive Plan Amendment is approved, the Proposed Use would conform with the Semi-Public/Private guidance.
- C. Granting the Floodplain CUP will not affect performance standards contained in the Zoning Ordinance.
- D. Granting the Floodplain CUP will not have a negative effect on the area it is proposed.
- E. Granting the Floodplain CUP will not have a significant impact upon property value in the area in the adjacent Residential and Commercial Districts.
- F. Granting the Floodplain CUP, in and of itself, will not generate traffic that would have a negative impact on the surrounding area. This finding is independent of any other requests that are a part of the Application, which may have an impact on traffic.
- G. Granting the Floodplain CUP will not have a negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings in Section 3 of this Resolution, the request for approval of the Concurrent Concept and General Plan requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the following conditions and other standards contained in the PUD General Plan (failure to comply with any one of these conditions and other standards contained in the PUD General Plan may result in the revocation of the approvals):
- A. A Project and Development Agreement, in a form acceptable to the City Attorney, is entered into between the Applicant and the City to address matters related to the Project, including, but not limited to:
 - 1. Project Performance and Development Timeline
 - 2. Stormwater Facilities Maintenance
 - 3. Conditions of approval and PUD standards outlined in this Resolution
 - B. The Applicant shall record the Development Agreement with the appropriate officials at Hennepin County.
 - C. The Applicant must enter into a stormwater maintenance agreement with the City that will cover design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.
 - D. That all expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred be fully reimbursed by the Applicant.
 - E. The Applicant must coordinate the implementation of the shoreland impact plan and the stormwater management techniques set forth in the Application with the Public Service Director, Utilities Superintendent and the City Engineer.
 - F. The Applicant must secure all necessary building permits and secure any other approvals required by City Code Section 801.91.19.C.
 - G. The Applicant must coordinate the implementation of the landscaping plan with the appropriate City Staff, including the City Forestry Department.
 - H. Upon installation of the rain gardens and other stormwater management systems, the Applicant must pay for an annual inspection of the systems by a qualified professional selected by the City or mutually agreed upon by the Applicant and the City in perpetuity as defined in the stormwater maintenance agreement defined in Section 4.1.C of this Resolution.

- I. Subject to the approved footprints of the structures, and the design standards contained in the Site Plan Sheet 3 and Sheet 4, and the standards contained in the Landscape Plan (Attachment A), approved as part of the PUD, the Applicant must submit applications for and receive approval of Project Design for any structure associated with the PUD Master Plan, under Section 9 of the Wayzata Zoning Ordinance, prior to submission of any building permit application. The materials utilized for the structures shall be of a high quality.
- J. The uses within the PUD District shall be limited as follows:
 1. A semi-public/private yacht club and a semi-public/private community sailing center.
 2. Accessory uses related to a semi-public/private yacht club and semi-public/private community sailing center operations, education, security, activities, and functions.
 3. Land uses that are related to semi-public/private yacht club and semi-public/private community sailing center uses, with the exception of commercial marina activities.
 4. Social functions involving members and their guests related to the operations of a semi-public/private yacht club and semi-public/private community sailing center.
 5. Limited rentals of sailboats owned and operated by the Wayzata Yacht Club to not more than two (2) promotional sailboat charters per year.
 6. Storage in designated, specified, and screened areas in the Plan Sets included in Attachment A and limited as follows:
 - a. Storage shall be limited to small Lake Minnetonka Conservation District (LMCD)-defined unrestricted water craft and related trailers.
 - b. The storage building as defined on the Master Plan in the Application.
 - c. Storage on the East Parking Lot shall be limited to only storage of trailers during Applicant-sponsored Regatta events for no longer than seventy two (72) hours after the Regatta event, with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan in Attachment A. Storage of Wayzata Yacht Club and Wayzata Community Sailing Center trailers to the west of the proposed storage building on the East Parking Lot shall be limited to not more than fifteen (15) trailers, and during the sailing season (summer) only with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan and WCSC/WYC Summer Trailer Storage Area Sketch

in Attachment A. The required screening shall be installed by the Applicant and approved by City Staff prior to the storage of any trailers on the East Parking Lot.

- d. Storage on 456 Arlington Circle Property shall be limited to storage for sailing boats owned and operated by the Wayzata Community Sailing Center for sailing school use within the front (north), side and rear yard of the 456 Arlington Circle Property. The Applicant shall endeavor to store as many sailing school boats within the proposed new sailing school structure as feasible. Front Yard storage of "make ready" Wayzata Community Sailing School owned boats shall be only for the sailing season (summer) with required screening from adjacent properties and the right of way as depicted on the Applicant's landscape plan and Make Ready Area (Dolly) Screening Sketch in Attachment A. The required screening shall be installed by the Applicant and approved by City Staff prior to the storage of any boats in the front yard of the 456 Arlington Circle Property.
- e. Sailing boats may be stored on a year-round basis in the western portion of West Parking lot, as depicted in the Site Plan included in Attachment A as "Existing Children Small Boat Storage", provided that they are owned and operated exclusively by the Wayzata Community Sailing Center, in addition to seventy two (72) hour storage of boats for launching and recover per City Code.

- 7. The following uses are expressly prohibited within the PUD:
 - a. Event center use, such as weddings, graduations, and similar activities, where space or facilities are leased out to non-members or non-affiliates with either organization for payment.
 - b. Charter boat cruises or related uses, as defined by the Lake Minnetonka Conservation District (LMCD).
 - c. The sale of off-sale liquor.
 - d. The sale or distribution of petroleum products.
 - e. Boat storage in the East Parking Lot.

K. The Applicant and all future property owners shall be limited to one hundred eighty six (186) slips and buoys total within the PUD District. The Applicant shall not apply for, and the Lake Minnetonka Conservation District (LMCD) shall not approve, any additional slips and buoys for the Applicant on the Property in excess of 186. Any approved slips and buoys in excess of 186 shall void the approvals granted in this Resolution.

L. The Applicant or future owner of the Property shall not place any slides north of the bridge spanning the lagoon between 456 Arlington Circle

(Wayzata Community Sailing Center) and 1000 Eastman Lane (West Parking Lot).

- M. Prior to the issuance of any building permits for the Property, the final Site Plan shall be subject to review and approval by Staff to ensure the Site Plan and its elements conform with the approved PUD Plan.
- N. The Applicant shall comply with the following comments from Staff:
 - i. Submittal of final drawings and plans signed by a Licensed Engineer or Surveyor.
 - ii. Conform with all requirements of the State Fire Code.
 - iii. Conform with all requirements of the Wayzata Tree Ordinance.
- O. The Applicant shall submit the necessary materials for Final Plan PUD approval for review by Staff as required under Section 801.33.7. The Applicant shall submit a Final Plan PUD Development Plan Set and other revised documents that contain the conditions of approval and approved deviations included in this Resolution for review and approval by Staff and the City Council as part of the required Development Agreement. Such revised Plan Set and the Development Agreement shall be the governing documents of this PUD.
- P. The WYC and WCSC shall be operated as non-motorized sail boat racing and sailing school organizations, respectively, in accordance with each organization's governing documents. The use and rental of slips and buoys shall be governed by the standards contained in Attachment B ("PUD Standard on Rental and Use of Boat Slips and Buoys for Powerboats").
- Q. The quiet hours for the Property shall be 10:00pm to 8:00am as described in the Operating Policies contained in Attachment A.
- R. The Applicant and any successors shall comply with all City and State liquor laws.
- S. The island (defined as "LMCD Site 3" on the Site Plan in Attachment A) may only be used by Wayzata Yacht Club and Wayzata Community Sailing Center members as it is currently being used, with storage limited to prams, optimists, or similar type boats for youth sailing activities on racks as currently being stored. Boat storage on the island shall only be permitted during the sailing season, and shall not be allowed during the winter or non-sailing season. No other type of boats shall be stored on the island other than the above permitted boats related to youth sailing activities.

- T. The length and width of slips within the PUD District shall not exceed the size authorized by the Lake Minnetonka Conservation District (LMCD) (presently the August 2009 approval). The Applicant may request approval from the LMCD for modifications in boat slip length and configuration under the following process:
- i. The Applicant shall inform the City in writing and the City Council at a regular City Council meeting of their intent to request a modification to existing slip length or configuration from the LMCD.
 - ii. The City Council shall review the request and provide their comments on the request, which shall be documented in a formal letter from the City.
 - iii. The Applicant shall include the City's comment letter as part of their application materials to the LMCD.
- U. The Revision to the Master Plan Narrative dated January 27, 2012 as submitted by the Applicant, attached as Attachment C replaces all earlier version of the Applicant's Master Plan Narrative, which are considered null and void. The approvals granted in this Resolution supersede anything to the contrary to the January 27, 2012 Master Plan Narrative.

- 4.2 Based on the Findings in Section 3 of this Resolution, the Deviations requested in the Application, and defined and described in Attachment A, are approved as follows, subject to the conditions and other PUD standards noted below (failure to comply with any one of these conditions and other standards may result in the revocation of the approvals):
- A. Proposed Lakeshore Setback for Club House Addition – Fifty Three (53) ft: **APPROVED**
 - B. Club House Addition Setbacks – Five (5) ft Front Yard (north) and Five (5) ft Side Yard (west): **APPROVED**
 - C. Sailing School – Fifteen (15) ft Front Yard Setback (Arlington Circle): **APPROVED**
 - D. Allowance for one (1) Handicapped Stall to be placed within Ten (10) ft parking lot setback: **APPROVED**
 - E. East Parking Lot Accessory Structure – Twenty (20) ft Front Yard Setback (Eastman Lane): **APPROVED**
 - F. East Parking Lot Accessory Structure – Five (5) ft Rear Yard Setback: **APPROVED**
 - G. East Parking Lot Setback – Five (5) ft Rear Yard Setback: **APPROVED**

- H. Amount of Compact Cars – Thirty Four Percent (34%) May Be Marked for Compact Cars Only: **DENIED**.
- I. Location of Parking – Allow Parking Spaces fifteen (15) feet from the street surface of Eastman Lane, and no less than five (5) from the south property line abutting Lake Minnetonka. : **APPROVED**
- J. Proximity for Non-Residential Uses – Allow parking on the East Parking Lot more than three hundred (300) ft from the main entrance of the principal use being served: **APPROVED**
- K. Parking Area Construction – East Parking Lot: Crushed Granite as an allowed material **APPROVED**, subject to the following condition:
 - i. The installation of the crushed granite and required parking lot striping shall be subject to the review, modification, and approval of the City Engineer.
- L. Parking Area Construction – West Parking Lot: Crushed Granite as an allowed material **APPROVED**, subject to the following condition:
 - i. The installation of the crushed granite and required parking lot striping shall be subject to the review, modification, and approval of the City Engineer.
- M. Temporary Signage – Temporary Signage Allowance in Designated Locations **APPROVED**, with the modification that temporary “No Parking” neighborhood signage is allowed to remain in place during the sailing season, and subject to the following condition:
 - i. The installation of temporary signage shall require sign permit approval by City Staff.
- N. Directional Signage – Directional Signage Allowance in Designated Locations **APPROVED**, subject to the following condition:
 - i. The installation of temporary signage shall require sign permit approval by City Staff.
- O. East Parking Lot – Accessory Structure Allowed Without a Principal Structure: **APPROVED**, subject to the following conditions:
 - i. The Applicant shall submit a subsequent application for formal design review of the proposed accessory structure for review and approval by the Planning Commission and City Council.
 - ii. The proposed accessory structure shall not block the view field of adjacent residential properties.

- iii. The proposed accessory structure shall not exceed six hundred forty square feet (640 SF) as described in the Application, and shall be of high quality materials.
 - P. East Parking Lot – Storage of Trailers during Wayzata Yacht Club organized Regatta events for no longer than seventy two (72) hours after a Regatta event for Regatta related parking, and not more than fifteen (15) WYC/WCSC Trailer Storage within Front and Rear Yard only in designated locations during the sailing season, as described in the WCSC/WYC Summer Trailer Storage Area Sketch (Attachment A): **APPROVED**.
 - Q. West Parking Lot and Sailing School Property – Sailing School Boat Storage in the Front, Side and Rear Yard of the 456 Arlington Circle Property with proper screening from adjacent properties and the right of way, as depicted on the Landscape Plan (included in Attachment A) and Year Round Storage in the western portion of the West Parking with proper screening from adjacent properties and right of way, as depicted on the Site Plan, Landscape Plan, Make Ready Area (Dolly) Screening Sketch (included in Attachment A): **APPROVED** subject to the following:
 - i. Storage on 456 Arlington Circle Property shall be limited to storage for sailing boats owned and operated by the Wayzata Community Sailing Center for sailing school use within the front (north), side and rear yard of the 456 Arlington Circle Property. The Applicant shall endeavor to store as many sailing school boats within the proposed new sailing school structure as feasible. Front Yard storage of “make ready” Wayzata Community Sailing School owned boats shall be only for the sailing season (summer) with required screening from adjacent properties and the right of way as depicted on the Applicant’s Landscape Plan and Make Ready Area (Dolly) Screening Sketch included in Attachment A. The required screening shall be installed the Applicant and approved by City Staff prior to the storage of any trailers on the 456 Arlington Circle Property.
- 4.3 Based on the Findings in Section 3 of this Resolution, the request for approval of the Site Plan requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.
- 4.4 Based on the Findings in Section 3 of this Resolution, the request for approval of the Shoreland CUP requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.

- 4.5 Based on the Findings in Section 3 of this Resolution, the Floodplain CUP requested in the Application, and defined and described in Attachment A, is **APPROVED**, subject to all of the conditions in Section 4.1 of this Resolution.

Adopted by the Wayzata City Council this 17th day of July, 2012.



Mayor Ken Willcox

ATTEST:



City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Mullin

Seconded by: Amdal

Voted in favor of: Amdal, Bader, Mullin, Tanner, Willcox

Voted against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 17, 2012.



Becky Malone, Deputy City Clerk
SEAL

Attachment A

WYC/WCSC Plan Sets



Allowed and Prohibited Land Uses:

Allowed Land Uses:
A semi-public/private yacht club, and a semi-public/private community sailing center and including all of the following land uses and accessory land uses:.

- Accessory uses related to a semi-public private yacht club and semi-public private community sailing center operations, education, security, activities, and findings.

