

WAYZATA PLANNING COMMISSION

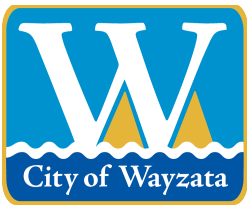
Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Wednesday, February 19, 2020
6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Consent Agenda**
 - a. Approval of the February 3, 2020 Planning Commission Meeting Minutes
 - b. Report and Recommendation of Approval of Design for a Detached Garage at 214/216 Minnetonka Avenue South
- 5. Public Hearing Items**
 - a. Consider Development Application for a Conditional Use Permit for Fee-In-Lieu of Parking (FILOP) and Preliminary and Final Plat for Melvin's 235 at 235 and 239 Lake Street East
- 6. Other Items**
 - a. Review of Development Activities
 - b. February 4, 2020 City Council Report
 - c. February 18, 2020 City Council Report
 - d. Planning Commissioner Liaison for the March 10, 2020 City Council Meeting
 - e. 2020 Planning Commission Meeting Calendar
- 7. Adjournment**

Upcoming Meetings:
City Council - March 10, 2020
Planning Commission - March 4, 2020

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



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 4.a
TITLE: Approval of the February 3, 2020 Planning Commission Meeting Minutes	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the February 3, 2020 Planning Commission meeting.

ATTACHMENTS:

1. February 3, 2020 Draft PC Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
February 3, 2020**

AGENDA ITEM 1. Call to Order

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

AGENDA ITEM 2. Roll Call

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

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to approve the February 3, 2020 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the January 23, 2020 Meeting Minutes

b.) Report and Recommendation of Approval for a Variance and Conditional Use Permit for a Detached Garage at 908 Shady Lane East

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

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

Commissioner Bashioum made a motion, seconded by Commissioner Flannigan, to approve the Consent Agenda as presented. The motion carried: 4 ayes, 0 nays, and 1 abstain (Iverson).

AGENDA ITEM 5. Public Hearing Items:

a.) Development Application for a Design Approval for a Detached Garage Structure at 214/216 Minnetonka Ave S

1 Assistant Planner, Nick Kieser, stated that the owners and co-applicants, Dr. Bruce Merry and
2 Peter Slocum, have submitted a development application for Design Review and approval for a
3 new detached garage at 214/216 Minnetonka Ave S. The proposed project would involve the
4 construction of a new four-car garage over four existing paved parking spaces in the rear of the
5 property. The project received City Council approvals in November 2019 for side and rear yard
6 setback variances along with a Conditional Use Permit/Shoreland Impact Plan for the amount of
7 impervious surface on the site.

8
9 Assistant Planner Kieser noted that the existing principal structure at 214/216 Minnetonka Ave S
10 is a mixed-use building with commercial and residential uses. The property is zoned C-1 Office
11 and Limited Commercial District. The 2030 Comp Plan Designation is Mixed Use Commercial,
12 and the 2040 Comp Plan Designation is Mixed Use Commercial/Residential. The property is also
13 in the Shoreland Overlay District and Bluff Design District. Bayview Capital Group is on the
14 ground floor and a condominium was added as a second story in 2002. There are currently four
15 parking spots in the rear of the property. The proposed garage structure would be 821 square feet
16 and would allow for four parking spots in the structure. The existing parking spots in the location
17 of the proposed garage are currently used primarily by the property owners, both commercial and
18 residential, and the future garage will allow for two spots to be occupied by the commercial use
19 and two spots for the residential use.

20
21 Assistant Planner Kieser noted that the project is subject to the Wayzata Design Standards for the
22 Bluff Design District. The applicant is requesting approval of seven deviations from the Design
23 Standards. The deviations are requested for reasons relating to parking and preserving turn-around
24 area, to security, and to have the garage architecturally similar to the principal structure.

25
26 Vice Chair Parkhill asked if the Commission had any questions for staff.

27
28 Commissioner Bashium asked if a sample of the proposed Hardie board exterior material was
29 available for the Commission to see.

30
31 Assistant Planner Kieser stated that the applicant had brought a sample.

32
33 The applicants shared the sample of the Hardie board exterior material with the Commission.

34
35 Commissioner Iverson asked if the applicant was planning on proposing exterior lighting to the
36 building.

37
38 Assistant Planner Kieser stated that additional lighting has not been proposed. He stated that there
39 was existing lighting around the principal structure on the property and the parking areas.

40
41 There being no further question from the Commission for Staff, Vice Chair Parkhill asked for the
42 Applicants to address the Commission regarding the application.

43
44 Applicants, Dr. Bruce Merry, 216 Minnetonka Ave S. and Peter Slocum, 214 Minnetonka Ave S.
45 introduced themselves to the Commission. Mr. Slocum stated that their intention is to make the
46 detached garage look like it was always there. They are not trying to make an architectural

1 statement. He added that they are trying to follow code as best that they can with the priority being
2 to match the existing structure. He further stated that the area where the garage will be located
3 does not need additional lighting, and they do not want to add additional lighting to the area. They
4 want to keep a low impact to the neighborhood. The choice of the Hardie board for exterior
5 material is due to it matching the appearance of the existing building and its low maintenance. He
6 added that there are many locations in the City of Wayzata that also use Hardie board, and they
7 could use cedar material, but would like to save some trees if possible.

8
9 Commissioner Bashioum asked if the color of the Hardie board would match the existing principal
10 structure.

11
12 Dr. Merry stated that they would paint it to be the exact color of the existing principal structure.

13
14 Commissioner Bashioum stated that the Commission's packet documents indicated that the
15 applicants were attempting to match the proposed garage to the existing principal structure. She
16 noted however that the structure is very standard and does not appear to have any features that
17 mimic the existing structure.

18
19 Dr. Merry responded that they have really tried to streamline the proposed garage structure. They
20 chose not to have a higher roofline that would match the existing principal structure because they
21 didn't want the height to negatively impact any of the surrounding neighbors and/or make it more
22 conspicuous. He stated that it would be easy to add an architectural piece above the service door.

23
24 Commissioner Bashioum stated that such an architectural piece would help the structure look less
25 like a pre-fab garage. She added that down lighting may also add a feature that will make it more
26 aesthetically pleasing.

27
28 Dr. Merry stated that lighting for safety isn't an issue due to existing parking lot illumination, but
29 it wouldn't be difficult to add lighting for aesthetic reasons.

30
31 Mr. Slocum stated that adding an angle roof or a feature above the side door would match the same
32 side entrance of the existing building.

33
34 Commissioner Douglas asked if adding an opaque window to the structure would be an option.

35
36 Mr. Slocum stated that the concern wasn't about people seeing into the structure but a safety
37 concern with breaking the window glass and getting inside.

38
39 Commissioner Douglas stated that a feature over the door would add a nice feature to the structure.
40 She also stated that she enjoys the hydrangeas bushes located in the front of the property.

41
42 Commissioner Iverson asked if the building would have gutters and if so, which way would the
43 run-off flow.

44
45 Dr. Merry stated that they would be adding gutters that will flow into the existing vegetation on
46 the property.

1
2 Commissioner Iverson stated that adding a potted plant in between the doors would soften the area
3 and add a little visual interest.

4
5 Dr. Merry stated that they would be open to adding the suggested features.

6
7 There being no further questions from the Commission for the applicant, Vice Chair Parkhill
8 opened the public hearing on the application at 6:53 p.m.

9
10 There being no member of the public wishing to comment on the application, Vice Chair Parkhill
11 closed the public hearing at 6:53 p.m.

12
13 Vice Chair Parkhill asked for the Commission to provide their feedback regarding the application.

14
15 Commissioner Douglas stated that the area is a tight space and the discussed embellishments would
16 help.

17
18 Commissioner Iverson stated that she believes the requested Design Standard deviations are
19 reasonable with the limited space the applicant is working with.

20
21 Commissioner Bashioum stated that she would also agree to recommend approval of the deviations
22 with the embellishments discussed.

23
24 Commissioner Flannigan stated that he also agreed with a recommended approval of the requested
25 deviations.

26
27 Vice Chair Parkhill also agreed to a recommended approval of the requested deviations but asked
28 that the applicant “spice” up the project a little but because it looks a little too generic for Wayzata.

29
30 There being no further discussion among the Commissioners, Vice Chair Parkhill asked for a
31 motion on the Application.

32
33 Commissioner Iverson made a motion, seconded by Commissioner Douglas, to direct staff to
34 prepare a draft Planning Commission Report and Recommendation, with appropriate findings,
35 recommending approval of the proposed Design, including the seven deviations that do not comply
36 with the City Design Standards, with the conditions that a structure above the service door to the
37 garage with be added, and a potential exterior light and exterior planters be incorporated into the
38 Design if they don’t impede the cars entrance into the garage, for review and adoption at the next
39 Planning Commission meeting. The motion carried unanimously.

40
41 **AGENDA ITEM 6. Other Items:**

42
43 **a.) Review of Development Activities**

44
45 Assistant Planner Kieser stated the next meeting is currently scheduled to have one application for
46 a Conditional Use Permit and Preliminary and Final Plat for 235 Lake Street East.

1
2 **b.) Planning Commissioner Liaison for February 4 City Council Meeting**
3

4 It was noted that Commissioner Douglas will provide a report of the next Council meeting at the
5 next Planning Commission meeting.
6

7 **c.) 2020 Meeting Calendar**
8

9 Community Development Director Goellner reviewed the 2020 meeting calendar and noted that
10 the next Planning Commission meeting would be on a Wednesday due to Monday being
11 President's Day.
12

13 **d.) Other Discussion**
14

15 Commissioner Bashioum asked staff about a recent business vacating their property and the lack
16 of development on another property.
17

18 Director Goellner stated that it was sad to see Wayzata lose a business, but there wasn't a lot of
19 information available. She added that the Common Well property should begin its construction in
20 the spring.
21

22 Commissioner Iverson asked about the agenda for the upcoming February 4 City Council meeting.
23

24 Assistant Planner, Nick Kieser stated that the Energy and Environment Committee will be looking
25 for approval to submit an application to Xcel Energy for their Partners in Energy Program. This
26 will essentially make an energy action plan for the City to reduce energy consumption and improve
27 energy efficiency. He stated that there would also be two development applications that the
28 Planning Commission has already seen that will be presented to the City Council for approval.
29

30 **AGENDA ITEM 8. Adjournment.**
31

32 There being no further business on the agenda, Vice Chair Parkhill asked for a motion to adjourn.
33

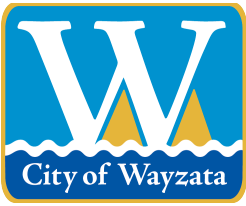
34 Commissioner Iverson made a motion, seconded by Commissioner Flannigan, to adjourn the
35 Planning Commission meeting. The motion carried unanimously.
36

37 The Planning Commission meeting was adjourned at 7:00 p.m.
38

39 Respectfully submitted,
40

41 Jenny Groess

TimeSaver Off Site Secretarial, Inc.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 4.b
TITLE: Report and Recommendation of Approval of Design for a Detached Garage at 214/216 Minnetonka Avenue South	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: March 8, 2020	

BACKGROUND:

The owners and applicants, Dr. Bruce Merry and Peter Slocum, have submitted a development application for a Design Review for a new detached garage at 214/216 Minnetonka Ave S. The proposed project would construct a new four-car garage over four existing paved parking spaces in the rear of the property. This project has already received City Council approval for side and rear yard setback variances along with a Conditional Use Permit/Shoreland Impact Plan for the amount of hardcover on the site.

The Planning Commission voted 5-0 to direct staff to prepare a Report and Recommendation for approval of the requested application. The applicant has provided an updated rendering with additional features at the entrance of the garage based on the Planning Commission comments. A condition was added to the Report and Recommendation that the garage needs to be constructed in accordance with the updated plans.

ACTION REQUESTED:

City staff has drafted the attached Planning Commission Report and Recommendation which recommends approval of the Design Review application based on the findings and conditions discussed by the Commission.

ATTACHMENTS:

1. Planning Commission Report and Recommendation - 214/216 Minnetonka Avenue South



WAYZATA PLANNING COMMISSION

FEBRUARY 19, 2020

REPORT AND RECOMMENDATION OF APPROVAL OF DESIGN FOR A NEW GARAGE AT 214/216 MINNETONKA AVE S

SUMMARY OF RECOMMENDATIONS

1. **Approval*** of Design of Garage with certain Design Standard Deviations

* with certain conditions listed at the end of this Report

REPORT

Section 1. BACKGROUND

- 1.1 **Project.** Property owners Peter Slocum and Dr. Bruce Merry (the “Applicants”) have submitted a development application for design approval for a new, four-car garage (the “Garage” or the “Project”) over four existing paved parking spaces in the rear of the property at 214/216 Minnetonka Ave S (the “Property”). City Council previously approved setback variances and a CUP/SIP for the Garage pursuant to Resolution 47-2019 on November 6, 2019.
- 1.2 **Approval Requested.** The Applicants are now requesting approval of the design of the Garage (the “Project Design”) which is outlined in the Staff Report attached to this Report as Attachment B (“Design Report”). The Project Design includes seven deviations from the Wayzata Design Standards that relate to (i) building recesses on the building façade; (ii) building recesses using courtyards, seating areas or gathering spaces; (iii) building width; (iv) landscaped entryway; (v) type of exterior building materials; (vi) accent materials; and (vii) landscaping (collectively, the “Deviations”).

- 1.3 Property. The street addresses, property identification numbers and owners of the Property are:

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

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

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

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on January 24, 2020. A copy of the notice was mailed to all property owners located within 350 feet of the Property on January 22, 2020. The public hearing on the Application was held at the February 3, 2020 Planning Commission meeting, at which no member of the public came forward to speak.

Section 2. STANDARDS

2.1 Design Standards.

- A. All new nonresidential building construction in the City must comply with the Wayzata Design Standards found in Chapter 909 of the Zoning Ordinance. The relevant design standards applicable to the Project are outlined in the Design Report.
- B. A deviation from the Design Standards may be permitted under Sec. 909.29 (with the exception of Section 909.10 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:
 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.

Section 3. FINDINGS

Based on the Application materials, staff report, and Wayzata's Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 Project Design.

- A. The Project meets all of the applicable provisions of the Design Standards as reflected in the Design Report except for the Deviations.
- B. The Commission finds that there would be a positive effect on the area where the Garage is proposed by allowing the Deviations, in that the Deviations will allow the Garage to match the architectural style and design of the existing principal building on the Property, and are otherwise consistent with the kind of design that is appropriate for a garage on the Property.
- C. To the extent there are any negative impacts of the Deviations, those impacts are 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. The Project keeps the parking behind the principal structure with appropriate screening from the adjacent properties. The Garage is well crafted to reinforce the residential neighborhood and preserve the small town character of Wayzata.
 2. The Project prevents additional congestion and parking issues with the placement and scale of the Garage.