- Land uses that are related to semi-public/private yacht club and semi-public/private community sailing center uses;

- Social functions related to the operations of a semi-public/private yacht club and semi-public/private community sailing center;

- Limited rentals of sailboats owned and operated by the Wayzata Yacht Club to not more than 2 promotional charters times per year, and

- **Storage:**
 - In enclosed buildings shown on the Master Plan, and

- Outdoor storage in PUD Master designated areas, screen areas as specified in the Landscape Plan as follows:

- Small Lake Minnetonka Conservation District (LMCD)-defined unrestricted water craft and related trailers.

- Community sailing center teaching boats, trailers, equipment and similar devices

- Boat storage, boat launching and recover operations as allowed and controlled by City Code 801.20.8.A. and

- Short term emergency boat storage, Prohibited 1 and 11 uses.*

- Event center use, where space or facilities are leased to third party for payment.

- Charter boat cruises or related uses as defined by the Lake Minnesota Conservation District (LMCD).

- The sale of off-sale liquor;
- The sale or distribution of petroleum products and

- Boat storage in the East Parking Lot.

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On Site Parking Spaces	
Full Size	230 81%
Compact	54 19%
Total	284

West Parking Lot, WCSC, Club Trunaround
East Parking Lot
Total

Zoning Standards of the PUD Zoning District shall be those as depicted in the PUD Master Plan dated March 2012 Including: 1) Site Plan; Details Sheet 1, Site Plan; Details Sheet 2, Site Plan; Details Sheet 3, Site Plan; Building Elevations/Perspectives Sheet 4 and Site Plan; Sign Plan and Operating Standards Sheet 5; Preliminary Grading Plan Sheet 1 and Sheet 2; Preliminary Landscape Plan Sheet 1 and Sheet 2.

WYC WCSC MASTER PLAN

SITE PLAN: Details

CHARRETTE JUNE 18-19, 2010

CHARTERED SCHOOL BOARD 10-13, 2010 with Planning Commission & City Council Changes



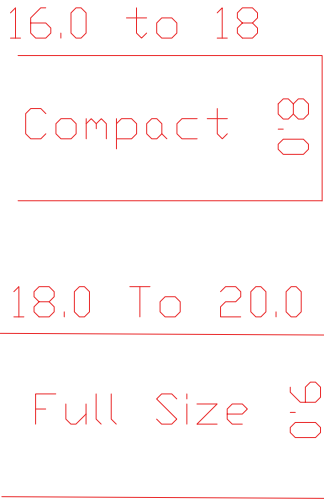
WYC WCSC MASTER PLAN
SITE PLAN: Details
CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes

Sheet 2
MPD
March, 2012

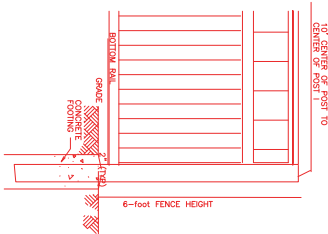
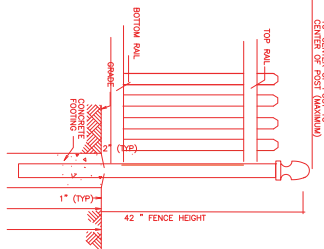
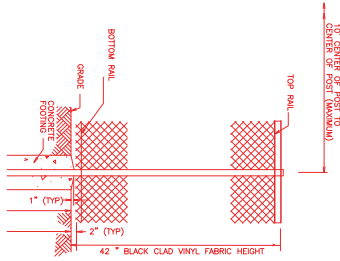
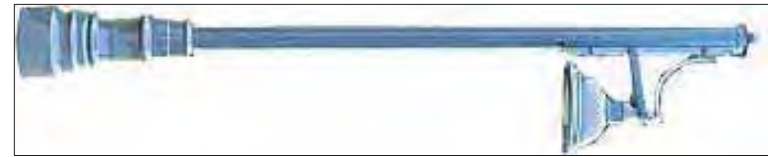
TYPICAL DARK SKIES LIGHTING, NAUTICAL FLAG POLE and BICYCLE STAND



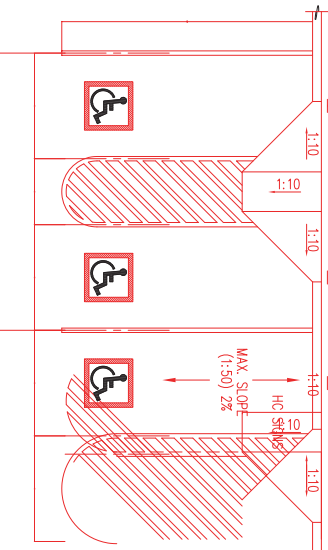
TYPICAL STRIPED PARKING SPACE DETAIL



TYPICAL FENCE DETAILS



Typical nonsaluable striped granite parking lot



EAST PARKING LOT CROSS SECTION BOARDWALK



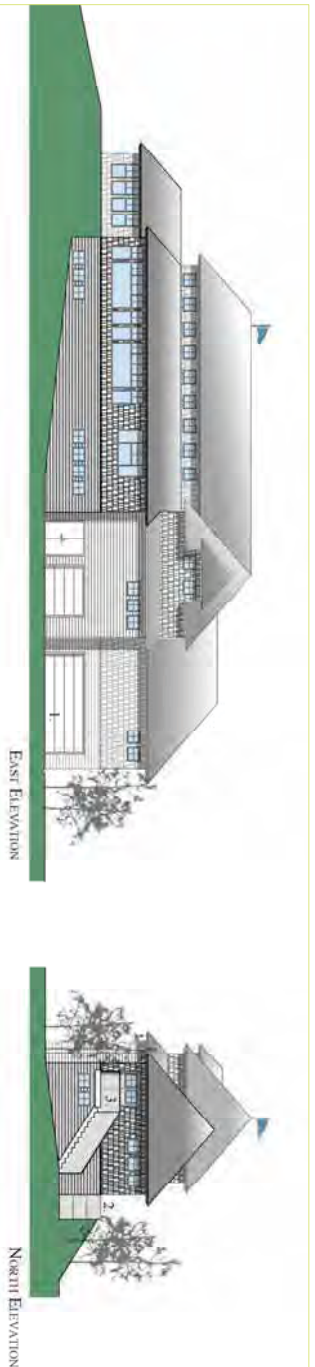
TYPICAL BIO-SWALE



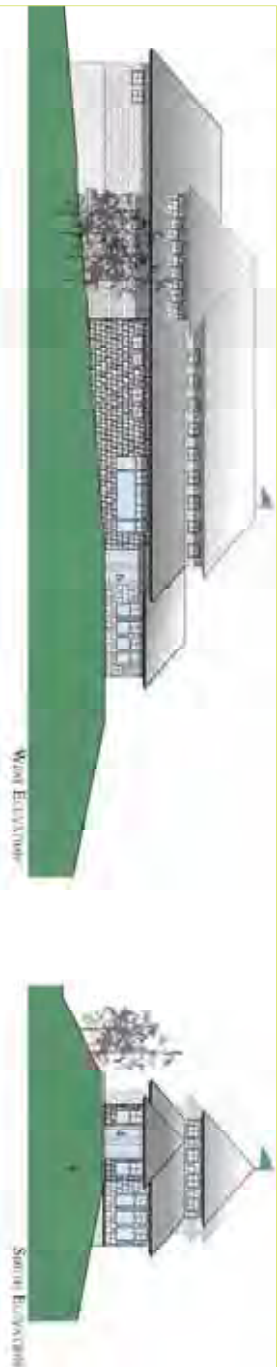
TYPICAL HC PARKING SPACE DETAIL

WYC WCSC MASTER PLAN

SITE PLAN: Details
CHARRETTE JUNE 18-19, 2010
with Planning Commission & City Council Changes



TYPICAL SAILING CENTER BUILDING



TYPICAL BUILDING MATERIAL LIST:

- Asphalt shingles to match Club House or similar;
- Lap 6 inch wood, wood shingles or similar to match Club House;
- Detail Material: Premium grade wood trim with mitered outside corners.
- Parapets: premium grade wood.
- Residential character custom windows with transparent glass;
- Window boxes or similar all elevations;
- Vines on wall with more than 100 square feet of uninterrupted surface;
- Block or poured concrete foundation flood proofed if not located 3 feet above OHWL and 2 feet above 931.1 feet.



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**TYPICAL ONE STORY EAST
PARKING LOT STORAGE BUILDING**



**TYPICAL ONE STORY ADDITION
TO CLUB HOUSE BUILDING**



WYC WCSC MASTER PLAN

**Site Plan: Building
Elevations/Perspectives**

MPD, SAILING CENTER March, 2012

Sheet 4

Typical Temporary Signs Displayed During Regattas or Similar Occasions in the Club House Area



Zoning District General Operating Policies:

For the purposes of the zoning district, the following general operating policies are made part of this PUD Zoning District:

Noble policies:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce policies to reduce noise in the neighborhood.

Parking policies:

1. Within City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and guest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street.
 2. WCSC will have left parking with WYC.
 3. No parking will be allowed on Arlington Circle.
 4. Except for handicapped drop off, WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.
- Crane Use Policies:**
1. Except in an emergency, the crane operation hours are down to dusk.
 2. Crane boom shall be stored pointed directly north.
- Public Amenities:**
- Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules

Typical Directional Signs Used to Control Traffic, Parking, or Transmit Club or Sailing Center Policy

Typical West Parking Lot Directional and Policy Signs:



Typical Sailing Center Directional and Policy Signs:



Typical East Turn Around & Club House Entrance Area Directional and Policy Signs:



Typical East Parking Lot Directional and Policy Signs:



Typical Identification Ground or Monument Signs with in Character with Building:



Located in the "turn around island" east of the club House, Indirect illumination



Located at the entrance to each parking lot, on the bridge from the sailing center, and on the gate adjacent to the public boat launch

Sailing Center ID Sign similar to WYC

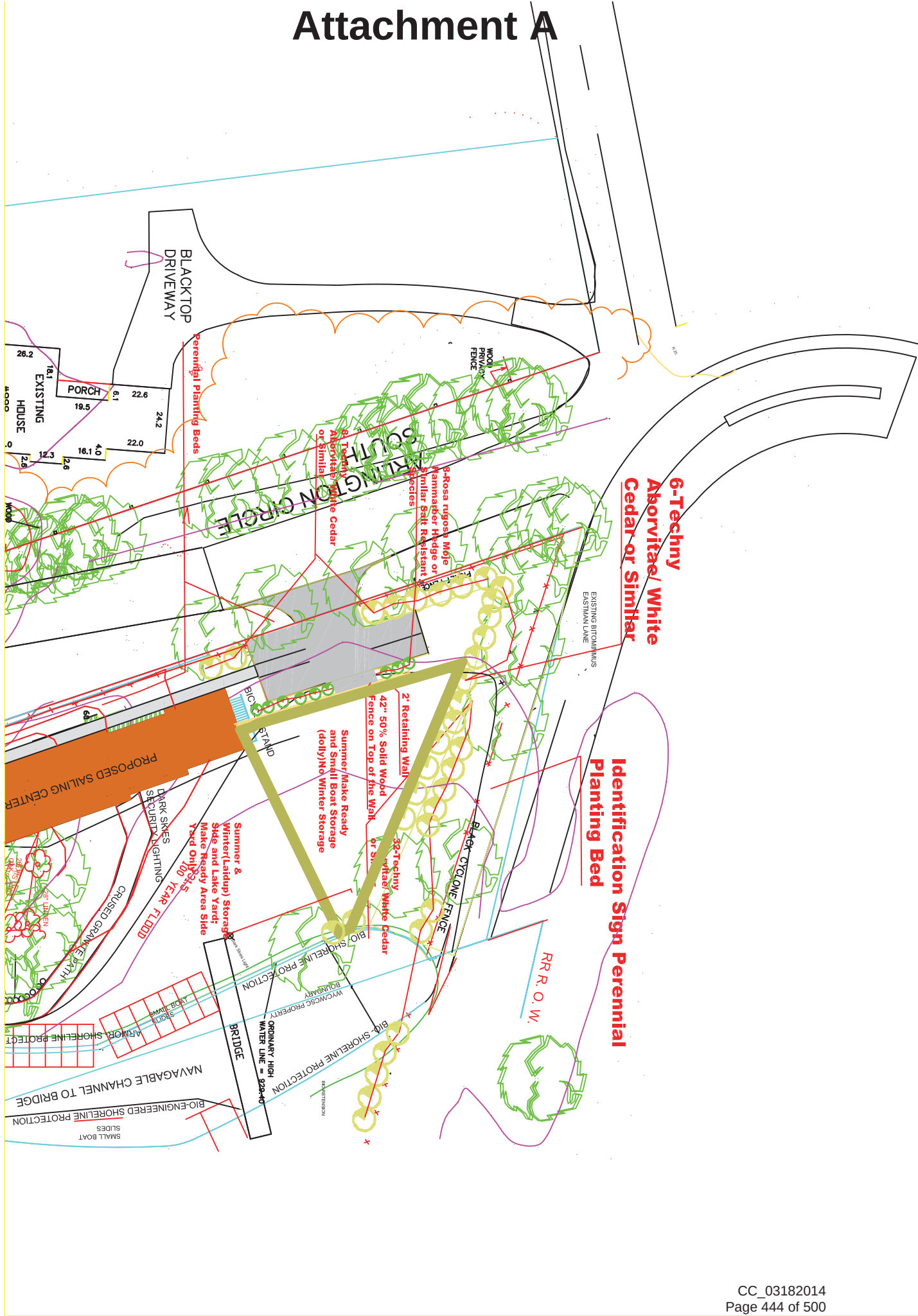
Location centered along Eastman Lane on Sailing Center Property

- Standards of Section 27, Signs shall govern the size and placement of signs. Provided however that the following exceptions shall occur:
- Temporary Banners will be governed by the Section 27.05 N and this Plan in designated areas only and shall not require City Council approval.
 - Parking Lot Directional Signs shall be governed by this plan, provide however that such signs shall not be more than square feet in area.
 - Identification signs shall be placed in the entrance to each parking area and other designated locations shall be no larger than 4 square feet in area each.
 - One Identification ground or monument sign for sailing center and one Identification ground or monument sign for the yacht club shall be allowed in designated areas and shall not each be more than 9 square feet in area each.
 - All other requirements of Section 27 as it applies to a low density residential zoning district shall apply.
 - Final sign Plan subject to staff approval.
 - WYC no parking neighborhood signs shall be placed on public residential streets during the sailing season

WYC WCSC MASTER PLAN

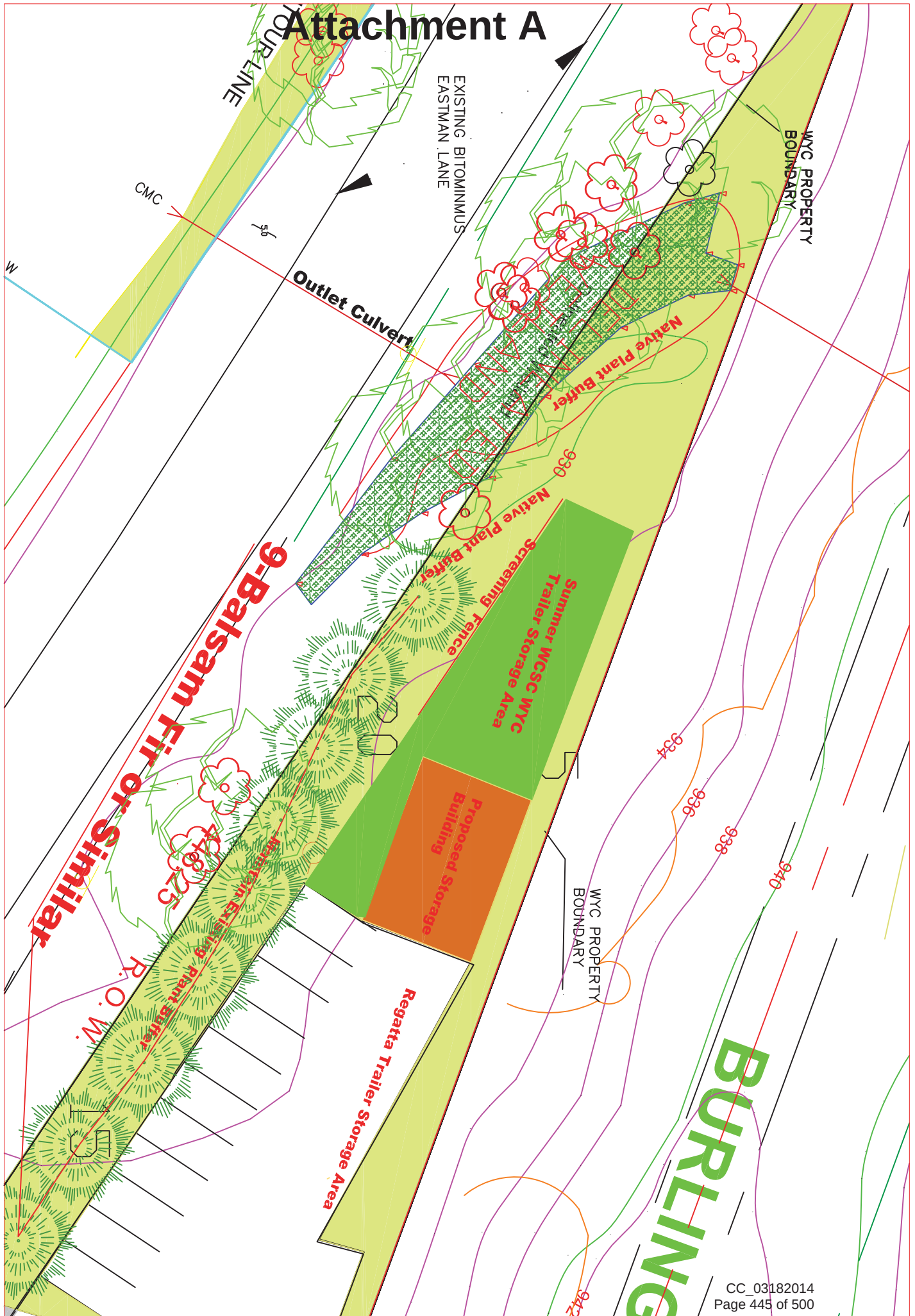
Site Plan: Sign Plan & Zoning District Operating Policies

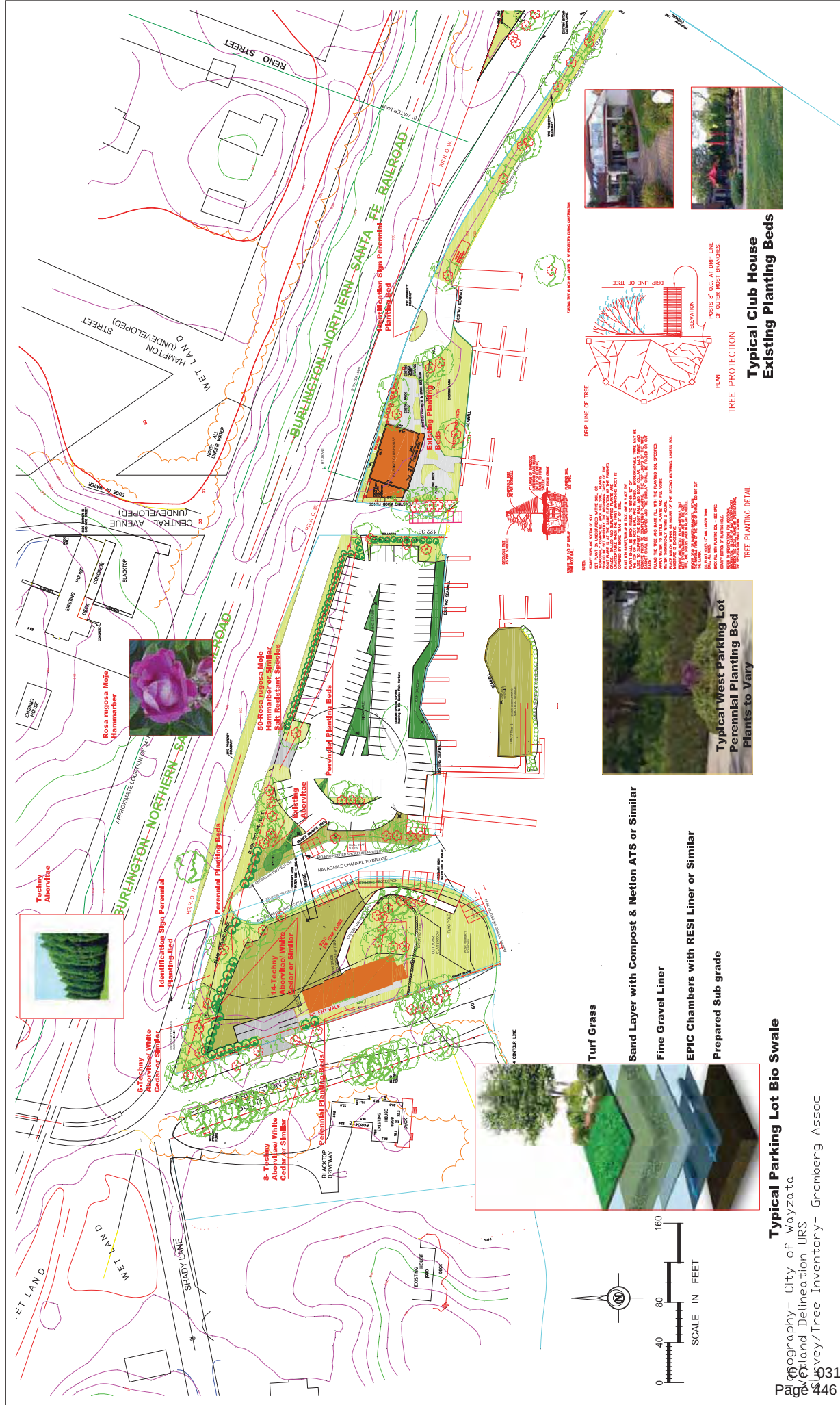
MAKE READY AREA (DOLLY) AREA
SCREENING SKETCH



Attachment A

WCSC/ WYC Summer Trailer Storage Area Sketch





WYC WCSC MASTER PLAN

Revised Preliminary Landscape Plan
Not for construction

MPD/SWB
January 2012
SHEET 1

Page 10
 Bibliography- City of Wayzata
 Overland Delineation URS
 Survey/Tree Inventory- Gronberg Assoc.



TYPICAL PLANT LIST

COMMON NAME	BOTANICAL NAME	SIZE	SPACING
EVERGREEN TREES			
Techny Aborvitae	<i>Thuja occidentalis</i>	8" B&B	8' O.C.
Canadian Hemlock	<i>Tsuga canadensis</i>	# 5 30"	25' O.C.
Balsam Fir	<i>Abies balsamea</i>	6' B&B	20' O.C.
RAIN GARDEN DECIDUOUS SHRUBS			
Rugosa rose	<i>Rosa rugosa</i> thumb.	# 5 container	4' O.C.
RAIN GARDEN DECIDUOUS SHRUBS			
Ruby Spice Clethra	<i>Clethra alnifolia</i> 'Ruby Spice'	#3 Cont.	3.5' O.C.
Red Gnome Dogwood	<i>Cornus sericea</i> 'Isanti'	#5 Cont.	4' O.C.
Isanti Dogwood	<i>Diervilla lonicera</i>	#5 Cont.	8' O.C.
Dwarf Bush Honeysuckle	<i>Viburnum dentatum</i> 'Blue Muffin'	#5 Cont.	3.5' O.C.
Blue Muffin Viburnum			4.5' O.C.
RAIN GARDEN PERENNIALS			
Joan Senior Day Lily	<i>Hemerocallis</i> 'Joan Senior'	#1 Cont.	1' O.C.
Butterfly Flower	<i>Asclepias tuberosa</i>	#1 Cont.	1' O.C.
Yarrow	<i>Achillea</i> Coronation Rose	#1 Cont.	1' O.C.
Feather Reed Grass	<i>Calamagrostis</i> Karl Forester's	#1 Cont.	1' O.C.
Purple Cone Flower	<i>Echinacea purpurea</i>	#1 Cont.	1' O.C.

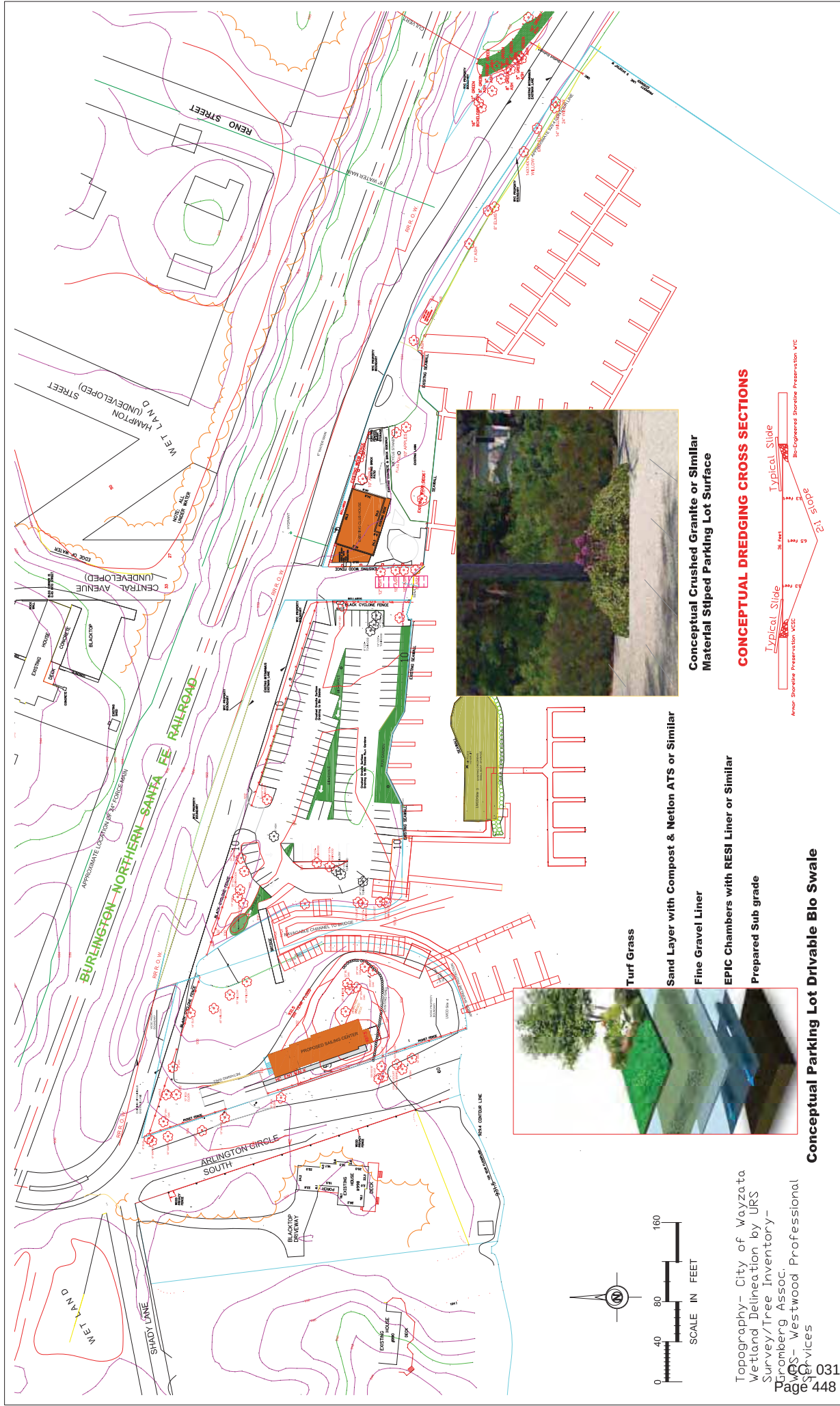
Topography- City of Wayzata
 Eriand Delineation URS
 Survey/ Tree Inventory- Gronberg Assoc.