3. The location of the Garage also allows the adjacent property to the south to continue using the open pavement for a turnaround area for safe use of the parking spaces. The Project allows for additional stormwater management with the use of a gutter system that directs the stormwater into the existing vegetation.
4. The alleviation of an undue burden with respect to the allowed materials, in that the use of Hardie cement fiberboard as a primary opaque surface will result in lower maintenance costs and will aesthetically match the primary material of the principal structure.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends that the Project Design and Deviations be **APPROVED** subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.
- B. The Applicant must build and complete the Project in conformance, in all material respects, with the plans depicted in the Application. The Project must also be constructed in conformance with the updated plans attached as Exhibit C and dated February 10, 2020, which includes a structure above the service door and exterior light next to the service door.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 19th day of February 2020.

Chair, Planning Commission

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

Voting Against:

Abstaining:

Exhibit A
Information and Legal Description of Property

Address	214 Minnetonka Ave S
Property ID	06-117-22-24-0107
Legal Description	Unit No. 1, CIC No. 1854, 214 South Minnetonka Avenue, a condominium located in the County of Hennepin.
Abstract or Torrens?	Torrens
Certificate	1321281

Address	216 Minnetonka Ave S
Property ID	06-117-22-24-0108
Legal Description	Unit No. 2, CIC No. 1854, 214 South Minnetonka Avenue, a condominium located in the County of Hennepin.
Abstract or Torrens?	Torrens
Certificate	1366063

Exhibit B
Design Report

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

The Design Report is based on the plans submitted on November 26, 2019 by Creative Media Illustration Inc.:

Design Standard	Comments	Compliance
Building Recesses		
<u>909.06.A.1 – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level	The proposed garage does not utilize pilasters or recesses. The garage intends to be of similar design as the principal structure.	Deviation Requested
<u>909.06.A.2 – All Districts</u> Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.	The proposed project does not incorporate courtyards, seating areas or gathering spaces. The project intends to keep as much space open as to not hinder the parking areas and turnarounds on the property.	Deviation Requested
Building Width		
<u>909.07.A – New Buildings – All Districts</u> In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design: 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements	The garage does not incorporate any of these design standards, but the project does propose to have windows on the garage door openings. The design standards such as awnings, building setbacks and variations in roof lines are not common for this type of structure	Deviation Requested

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

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

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
Roof Design		
<u>909.09.A – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.	The project does not include a green roof, but green roofs are not required and only encouraged.	Not Applicable
<u>909.09.B.1 – Roof Materials – All Districts</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.	The garage will have asphalt shingles that match the existing principal structure on the property.	Yes
<u>909.09.B.2 – Roof Materials – All Districts</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.	The roof will be sloped so this section is not applicable.	Not Applicable
Screening of Rooftop Equipment		
<u>909.10.A – Lake Street and Bluff Districts</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.	There is not any mechanical equipment proposed on the roof deck.	Yes

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
Facade Transparency		
<u>909.11.C – Bluff District</u> No less than 35 percent of ground level public facades for buildings containing commercial or office uses shall be transparent glass.	While the garage contains parking stalls to support the commercial use, the structure is not located along a public right of way. The building is located in the rear yard of the property behind the principal structure. The exiting principal building does meet the requirement of 35 percent transparent glass on the public façade.	Not Applicable for Proposed Garage Yes for Existing Principal Building
Ground Level Expression		
<u>909.12 – All Districts</u> In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels	This section is not applicable as the proposed building is one story in height.	Not Applicable
Entries		
<u>909.13 – All Districts</u> The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.	The front façade is where the garage doors are located. The garage is not located at the street. The applicant has stated that the goal is to keep the area around the garage clear of any excess objects or landscaping as to not hinder the existing parking to the south further.	Deviation Requested

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
<u>909.14.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in Section 909.14.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The primary material of the detached garage is Hardie cement fiberboard. The applicant has stated that this material will visually match the existing cedar on the principal structure in both color and look.	Deviation Requested
<u>909.14.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.	The siding will be the same on all sides of the building.	Yes
<u>909.14.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The garage does not incorporate the use of brick.	Not Applicable

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

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

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
<u>909.14.G – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	The garage proposes to have the primary material to be fiber cement board. The applicants have stated that the desire for this deviation is for lower maintenance reasons.	Deviation Requested
<u>909.14.H - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	The garage does not have parapets, flashing or coping.	Not Applicable

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
<u>909.14.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited.	Awnings are not proposed on this garage.	Not Applicable
<u>909.14.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.	The proposed building does not include balconies.	Not Applicable
<u>909.14.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 909.11 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects	The glass that is proposed on the garage doors is transparent.	Yes

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
<u>909.14.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 main entry door will be made of wood without windows for security reasons. The proposed main entry door has similar detail as the garage doors.	Yes
Franchise Architecture		
<u>909.15 – All Districts</u> A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 909.22 by the Planning Commission at the time of Design Standards Review application	The building does not include standardized franchise architecture.	Not Applicable

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
Walkways		
<u>909.16.B – Bluff District</u> 1. Continuous sidewalks at least five feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible. 2. Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.	There is an existing sidewalk in place along Minnetonka Ave S.	Not Applicable

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
Landscaping		
<u>909.17.A – All Districts</u>		
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	There is no additional landscaping proposed around the building. The applicant states that no additional landscaping or planters are proposed because they would like to not hinder the existing parking routes on site. The existing landscaping will be preserved and maintained. The project does not interfere with the existing streetscaping on the site. The existing streetscape does include arborvitae, flowers, a street light and brick accents for the sidewalks.	Deviation Requested
<u>909.17.C – Bluff and Wayzata Blvd Districts</u>		
Trees with a minimum of three (3) caliper inches shall be planted no more than twenty-six (26) feet apart within a landscaped boulevard.	There are arborvitae trees currently in place in the boulevard that meet this requirement.	Yes

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

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

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

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

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

Design Standard	Comments	Compliance
Signs		
<u>909.22.A – All Districts – Compatibility</u> 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 Chapter 927 of the Wayzata Zoning Ordinance.	There are no signs proposed in this project.	Not Applicable
<u>909.22.B – All Districts – Sign Location</u> 1. Wall signs on a storefront-type building shall be placed between the first and second floors of a building.	There are no signs proposed for this project.	Not Applicable

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

2. Wall or roof signs on buildings that are not storefront type buildings shall be placed where they do not obscure architectural features.			
<u>909.22.C – All Districts – Sign Material</u> 1. The material of which signs are constructed shall be consistent and compatible with the original construction materials and architectural style of the building facade on which the signs are affixed. 2. Material, such as wood and metal, shall be used, as appropriate, for the sign location. 3. Neon signs may only be used for windows.		There are no signs proposed with this project.	Not Applicable
Permitted Signs			
<u>909.23.C - Bluff District</u> Only the following types of signs are permitted in the Bluff District: 1. Wall, awning or projecting signs (for storefront buildings at the street line). 2. Free-standing, ground or monument signs (for buildings with front yards). 3. Roof signs if located on pitched-roof buildings, below the peak of the roof.		There are no signs proposed with this project.	Not Applicable

Design Report
City of Wayzata Zoning Ordinance, Section 909, Design Standards
Detached Garage at 214/216 Minnetonka Ave S
January 27, 2020

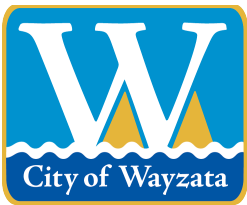
Design Standard	Comments	Compliance
Parking Lot and Building Lighting		
<u>909.24 – All Districts</u> A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 916.06 as it relates to glare.	There are no lights proposed with this garage. The existing lights on the principal structure follow these design requirements.	Yes

Exhibit C

Updated Project Plans dated February 10, 2020



February 10, 2020



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 5.a
TITLE: Consider Development Application for a Conditional Use Permit for Fee-In-Lieu of Parking (FILOP) and Preliminary and Final Plat for Melvin's 235 at 235 and 239 Lake Street East	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: March 27, 2020	

BACKGROUND:

The property owner, Melvin's 235, LLC (Patrick Hughes), represented by Mike Nordstrom of Excelsior Group, LLC, has submitted a Development Application requesting approval of a Conditional Use Permit (CUP) under the City of Wayzata Fee-In-Lieu of Parking (FILOP) Policy. The application also requests approval of a combined Preliminary and Final Plat to establish new property lines at 235 & 239 Lake St E that are consistent with the approved PUD General Plan. The three-story office building proposed by Melvin's 235, LLC received zoning approvals in October 2018. It included approval of the Planned Unit Development (PUD) General Plan, Project Design with a Deviation for Exterior Building Materials, Variance for Building Height, Shoreland Impact Plan/Conditional Use Permit for Building Height, and Rezoning to the PUD District.

ACTION REQUESTED:

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

ATTACHMENTS:

1. Staff Report, Narratives, Plans, Plats, FILOP Policy, and Map - Melvin's 235
2. Consolidated Documents from Past Approval Process - Melvin's 235



**Staff Report
February 19, 2020**

Project Name: Melvin's 235
Applicant: Mike Nordstrom, Excelsior Group for Melvin's 235, LLC
Addresses of Request: 235 & 239 Lake St E
Prepared by: Emily Goellner, Community Development Director
"60 Day" Deadline: March 27, 2020

Development Application

Introduction

The property owner, Melvin's 235, LLC (Patrick Hughes), represented by Mike Nordstrom of Excelsior Group, LLC, has submitted a Development Application requesting approval of a Conditional Use Permit (CUP) under the City of Wayzata Fee-In-Lieu of Parking (FILOP) Policy. The application also requests approval of a combined Preliminary and Final Plat to establish new property lines at 235 & 239 Lake St E that are consistent with the approved PUD General Plan. The three-story office building proposed by Melvin's 235, LLC received zoning approvals in October 2018. It included approval of the Planned Unit Development (PUD) General Plan, Project Design with a Deviation for Exterior Building Materials, Variance for Building Height, Shoreland Impact Plan/Conditional Use Permit for Building Height, and Rezoning to the PUD District.

Property Information

The property identification numbers and owner of the properties are as follows:

Address	PID	Owner
235 Lake St E	06-117-22-23-0010	Melvin's 235, LLC
	06-117-22-23-0007	Melvin's 235, LLC
	06-117-22-32-0003	Melvin's 235, LLC
239 Lake St E	06-117-22-23-0014	Melvin's 235, LLC

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

Zoning District:	PUD/Planned Unit Development
2030 Comp Plan Designation:	Central Business District

2040 Comp Plan Designation:	Central Business District
Overlay Districts:	S/Shoreland Overlay District W/Wetland Overlay District Lake Street Design District

Project Location

The property is located on Lake St E:

Aerial Photograph of Area, 2018



Aerial Photograph of Site, 2018



Source: Hennepin County

Application Requests

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

1. Conditional Use Permit (CUP) for Fee-in-Lieu of Parking (FILOP): The City's Fee in Lieu of Parking (FILOP) Policy states that any new use on a property that cannot meet the applicable on-site minimum parking requirement of City Code may be permitted if: (1) a fee-in-lieu of parking is paid to the City; and (2) a Conditional Use Permit is approved by the City. The Applicant is requesting a Conditional Use Permit under the FILOP Policy. (City Council Resolution 60-2018 and City Code § 920.12)
2. Preliminary and Final Plat Subdivision: The applicant has provided a Preliminary and Final Plat (which may be reviewed simultaneously under the Subdivision

Ordinance) to combine the four existing lots and reconfigure them into three lots. (City Code § 1003).

Comprehensive Plan

The Draft 2040 Comprehensive Plan is currently under review by the Metropolitan Council. Until its official adoption, the City is will continue to be guided by the 2030 Comprehensive Plan. The land use designation in the 2030 Comprehensive Plan is Central Business District, which provides a diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination. The Draft 2040 Comprehensive Plan land use designation for the subject property is also Central Business District.

Adjacent Land Uses and Zoning

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Wayzata Villa Condominiums	R-5/Average Density Multiple Residential District	2030: High Density Multiple Family Residential 2040: High Density Residential
East	253 Condos Development Site (Ventana Condos)	PUD/Planned Unit Development	2030: Central Business District 2040: Central Business District
South	TCF Office Building	PUD/Planned Unit Development	2030: Central Business District 2040: Central Business District
West	Coldwell Banker Burnet Building	C-4A/Limited Central Business District	2030: Central Business District 2040: Central Business District

Public Hearing Notice

The public hearing notice was published in the Sun Sailor on February 6, 2020. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on February 5, 2020.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed Project and provides the following analysis and information.

Project History

The Wayzata City Council adopted Resolution 53-2018 on October 2, 2018 and Ordinance 785 on October 16, 2018, which included the following zoning approvals for the Project:

- PUD General Plan
- Design Standards, including Deviation for Exterior Building Materials
- Building Height Variance from 35 feet to 39.7 feet
- Shoreland Impact Plan/Conditional Use Permit for Building Height
- Rezoning of Properties to PUD Zoning District

The approvals were made subject to several conditions, three of which relate to the requests in this development application:

- The applicant must comply with all parking requirements, which may be met through a combination of on-site and off-site parking pursuant to the City's FILOP Policy or other agreement for use of off-site parking, and obtain any approval required by the Zoning Ordinance for shared or joint parking facilities.
- Before the City issues a building permit for the Project, the Applicant must submit a subdivision application to the City for review and approval by the City Council. The subdivision must include a separate lot on the back of the property to be donated to the City for use in combination with adjacent property as public parking to serve the Project and provide additional public parking in the downtown area.
- The applicant must enter into a Development Agreement with the City that addresses public improvements, parking requirements, terms of payment of park dedication fees, and agreement for any needed easements and/or property rights granted or transferred to the City to allow for the construction, access and operation of a public parking lot and facility on the back of the Property to provide additional public parking in the area.

The approved plan set and approval documents are attached to this report for reference. It should be noted that these approvals have already been received, so the review by the Planning Commission and City Council for this current development application are focused on the material and criteria relevant to the FILOP CUP and the Preliminary Plat, not the material and criteria relevant to the PUD General Plan, Height Variance, Shoreland CUP for Height, Rezoning, or Design Review.

The Wayzata City Council also approved Resolution 25-2019 on July 2, 2019, which provided an extension of the approvals until October 2, 2020.

Project Summary

The Melvin's 235 Project includes the demolition of the existing office building and the construction of a new, three-story, 37,470 square foot office building with one floor of underground parking.

Parking

The City Code establishes the minimum number of parking stalls that must be provided in a development. For an office development, the Code requires a minimum of 3 spaces for each 1,000 sq. ft. of floor area (City Code § 920.11). The proposed building consists of 37,470 sq. ft. of gross floor area (subtracting the underground parking level). When calculating the requirement, the Code includes a provision to remove 10% of the gross floor from the equation to account for unusable square footage in a building. For the parking calculation, this reduces the square footage to 33,723 square feet. Therefore, the building requires 102 parking spaces. The building includes 29 enclosed parking spaces within the underground garage. The applicant is requesting to pay a fee-in-lieu of parking under the City's Policy for the remaining 73 spaces required by the Zoning Ordinance.