03182014
 Page 447 of 500

WYC WCSC MASTER PLAN

Preliminary Landscape Plan
 Not for construction

MPD/SWB
 January 2012



Turf Grass

Sand Layer with Compost & Netlon ATS or Similar

Fine Gravel Liner

EPIC Chambers with RESI Liner or Similar

Prepared Sub grade

Conceptual Parking Lot Drivable Bio Swale

Conceptual Crushed Granite or Similar
Material Stiped Parking Lot Surface

CONCEPTUAL DREDGING CROSS SECTIONS

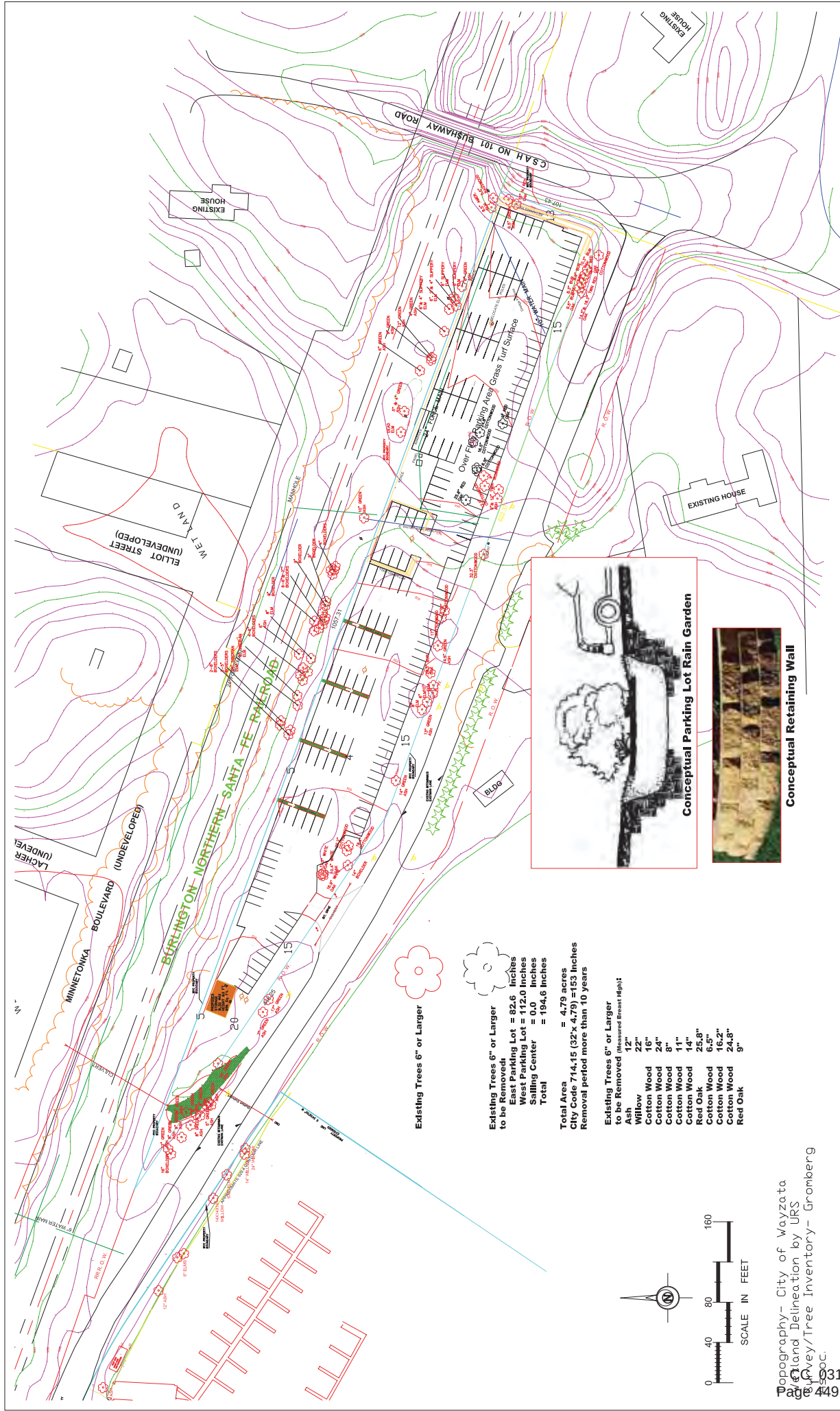


Topography- City of Wayzata
Wetland Delineation by URS
Survey/Tree Inventory-
Surrender Assoc.
WCS- Westwood Professional
Services

WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
Not for construction

MPD/WPS
January, 2012



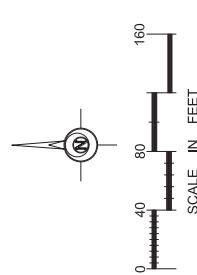
Existing Trees 6" or Larger

East Parking Lot = 82.6 Inches
West Parking Lot = 112.0 Inches
Siding Center = 60.0 Inches
Total = 194.6 Inches

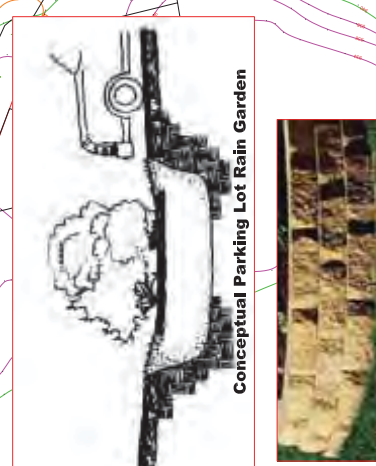
Total Area = 4.79 acres
City Code 714.15 (32"x 4.79) = 153 inches
Removal period more than 10 years

Existing Trees 6" or Larger to be Removed

Tree Type	Measured Breast High
Ash	12"
Willow	22"
Cotton Wood	16"
Cotton Wood	24"
Cotton Wood	8"
Cotton Wood	11"
Cotton Wood	14"
Red Oak	25.8"
Cotton Wood	6.5"
Cotton Wood	16.2"
Cotton Wood	24.5"
Red Oak	9"



Topography - City of Wayzata
Land Delineation by URS
Survey/Tree Inventory - Gramberg
3182014
449 of 500



WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
Not for construction sheet

MPD/WPS
January, 2012
Sheet 2

Attachment A

Noise polices:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce polices to reduce noise in the neighborhood.

Parking polices: .

1. With City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and quest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street;
2. WSCS will have joint parking with WYC;
3. No parking will be allowed on Arlington Circle;
4. WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are dawn to dusk;
2. Crane boom shall be stored pointed directly north.

Public Amenities:

Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules and those amenities shown on the master plan such as bike stands.

Storage:

Storage is limited to the areas shown on the master plan and shown in the maps provided in this narrative.

Master Plan: Site Plan:

This section of the narrative along with the attached plans describes the PUD Master Plan elements.

Attachment B

PUD Standard on Rental and Use of Boat Slips and Buoys for Non-Sailing Boats

Attachment B

PUD Standard on Rental and Use of Boat Slips and Buoys for Powerboats

Boat slips and buoys (collectively, “Boat Slips”) may not be used or rented for non-sailing motorboats (“powerboats”) except as follows:

Section 1. Less than 24 Slips

As of the 2012 sailing season, the total number of Boat Slips utilized by powerboats is twenty-three (23). Seventeen (17) Boat Slips have been rented by the Wayzata Yacht Club and the Wayzata Community Sailing Center to powerboat users for the 2012 sailing season, and six (6) Boat Slips are being used by the operational powerboats of the Wayzata Yacht Club and Wayzata Community Sailing Center. The organizations currently operate a total of twelve (12) powerboats in connection with their activities. Presently, no boat buoys are utilized for powerboat rentals. In future sailing seasons, the Wayzata Yacht Club and Wayzata Community Sailing Center may utilize up to twenty-three (23) Boat Slips for powerboats (rentals and operational powerboats combined) in any sailing season, with no additional City approval or procedural steps required.

Section 2. 24 to 43 Slips

The Wayzata Yacht Club and Wayzata Community Sailing Center may utilize twenty four (24) to forty three (43) Boat Slips for powerboats, inclusive of the Applicant’s operational powerboats, subject to the following:

- i. Rental of Boat Slips (24-43) for powerboats may only occur during a sailing season in which (a) the LMCD has formally declared low water, or (b) the Wayzata Yacht Club and/or Wayzata Community Sailing Center¹ is suffering financial hardship or need, as evidenced by an inability to fill the additional slips up to forty three (43) with their sailboat rental priority system in their organizational charter and bylaws.
- ii. Prior to the rental of any Boat Slips (24-43) to powerboats for an upcoming sailing season, the Applicant shall provide written notice to the City that it is the Applicant’s intent to utilize some of its slips for powerboats and the number it expects to be used for powerboats. With the notice, the Applicant must provide the following information:
 - Evidence of marketing efforts to sail boat users (e.g. advertisements, mailings, etc.)
 - Slip rosters indicating boat type for January and March of the sailing year
 - Documentation that the declared low water level precludes certain sail boat types from being placed in the slips
 - The organization’s annual financial report

¹ Individually and collectively, the “Applicant”

This information shall provide the factual evidence to support that one or both of the above circumstances described in Section 1(i) has occurred.

- iii. Powerboat rentals shall be for one sailing season only, and any new or renewed use and/or rental of Boat Slips for powerboats shall be reviewed annually through the process outlined herein.

Section 3. Greater than 43 Slips

In sailing seasons where the Applicant wishes to utilize more than forty three (43) Boat Slips for powerboat usage, the following process will apply:

- i. The Applicant shall make a formal written request to the City specifying the number of slips it wishes to use for powerboats and documenting, as described in Section 1 above, the declared low water, or financial hardship or need (as evidenced by an inability to fill the additional Boat Slips with sailboats through the sailboat rental priority system in their organizational charter and bylaws) that necessitates the renting or utilization of more than forty three (43) Boat Slips for powerboat usage. The formal written request must include the following information:
 - Evidence of marketing efforts to sail boat users (e.g. advertisements, mailings, etc.)
 - Slip rosters indicating boat type for January and March of the sailing year
 - Documentation that the declared low water level precludes certain sail boat types from being placed in the slips
 - The organization's annual financial report
- ii. The City Council shall promptly review any such request and within thirty (30) days of receiving the request or sooner, either (a) approve the request, or (b) approve a number of slips less than requested.
- iii. Provided that the Applicant continues to maintain its current sailboat membership and rental priority system, as outlined in the Applicant's bylaws and charter in effect as of the date of this Resolution, the City Council will generally look favorably on and not unreasonable withhold granting the Applicant's request for additional powerboat usage above forty three (43) Boat Slips, and shall make all decisions on such requests based on the following agreed upon declarations and representations:
 - a. The City is supportive of the Wayzata Yacht Club and Wayzata Community Sailing Center's mission and sailing related activities as defined in the Applicant's bylaws and charter in effect as of the date of this Resolution.
 - b. The City has strong support for sailboat-related activities, but strong concerns regarding the impacts of powerboat usage in the Wayzata Yacht Club and Wayzata Community Sailing Center, due to the

- proximity of residential neighborhoods to the Wayzata Yacht Club and Wayzata Community Sailing Center properties.
- c. The mission of the Wayzata Yacht Club and Wayzata Community Sailing Center is to remain a racing and educational sailboat operation.
 - d. The Wayzata Yacht Club and Wayzata Community Sailing Center have established policies, bylaws, and charter documents which prioritize the recruitment of active sailing members, and desire to fill their allotment of Boat Slips with sailboats over non-sailing motorboats or powerboats.
 - e. The Wayzata Yacht Club and the Wayzata Community Sailing Center actively market their Boat Slips to sailboat users rather than powerboat users.
 - f. Circumstances, such as declared low water and financial hardships may occur, which require the Wayzata Yacht Club and Wayzata Community Sailing Center to temporarily utilize some portion of their allotment of Boat Slips for powerboat rentals to remain an economically viable organization.
 - g. Within the above context and as a general rule, the City does not desire the noted circumstances of low water and economic distress to result in empty Boat Slips that would cause the Wayzata Yacht Club and the Wayzata Community Sailing Center to suffer financial harm.
- iv. Powerboat rentals shall be for one sailing season only, and any new or renewed use and/or rental of Boat Slips for powerboats shall be reviewed annually through the process outlined herein.

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Revisions to Master Plan Narrative, dated January 27, 2012

Wayzata Yacht Club
Wayzata Sailing Foundation
(Wayzata Community Sailing Center)

Revisions to Master Plan Narrative:
For Wayzata City Council

Midwest Planning & Design, LLC
January 27, 2012



January 27, 2012

Honorable Mayor and City Council
Planning Commissioners, City Manager Orsen
City of Wayzata,
600 Rice Street
Wayzata, MN 55391

RE: Application for a Zoning District Amendment

Dear Mayor, Council, Commissioners, and Manager Orsen

We are pleased to submit the attached amendment to the Zoning Ordinance along with supporting narrative and plans. The amendment is the result of the charrette held in June 2010 with neighbors, elected and appointed officials and sailing center and yacht club members along with changes requested by the City Council and Planning Commission.

Application Summary:

Over 40 people participated in the 2 day Charrette having come prepared with information provided to them in an extensive Briefing Handbook. The participants were divided into work groups with at least one professional designer participating with each group. Each group was assigned a specific task. The groups came together with the help of a professional facilitator to develop a vision statement, master plan, and operating policies. With a number of clarifications, and city requests the plan being presented here is the result of the charrette. Subsequent to the charrette, an ongoing advisory committee made up of neighbors, yacht club, sailing center, city and LMCD representatives was organized to review the submittal, applications and resolve any ongoing issues.

Submittal:

The submittal attached to this letter includes information that we previously submitted and at the City Council's request revised information that supports the City Council's request an amended application for a PUD concept and final plan, zoning district amendment, and variances:

1. Development Application:
 - a. Application for a Comprehensive Plan amendment (previously submitted),
 - b. Application for PUD concept and final approval,

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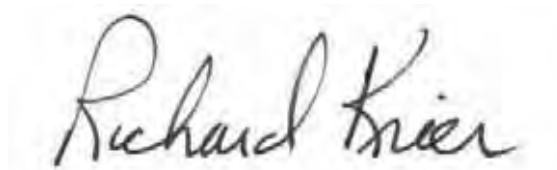
- c. Application for a PUD zoning district amendment,
 - d. Application for a Shore Impact CUP, (previously submitted),
 - e. Application for a Flood Plain CUP (previously submitted),
2. We understand that previously submitted fees and information will be used for the requested amended applications and that this information will be provided to the Planning Commission and City Council. We previously submitted:
- a. Application Fees: Zoning Text Amendment-\$315, Zoning Map Amendment- \$315, Comprehensive Plan Amendment- \$315, Plan Unit Development-\$263 for a total of \$1,208, and escrow
 - b. List of Property Owners within 350 feet
 - c. Certified Land Survey,
 - d. Tree inventory,
 - e. Briefing Handbook,
 - f. Cultural resource Inventory
 - g. EAW,
 - h. Wetland delineation and report, and
 - i. Several clarification Letters that we have previously submitted

With this amendment we are submitting:

1. A revised application
2. Revised Narrative,
3. Revised Master Plan: Site Plan,
4. Revised Master Plan Preliminary Grading Plan,
5. Revised Master Plan Preliminary Landscape Plan,

This cooperative planning effort resulted in a master plan that resolves a number of issues, provides predictability and reaches the vision statement developed by the participants at the charrette. We are deeply thankful to all those that took their valuable time to develop this cooperative plan. We look forward to this momentous effort of cooperation being review by the Planning Commission and its approval by the City Council.