The application notes that the 73 parking spaces could be adequately supplied in the anticipated City-owned public parking facility to the rear (north) of the building. This option was contemplated as part of the PUD General Plan approval process. The City has designed a concept for a 174-space parking facility and it is represented in the attached site plan submitted by the applicant. The design of the parking facility is anticipated to be finalized by the City at a future date, with the intention of constructing the facility in the same time frame as the construction of the Melvin's 235 project.

Fee-In-Lieu of Parking Policy Background

To address the need for additional parking and to make improvements to parking infrastructure in the downtown area, the City took a variety of steps since 2016:

- Established the Downtown Parking and Mobility District (see attached map)
- Established a Capital Improvement Plan for future downtown parking improvements
- Constructed the 385-space Mill Street Parking Ramp for public parking
- Established Tax Increment Financing District 6 – Downtown West to help facilitate the elimination of blight in the area, provide for increased off-street public parking, and help fund future street, streetscape, and utility improvements
- Amended the Parking Ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces
- Adopted a Fee-In-Lieu of Parking Policy to provide great flexibility to developers and property owners proposing projects in the downtown area that would further the City's goals for the area but not fully meet the City's minimum parking requirements

This is the second project that has requested approval of a FILOP CUP and FILOP Agreement since the Policy was adopted. Broadway Place, located at 326 and 332 Broadway Avenue S, received approval in 2018 and is currently under construction. The project is paying a fee for 89 parking spaces through the Policy.

Fee-In-Lieu of Parking CUP Criteria

Approval of a CUP for FILOP requires that the project be located within the "Mobility District" as established by City Council. The attached map shows that the Project is located within the Mobility District. Additionally, the City Council must find that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District. Also, the parking impact of the Project should not exceed the available capacity of the City's parking facilities. Lastly, as with all CUP's, the Planning Commission and City Council should consider possible adverse effects on the area.

A FILOP CUP for the Melvin's 235 Project was contemplated as part of the PUD General Plan approval process for the Project. The City has designed a concept for a 174-space parking facility. The final design of the parking facility is anticipated to align with the construction of the Melvin's 235 building if all required approvals are received. In accordance with City Code, a Development Agreement would be required in order to establish exact dollar amount owed and payment schedule. This would be drafted by staff for review by the City Council only if and after a CUP is approved for FILOP by the City Council.

Preliminary and Final Plat

The Applicant is proposing to reconfigure the four existing lots into three lots. The Preliminary and Final Plat has been reviewed against the criteria outlined in the City Subdivision Code and staff finds that all necessary information has been included. The four existing lots total 56,881 square feet in size:

	Size	Proposed Use	Intended Ownership
Lot 1	19,182 sf	Office Building	Melvin's 235, LLC
Lot 2	30,556 sf	Donated Land for Public Parking Facility	City of Wayzata
Lot 3	4,260 sf	Driveway Access	City of Wayzata
ROW	2,883 sf	Street and Sidewalk	City of Wayzata
Total	56,881 sf		

In accordance with the PUD General Plan, the applicant intends to utilize Lot 1 for the office building and donate Lot 2 and 3 to the City of Wayzata for driveway and parking facility use. Additional land located on Lake Street would be conveyed to the City of Wayzata as well. Staff is in the process of working with the applicant to prepare a variety of necessary easements for the Project related to driveways and walkways on the site.

A Park Dedication Fee is required upon issuance of a Final Plat. The fee amount would be according to the standards of City Code and incorporated in the Development Agreement.

The City Engineer/Public Works Director has reviewed the Preliminary Plat. He has no concerns or comments at this time. Hennepin County staff has provided comments that have been incorporated into the Preliminary Plat.

Primary Issues to Consider

1. CUP for FILOP:

- a. Would the Project enhance the accessibility, functionality, density and vitality of the Downtown Business District?
- b. Does the parking impact of the Project exceed the available capacity of the City's planned parking facilities?
- c. Does the proposed use of FILOP relate to specific policies and provisions of the official City Comprehensive Plan?
- d. Is the proposed use of FILOP compatible with present and future uses of the area?
- e. What effect does the proposed use of FILOP have on the area?
- f. Does the use of FILOP have an adverse impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity?

2. Preliminary Plat:

- a. Is the proposed subdivision consistent with the Wayzata Comprehensive Plan?
- b. Would the creation of the lots adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas?
- c. Is the proposed subdivision properly accommodated with existing public services, primarily related to transportation and utility systems, and does not overburden the City's service capacity?

Action Steps

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

Attachments

Applicant's Narratives, dated January 15 and 21, 2020 (4 pages)
Site Plan, Floor Plans, and Elevations by MDG, dated January 14, 2020 (3 pages)
Certificate of Survey by Sathre-Bergquist, dated June 4, 2018 (1 page)
Preliminary Plat by Sathre-Bergquist, dated January 24, 2020 (1 page)
Final Plat by Sathre-Bergquist (2 pages)
Easement Exhibit by Sathre-Bergquist, dated January 13, 2020 (1 page)
City of Wayzata Fee-In-Lieu of Parking Policy, dated November 7, 2018 (2 pages)
Downtown Mobility District Map (1 page)
Consolidated Documents from Past Approval Process (40 pages)

Applicable Code Provisions for Review

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

Fee-In-Lieu of Parking Policy (City Council Resolution 60-2018)

- A. Eligible Properties and Projects. Any new use on a property (a "Project") that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in Section of the FILOP Policy; and (2) a Conditional Use Permit is approved based upon the requirements of Section 904.02 and the following additional criteria:
1. The Project is located within the "Mobility District" as established by City Council.
 2. **The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.**
 3. **The parking impact of the Project does not exceed the available capacity of the City's parking facilities.**

Conditional Use Permit (§ 904.02.F)

The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

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

Preliminary Plat Criteria (§ 1003.02.E)

The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall 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.
5. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
- 6. 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.**
7. 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.
8. 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.
9. 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.
10. 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 Chapter 909 of the Wayzata Zoning Ordinance.
11. The proposed lot layout and building pads shall conform with all performance standards contained herein.
12. 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.
- 13. 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.**

GENERAL PLAN APPLICATION January 15th, 2020

235/239 LAKE STREET EAST, WAYZATA

Melvin's 235, LLC, Applicant

NARRATIVE SUMMARY

Introduction:

The 235/239 Lake Street East property is planned to be developed into a three story multi-tenant office building. The City of Wayzata adopted Resolution No.53-2018 on October 2, 2018 and Ordinance No. 785 on October 16th, 2018, which included the following zoning approvals.

- PUD General
- Deviation from the Design Standards pertaining to Exterior Building materials
- Building Height Variance from 35 feet to 39.7 feet
- Shoreland Impact Plan/Conditional Use Permit for a Building Height of 39.7 feet
- Rezoning of the Properties to PUD

The City of Wayzata approved Resolution No. 25-2019 on July 2, 2019, that provided an extension of the PUD, variances and conditional use permit, until October 2, 2020

Melvin's 235, LLC and the City of Wayzata are working on a mutually beneficial parking agreement that would provide surface parking or potentially a one-story parking ramp in the future for 235/239 building and City of Wayzata providing public parking during off peak business hours. This arrangement would involve a conveyance of a northern portion of Melvin's 235 land and a northern portion of some of the 253 Lake Street land to create this City owned surface parking area.

We have been working with staff to make sure we will compile with both sections 920.12 and 904.02. The combination of this project with the other neighboring projects will maximize the parking in this area. This project will also create public access from Lake Street to public parking.

The required parking for this project is 102 stalls. The proposed building will have 29 underground parking stalls, resulting in the FILOP need for an additional 73 parking stalls. Through the land donation of the northern portion of Melvin's 235 land, combined with additional land that the City of Wayzata controls, the City will be able to construct a parking lot that will support a total of 174 parking stalls. The remaining 101 parking stalls will be able to support other parking needs in the area.

Access to and from the 235/239 property to Lake Street will be located on the east side of the proposed 235 building and completely on 235/239 existing property. This property will also involve a conveyance to the City of Wayzata.

We are requesting approval of 1) Preliminary and Final plat. 2) Conditional Use Permit (CUP) for allowing shared parking (FILOP).

.

Tax Increment Financing District (TIF):

Melvin's 235, LLC has been supportive of the City of Wayzata's effort to create a tax increment district in this area of Lake Street East. The TIF district would include approximately 24 land parcels and would generate the ability for the City to invest in several meaningful infrastructure projects. Melvin's 235 LLC intends to apply for TIF financing through the City and be a supportive member of this TIF district for the benefit of the City.

January 24, 2020

**GENERAL PLAN APPLICATION
235 LAKE STREET EAST, WAYZATA
Melvin's 235, LLC, Applicant**

NARRATIVE SUMMARY

1. The proposed project shall be consistent with the Wayzata Comprehensive Plan by improving street and boulevard character, enhancing the business structure in the commercial area and strengthening the community gateway.
2. The proposed parking plan allows flexibility between tenant parking for the property and public parking during off hours.
3. The location of the parking lot is located on the north side of the property, separated from Lake Street and provides the required parking for adjacent properties which conforms to performance standards.
4. The parking lot shall reduce the impact of street parking along Lake Street easing traffic congestion.
5. Adjacent property values shall increase due to the added amenity from the existing conditions.
6. The traffic in the area shall improve due to access from both Lake Street and Barry Avenue South into the lot.
7. The lot configuration allows for better access to all properties along Lake Street and improves surface drainage in the area.

January 21, 2020

**GENERAL PLAN APPLICATION
235/239 LAKE STREET EAST, WAYZATA
Melvin's 235, LLC, Applicant**

NARRATIVE SUMMARY

Introduction:

The 235/239 Lake Street East property is planned to be developed into a three-story multi-tenant office building with below grade parking. The current property consists of four tax parcels which will be combined into a single tax parcel for the development. The new office building is currently designed to contain 50,061 gross square feet of area. The building will contain 29 lower level parking stalls as well as surface parking for tenants and/or visitors located on the north side of the property.

The 235/239 Lake Street East development is intended to serve the local multi-tenant office market. The property owner Melvin's 235, LLC is expected to lease a portion of the building for their own company use and offices. The balance of the office space will be leased to local general office space users.

1. The proposed project shall be consistent with the Wayzata Comprehensive Plan by improving street and boulevard character, enhancing the business structure in the commercial area and strengthening the community gateway.
2. Design techniques have been used to preserve sensitive areas such as, streams, wetlands, wildlife habitat, trees and vegetation, scenic points and community assets.
3. Minimal impact is proposed to the existing topography to minimize filing or grading.
4. Existing stands of trees to the west and north shall be retained and the project shall be sensitively integrated into existing trees.
5. The proposed project matches the adjacent properties in scale, character of the City, its neighborhoods, and its commercial areas.
6. Building materials and scale are reflective of the surrounding lots and neighborhood character.
7. Overall, the project scale and function is similar to adjacent lots and lots found in the surrounding commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of the proposed project follows 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 [Chapter 909](#) of the Wayzata Zoning Ordinance.

10. Shall conform with all performance standards contained herein.
11. Existing buildings and property area shall be demolished allowing for improvement and shall increase the values of neighboring properties.
12. Shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

PARKING REQUIREMENT CALCULATIONS
As per Wayzata Code of Ordinances (920.11)
- Building Use #23: Office Buildings & Professional Offices
37,470 SF X .90 = 33,723
of Required Parking Stalls = $[(GSF - (10\% GSF))] / 1000$ X 3
33.723 X 3 = 101.17

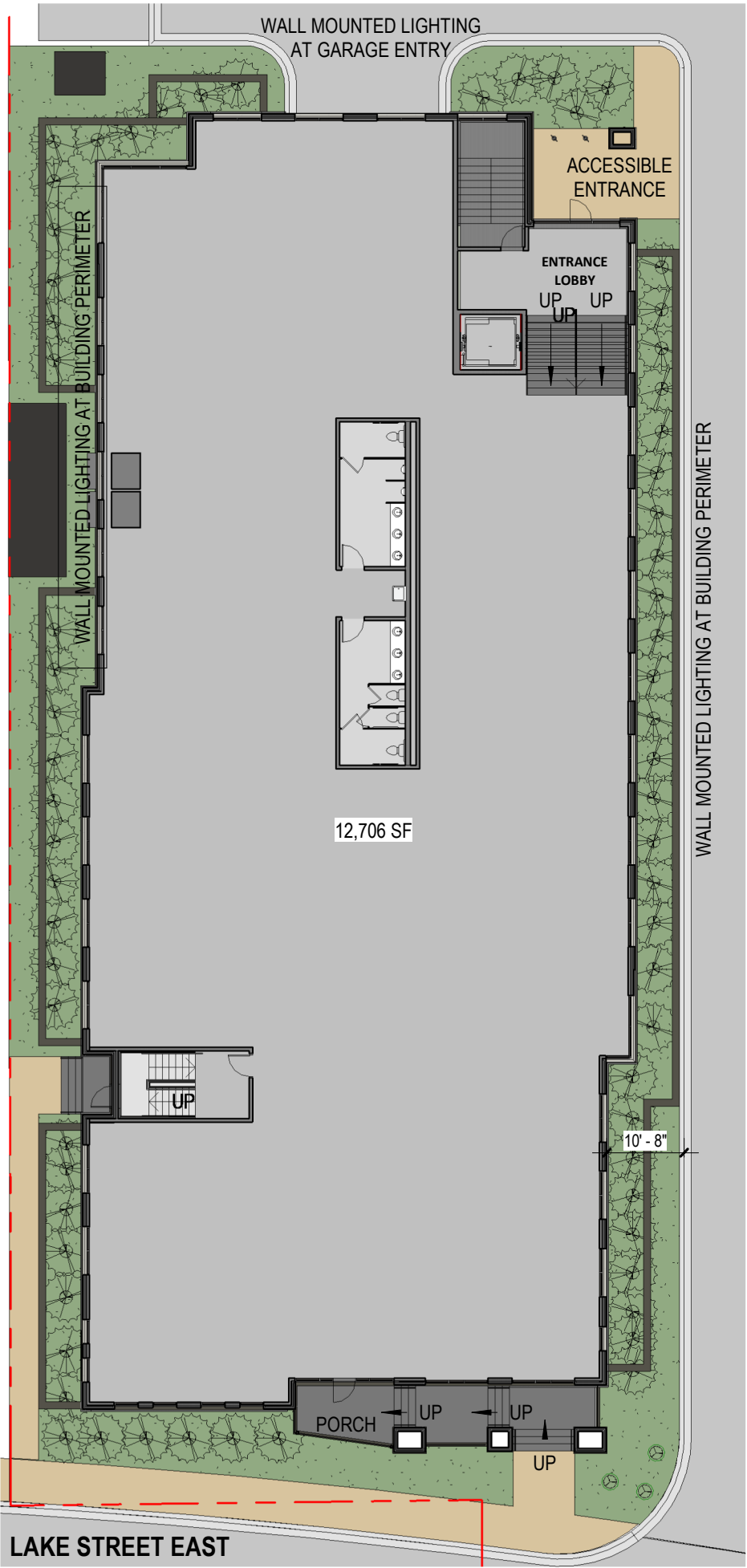
102 Total Parking Stalls Required
- 29 Current Underground Parking Stalls
- 73 Surface Stalls Required



BOULEVARD TREES, PLANTED IN SIDEWALK AREAS, SHALL BE PLANTED NO MORE THAN TWENTY SIX (26) FEET ON CENTER FROM EACH OTHER.