Sincerely,
Midwest Planning & Design, LLC



Richard Krier, AICP
President

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Briefing Handbook	
EAW	
Phase One Cultural Resource Survey	
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Plans, Maps and Drawings:	
a. Certificate of Surveys/ Tree Inventories:	
b. Master Plan Site Plan 5 sheets	
c. Master Plan Preliminary Grading Plan 2 sheets	
d. Master Plan Preliminary Landscape Plan 2 sheets	

Acknowledgements:

All the charrette participants
Charrette Steering Committee
Neighborhood Advisory Committee
Volunteer WYC & WSCS Boards and members
City of Wayzata Planner and Engineer

Sources:

Topographic 2 foot contour intervals	City of Wayzata
Base map, Stormwater Calculations,	Gronberg and Associates
Surveys, Legal Descriptions	Gronberg and Associates
Wetland Inventory and Report	URS
Tree Inventory East Parting Lot	URS/ Gronberg and Associates
Tree Inventory West Parking Lot	Gronberg and Associates
WCSC	Gronberg and Associates
Phase One Report	West Wood Professional Services
Neighborhood Mailing List	City of Wayzata
Building Elevations	John Crump, AIA & Bruce Schmidt, AIA
Preliminary Grading Plan Assistance	West Wood Professional Services
Preliminary Landscape Plan Assistance	Sanders Wacker Bailey

Revised Master Plan Narrative:

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This revised narrative has been prepared by Midwest Planning & Design, LLC (MPD) on behalf of the Wayzata Yacht Club (WYC) and Wayzata Community Sailing Center (Wayzata Sailing Foundation)(WCSC) for the purpose of making changes as requested by the Wayzata City Council and Planning Commission. The revised narrative provides support of the application material submitted as part of the application for: 1) a comprehensive plan amendment, 2) zoning ordinance map amendment from R-2A and R-1 to a PUD zoning district, 3) combined concept and final PUD, 4) site plan approval, 5) flood plain conditional use permit, 6) shore land conditional use permit, and 7) deviations/variances from the underlying ordinance performance standards in the R-2A zoning district and R-1 zoning district for a non residential use. The original application also included a zoning text amendment that has been withdrawn.

The Wayzata Yacht Club is a separate legal entity from the Wayzata Community Sailing Center (Wayzata Sailing Foundation). They are: incorporated separately; own and manage their own properties, have separate board of directors and leadership. As such they will enter into separate related agreements implementing this PUD.

The Charrette:

Although Wayzata Yacht Club and Wayzata Community Sailing Center (Wayzata Sailing Foundation) are the applicants, the original master plan was the result of a cooperative effort by the charrette participants listed in the previous narrative that was provided to the Council and Planning Commission. The PUD master plan that is part of this application is one product created by the charrette participants. With the City's requested changes, this is their plan that they developed through very intense cooperative effort know as a charrette. Other charrette products that are not part of this application are listed later in this narrative.

A charrette is an intense participatory workshop based on the principles of teamwork, civic engagement, trust, and above all optimism. The June 18 and 19 Charrette's mission was to: *"bring together community and neighborhood leaders; the leaders of the Wayzata Yacht Club and Wayzata Community Wayzata Community Sailing Center along with key City, Lake Minnetonka Conservation District, and Minnehaha Creek Watershed District leaders and technical and design experts to create a Master Plan for the Wayzata Yacht Club, Wayzata Community Sailing Center and surrounding streets that:*

- *Resolves existing issues;*
- *Protects and enhances the Lake, Neighborhood; Wayzata Yacht Club and Wayzata Community Sailing Center as community assets;*
- *Creates a balance of neighborhood and community needs with those of the Wayzata Yacht Club and Wayzata Community Sailing Center so that all exist in harmony"*

Charrette Preparation:

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Research and Publications:

In the summer of 2009, MPD conducted forty-two (42) interviews of all then members of the City Council, Planning Commission; key City: LMCD and watershed district and DNR staff along with Wayzata Yacht Club members, Wayzata Community Sailing Center Board and a large number of neighbors. The interviews accomplished the purpose of identifying the issues and opportunities that needed to be addressed in the charrette and providing insights as to the possible points of conflict that needed to be addressed. The interviews identified growth and parking as major concern. MPD also, with the help of a number of public officials and others, completed a records search of the Wayzata Yacht Club, City, LMCD, Watershed District and historical society records related to the property and the neighborhood.

To further understand the primary issues, a parking study, and Phase One cultural resource analysis were conducted and other existing data was analyzed related to growth history, membership trends, and dock regulations and use.

We also gathered data on programs and natural resource data on the lake, topography, trees and wetlands. A summary and analysis of the interviews and the research is contained in the attached *Stakeholders Briefing Hand Book: Wayzata Yacht Club & Wayzata Community Wayzata Community Sailing Center* May 2010. Other documents attached to this narrative include: the Phase One Cultural Resource Survey, Wetland Survey, Surveys, a Tree Inventory and EAW.

A Environmental Assessment Work Sheet (EAW) was later produced at the request of the LMCD and has been made part of this application (attached).

Charrette Steering Committee:

Formal charrette preparation started in February 2010 with the first of 3 steering committee meetings. The committee was made up of neighbors, city officials WYC and WCSC leadership. The steering committee members are listed in the briefing handbook.

The committee reviewed information to be used at the charrette, organized the charrette and made a number of key decisions on who to invite as stakeholders, how to make the charrette open to all interested people and who should facilitate the charrette. They also formulated the draft mission statement and draft vision statement which was reviewed, changed and approved by the charrette participants during the charrette.

Charrette organization:

The Steering Committee invited key stakeholders, but also made the charrette open by inviting all the neighbors in the area, all City Council members and all Planning Commissioner. A list of invitations was previously provided. The committee organized the charrette into three detail stages: information gathering, small group work stations and over all participation, with an

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expected product. In addition areas were set aside for individuals or small groups to work on specific issues. The Work Stations were organized to address specific areas of concern or geographical areas. The Workstation Participants are listed as an attachment to this narrative.

The following charrette products are the only products that are part of this application:

- o **Vision Statement,**
- o **Master Plan for the for the Wayzata Community Sailing Center and Wayzata Yacht Club property;**

The following were products of the Charrette but are not part of this application:

- o Concept Plan for the adjoin public properties (This element was removed from the master plan at the request of the City Council)
- o Wayzata Community Sailing Center and Wayzata Yacht Club general operating policies developed with the neighbors,
- o Agreement to establish a WYC and WCSC advisory committee, which was later defined as two neighbors from the Old Holdridge neighborhood, one neighbor from the Shady Lane neighborhood, one neighbor from the Bushaway neighborhood, City staff member to be appointed by the City Manager, and Wayzata's LMCD Board member.
- o Agreement on how government applications and issues would be processed, which was later refined to be: Issues of substance that would affect the City, neighborhood, Wayzata Yacht Club and Wayzata Community Sailing Center would be reviewed by the advisory committee as part of the submittal process.
- o A zoning ordinance text amendment that will allow the Master Plan to be implemented was withdrawn at the request of the City Council and replaced with a proposal developed with the City Staff.

Charrette Master Plan Vision Statement:

The participants developed the following vision statement:

"We envision the Wayzata Yacht Club and Wayzata Community Sailing Center as being recognized by its community as stewards of the Lake and as an important part of the community's character that adds to the quality of life, community fabric and the image of the small town on the Lake. Our vision is of a first rate sail boat racing Wayzata Yacht Club and educational Wayzata Community Sailing Center which welcomes all members of the community in experiencing the sport of sailing. Working together, the Wayzata Yacht Club, the Wayzata Community Sailing Center and the neighbors strive to balance their needs, sharing their character and values while working in a spirit of camaraderie, cooperation, mutual respect to: maintain and enhance a sustainable Wayzata Yacht Club, Wayzata Community Sailing Center, small town character, the natural beauty and a quiet neighborhood environment."

Eastman Lane Alternative Scenarios:

There is an understanding that one of Hennepin County's scenarios for the improvement of Eastman Lane is dependent on the cooperation of the

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Wayzata Yacht Club. In March 2010, with this understanding the Wayzata Yacht Club approached the City Council to discuss scenario planning where the charrette participants would develop alternative plans related to the club's east parking area based on the preliminary plans provided by Hennepin county. During the charrette the neighborhood participants preferred to approach the issue with one alternative, by leaving the parking lot in its present location and Eastman Lane in its present location.

Applications:

Comprehensive Plan Amendment:

The Comprehensive Plan amendment application is to correct an apparent oversight, when the most recent plan was amended. The Wayzata Community Sailing Center, Wayzata Yacht Club, Wayzata Yacht Club's east parking lot and Wayzata Yacht Club's west parking lot are all designated Semi Public Private land use in the Comprehensive Plan. The strip of land where the Wayzata Yacht Club began in 1964 and which is governed by the 1974 and 1976 conditional use permit entitling the Wayzata Yacht Club to use land is designated Estate Single Family in the Comprehensive Plan. The Wayzata Yacht Club is requesting that this oversight be corrected by designating the land as Semi Public/ Private in the Comprehensive Plan. The following air photo illustrates the comprehensive plan amendment (lot 2):



Shoreland Conditional Use Permit:

The proposed improvements are within the Shoreland Overlay District ("S") and are subject to Section 801.91 of the City Code. An analysis of the conditions contained in the City Code for issuing a Shoreland Impact Conditional Use Permit concluded that all the conditions have been met, with the exception that the small addition to the "club house" is less than 75 feet from the Ordinary High Water Level. This addition is 53 feet from the OHWL. The Planning

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Commission previously recommended to the City Council that the Council approve this CUP.

Zoning Ordinance Text Amendment:

This application was withdrawn by WYC and WCSC in a Letter to Bryan Gadow on January 12, 2012

Zoning Ordinance Map Amendment:

A legal description of the proposed PUD zoning district is included in this revised Narrative. The charrette participants created a Master Plan that includes the Wayzata Yacht Club, Wayzata Community Sailing Center property and the surrounding streets (Eastman Lane and Arlington Circle South Fire Lane, Central Avenue Public Boat Launch). Although these public uses are an integral part of the area, the City Council requested that the master plan and PUD zoning district include only the property owned by the Wayzata Community Sailing Center and Wayzata Yacht Club. The public spaces have been removed from this application.

PUD Master Plan (Concept and Final PUD:

Slips and Buoys:

WYC and WCSC are agreeing to limit the number of slips and buoys to 189. The current number of slips and buoys is 183. With the number of small boat educational slides provided and under LMCD rules, WYC and WCSC could have up to 206 slips and buoys. This limit to WYC WCSC potential growth is a major compromise that is not required by City Ordinance.

Master Plan Allowed Land Uses and Operating Policies:

The charrette participants developed the general operating policies and allowable land use. At several meetings in late 2011, the Planning Commission and City Council requested several changes to the original submittal. Those changes are reflected in this Narrative and in the revised attached plans.

Zoning District Allowed Land Uses:

The Master Plan list the allowed primary and accessory land uses. In general, the uses are those that are associated with current operations or are necessary to operate a yacht club and community sailing center. Only land uses that are listed on the Master Plan are allowed. All other land uses are prohibited (see site plan sheet 1).

PUD Zoning District General Performance Standard:

Besides the standards included in the attached plans, for the purposes of the zoning district, the following general operating policies are presented as part of this narrative to be made part of this PUD Zoning District. These are current operating policies, developed with neighborhood cooperation at the charrette or are part of various previous City approvals:

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Noise polices:

1. The entire Wayzata Yacht Club and Wayzata Community Sailing Center are to be a quiet area between 10:00 P.M. and 8:00 A.M.
2. WYC and WCSC will enforce polices to reduce noise in the neighborhood.

Parking polices: .

1. With City Public Works Director sign coordination, Wayzata Yacht Club, Wayzata Community Sailing Center shall discourage members, participants and quest parking on any of the following residential streets: Shady Lane, Lake Street east of Arlington Circle, Arlington Circle, Central Ave. and Wise Street;
2. WSCS will have joint parking with WYC;
3. No parking will be allowed on Arlington Circle;
4. WCSC student drop of will be as shown on the master plan and will not be allowed from Arlington Circle.

Crane Use Policies:

1. Except in an emergency, the crane operation hours are dawn to dusk;
2. Crane boom shall be stored pointed directly north.

Public Amenities:

Public Amenities open to the public on a limited basis or providing benefit to the public shall be provided as defined by the LMCD rules and those amenities shown on the master plan such as bike stands.

Storage:

Storage is limited to the areas shown on the master plan and shown in the maps provided in this narrative.

Master Plan: Site Plan:

This section of the narrative along with the attached plans describes the PUD Master Plan elements.

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The Planning area and area to be included in the proposed zoning district consists of properties owned by Wayzata Yacht Club (Lot 1, Lot 2, Lot 3, and Lot 4) and the Wayzata Sailing Foundation (Lot 5)

The attached Master Plan; site plan consists of:

Site plan (attached sheets 1 and 2) with allowable land uses, parking standards, setbacks, and other related performance standards; Typical Details (sheet 3) with site details including parking stall dimensions; Typical Building elevations (sheet 4) and A Sign Plan (sheet 5). The Plan shows the following standards of the zoning district:

Master Plan Setbacks, Heights and Deviations:

Wayzata Community Sailing Center:

- Current Building:
 - o Height; 38 feet
 - o Arlington Circle setback: 8.8 feet
 - o Eastman Lane setback: 120.7 feet
 - o OHWL setback: 82 feet
- Proposed New Sailing Center Building:
 - o not more than 35-foot high,
 - o more than 75 feet from the Ordinary High Water Level (OHWL),
 - o behind the average setback of the two closest buildings (neighbor on the west and Wayzata Yacht Club, club-house),
 - o more than 30 feet setback from the north property line, and
 - o 15-foot setback from the west property line.
- Parking Lot setbacks:
 - o Eastman Lane: 10 feet
 - o Arlington Circle 10 feet except for one handicapped stall

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o OHWL: 75 feet

- WCSC small boat make ready area is in a designated area. Rather than being in the “lake yard”, as allowed by the City ordinance, the small boat make ready and storage area is in a designated screened form view area in the side yard and the Eastman Lane yard 35 feet from Eastman Lane and Arlington Circle and 15 feet from the OHWL. The following graphics show the boat, lift and other material storage locations currently allowed (R-2A and R-1 zoning districts) and the locations being proposed in the master plan.

Currently Allowed Storage Areas



East Parking Lot:
No structures
No boat trailers
No boats
No other storage except during the boating season

Proposed master plan storage areas:

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Wayzata Yacht Club's West Parking Lot:

- Current Use: the principle marina use and its accessory parking lot are non-conforming uses and do not have existing parking lot setback requirements. The marina part of the use is regulated by the LMCD.
- Proposed Parking Area (see graphic above)
 - Parking areas: Ten-foot setback from all lot lines and the OWHL;
 - Small boat storage area: 35-foot setback from Eastman Lane and Arlington Circle; Zero foot setback from the OWHL west parking lot, and 15 foot setback from the OWHL Sailing center.

WYC Club House Area:

- Current Buildings (Allowed by City Council approved variance and building permit):
 - Club House:
 - Eastman Lane setback: 5 feet
 - Central Ave Boat Launch setback 20 feet
 - OWHL setback: 44 feet
 - Existing Storage Building:
 - Eastman Lane: 5 feet
 - Central Ave Boat Launch setback: 3feet
 - OWHL setback: 53 feet
 - Allowed parking lot (partially built)
 - Central Ave Boat Launch and Eastman Lane setback: 5 feet,
 - OWHL: 1feet
- Proposed new view protected, single story not more than 20-foot high, 471-foot addition to the club house for storage and handicapped rest rooms setback: 5 feet from Eastman Lane and Central Avenue and 53 feet from the OWHL;
- Proposed neighborhood canoe rack; 5-foot setback from Eastman Lane.

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- Existing Parking Lot (located on the east part of the site setback:
 - o Eastman Lane 5 feet,
 - o OHWL existing 1 foot

Wayzata Yacht Club's East Parking Lot:

- Proposed new eight-foot high storage building screened from view:
 - o Eastman Lane setback: 20 feet,
 - o North property line (rail road r-o-w) setback: 5 feet,
 - o Unclassified wetland setback: 34 feet
- Parking lot setbacks(screen from view):
 - o 5 feet from the rail road right-of-way;
 - o 15 feet from the south property line, and
 - o 13 feet from the east property line.
- Restricted use storage screened from view, mast down area setbacks in a westerly designated part of the east parking lot as indicated in the following graphics and on the master plan:
 - o Zero feet from the rail road right-of-way
 - o 15 feet from the south property line.



This cross section shows the rail road and proposed east parking lot storage are after the rail road has been lower as proposed by the County. County Plans indicated that existing top of rail is 942.81 feet at this location with a lowering to 941.41 feet a reduction of 1.4 feet at this location. Clearly, the storage area cannot be seen from the homes located north of the rail road.

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Proposed PUD Zoning District Deviations from Existing Zoning Setback and Height Standards:

Sailing Center Deviations from the R-2A zoning district requirements:

1. A 15 foot building side setback adjacent to Arlington Circle rather than the required 30 foot setback;
2. Parking Lot setback on the west side to allow one handicapped stall to be placed in the parking lot's required 10-foot setback;
3. Screened storage in the Eastman Lane setback to allow small boat storage in this area rather than in the "lake yard".

Yacht Club Deviations from the R-2A (West parking Lot) and R-1(Club House) zoning district requirements:

1. Club house area:
 - a. Club house and Addition: 5-foot setback from Central Avenue and Eastman Lane ;
 - b. Neighborhood canoe rack: 5 foot setback from Eastman Lane;
 - c. Parking lot: 5 foot setback from Eastman Lane and 1 foot setback from the OHWL.
2. West parking lot storage area: Zero feet rather than 15 feet from the navigable channel's OHWL to store small boats;
3. East parking Lot:
 - a. 20 and 5-foot setback for the proposed small storage building,
 - b. 5-foot parking lot setback from the rail road right-of-way;
 - c. 15-foot storage area setback from Eastman Lane.

Rather than providing an East Parking Lot setback of 10 feet around the entire lot, the Master Plan provides 5-foot parking lot setback adjacent to the rail road right-of-way and a 15-foot setback from Eastman Lane. This additional setback provides additional visual buffer from Eastman Lane and for the neighbors south of Eastman Lane, creates a nicer gateway to the community and saves a number of significant trees.

Traffic and Traffic Congestion (source: EAW)

Traffic generated by WYC and WCSC and Thursday evening peak hour traffic according to accepted traffic engineering practice does not tax the road system and is not considered extensive or congestive. The estimated total average daily traffic generated is: 26 ADT annually, 61 ADT during the May to October Sailing Season. By comparison the typical annual urban residential street accommodates between 800 ADT to 1000 ADT and the existing ADT on Eastman lane is 6000 vehicles.

Estimated maximum peak hour traffic during the sailing season generated by WYC participants is 229 vehicles occurring between 4:30 PM and 5:30PM on

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Thursdays and with less traffic between 11:00 AM and 12:00 AM on Sunday.

A study conducted during the 2009 season indicated the following:

- The background traffic on Eastman Lane is 6,000 ADT. This is expected to increase with the Development of the Bay Center (See 2007 Bay Center EAW);
- The peak traffic generated occurred over a two hour period on Thursday evenings between 4:00 PM and 6:00PM (229 vehicles) with the highest concentration of traffic between 4:30 PM and 5:30 PM. Vehicles start arriving as early as 3:00PM and continue to arrive as late as 6:00PM. Because of the social activities after the race, vehicles leave between 7:30 PM and 10:00 PM;
- The second peak demand occurs on Sunday with substantially less traffic;
- At other times, traffic is generated by parents dropping off children for classes and students arriving for high school and college instruction or races. The highest peak hour generation during these times is 40 vehicles. These times do not correspond to peak Thursday evening generation time. They occur at different times of the day and in many cases at different days in the week.
- On occasion an inter club race (regatta) will generate traffic. These regattas, although intense, generate less traffic than the peak generation on Thursday evenings.

An origin and destination study, completed as part of the proposed Bay Center redevelopment, studied cut through traffic in the Old Holdridge Neighborhood at midday and in the PM hours. Cut through traffic was identified as one of the WYC issues. In summary the study concludes:

- a) A large percentage of *existing* traffic in the neighborhood east of the proposed Wayzata Bay Center Redevelopment is cut-through traffic. The primary cut through route is Central Avenue South and Circle Drive East (61% of the cut through traffic).
- b) There is not a significant difference in cut through traffic between the study at midday and the study at the PM hours; indicating that the majority of the cut through issue is not associated with WYC.
- c) Although there was not significant rail traffic during the study period to corroborate the assumption, the traffic pattern of Lake Street / LaSalle Street is a logical cut-through route for vehicles avoiding the at-grade rail crossing.
- d) The traffic pattern of Central Avenue / LaSalle Street showed that there was no significant cut-through of traffic avoiding County Road 101; Wayzata Boulevard and Bushaway Road.
- e) Since traffic volumes are well below levels that would rise any capacity concerns, the issue with the cut-through traffic is not operational. HRG (the consultant conducting the study) believes the issue is unsafe driver behavior through the neighborhood. The field recorder that was stationed at the intersection of Central Avenue and E Circle Drive observed a large number of vehicles failing to stop at the stop

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sign at this intersection, which was most prevalent with the vehicles traveling South on Central Avenue. This creates safety concerns with both pedestrians and vehicles turning north onto Central Avenue from Circle Drive East.”ⁱ

- f) HRG recommend improving major roads to reduce delays, improving driver awareness and improving enforcement as solutions to the cut through traffic.

Zoning District Parking Standards:

The parking lots have been designed to accommodate the peak hour traffic demand and to eliminate the disorganization that currently exists. The parking standards proposed as part of the PUD satisfy the current and projected parking demand.

Parking Study:

A parking study, conducted by Midwest Planning & Design, LLC in the summer of 2009, counted parked cars by type and club participation in WYC and WCSC parking lots. Vehicles and fishing boat trailers on Eastman Lane, vehicles on nearby residential streets and vehicles parked at the Bay Center were also counted. The study was conducted on Thursday evening and Sunday afternoon for 12 weeks. This study along with other parking information provide a rational basis to create parking standards for the proposed PUD zoning district.

This study revealed that the average number of vehicles parked at all locations during the peak parking demand period (Thursday) was 266 and the median number of vehicles was 279. During the same period an average of 6 fishing boat trailers were using the spaces provided along Eastman Laneⁱⁱ. During the 12 week study period; there was only one occurrence where the maximum demand of 305 parked vehicles was reached. In all other cases the parking demand was substantially less than the maximum demand. The following table shows the total results of the parking study during the peak parking demand period:

Number of Vehicles Parked

Thursday Race Night

Date	Vehicles
6/18/09	282
6/25/09	293
7/9/09	305
7/16/09	262
7/23/09	285
7/30/09	279
8/6/09	248
8/13/09	236
8/20/09	285
8/27/09	254
9/3/09	218

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9/10/09

281

The location where the vehicles parked and the vehicle type (compact, midsize, full size, vans, SUVs and small trucks) was also studied. All but 68 vehicles were parked on WYC and WCSC property of those that were not parked on WYC and WCSC property, parking was as follows:

Bay Center:	36 Vehicles
Eastman Lane:	29 Vehicles
Neighborhood Streets:	3 Vehicles

The following graphic shows parking in each of the parking lots by vehicle type, and WYC parking that occurred at other locations other than at WYC/WCSC.



Although it may have occurred at one time, WYC parking on neighborhood residential streets has ceased to be an issue. Also, contrary to the common assumption that sailors use large vehicles, a large number of compact cars were found to be using the existing parking.

Parking Ratios:

The Institute of Traffic Engineers (ITE) parking demand study indicates that a marina's parking ratio should be 0.29 parking spaces per boat berth. The City Ordinance requires 0.7 parking spaces per boat or mooring space. At the Wayzata City Marina 100 parking by permit spaces are provided for 100 slips or a parking ratio of 1.0. Although the municipal marina has a large number of power boats adjacent to residential uses and just a few sail boats, the City has

Attachment C

establish a precedence 1.0 ratio of parking spaces per slip. A search of the LMCD code did not provide any objective parking requirements, except as it relates to the municipal codes.

Based on the parking study a higher but flexible parking standard ratio and other parking standards are included in the PUD master plan. Like all zoning standards the law requires that the standard be based on the legal principle of “rational basis”; that is, it cannot be arbitrary. The parking standards also need to be strong enough to continue to discourage parking in the adjacent residential neighborhoods, and developed within the vision statement created at the charrette.

Proposed PUD Master Plan Parking:

The proposed PUD Master Plan parking will accommodate 289 off street parking spaces.

The master plan shows 189 slips and buoys. To create a more environmentally sustainable parking area building too many parking spaces based on a onetime parking occurrence is not in the best interest of the environment or the neighborhood. The key to environmentally sustainable development is to find a balance between the largest possible parking demand and that demand that would likely occur on an ongoing basis while keeping the vehicles out of the residential neighborhood.

Proposed parking standards:

The proposed standards are based on the study, city precedent and the following rationale:

- Tying the parking ratio to slips and buoys rather than LMCD Boat Storage Units. BSUs include slips and buoys but also includes slides used for teaching boats, which are not used during the peak parking demand period;
- Allowing some parking ratio flexibility so WYC/WCSC can create a sustainable parking system which is not over reaching;
- Limit the parking at the Sailing Center to 4 spaces. This is a major compromise in that the sailing center could accommodate 20 vehicles on site under its current CUP;
- Prohibiting Yacht Club parking on neighborhood streets;
- Requiring parking attendants at major functions, and
- Not allowing other WYC and WCSC function to occur at the same time that would increase the parking demand during the peak demand period.

Parking Spaces Required and Proof of Parking:

The median of the top quartile from the parking study conducted by Midwest Planning & Design, LLC in 2009 indicates that a reasonable parking ratio would be 1.50 parking spaces per slip or buoy. With the above extra conditions that are not generally imposed by zoning standards, the zoning districts parking ratio should be 1.50 parking spaces per slip and buoy.

Parking Spaces Required:

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Number of Slips and Buoys	Parking Demand Ratio	Number of Spaces Needed	Number of Spaces Provided in the Master Plan
Existing 183	1.50	275	289
Proposed 189	1.50	284	289

Parking stall mix standards:

Base on the parking study the parking stall mix would be as follows:

- 185 full size stalls including 4 HC stalls 64% of total spaces
- 104 compact stalls 36% of total spaces

Parking stall sizes:

At the request of the City Council the parking stall size conforms to the zoning ordinance size requirement. The stalls are stripe and compact stalls are marked "compact car only".

1. Full size 9.0 feet by 20 feet (18 feet where an additional 2-foot vehicle over hang area is provided);
2. Midsize: 9.0 feet by 20 feet (18 feet where an additional 2-foot vehicle over hang area is provided);
3. Compact size: 8.0 feet by 16 feet with stalls having an additional 2-foot vehicle over hang area;
4. Parallel stalls 23 ft by 8 ft

Driving isle widths:

1. 18 -foot one way student drop off isle designed at this width for child safety purposes(at the request of the Council this was increased from 17 feet) ;
2. 22-foot one way parking access isles;
3. 24-foot two way parking access isles for full size access.

Emergency access "fire lane"

24-foot two way and 7-foot clear access to the crane and ramp area of the West Parking Lot is provided.

Parking lot surface and parking stall delineation: As indicated on the PUD Master Plan Site Plan:

1. Crush granite surface with non soluble white stripes
2. Grass Turf for over flow parking with painted white stripes in the east parking lot;
3. Drivable bio-swales;
4. Rain gardens in both the east and west parking lots;
5. Bituminous handicapped parking stalls, parking lot and service entry ways.

Impervious Surface/ Stormwater Management:

The following table shows the existing and proposed impervious surface and the mitigating measures used to filter and reduce storm water runoff. Using these measures (rain gardens, bio swales, vegetative shoreline and natural plant buffers) reduces storm water runoff over the existing conditions even with an increase in impervious surface.