SITE PLAN

1" = 60'-0"



1ST FLOOR

3/64" = 1'-0"

- 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.
- LIGHT POSTS SHALL BE OF A DARK COLOR.
- LIGHTING FIXTURES SHALL BE COMPATIBLE WITH THE ARCHITECTURE OF THE BUILDING.
- 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.
- ALL LIGHTING FIXTURES SHALL COMPLY WITH CITY CODE SECTION 801.16.6 AS IT RELATES TO GLARE.



01/14/2020

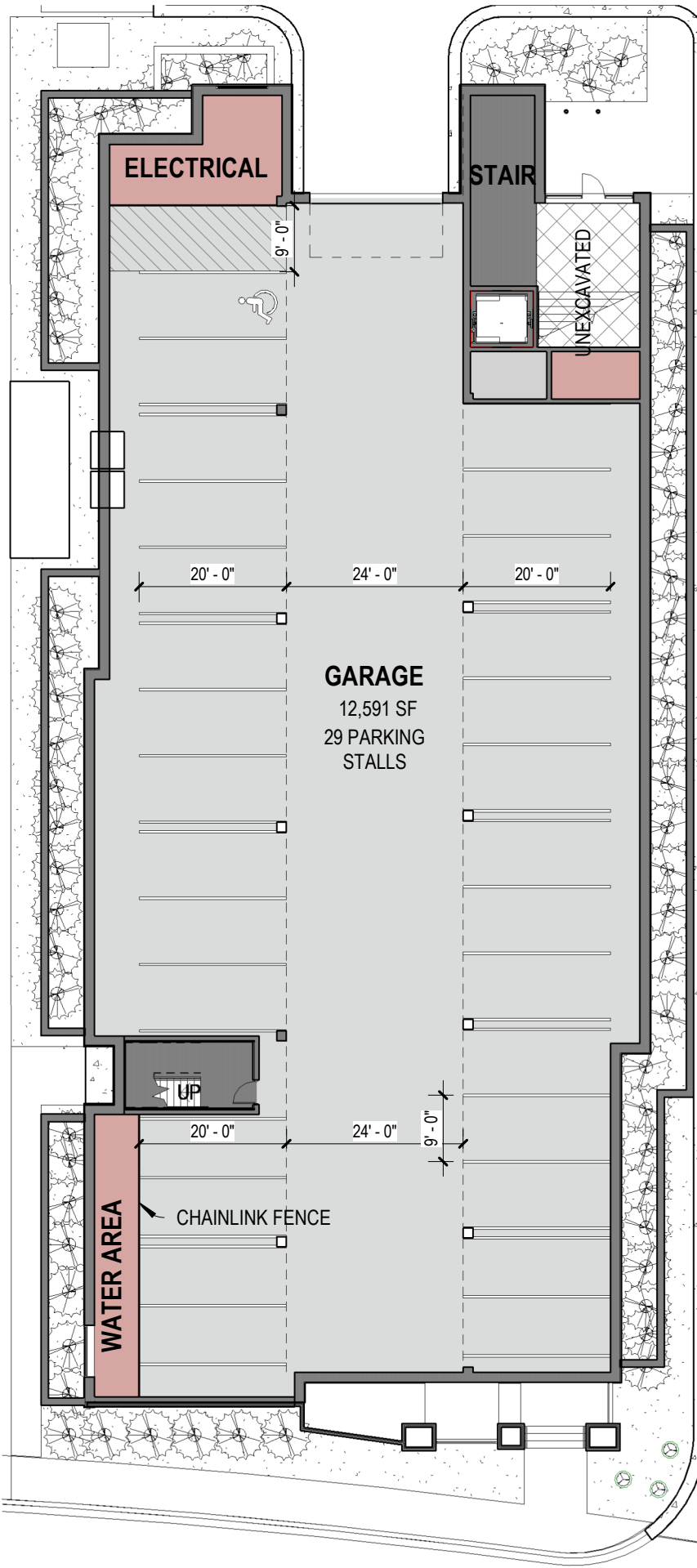
235 LAKE STREET EAST
WAYZATA, MINNESOTA

MDC
Momentum Design Group

SITE PLAN / FIRST FLOOR PLAN

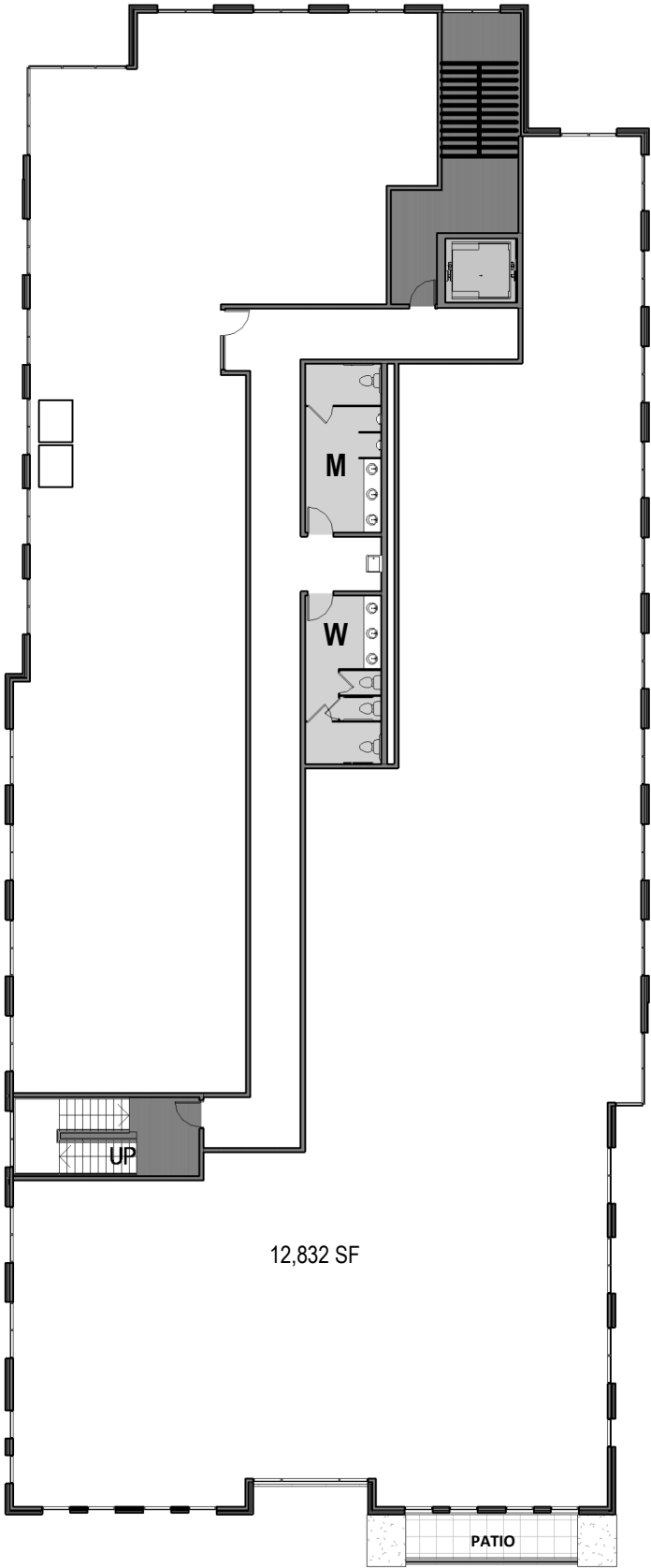
10' - 8"

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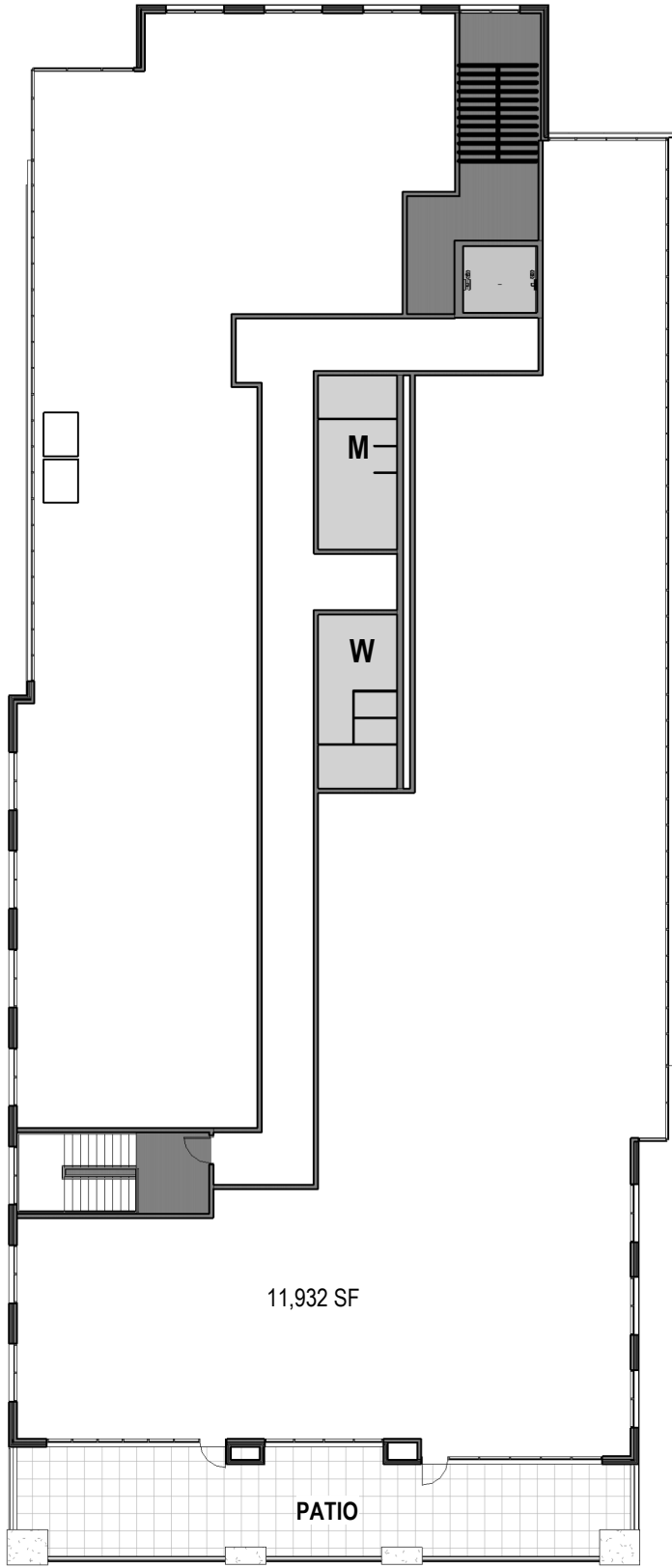
GARAGE FLOOR

3/64" = 1'-0"



2ND FLOOR

3/64" = 1'-0"



3RD FLOOR

3/64" = 1'-0"



GROSS BUILDING AREA

GARAGE	12591 SF
1ST FLOOR	12706 SF
2ND FLOOR	12832 SF
3RD FLOOR	11932 SF
TOTAL	50061 SF

MATERIAL PERCENTAGES - EAST	
BRICK/STONE BASE	15%
STONE PANEL	38%
NICHIHA PANELS	12%
WINDOW / DOORS	35%



EAST ELEVATION

3/64" = 1'-0"

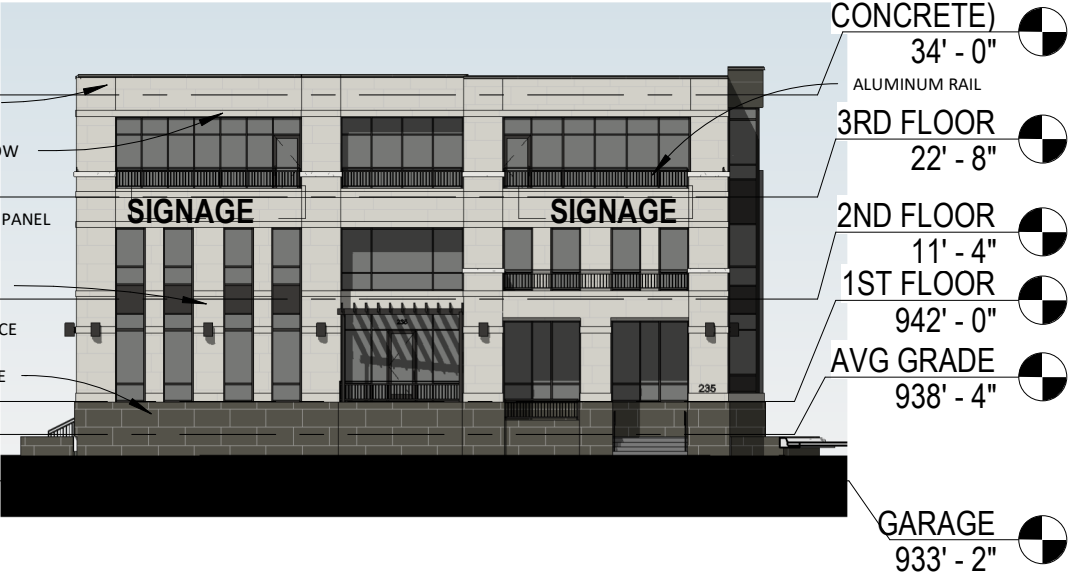
MATERIAL PERCENTAGES - WEST	
BRICK/STONE BASE	14%
STONE PANEL	44%
NICHIHA PANELS	8%
WINDOW / DOORS	34%



WEST ELEVATION

3/64" = 1'-0"

MATERIAL PERCENTAGES - SOUTH	
BRICK/STONE BASE	10%
STONE PANEL	49%
NICHIHA PANELS	1%
WINDOW / DOORS	40%
(50% OF FIRST FLOOR MATERIAL)	



SOUTH ELEVATION

3/64" = 1'-0"

MATERIAL PERCENTAGES - NORTH	
BRICK/STONE BASE	18%
STONE PANEL	35%
NICHIHA PANELS	5%
WINDOW / DOORS	42%



NORTH ELEVATION

3/64" = 1'-0"