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Storm Water Management Table	Total Area	Area Used for Storm Water Calculations	Existing Condition Area and Percent Coverage	Proposed Coverage Area and Percent Coverage	Types of Mitigating Measures	Storm Water Runoff in CFS Cubic feet per second		
						Event	Existing	Proposed
Wayzata Community Sailing Center	46,475 SF	34,848 SF	2,070 SF 6%	Granite 3,869 SF 11% Other 3,312 SF 10%	Native Veg. Buffer 1,556 SF	2 Year	0.26 CFS	.22 CFS
						10 Year	1.22 CFS	.92 CFS
						100 Year	2.86 CFS	2.07 CFS
West Parking Lot	53,894 SF	44,431 SF	28,859 SF 65%	Granite 29,535 SF 67% Other 525 SF 1%	Bio-Swale: 1569 SF Bio-Retention: 440 SF Rain Garden: 1947 SF Bio eng channel shoreline south of bridge, Native Veg. Buffer along part of the navigable channel north of bridge 1,083SF	2 Year	1.30 CFS	1.19 CFS
						10 Year	3.04 CFS	2.74 CFS
						100 Year	5.46 CFS	4.88 CFS
Club House Area	20,038 SF	20,038 SF	9,059 SF 45%	10,159 SF 51%	Super elevate pedestrian path to the north away from the lake to bio-retention basin, natural shoreline buffer 3,537 SF	2 Year	0.69 CFS	.78 CFS
						10 Year	1.57 CFS	1.70 CFS
						100 Year	2.77 CFS	2.92 CFS
East Parking Lot	88,033 SF	87,991 SF	34,842 SF 40%	Granite 32,750 SF 37% Other 1,618 SF 2%	Rain Gardens: 685 SF natural over land buffer to unclassified wetland, Wetland Native Plant Buffer 1,052SF	2 Year	1.17 CFS	.96 CFS
						10 Year	3.50 CFS	2.98 CFS
						100 Year	6.99 CFS	6.01 CFS
Total	208,440 SF	187,308 SF	74,830 SF 40%	Granite 66,154 SF 35% 15,614 SF 8%	Added or maintain bio retention and buffers 10,314 SF Note additional buffers and bio swales in Eastman	2 Year	3.42 CFS	3.15 CFS
						10 Year	9.33CFS	8.34 CFS
						100 Year	18.08 CFS	15.88 CFS

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Landscape Plan

Features:

- Bio-retention and rain gardens to reduce the storm water runoff and add flowering plant beauty to both parking areas;
- Low level, so as not to interrupt views (rose bush) boarder of the west parking lot;
- Several perennial planting beds at the sailing center and west parking lot;
- Maintaining the garden like atmosphere around the club house;
- Aborvitae screening of the WCSC small boat storage and make ready area;
- Evergreen (Balsam fir) and natural screening of the east parking lot storage area and parking area from Eastman Lane, and
- Vegetative screening (Canadian Hemlock), natural existing vegetation and a fence to screen the east parking lot from the neighbors north of the rail road.

Added Vegetation:

East parking lot:

- 26: 6-foot Balsam Fir with a breast height width of 3" each
- 14: 6-foot Canadian Hemlock with a breast height width of 3" each
- Rain garden plants (see LS plan for detail)

West parking lot:

- 5: 8 foot Aborvitae with a breast height width of 2" each
- 50 Rose Shrubs
- Perennial planting beds
- Rain garden plants(see LS plan for detail)
- Bio-engineered shoreline protection plants adjacent to the navigable channel to MCWD standards

Sailing Center:

- 24: 8 foot Aborvitae with a breast height width of 2" each
- Perennial planting beds
- 25 foot vegetated buffer adjacent to the lake to MCWD standards
- Bio-engineered shoreline protection plants adjacent to the navigable channel and north of the bridge to MCWD standards

Tree Removal (Preliminary Grading Plan):

The City's Tree Preservation Ordinance allows, for this 4.79 acre PUD, the removal of 153 inches measured at breath height in a given year. We propose to remove a total of 194.6 inches to be done over a 10 year period of time. The proposed tree removal falls well within the requirements of the City Ordinance.

Existing Trees 6" or Larger
to be Removed within the PUD:

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East Parking Lot	82.6 inches
West Parking Lot	112.0 inches
Sailing Center	0.0 inches
Total	194.6 inches

List of Specific Existing Trees 6" or Larger
to be Removed (Measured Breast High):

Ash	12"
Willow	22"
Cotton Wood	16"
Cotton Wood	24"
Cotton Wood	8"
Cotton Wood	11"
Cotton Wood	14"
Red Oak	25.8"
Cotton Wood	6.5"
Cotton Wood	16.2"
Cotton Wood	24.8"
Red Oak	9"

Flood Plain (931.1 feet):

Lowest floor of all buildings are at least 2 feet above 931.1-foot regional flood elevation or are to be flood proofed. There is not any filling of the flood plain proposed.

Shore Land:

1. Primary lake shoreline stabilization is maintained by rip rap and sea walls in accord with Minnehaha Creek Watershed District (MCWD) Rules;
2. Shoreline stabilization within the navigable channel is maintained with riprap on the west shore, bio mechanical shoreline stabilization on the east side and bio shoreline preservation north of the bridge in accord with MCWD Rules;
3. The crushed granite parking lots are designed to direct surface water away from the lake to a bio swale/ rain garden system;
4. Shoreline plant buffers are used on the sailing center site.

Building Design

The information being provided with this narrative meets the criteria for a PUD application. We have not applied for design review at this time and we are not asking the Planning Commission to make a recommendation relative to design review.

PUD Proposal:

An addition to the WYC club house and two new buildings are proposed:

- 1) Wayzata Community Sailing Center building, and 2) east parking lot storage building.

These typical residential style buildings shown on the Master Plan shall have the following characteristics:

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1. Gable roof with asphalt shingles to match Club House or similar;
2. Lap 6 inch wood or similar to match Club House or wood shingles;
3. Detail Material: Premium grade wood trim with mitered outside corners.
4. Parapets: premium grade wood.
5. Residential character custom windows with transparent glass;
6. Window boxes or similar material all elevations;
7. Vines on wall with more than 100 square feet of uninterrupted surface;
8. Block or poured concrete foundation flood proofed if not located 3 feet above OHWL and 2 feet above 931.1 feet.

Both the addition to the club house and the east parking lot storage building are design to not restrict the views of the lake from any residential homes (see Briefing Hand Book: View Analysis and cross section above). A condition of plan approval would be the views are not further restricted by the height or design of these buildings.

Signs:

A sign plan has been provided as part of the Master Plan. The sign plan provides standards for temporary signs, directional signs and identification signs.

1. Temporary signs, function banners and flags are displayed during regattas, to announce sailing events or to provide additional direction or similar occasions. These signs may only be displayed during the function for banners and flags and not more than 2 days prior to the function and two days after the function for temporary directional signs and announcements.
2. Permanent directional signs are used to control traffic and parking and transmit information related to the facilities. These smaller signs are located at the entrance to each parking lot, the pedestrian entrance from the public boat launch and on the bridge from the Wayzata Community Sailing Center
3. Identification signs are 6 square foot ground or monument signs in character with the architecture.
4. Sign standards in the PUD zoning district would be as follows:
 - Standards of Sections 9 and 27 shall govern the size and placement of signs. Provided however that the following exceptions shall occur:
 - a. Temporary Banners, flags, directional and announcement will be governed by the Section 27.05 N and this Master Plan in designated areas only;
 - b. Permanent Parking Lot Directional Signs shall be governed by this plan, provide however that such signs shall not be more than 2 square feet in area each;
 - c. Permanent identification signs at the entrance to each parking area and other designated locations shall be no larger than 4 square feet in area;
 - d. One 6 square foot identification ground or monument sign for Wayzata Community Sailing Center and one 6 square foot identification ground or monument sign for the Wayzata Yacht Club shall be allowed in designated areas;
 - e. All other requirements of Section 27 as it applies to a low density residential zoning district shall apply.

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Future Actions:

City Ordinances provide further future review and approval of elements of the PUD that include:

- WYC and WCSC Improvements:
 - o Sailing Center: City design review approval and building permit approval;
 - o East Parking Lot: City design review and, building permit approval for the small storage building
 - o Club House area: City design review, building permit approval for the handicapped rest room/storage addition;
 - o City Grading and Fill permit: Sailing Center, West Parking Lot, East Parking Lot;
 - o Tree Removal Permit: City of Wayzata;
 - o Fence Permit: City of Wayzata.

LMCD and MCWD Rules provide future review and approval of the following:

- o Channel dredging: Minnehaha Creek Watershed District approval;
- o Bio shoreland preservation and riprap: Minnehaha Creek Watershed District;
- o Grading and erosion control permit from the MCWD;
- o Any changes in the marina: Lake Minnetonka Conservation District approval.

Staging Plan:

The Master Plan is intended to be implements in the following priority:

- Priority One- Sailing Center may be built in stages;
- Priority Two-West Parking Lot;
- Priority Three-Addition to the club house;
- Priority Four- East Parking Lot.

Legal Descriptions Zoning District:

Wayzata Community Sailing Center (Wayzata Sailing Foundation):PID 0611722440006
All that part of Block 62, Minnetonka Arlington Heights lying Westerly from a line drawn through said Block, parallel to and distant 135 feet Easterly from the Westerly line of said Block, Excepting there from a strip of land lying Northerly from a line drawn parallel to and distant 20 feet Southerly from the Northerly line of said Block, which last mentioned strip of land is excepted and reserved for the purposes of a public roadway.

Wayzata Yacht Club:
PID 0611722440005

PID 0511422330003

PID 0511722330004

PID 0511722330001

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Attachments:

Plans, Maps and Drawings:

- Master Plan Site Plan

- Master Plan Preliminary Grading Plan

- Master Plan Preliminary Landscape Plan

Foot Notes:

- ii Up to 30 fishing boat trailers were observed on the Fourth of July

EXHIBIT C
Ordinance 726

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 726

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE 456 ARLINGTON CIRCLE AND 1000 EASTMAN LANE FROM R-2A
SINGLE FAMILY RESIDENTIAL DISTRICT TO PUD PLANNED UNIT
DEVELOPMENT DISTRICT; AND TO REZONE 1100 EASTMAN LANE, 1200
EASTMAN LANE, AND 1400 EASTMAN LANE FROM R-1 LOW DENSITY SINGLE
FAMILY RESIDENTIAL DISTRICT TO PUD PLANNED UNIT DEVELOPMENT
DISTRICT**

THE CITY OF WAYZATA ORDAINS:

Section 1. BACKGROUND

- 1.1 Development Application. The Wayzata Yacht Club and Wayzata Community Sailing Center (collectively, the "Applicant") have submitted an application (the "Application") for approval of a joint Concept and General Plan PUD pursuant to Section 33 of the Wayzata Zoning Ordinance (the "PUD" or the "Project"); rezoning to a PUD District for the PUD (the "Rezoning"); deviations from applicable standards for non-residential PUD District projects that include residentially zoned properties to implement the master plan (the "Deviations"); a Comprehensive Plan map amendment to reguide 1200 Eastman Lane from Estate Single Family to Semi-Public/Private (the "Comprehensive Plan Amendment"); a Shoreland Conditional Use Permit (the "Shoreland CUP"); a Floodplain Conditional Use Permit (the "Floodplain CUP"); and site plan review (the "Site Plan"). The Application is based on a master planning process undertaken by the Applicant that included a community design charrette in June of 2010. The Application includes the properties at 456 Arlington Circle, 1000 Eastman Lane, 1100 Eastman Lane, 1200 Eastman Lane, and 1400 Eastman Lane (collectively, the Property).
- 1.2 Property. The property identification numbers and owners for the Property involved in the proposed PUD are as follows:

456 Arlington Circle S.	06-117-22-44-0006	Wayzata Sailing Foundation
1000 Eastman Lane	06-117-22-44-0005	Wayzata Yacht Club
1100 Eastman Lane	05-117-22-33-0003	Wayzata Yacht Club
1200 Eastman Lane	05-117-22-33-0004	Wayzata Yacht Club
1400 Eastman Lane	05-117-22-33-0001	Wayzata Yacht Club

- 1.3 Land Use. The Property is located within the R-1 Low Density Single Family Residential District, as defined in Section 801.52 of the Wayzata Zoning Ordinance, and R-2A Single Family Residential District, as defined in Section 801.53 of the Wayzata Zoning Ordinance, and the Bluff District of the Design Standards, as defined in Section 801.09 of the Wayzata Zoning Ordinance. All of the Property is guided for Semi-Public/Private Use in the Wayzata Comprehensive Plan, except 1200 Eastman Lane which is guided Estate Single Family.
- 1.4 Notice. Notice of a public hearing on the Development Application was published in the *Sun Sailor* on January 26, 2012. A copy of the notice was mailed to all property owners located within 350 feet of the Property on January 26, 2012. Notice of a public hearing on the original Development Application was published in the *Lakeshore Weekly* on August 2, 2011. A copy of the notice was mailed to all property owners located within 350 feet of the Property on August 4, 2011.
- 1.5 Planning Commission Action. A public hearing on the Application was held at the Planning Commission's February 6, 2012 meeting, and was continued to the Planning Commission's February 27, 2012 meeting at which The Planning Commission adopted a *Planning Commission Report and Recommendation* recommending approval of the Rezoning on a vote of seven (7) in favor and zero (0) opposed.

Section 2. STANDARDS

- 2.1 Rezoning from R-1 and R-2 to PUD. An application for a rezoning is a request for an amendment to the Zoning Ordinance. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4.
- 2.2 Standards for Rezoning. When reviewing applications for re-zoning, the City acts in a legislative capacity, even in cases where a re-zoning application only relates to a single parcel. The City has broad discretion in whether to grant or deny a request to rezone. An applicant is only legally entitled to a change in the Zoning Ordinance if it can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
 - A. The proposed action in relation to the specific policies and provisions of

the official City Comprehensive Plan.

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

Section 3. FINDINGS

- 3.1 The City Council of the City of Wayzata hereby confirms and memorializes that the Zoning Amendment requested in the Application reflects the overall policy goals of the Comprehensive Plan and City Code Section 801.03.2.F based upon the following findings made on the record, including City Staff reports and presentations, Planning Commission Report and Recommendation, public and written comment, and the other Resolutions adopted by City Council for the Project, all of which are incorporated herein by reference:
- A. The proposed Project conforms with the applicable guidance in the Comprehensive Plan.
 - B. The proposed Project conforms with present and future land uses in the area.
 - C. The proposed Project conforms with all applicable performance standards contained in the Wayzata Zoning Ordinance, with the exception of the variances that are requested as part of the Application.
 - D. The proposed Project would not have a negative effect on the area in which it is proposed.
 - E. The proposed Project would not have a negative effect on property values in the area.

- F. The proposed Project would not have a negative effect on traffic in the area.
- G. The proposed Project will be accommodated with the existing City water and sanitary sewer and roadway systems.