01/14/2020

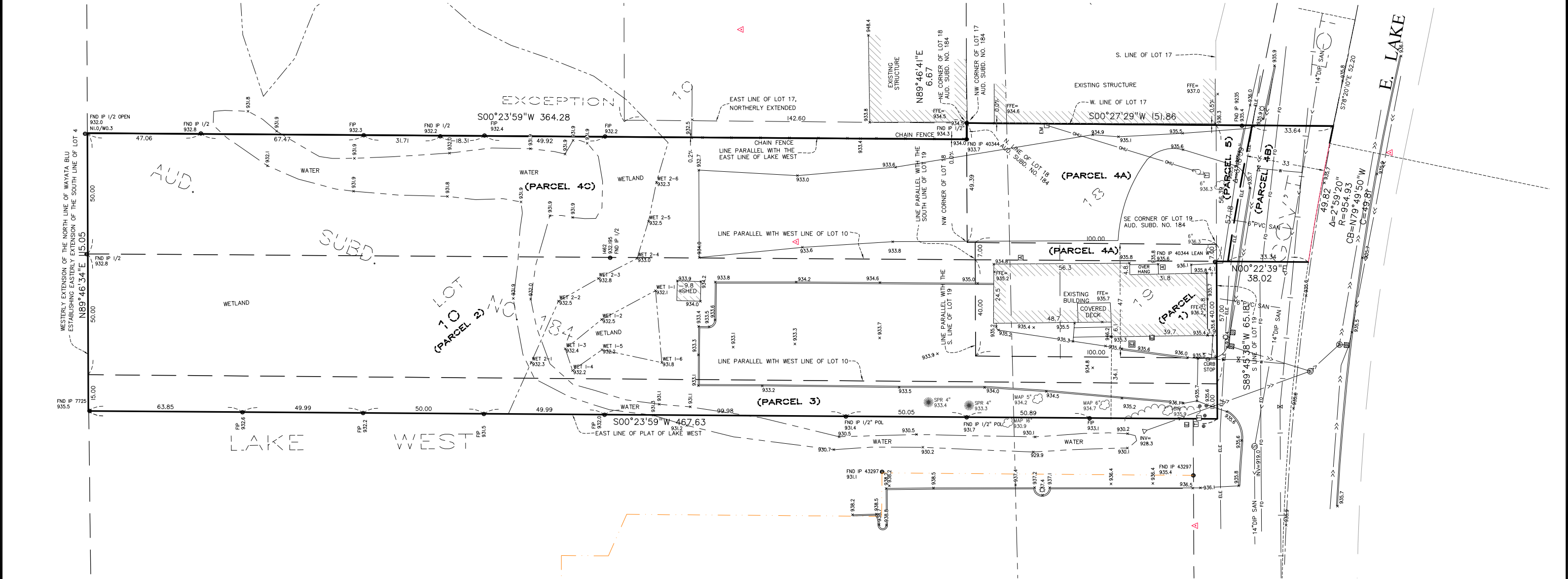
EXTERIOR ELEVATIONS

235 LAKE STREET EAST
WAYZATA, MINNESOTA



Momentum Design Group

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DESCRIPTION OF SUBJECT PROPERTY

Parcel 1: (PID# 06-117-22-32-0003) Abstract

That part of Lots 10 and 19, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota, described as follows:

Commencing at a point on the South line of Lot 19, 7 feet west of the southeast corner of Lot 19; thence northerly along a line parallel with the East line of Lot 19, a distance of 100 feet; thence westerly along a line parallel with the south line of Lot 19, a distance of 40 feet; thence southerly along a line parallel with the east line of Lot 19, a distance of 100 feet to a point on the south line of Lot 19, 47 feet west of the southeast corner of Lot 19; thence easterly along the south line of Lot 19, a distance of 40 feet, more or less, to the point of beginning.

Parcel 2: (PID# 06-117-22-32-0007) Abstract

Commencing at the point of intersection between the south line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, and a line drawn parallel to and 47 feet west of the west line of Lot 18, AUDITOR'S SUBDIVISION NO. 184, which point of intersection is the point of beginning of the tract of land to be conveyed; thence North parallel to the west line of said Lot 18, a distance of 100 feet; thence East parallel to the South line of said Lot 19, a distance of 40 feet; thence North parallel to the west line of Lot 10, AUDITOR'S SUBDIVISION NO. 184, to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence West along said easterly extended South line of said Lot 4, a distance of 50 feet; thence South parallel to the west line of Lots 10 and 19 to the point of intersection with the South line of said Lot 19; thence East along the south line of said Lot 19 to the point of beginning.

Parcel 3: (PID# 06-117-22-23-0010) Abstract

Commencing at the point of intersection between the South line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, and a line drawn parallel to and 57 feet west of the west line of Lot 18, AUDITOR'S SUBDIVISION NO. 184, which point of intersection is the point of beginning of the tract of land to be conveyed; thence North parallel to the west lines of Lots 10 and 19, AUDITOR'S SUBDIVISION NO. 184, to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence West along said easterly extended south line of said Lot 4 and along the said south line of said Lot 4 a distance of 15 feet; thence South parallel to the west lines of said Lot 10 and Lot 19 to the point of intersection with the south line of said Lot 19; thence East along the south line of said Lot 19 to the point of beginning.

Parcel 4A: (PID# 06-117-22-23-0014) Torrens

Lot 18, and;

That part of Lots 10 and 19, described as beginning at the southeast corner of said Lot 19; thence North along the East line of said Lot 19 and its extension, 100 feet; thence West, parallel to the South line of said Lot 19, a distance of 7 feet; thence South to a point on the south line of said Lot 19, distant 7 feet west from the southeast corner thereof; thence East to the point of beginning.

All in AUDITOR'S SUBDIVISION 184, Hennepin County, Minnesota.

PARCEL 4C: Abstract

All that part of the tract of land hereinafter described lying west of the northerly extended east line of Lot 17, AUDITOR'S SUBDIVISION NO. 184, said tract of land being described as follows, to-wit: Commencing at the Northeast corner of Lot 11, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota; thence West along the north line of Lot 11 and an extension thereof a distance of 315.85; thence south a distance of 142.6 feet to the northeast corner of Lot 18; thence West along the north line of Lot 18 a distance of 50 feet to the northwest corner of said Lot 18; thence South along the west line of Lot 18 a distance of 2.6 feet; thence west parallel with the south line of Lot 19 a distance of 7 feet; thence North parallel with the west line of Lot 10 to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence East along the easterly extension of said south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184 to the point of intersection with the westerly line of Watertown Road; thence southerly and southwesterly along the west line of Watertown Road to the point of beginning.

EXCEPT

All that part of the tract of land hereinafter described lying west of the northerly extended east line of Lot 17, AUDITOR'S SUBDIVISION NO. 184, said tract of land being described as follows, to-wit: Commencing at the northeast corner of Lot 11, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota; thence West along the north line of Lot 11 and an extension thereof a distance of 315.85; thence South a distance of 142.6 feet to the northeast corner of Lot 18; thence west along the north line of Lot 18 a distance of 7 feet; thence North parallel with the west line of Lot 10 to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence East along the easterly extension of said south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184 to the point of intersection of said South line of Lot 4; as so extended with the westerly line of Watertown Road; thence southerly and southwesterly along the west line of Watertown Road to the point of beginning

Parcel 5:

That part of Government Lot 1, Section 6, Township 117, Range 22, lying south of the south line of Lots 18 and 17, AUDITOR'S SUBDIVISION NUMBER NO. 184; and lying north of a line described as beginning at a point on the west line of Government Lot 1, Section 6, Township 117, Range 22, distant 89.8 feet south from the northwest corner of said Government Lot 1; thence East at right angles to said west line, 856.3 feet; thence easterly along a 6 degree curve to the right, having a central angle of 11 degrees 46 minutes, a distance of 196.11 feet; thence easterly tangent to said curve 52.2 feet and there terminating; and lying between the extensions south of the east line of said Lot 18 and the west line of the east 7 feet of said Lot 19.

NOTES

1.) This survey does purport to show all underground utilities. The existing utilities shown are shown in an approximate way only. The contractor shall determine the exact location of any and all existing utilities before commencing work. The contractor shall be fully responsible for any and all damages arising out of his failure to exactly locate and protect all existing utility facilities.

2.) Contact GOPHER STATE ONE CALL at 651-454-0002 for precise onsite location of utilities prior to any excavation.

3.) A title opinion was not furnished to the surveyor and no specific title search for existence or non-existence of recorded or un-recorded easements has been conducted by the surveyor as part of the survey. This survey is subject to revision upon delivery of current and complete title commitment.

4.) Zoning and setback information as provided by the Planning Department of the City of Wayzata:

Current Zoning: C-4B

Setbacks: There are no front, side or rear yard building setbacks. (Contact the city for other detailed restrictions)

5.) Survey coordinate and bearing basis: Assumed

6.) Wetland(s) shown hereon is (are) per field location of stakes as set by others and appears to be incomplete at this time.

7.) Minnesota State Statute 383B 603 Subd.2 (Hennepin County Highways) states: Maps or plats filed for record under this section shall not operate of themselves or transfer title to the property described but such maps shall be for descriptive purposes.

8.) Any modification to this survey or sketch performed by any person other than the surveyor signing this certification or persons under his direct supervision shall nullify the validity of this survey. Only an original survey with an original wet signature shall constitute valid certification.

BENCHMARKS:

- 1.) Top of top nut of first fire hydrant on the south side of Lake Street East west of site:
Elevation = 938.42 feet
- 2.) Top of top nut of first fire hydrant on the northside of Lake Street East east of site:
Elevation = 938.37 feet

AREA INFORMATION:

Parcel A: Net - 3,994 Sq. Ft.
R/W - 5 Sq. Ft.
Gross - 3,999 Sq. Ft.

Parcel B: Net - 19,352 Sq. Ft.
R/W - 16 Sq. Ft.
Gross - 19,367 Sq. Ft.

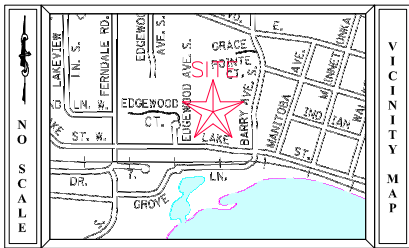
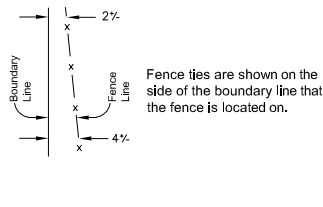
Parcel C: Net - 6,970 Sq. Ft.
R/W - 43 Sq. Ft.
Gross - 7,013 Sq. Ft.

Parcel D1: Gross - 5,830 Sq. Ft.

Parcel D2: Gross - 18,278 Sq. Ft.

Parcel E: Net - 487 Sq. Ft.
R/W - 1,740 Sq. Ft.
Gross - 2,227 Sq. Ft.

Total: Net - 54,909 Sq. Ft.
R/W - 1,804 Sq. Ft.
Gross - 56,881 Sq. Ft.



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)



SURVEY LEGEND

- | | | |
|-----------------------|-----------------------------|----------------------------|
| CAST IRON MONUMENT | WOE WALKOUT ELEVATION | BITUMINOUS |
| CATCH BASIN | FFE FIRST FLOOR ELEVATION | BUILDING SETBACK LINE |
| FLARED END SECTION | GFE GARAGE FLOOR ELEVATION | CABLE TV |
| GATE VALVE | TOF TOP OF FOUNDATION ELEV. | CONCRETE CURB |
| GUY WIRE | LOE LOWEST OPENING ELEV. | CONCRETE |
| HYDRANT | CABLE TV PEDESTAL | CONTOUR EXISTING |
| SURVEY MONUMENT SET | ELECTRIC TRANSFORMER | CONTOUR PROPOSED |
| SURVEY MONUMENT FOUND | ELECTRIC MANHOLE | GUARD RAIL |
| FOUND CHISELED "X" | ELECTRIC METER | DRAIN TILE |
| SURVEY CONTROL POINT | GAS METER | ELC ELECTRIC UNDERGROUND |
| LIGHT POLE | GAS VALVE | FENCE |
| POWER POLE | HAND HOLE | FO FIBER OPTIC UNDERGROUND |
| SANITARY MANHOLE | SOIL BORING | GAS UNDERGROUND |
| SANITARY CLEANOUT | TREE CONIFEROUS | OVERHEAD UTILITY |
| SIGN | TREE DECIDUOUS | RAILROAD TRACKS |
| GROUND ELEVATION | TELEPHONE MANHOLE | SANITARY SEWER |
| STORM DRAIN | TELEPHONE PEDESTAL | STORM SEWER |
| STORM MANHOLE | TRAFFIC SIGNAL | TELEPHONE UNDERGROUND |
| YARD LIGHT | UTILITY MANHOLE | UTL UTILITY UNDERGROUND |
| A/C UNIT | UTILITY PEDESTAL | WATERMAIN |

FIELD CREW	NO.	BY	DATE	REVISION
ALL	1	DBP	60418	Boundary review after platting of Wayzata Blu
DRAWN				
DBP/EMW				
CHECKED				
DBP				
DATE				
2-12-18				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 15th day of February, 2018.

David B. Pemberton, PLS
pemberton@sathre.com
Minnesota License No. 40344



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

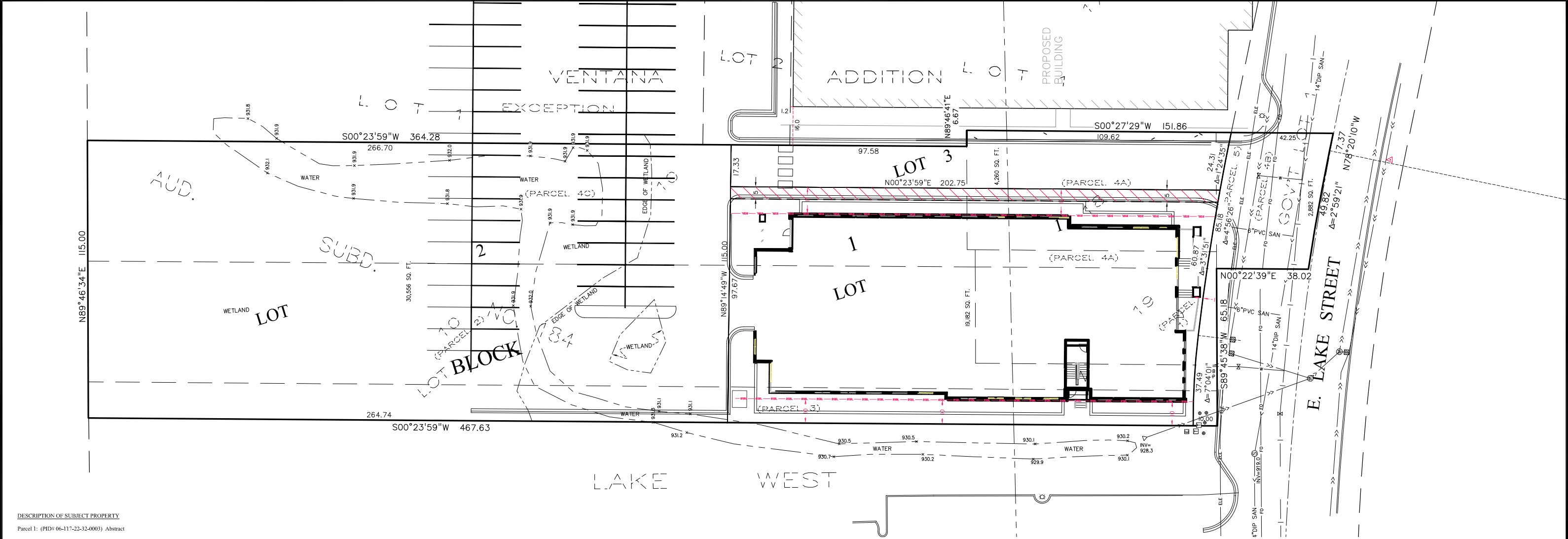
WAYZATA,
MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
MELVIN'S 235, LLC.