Section 4. CITY COUNCIL ACTION

4.1 Contingent upon City Council approval of each request and component of the Application as set forth in Section 1.1 above, contingent upon the full compliance with all conditions placed on said approvals, the Zoning Amendment is hereby **APPROVED** and the Official Zoning Map of the City of Wayzata shall be amended to change the Zoning District designation of the Property located at 456 Arlington Circle (PID no. 06-117-22-44-0006) and 1000 Eastman Lane (PID no. 06-117-22-44-0005) from R-2A Single Family District to a new PUD District; and 1100 Eastman Lane (PID no. 05-117-22-33-0003), 1200 Eastman Lane (PID no. 05-117-22-33-0004), and 1400 Eastman Lane (PID no. 05-117-22-33-0001) to a new PUD District, as such district is set forth in the PUD General Plan approved by City Council in Resolution No. 12-2012.

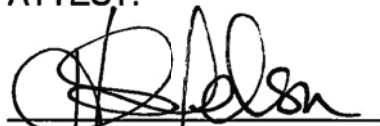
4.2 This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 17th day of July, 2012.



Ken Willecox
Mayor

ATTEST:



Heidi Nelson
City Manager

First Reading: July, 17, 2012

Second Reading: August 9, 2012

Publication: August 16, 2012

EXHIBIT D

Approved Plans (PUD General Plan)

See Attachment A to Exhibit B

EXHIBIT E
Stormwater Maintenance Agreement

STORM WATER FACILITIES MAINTENANCE AGREEMENT AND RESTRICTIVE COVENANT

This Storm Water Facilities Maintenance Agreement and Restrictive Covenant is made this _____ day of _____, 2014, by and between the City of Wayzata, a Minnesota municipal corporation (hereinafter the “City”), and Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center, a Minnesota non-profit organization, owner of the property located at _____ (hereinafter “Owner”).

RECITALS

WHEREAS, Owner is the owner of fee title or a substantial beneficial interest in certain real property located in Wayzata, Minnesota, commonly described as _____, (hereinafter the “Property”) and legally described in **Attachment A**, which is attached hereto and incorporated herein by this reference; and

WHEREAS, in connection with the Owner’s proposed development of the Property, the City has required and the Owner has agreed to construct a storm water collection and detention system; and

WHEREAS, such drainage system is described and shown on a grading plan prepared by the engineering firm WSB (hereinafter the “Drainage System Drawing”), for the Owner’s Property, a copy of which is attached hereto as **Attachment B** and incorporated herein by this reference; and

WHEREAS, as a condition of project approval and/or as a condition of the City’s utilization of the Owner’s storm drainage system, the parties have entered into this Maintenance Agreement and Restrictive Covenant, in order to ensure that the drainage system will be constructed and maintained in accordance with the approved plans and the City’s development standards;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the City hereby agree as follows:

TERMS

Section 1. Construction and Maintenance. Owner agrees to construct and maintain a drainage system on its Property, as shown on the Drainage System Drawing, **Attachment B**. The drainage system shall be maintained and preserved by the Owner until such time as the City, its successors or assigns, agree that the system should be altered in some manner or eliminated.

Section 2. No Removal. No part of the drainage system shall be dismantled, revised, altered or removed, except as necessary for maintenance, repair or replacement.

Section 3. Access. The City shall have the right to ingress and egress over those portions of the Property described in **Attachment A** in order to access the drainage system for inspection and to reasonably monitor the system for performance, operational flows or defects.

Section 4. Reporting. The Property Owner shall be responsible for inspecting and maintaining the storm water treatment and conveyance system, at minimum as follows:

1. Gardens: Visually inspected annually for areas of compressed dirt. Areas of compressed dirt will be tilled.
2. Lawn areas: Visually inspected annually for areas of bare compressed dirt. Areas of bare compressed dirt will be aerated, raked and seeded.
3. Crushed Granite parking surface: Visually inspected annually for compressed areas that do not allow drainage. Compressed areas will be tilled until loose.
4. Areas on plan designated as Bio-Swales (vegetated areas with a purpose of filtering and slowing surface water): Visually inspected yearly for full vegetation and continuous surface flow. Bare areas will be planted and areas of ponding will be regarded to establish surface flow.
5. Areas on plan designated as “rain garden” (an area fully planted where water will sometimes stand and slowly filter through the earth below): Visually inspected annually for plantings, tested every five years for filtration. Bare areas will be planted with plantings designated on landscape plan. If properly working, silt will build up in the rain gardens reducing their effectiveness. If filtration testing indicates 12” of standing water remains within the rain garden after 7 days, the rain garden will be excavated and restored to its original configuration. Standing water for test may be from natural stormwater during a rain event.
6. Stormwater structures: The grading plan indicates slot drains and drain tile at parking areas. Tested every 5 years for free flow of drain tile via introducing water at the high point and visually confirming outflow at the low point. Lack of flow will require investigation and removal of blockage.

The Property Owner shall be responsible for providing a letter to the City Engineer, by September 1st of each year, stating that inspection and maintenance have been completed.

Section 5. Repairs, Failure of Owner to Maintain. If at any time the City Engineer does not receive this inspection and maintenance report and the City determines that maintenance or repair work is required to be performed on the system, the City Engineer or his/her designee shall give notice to the Owner of the noted deficiency. The Engineer shall also set a reasonable time in which the Owner

shall perform such work. If the repair or maintenance required by the Engineer is not completed within the time set by the Engineer, the City may perform the required maintenance and/or repair. Written notice will be sent to the Owner, stating the City's intention to perform such repair or maintenance, and such work will not commence until at least 15 days after such notice is mailed, except in situations of emergency. If, within the sole discretion of the Engineer, there exists an imminent or present danger to the system, the City's facilities or the public health and safety, such 15 day period will be waived and maintenance and/or repair work will begin immediately.

Section 6. Cost of Repairs and/or Maintenance. The Owner shall assume all responsibility for the cost of any maintenance and for repairs to the drainage system. Such responsibility shall include reimbursement to the City within 30 days after the City mails an invoice to the Owner for any work performed by the City. Overdue payments will require payment of interest by the Owner at the current legal rate as liquidated damages.

Section 7. Notice to City of Repairs and/or Maintenance. The Owner is hereby required to obtain written approval from the City Engineer prior to filling, piping, cutting or removing vegetation (except in routine landscape maintenance) in open vegetated drainage facilities (such as swales, channels, ditches, ponds, etc.), or performing any alterations or modifications to the drainage system.

Section 8. Rights Subject to Permits and Approvals. The rights granted herein are subject to permits and approvals granted by the City affecting the Property subject to this Maintenance Agreement and Covenant.

Section 9. Terms Run with the Property. The terms of this Maintenance Agreement and Covenant are intended to be and shall constitute a covenant running with the Property and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

Section 10. Notice. All notices required or permitted hereunder shall be in writing and shall either be delivered in person or sent by certified U.S. Mail, return-receipt requested, and shall be deemed delivered on the sooner of actual receipt of three (3) days after deposit in the mail, postage prepaid, addressed to the City or the Owner at the addresses set forth below:

To the City:
City Engineer
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

To the Owner:
Wayzata Sailing Foundation a/k/a Wayzata Community Sailing Center
456 Arlington Circle
Wayzata, Minnesota 55391

Section 11. Severability. Any invalidity, in whole or in part, of any provision of this Maintenance Agreement and Covenant shall not affect the validity of any other provision.

Section 12. Waiver. No term or provision herein shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the party claimed to have waived or consented.

Section 13. Integration. This Maintenance Agreement and Covenant constitutes the entire agreement between the parties on this subject matter, and supersedes all prior discussions, negotiations, and all other agreements on the same subject matter, whether oral or written.

Section 14. Modification. This Agreement may be terminated, amended or modified only by registering with the Registrar of Titles for Hennepin County, Minnesota, a document executed by the parties (or their respective successors and assigns) representing their unanimous consent to such amendment or modification. This consent may require City Council action.

ATTACHMENT A to EXHIBIT E – LEGAL DESCRIPTION

EXHIBIT A

PID and Property Legal Description

All that part of Block 62, Minnetonka Arlington Heights lying Westerly from a line drawn through said Block, parallel to and distant 135 feet Easterly from the Westerly line of said Block, Excepting therefrom a strip of land lying Northerly from a line drawn parallel to and distant 20 feet Southerly from the Northerly line of said Block, which last mentioned strip of land is excepted and reserved for the purposes of a public roadway.

PID # 06-117-22-44-0006

ATTACHMENT B TO EXHIBIT E – APPROVED DRAINAGE SYSTEM PLAN



Turf Grass

- Sand Layer with Compost & Netlon ATS or Similar
- Fine Gravel Liner
- EPIC Chambers with RESI Liner or Similar
- Prepared Sub grade



Conceptual Crushed Granite or Similar Material Stiped Parking Lot Surface

CONCEPTUAL DREDGING CROSS SECTIONS

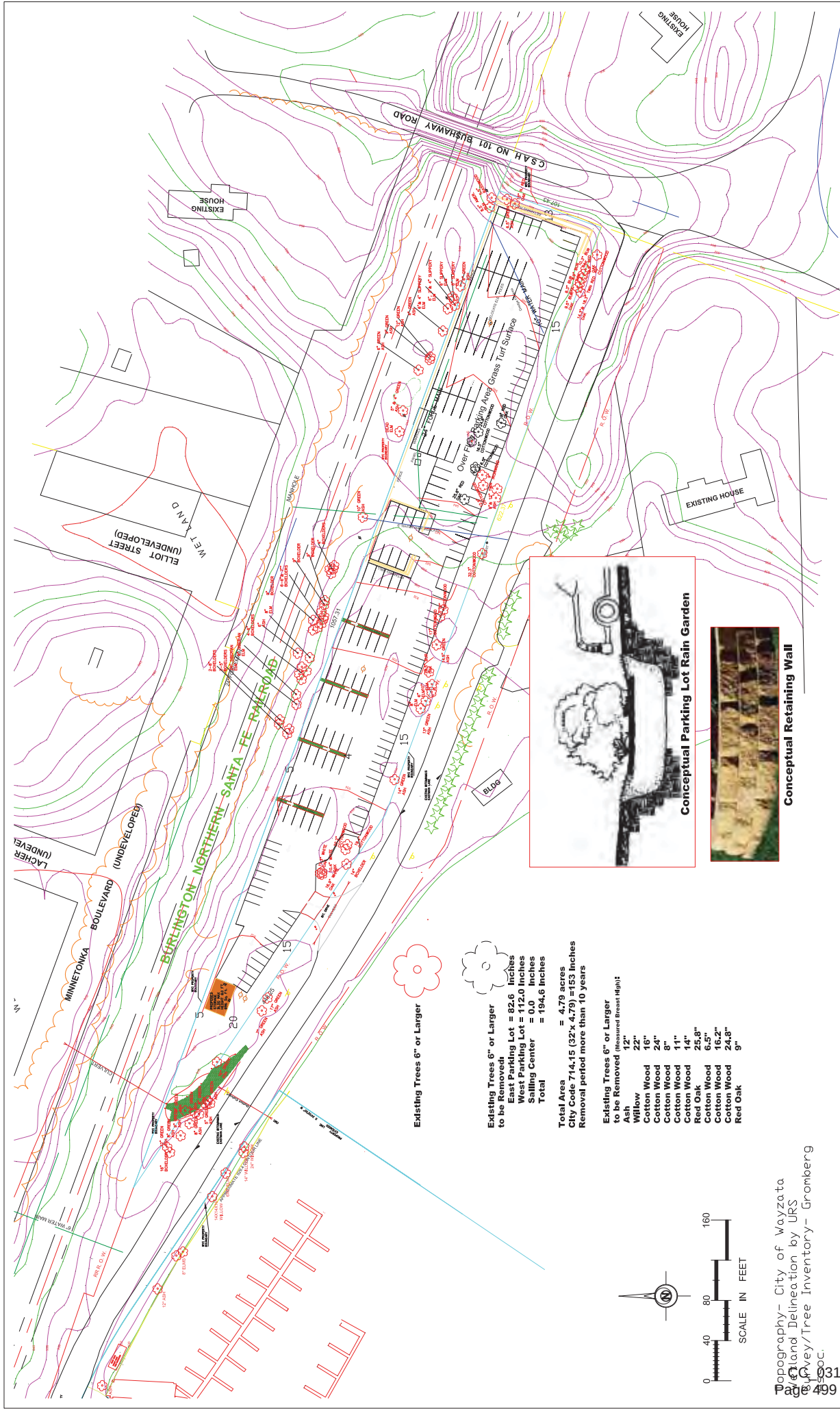


Conceptual Parking Lot Drivable Bio Swale

WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
Not for construction

MPD/WPS
January, 2012



Existing Trees 6" or Larger

Existing Trees 6" or Larger to be Removed

East Parking Lot = 82.6 Inches

West Parking Lot = 112.0 Inches

Grading Center = 60.0 Inches

Total = 194.6 Inches

Total Area = 4.79 acres

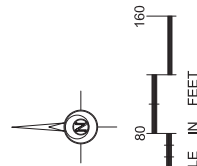
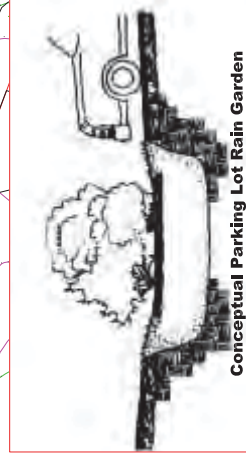
City Code 714.15 (32"x 4.79) = 153 inches

Removal period more than 10 years

Existing Trees 6" or Larger to be Removed

(Measured Breast High):

Ash	12"
Willow	22"
Cotton Wood	16"
Cotton Wood	24"
Cotton Wood	8"
Cotton Wood	11"
Cotton Wood	14"
Red Oak	25.8"
Cotton Wood	6.5"
Cotton Wood	16.2"
Cotton Wood	24.5"
Red Oak	9"



Topography - City of Wayzata
Land Delineation by URS
Survey/Tree Inventory - Gramberg
03182014
499 of 500

WYC WCSC MASTER PLAN

Revised Preliminary Grading Plan
Not for construction sheet
MPD/WPS
January, 2012
Sheet 2

EXHIBIT F
PROJECT DEVELOPMENT SCHEDULE

Project Element	Dependent On or In Conjunction With	Estimated Start Date of Project Element
Project Screening East Parking Lot and West Parking Lot		2013-2014
New Sailing Center Building		2015
West Parking Lot	New Sailing Center Building	Within 2 years of completion of the New Sailing Center Building
East Parking Lot	New Sailing Center Building and After Completion of Eastman Lane and Bushaway Road Improvements by the County	Within 5 years of the New Sailing Center Building and within 2 years of the completion of Bushaway Road
Addition to the Club House	New Sailing Center Building	Within 10 years of the completion of the New Sailing Center Building