FILE NO.
56800-001

1



DESCRIPTION OF SUBJECT PROPERTY

Parcel 1: (PID# 06-117-22-32-0003) Abstract

That part of Lots 10 and 19, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota, described as follows:

Commencing at a point on the South line of Lot 19, 7 feet west of the southeast corner of Lot 19; thence northerly along a line parallel with the East line of Lot 19, a distance of 100 feet; thence westerly along a line parallel with the south line of Lot 19, a distance of 40 feet; thence southerly along a line parallel with the east line of Lot 19, a distance of 100 feet to a point on the south line of Lot 19, 47 feet west of the southeast corner of Lot 19; thence easterly along the south line of Lot 19, a distance of 40 feet, more or less, to the point of beginning.

Parcel 2: (PID# 06-117-22-32-0007) Abstract

Commencing at the point of intersection between the south line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, and a line drawn parallel to and 47 feet west of the west line of Lot 18, AUDITOR'S SUBDIVISION NO. 184, which point of intersection is the point of beginning of the tract of land to be conveyed; thence North parallel to the west line of said Lot 18, a distance of 100 feet; thence East parallel to the South line of said Lot 19, a distance of 40 feet; thence North parallel to the west line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence West along said easterly extended South line of said Lot 4, a distance of 50 feet; thence South parallel to the west line of Lots 10 and 19 to the point of intersection with the South line of said Lot 19; thence East along the south line of said Lot 19 to the point of beginning.

Parcel 3: (PID# 06-117-22-32-0010) Abstract

Commencing at the point of intersection between the South line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, and a line drawn parallel to and 57 feet west of the west line of Lot 18, AUDITOR'S SUBDIVISION NO. 184, which point of intersection is the point of beginning of the tract of land to be conveyed; thence North parallel to the west lines of Lots 10 and 19, AUDITOR'S SUBDIVISION NO. 184, to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence West along said easterly extended south line of said Lot 4 and along the said south line of said Lot 4 a distance of 15 feet; thence South parallel to the west lines of said Lot 10 and Lot 19 to the point of intersection with the south line of said Lot 19; thence East along the south line of said Lot 19 to the point of beginning.

Parcel 4A: (PID# 06-117-22-32-0014) Torrens

Lot 18, and

That part of Lots 10 and 19, described as beginning at the southeast corner of said Lot 19; thence North along the East line of said Lot 19 and its extension, 100 feet; thence West, parallel to the South line of said Lot 19, a distance of 7 feet; thence South to a point on the south line of said Lot 19, distant 7 feet west from the southeast corner thereof; thence East to the point of beginning.

All in AUDITOR'S SUBDIVISION 184, Hennepin County, Minnesota.

PARCEL 4C: Abstract

All that part of the tract of land hereinafter described lying west of the northerly extended east line of Lot 17, AUDITOR'S SUBDIVISION NO. 184, said tract of land being described as follows, to-wit: Commencing at the northeast corner of Lot 11, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota; thence West along the north line of Lot 11 and an extension thereof a distance of 315.85; thence South a distance of 142.6 feet to the northeast corner of Lot 18; thence West along the north line of Lot 18 a distance of 50 feet to the northwest corner of said Lot 18; thence South along the west line of Lot 18 a distance of 2.6 feet; thence west parallel with the south line of Lot 19 a distance of 7 feet; thence North parallel with the west line of Lot 10 to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence East along the easterly extension of said south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184 to the point of intersection of said south line of Lot 4, as so extended with the westerly line of Watertown Road; thence southerly and southwesterly along the west line of Watertown Road to the point of beginning.

EXCEPT

All that part of the tract of land hereinafter described lying west of the northerly extended east line of Lot 17, AUDITOR'S SUBDIVISION NO. 184, said tract of land being described as follows, to-wit: Commencing at the northeast corner of Lot 11, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota; thence West along the north line of Lot 11 and an extension thereof a distance of 315.85; thence South a distance of 142.6 feet to the northeast corner of Lot 18; thence West along the north line of Lot 18 a distance of 7 feet; thence North parallel with the west line of Lot 10 to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence East along the easterly extension of said south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184 to the point of intersection of said South line of Lot 4; as so extended with the westerly line of Watertown Road; thence southerly and southwesterly along the west line of Watertown Road to the point of beginning

Parcel 5:

That part of Government Lot 1, Section 6, Township 117, Range 22, lying south of the south line of Lots 18 and 17, AUDITOR'S SUBDIVISION NUMBER NO. 184; and lying north of a line described as beginning at a point on the west line of Government Lot 1, Section 6, Township 117, Range 22, distant 89.8 feet south from the northwest corner of said Government Lot 1; thence East at right angles to said west line, 856.3 feet; thence easterly along a 6 degree curve to the right, having a central angle of 11 degrees 46 minutes, a distance of 196.11 feet; thence easterly tangent to said curve 52.2 feet and there terminating; and lying between the extensions south of the east line of said Lot 18 and the west line of the east 7 feet of said Lot 19.

GENERAL NOTES

- Site Address:** 235 Lake Street East, Wayzata, Minnesota 55391
- Flood Zone Information:** This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0307F effective date of November 4th, 2016.
- Parcel Area Information:**

Gross Area:	56,881 s.f.	~ 1.306 acres
R/W Area:	3,547 s.f.	~ 0.081 acres
Wet Area:	14,382 s.f.	~ 0.330 acres
Net Area:	38,952 s.f.	~ 0.894 acres
- Benchmark:** Elevations are based on:
 - Top of top nut of first fire hydrant on the south side of Lake Street East west of site: Elevation = 938.42 feet
 - Top of top nut of first fire hydrant on the north side of Lake Street East east of site: Elevation = 938.37 feet.
- Zoning Information:** The current Zoning for the subject property is C-4A (Limited Central Business District) per the City of Wayzata's zoning map. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Wayzata found on their web site on the date of February 15th, 2017 and are as follows:

Setbacks: The following minimum requirements shall be observed in a "C-4A" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

Height: No building shall be erected or structurally altered to exceed two (2) stories and thirty (30) feet in height, whichever is lesser.

Setbacks: There shall be no front yard, exterior side yard or rear yard requirements, except that there shall be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback shall be the same as the setback for the adjacent district.

Floor Area Ratio: The maximum floor area ratio (F.A.R.) shall be 2.0.

Area: The minimum total lot area shall be twelve thousand (12,000) square feet.

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

- Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.

- Wetlands shown herein were provided by Kjothaug Environmental Services Company on June 13, 2018 in a cadd format. There was no field location of stakes as set by others.

LAND SURVEYOR

Sathre-Bergquist, Inc.
150 Broadway Ave. S.
Wayzata, MN 55391
Land Surveyor: David Pemberton
Email: Pemberton@sathre.com
Tel: 952-476-6000

ENGINEER

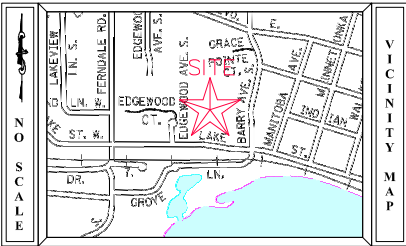
Rehder & Associates
3440 Federal Drive
St. Paul, MN 55122
Engineer: Nick Adam
Email: nadam@rehder.com
Tel: 651-452-5051

OWNER/DEVELOPER

Melvin's 235, LLC
235 Lake Street E.
Wayzata, MN 55391
Attn: Patrick R. Hughes
Tel: 952-345-8912
Email: prhughes@prairiecompanies.com

PROPOSED LOT INFORMATION

Lot 1: 19,182 sq. ft. 0.440 acres
Lot 2: 30,556 sq. ft. 0.702 acres
Lot 3: 4,260 sq. ft. 0.978 acres
ROW: 2,883 sq. ft. 0.066 acres



Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)



SURVEY LEGEND

- | | | |
|---|--|---|
| <ul style="list-style-type: none">CAST IRON MONUMENTCATCH BASINFLARED END SECTIONGATE VALVEGY WIREHYDRANTSURVEY MONUMENT SETSURVEY MONUMENT FOUNDFOUND CHISELED "X"SURVEY CONTROL POINTLIGHT POLEPOWER POLESANITARY MANHOLESANITARY CLEANOUTSIGNGROUND ELEVATIONSTORM DRAINSTORM MANHOLEYARD LIGHTA/C UNIT | <ul style="list-style-type: none">WALKOUT ELEVATIONFIRST FLOOR ELEVATIONGARAGE FLOOR ELEVATIONTOP OF FOUNDATION ELEV.LOWEST OPENING ELEV.CABLE TV PEDESTALELECTRIC TRANSFORMERELECTRIC MANHOLEELECTRIC METERGAS METERGAS VALVEHAND HOLESOIL BORINGTREE CONIFEROUSTREE DECIDUOUSTELEPHONE MANHOLETELEPHONE PEDESTALTRAFFIC SIGNALUTILITY MANHOLEUTILITY PEDESTAL | <ul style="list-style-type: none">BITUMINOUSBUILDING SETBACK LINECABLE TVCONCRETE CURBCONCRETECONTOUR EXISTINGCONTOUR PROPOSEDGUARD RAILDRAIN TILEELCELECTRIC UNDERGROUNDFENCEFIBER OPTIC UNDERGROUNDGAS UNDERGROUNDOVERHEAD UTILITYRAILROAD TRACKSSANITARY SEWERSTORM SEWERTELEPHONE UNDERGROUNDUTILITY UNDERGROUNDWATERMAIN |
|---|--|---|

FIELD CREW	NO.	BY	DATE	REVISION
ALL	1	DBP	60418	Boundary review after platting of Wayzata Blu
DRAWN	2	DBP	4/18/2019	Update areas
DBP/EMW	3	DBP	1/9/2020	Place Structure - New Lot lines - Update
CHECKED	4	DBP	1/24/2020	Site Address
DBP				
DATE				
2-12-18				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 15th day of February, 2018.

David B. Pemberton, PLS
Pemberton@sathre.com
Minnesota License No. 40344



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000
WWW.SATHRE.COM

TWP:117-RGE.22-SEC.06
Hennepin County

**WAYZATA,
MINNESOTA**

PRELIMINARY PLAT

OF:
WAYZATA 235

FILE NO.
56800-001

1

WAYZATA 235

R.T. DOC. NO. _____

C.R. DOC. NO. _____

KNOW ALL PERSONS BY THESE PRESENTS: That Melvin's 235, LLC a Minnesota limited liability company, fee owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Lot 18, and

That part of Lots 10 and 19, described as beginning at the Southeast corner of said Lot 19; thence North along the East line of said Lot 19 and its extension, 100 feet; thence West, parallel to the South line of said Lot 19, a distance of 7 feet; thence South to a point on the south line of said Lot 19 distant 7 feet West from the Southeast corner thereof; thence East to the point of beginning;

All in AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minn.

AND

That part of Government Lot 1, Section 6, Township 117, Range 22, lying South of the South line of Lots 18 and 19, AUDITOR'S SUBDIVISION NUMBER NO. 184; and lying North of a line described as beginning at a point on the West line of Government Lot 1, Section 6, Township 117, Range 22, distant 89.8 feet south from the northwest corner of said Government Lot 1; thence East at right angles to said West line, 856.3 feet; thence Easterly along a 6 degree curve to the right, having a central angle of 11 degrees 46 minutes, a distance of 196.11 feet; thence Easterly tangent to said curve 52.2 feet and there terminating; and lying between the extensions South of the East line of said Lot 18 and the west line of the east 7 feet of said Lot 19.

AND

All that part of the tract of land hereinafter described lying West of the Northerly extended East line of Lot 17, Auditor's Subdivision No. 184, said tract of land being described as follows, to-wit: Commencing at the Northeast corner of Lot 11, Auditor's Subdivision No. 184, Hennepin County, Minnesota; thence West along the North line of Lot 11 and an extension thereof a distance of 315.85 feet; thence South a distance of 142.6 feet to the Northeast corner of Lot 18; thence West along the North line of Lot 18 a distance of 50 feet to the Northwest corner of said Lot 18; thence South along the West line of Lot 18 a distance of 2.6 feet; thence West parallel with the South line of Lot 19 a distance of 7 feet; thence North parallel with the West line of Lot 10 to the point of intersection with the Easterly extended South line of Lot 4, Auditor's Subdivision No. 184; thence East along the Easterly extension of said South line of Lot 4, Auditor's Subdivision No. 184 to the point of intersection of said South line of Lot 4; as so extended with the Westerly line of Watertown Road; thence Southerly and Southwesterly along the West line of Watertown Road to the point of beginning.

EXCEPT:

All that part of the tract of land hereinafter described lying West of the Northerly extended East line of Lot 17, Auditor's Subdivision No. 184, said tract of land being described as follows, to-wit: Commencing at the Northeast corner of Lot 11, Auditor's Subdivision No. 184, Hennepin County, Minnesota; thence West along the North line of Lot 11 and an extension thereof a distance of 315.85 feet; thence South a distance of 142.6 feet to the Northeast corner of Lot 18; thence West along the North line of Lot 18 a distance of 7 feet; thence North parallel with the West line of Lot 10 to the point of intersection with the Easterly extended South line of Lot 4, Auditor's Subdivision No. 184; thence East along the Easterly extension of said South line of Lot 4, Auditor's Subdivision No. 184 to the point of intersection of said South line of Lot 4, as so extended with the Westerly line of Watertown Road; thence Southerly and Southwesterly along the West line of the Watertown Road to the point of beginning.

(Abstract)

That part of Lots 10 and 19, AUDITOR'S SUBDIVISION NO. 184, Hennepin County, Minnesota, described as follows:

Commencing at a point on the South line of Lot 19, 7 feet west of the southeast corner of Lot 19; thence northerly along a line parallel with the East line of Lot 19, a distance of 100 feet; thence westerly along a line parallel with the south line of Lot 19, a distance of 40 feet; thence southerly along a line parallel with the east line of Lot 19, a distance of 100 feet to a point on the south line of Lot 19, 47 feet west of the southeast corner of Lot 19; thence easterly along the south line of Lot 19, a distance of 40 feet, more or less, to the point of beginning.

(Abstract)

AND

Commencing at the point of intersection between the south line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, and a line drawn parallel to and 47 feet west of the west line of Lot 18, AUDITOR'S SUBDIVISION NO. 184, which point of intersection is the point of beginning of the tract of land to be conveyed; thence North parallel to the west line of said Lot 18, a distance of 100 feet; thence East parallel to the South line of said Lot 19, a distance of 40 feet; thence North parallel to the west line of Lot 10, AUDITOR'S SUBDIVISION NO. 184, to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence West along said easterly extended South line of said Lot 4, a distance of 50 feet; thence South parallel to the west line of Lots 10 and 19 to the point of intersection with the South line of said Lot 19; thence East along the south line of said Lot 19 to the point of beginning.

(Abstract)

AND

Commencing at the point of intersection between the South line of Lot 19, AUDITOR'S SUBDIVISION NO. 184, and a line drawn parallel to and 57 feet west of the west line of Lot 18, AUDITOR'S SUBDIVISION NO. 184, which point of intersection is the point of beginning of the tract of land to be conveyed; thence North parallel to the west lines of Lots 10 and 19, AUDITOR'S SUBDIVISION NO. 184, to the point of intersection with the easterly extended south line of Lot 4, AUDITOR'S SUBDIVISION NO. 184; thence West along said easterly extended south line of said Lot 4 and along the said south line of said Lot 4 a distance of 15 feet; thence South parallel to the west lines of said Lot 10 and Lot 19 to the point of intersection with the south line of said Lot 19; thence East along the south line of said Lot 19 to the point of beginning.

(Abstract)

Has caused the same to be surveyed and platted as WAYZATA 235 and does hereby dedicate to the public for public use the public ways as created by this plat.

In witness whereof said Melvin's 235, LLC a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, _____.

_____, Chief Manager
Patrick R. Hughes

STATE OF MINNESOTA, COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by Patrick R. Hughes, Chief Manager of Melvin's 235 LLC, a Minnesota limited liability company on behalf of the company.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires

I, David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20_____.

David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 20_____, by David B. Pemberton.

Notary Public, Hennepin County, Minnesota

Notary Printed Name

My Commission Expires

CITY COUNCIL, CITY OF WAYZATA, MINNESOTA

This plat of WAYZATA 235 was approved and accepted by the City Council of the City of Wayzata, Minnesota at a regular meeting held this _____ day of _____, 20_____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd.2.

City Council, City of Wayzata, Minnesota.

By: _____, Mayor By: _____, Clerk

RESIDENT AND REAL ESTATE SERVICES
Hennepin County, Minnesota

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat, dated this _____ day of _____, 20_____.

Mark V. Chapin, Hennepin County Auditor

By: _____, Deputy

SURVEY DIVISION
Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____ day of _____, 20_____.

Chris F. Mavis, Hennepin County Surveyor

By: _____

REGISTRAR OF TITLES
Hennepin County, Minnesota

I hereby certify that the within plat of WAYZATA 235 was filed in this office this _____ day of _____, 20_____, at _____ o'clock ____ M.

Martin McCormick, Registrar of Titles

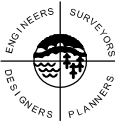
By: _____, Deputy

COUNTY RECORDER
Hennepin County, Minnesota

I hereby certify that the within plat of WAYZATA 235 was recorded in this office this _____ day of _____, 20_____, at _____ o'clock ____ M.

Martin McCormick, County Recorder

By: _____, Deputy

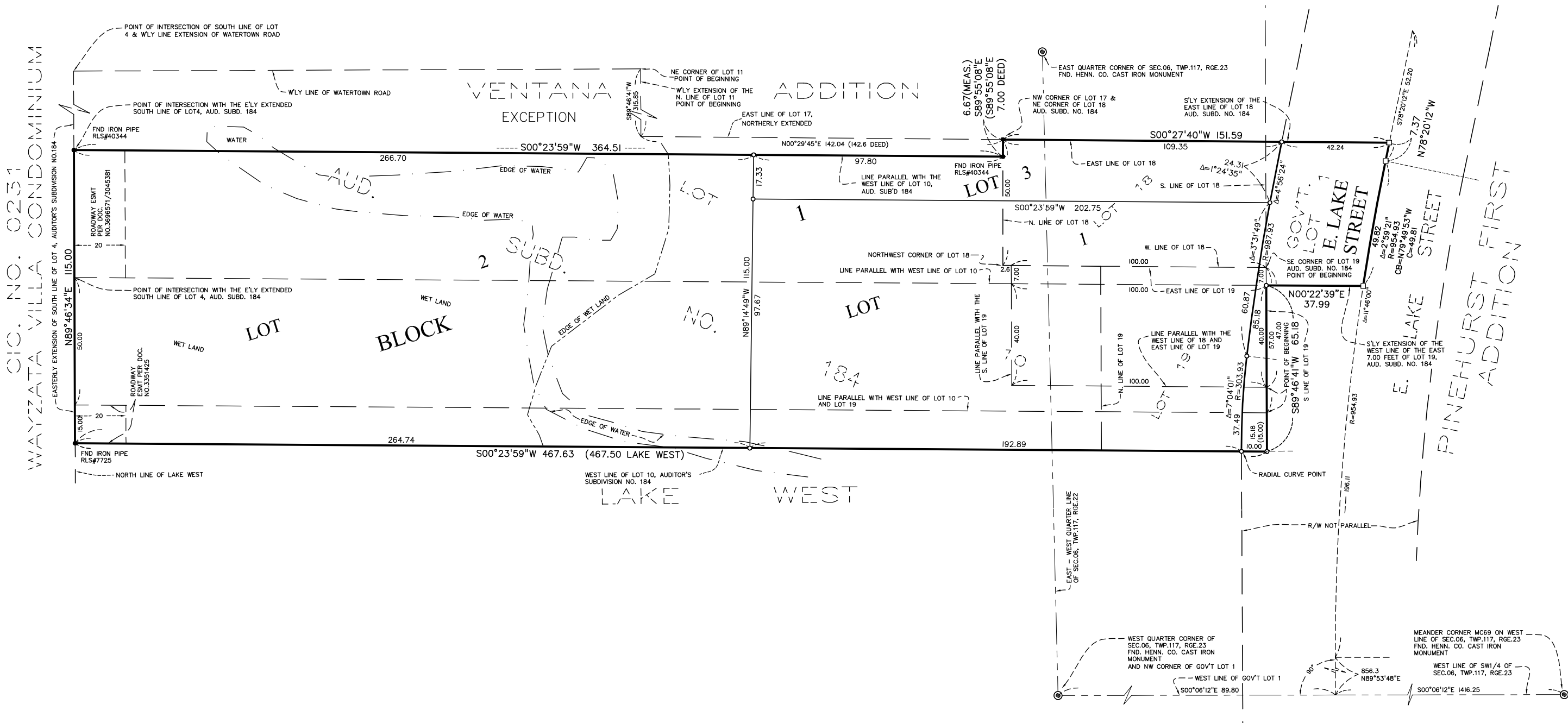


SATHRE-BERGQUIST, INC.

WAYZATA 235

R.T. DOC. NO. _____

C.R. DOC. NO. _____

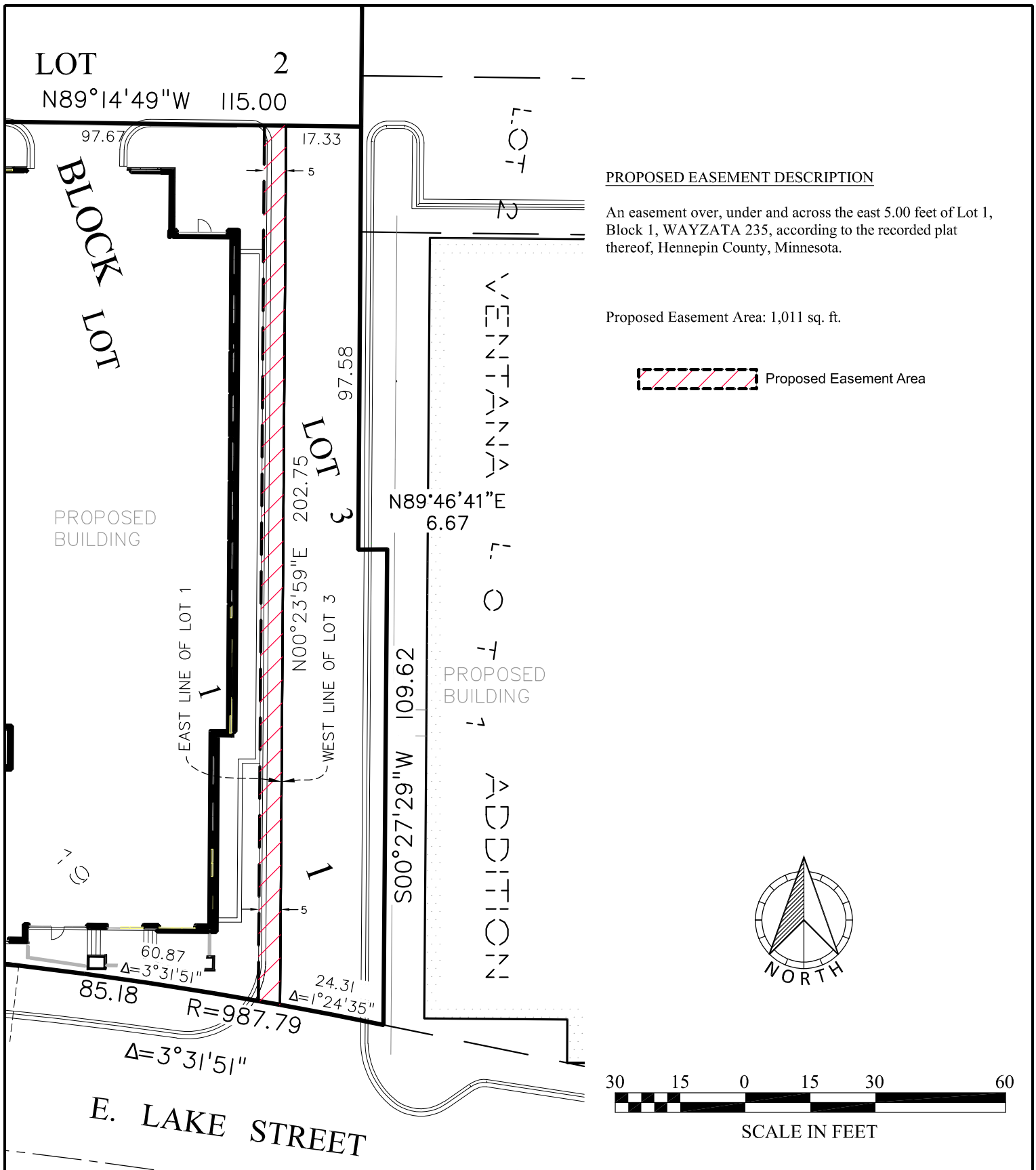


The basis for the bearing system is the east line of Lot 18, AUDITOR'S SUBDIVISION NO. 184 which is assumed to bear South 00 degrees 27 minutes 29 seconds West.

- Denotes a 1/2 inch by 14 inch iron pipe set and marked by License No. 40344.
- Denotes a found open 1/2 inch pipe, unless denoted otherwise.
- ⊙ Denotes a Found Cast-Iron-Monument as denoted
- Denotes set "PK" nail with disk marked by License No. 40344
- (xxxxxx) Denotes Deed or Plat bearing distance



SATHRE-BERGQUIST, INC.

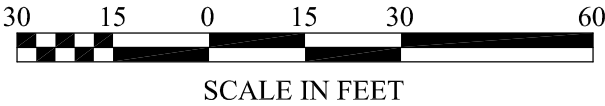


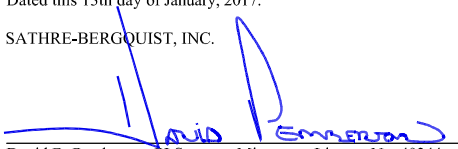
PROPOSED EASEMENT DESCRIPTION

An easement over, under and across the east 5.00 feet of Lot 1, Block 1, WAYZATA 235, according to the recorded plat thereof, Hennepin County, Minnesota.

Proposed Easement Area: 1,011 sq. ft.

 Proposed Easement Area



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. Dated this 13th day of January, 2017. SATHRE-BERGQUIST, INC.		SATHRE-BERGQUIST, INC. 150 South Broadway Ave. Wayzata, MN. 55391 (952) 476-6000 www.sathre.com											
 David B. Pemberton, PLS pemberton@sathre.com Minnesota License No. 40344		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Easement Exhibit</td> </tr> <tr> <td colspan="2" style="text-align: center;">Prepared For Melvin's 235, LLC</td> </tr> </table>		Easement Exhibit		Prepared For Melvin's 235, LLC							
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		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Date: 01/13/2020</td> <td style="width: 50%;">Revision Date:</td> </tr> <tr> <td>Prepared By: DBP</td> <td>Check By:</td> </tr> <tr> <td colspan="2">Layout Sheet: ESMT ACCESS</td> </tr> <tr> <td colspan="2">Project Number: 56800-001</td> </tr> </table>	Date: 01/13/2020	Revision Date:	Prepared By: DBP	Check By:	Layout Sheet: ESMT ACCESS		Project Number: 56800-001		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">1</td> <td style="width: 50%; text-align: center;">1</td> </tr> </table>	1	1
Date: 01/13/2020	Revision Date:												
Prepared By: DBP	Check By:												
Layout Sheet: ESMT ACCESS													
Project Number: 56800-001													
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CITY OF WAYZATA

November 7, 2018

FEE-IN-LIEU OF PARKING POLICY

Background and Purpose

To address the need for additional parking and parking-related services, and make both on and off street parking improvements in the downtown area, the City is pursuing the construction of a municipal parking ramp at Mill Street (the "Mill Street Ramp"), the establishment of a new designated capital improvement plan for future downtown parking improvements ("Downtown District CIP"), and the establishment of a downtown parking and mobility district (the "Mobility District"), a special services district under Minn. Stat. Ch. 428A. The City has also amended its parking ordinance to reduce the minimum amount of parking stalls required for uses in the downtown area to recognize (i) changes in parking demands associated with certain uses, (ii) differing parking demands for different days and hours, (iii) consolidated and shared parking opportunities, and to maximize the overall efficiency of available parking spaces.

The purpose of this policy is to provide greater flexibility to developers and property owners proposing projects in the downtown area that would further the City's goals for the area but not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown.

Paying a fee in lieu of parking under this policy would not sell spaces or grant exclusive rights to parking spaces in the Mill Street Ramp or other parking facilities in the Mobility District, but would allow uses on property in the Mobility District that would otherwise fail to meet the City's parking requirements.

Criteria for Considering a Fee in Lieu of Parking

If warranted by the standards outlined in this policy, the City Council may, but shall not be required to, grant approval of a reduction in the number of parking spaces actually constructed at the time of site development or occupancy of a building under the following criteria:

A. Eligible Properties and Projects. Any new use on a property (a "Project") that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in Section B of this policy; and (2) a conditional use permit is approved based upon the requirements of Section 801.04 of the City Code and the following additional criteria:

1. The Project is located within the "Mobility District" as established by City Council.
2. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
3. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.

For purposes of this policy, "available capacity" shall be the number of parking spaces available for use by applicants for new fee-in-lieu of parking conditional use permits. This number shall be determined by the City Council based on an analysis of the use of the City's parking facilities. The City's "parking facilities" shall be the Mill Street Ramp and any other public parking facility in the Mobility District.

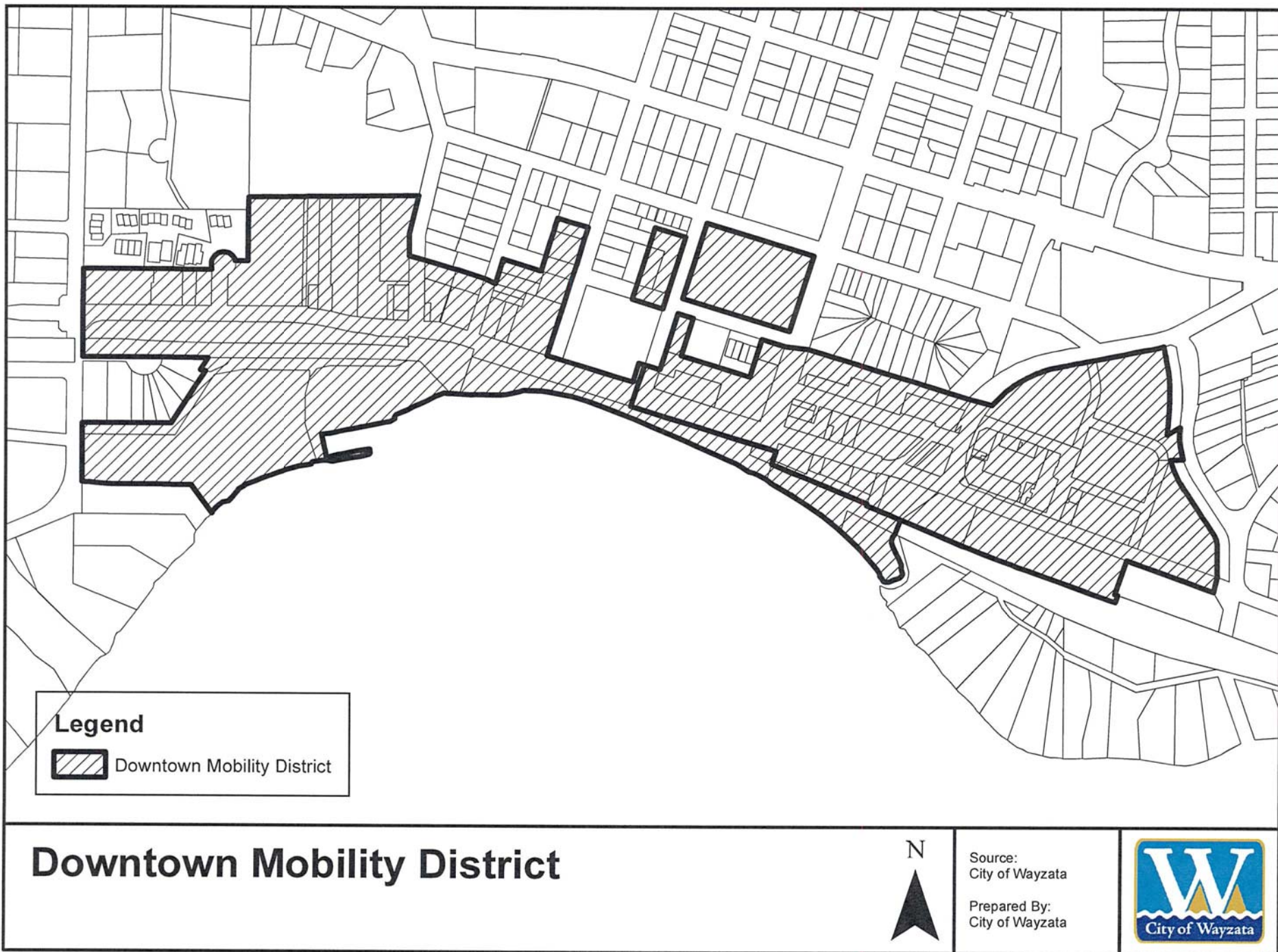
B. Fee. The amount of the fee-in-lieu of parking paid under this policy shall be established, and may be updated from time to time, by a resolution of the City Council, based on available public parking in the Mobility District, projections and/or calculations of the costs of constructing the parking facilities, improvements identified in the Downtown District CIP, and the value to applicants of satisfying the City's minimum parking requirements. The fee shall be paid in full as a one-time payment, prior to issuance of a building permit for the project, or upon the request of the applicant and the approval of Council, the fee may be paid over a period of time in the manner of an assessment, with a term of up to ten (10) years, and set to an interest rate equivalent to the Prime Interest Rate plus two (2) percent. The City Council shall approve any such payment over time at the time a conditional use permit is approved pursuant to this policy, and shall base any such approval on the following factors:

1. Amount of parking needed for the Project
2. Current Availability, or lack of availability, of public parking and/or the need to construct additional public parking for the Project
3. Availability, or lack of availability, of financing for the Project
4. Overall cost of the Project

C. Development Agreement. As a condition of approval of a conditional use permit issued pursuant to this policy, the applicant must enter into a development agreement with the City that includes an agreement to fully participate in and not contest the Mobility District and obligations thereof, and to pay the fee-in-lieu of parking. The development agreement shall be executed no later than the date on which a building permit for the Project is issued (or if no building permit is required, the date on which a certificate of occupancy is issued) and also include an agreement by the owner of the property for which the conditional use permit is issued authorizing the City to assess any unpaid fee-in-lieu of parking against the property as a special assessment and include a waiver of any right to object or appeal said assessment. The obligation to pay the fee-in-lieu of parking shall run with the property, and the development agreement shall be recorded against the property.

D. Expiration. A conditional use permit issued pursuant to this policy shall expire 12 months after being granted unless a development agreement (or amendment thereto) containing a fee-in-lieu of parking provision as described in subsection (C) above is executed by the permit holder.

E. Previous Obligations to Pay for Future Parking. Obligations in development agreements with the City, and conditions in previously granted land use approvals, that were agreed to or imposed prior to the adoption of this policy, that require a financial contribution to future City parking facilities to make up for parking shortfalls in Projects, may be satisfied upon (i) payment of the fee specified in Section B of this policy, and (ii) an amendment to the applicable development agreement as required by this policy.



Legend

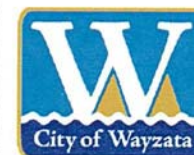
 Downtown Mobility District

Downtown Mobility District

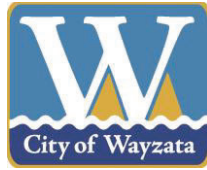


Source:
City of Wayzata

Prepared By:
City of Wayzata



Consolidated Documents from PUD General Plan Approval Process (40 pages)



Staff Report October 2, 2018

Project Name:	235 Lake St E
Applicant:	Pat Hughes & Tom Dillon
Property Owner	Melvin's 235, LLC
Addresses of Request:	235 and 239 Lake St E
Prepared by:	Jeff Thomson, Director of Planning and Building
"60 Day" Deadline:	October 31, 2018 (120 day extension)

Development Application

Introduction

The applicant, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, have submitted a development application to redevelop the properties at 235 and 239 Lake Street East. The applicant is proposing to demolish the existing office building and construct a three story, 37,821 square foot office building. The development application is the second phase for the PUD rezoning, and requests approval of the PUD general plan, design review, building height variance, and a conditional use permit/shoreland impact plan for the building height.

Background Information

Over the past year, the City has been considering redevelopment plans on Lake Street between Manitoba Ave and Ferndale Rd. The redevelopment plans include potential public parking that could be provided behind the buildings on the northwest corner of Lake Street and Barry Ave. This parking would serve the proposed development, the existing easement with the Boatworks property, and provide additional public parking for the downtown area. As each of the individual development projects has been reviewed by the City, the land behind 235, 239, 253 and 275 Lake Street has been reserved for a public parking option.

On February 20, 2018 the City Council approved the rezoning of the subject property from C-4A/Limited Central Business District to PUD/Planned Unit Development along with the PUD concept plan. The current application is similar to the approved concept plan, with the following modifications:

- The access drive has been moved from the west side of the building to the east, between 235 and 253 Lake Street East.
- The building has been increased in size from 35,181 to 37,821 square feet.
- The plans include a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the 35-foot height requirement.

Application Requests

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

- A. PUD General Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The City Council approved the PUD concept plan of development in February 2018. The applicant is now requesting approval of the PUD general plan of development. (City Code Section 801.33.6)
- B. Design Review: Construction of a new commercial building requires design review. (City Code Section 801.09.1.5)
- C. Height Variance: The maximum building height in the PUD zoning district is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 39.7 feet in height, which requires a variance.
- D. Shoreland Impact Plan/Conditional Use Permit for the building height: In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit.

Property Information

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

Address	PID	Owner
235 Lake St E	06-117-22-23-0010	Melvin's 235, LLC
235 Lake St E	06-117-22-23-0007	Melvin's 235, LLC
235 Lake St E	06-117-22-32-0003	Melvin's 235, LLC
239 Lake St E	06-117-22-23-0014	Melvin's 235, LLC

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

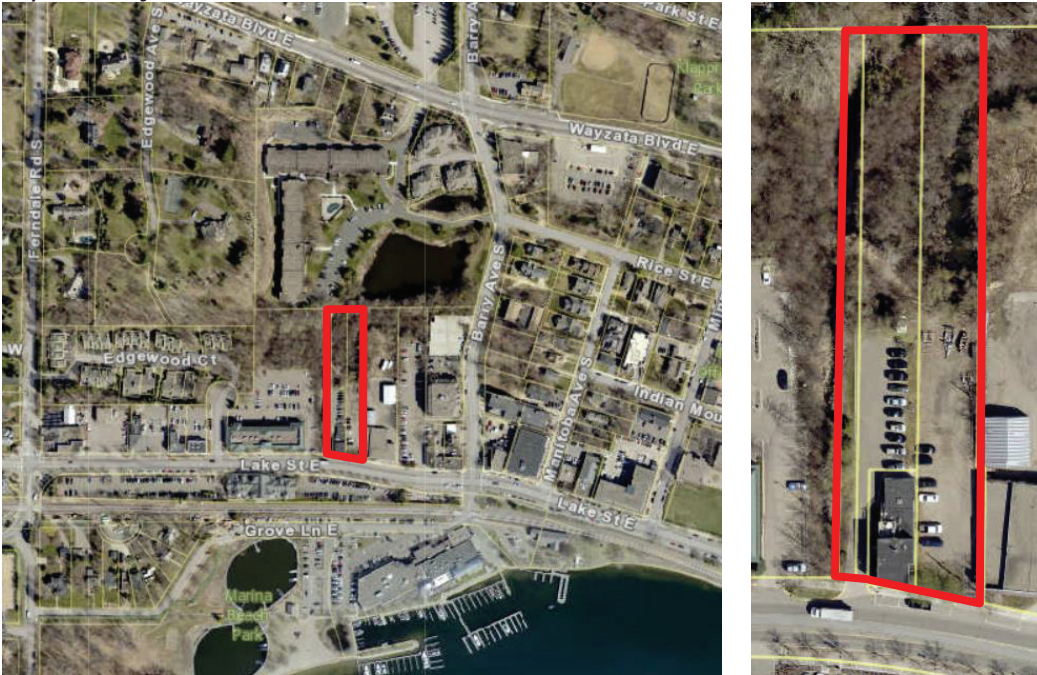
Current zoning:	PUD/Planned Unit Development District
Comp Plan designation:	Central Business District

Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District
--------------------	--

Project Location

The property is located on the north side of Lake Street, between Barry Avenue and Edgewood Court:

Map 1: Project Location



Adjacent Land Uses

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

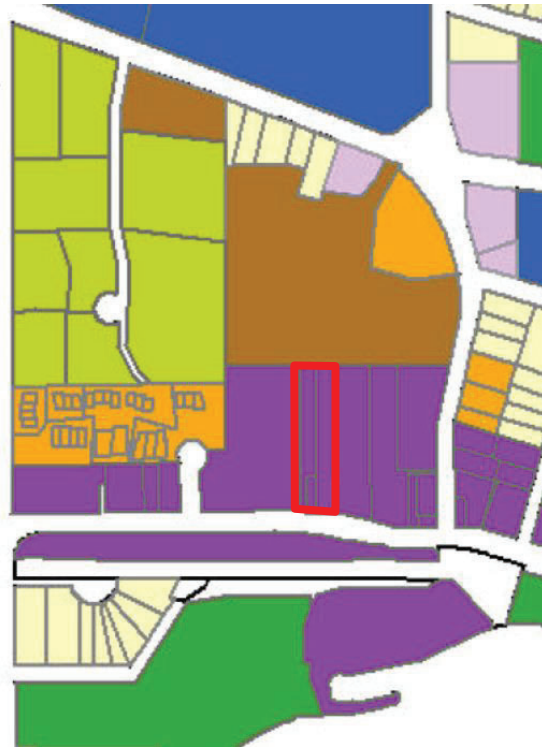
Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Wayzata Villa Condominiums	R-5/Average Density Multiple Residential District	High Density Multiple Family
East	Ventana Condos development site	PUD/Planned Unit Development	Central Business District
South	Lake Street	N/A	N/A
	TCF Office Building	PUD/Planned Unit Development	Central Business District
West	Coldwell Banker Burnet Building	C-4A/Limited Central Business District	Central Business District

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on August 9, 2018. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on August 7, 2018.

Project Overview

The development application includes demolition of the existing office building and construction of a new three-story, 37,821 square foot office building. The off-street parking for the building would be provided by underground parking stalls within the building and a shared surface parking lot on the back of the property. The parking lot would utilize the land given to the City as part of the 253 Lake St E project. Access to the shared parking lot would be provided from Lake St by a new two-way drive aisle on the east side of the site.

Planned Unit Development Process

The planned unit development zoning district is unique compared to a standard zoning district in that the development plans that are submitted with an application and approved by the City Council, are the regulating documents for the zoning of the property. Any future changes to the development must be consistent with the approved plans, or the property owner must apply to amend the PUD.

There is a two phase review of a PUD request. The first phase of PUD review is the concept plans, which provides an overview of the development and a general schematic design of the project, but does not include detailed engineering and architectural design of the buildings and site improvements. The intent of the concept plan is to review the general project characteristics such as consistency with the Comprehensive Plan, consistency with the purpose and intent of the PUD district, and compliance with the general standards outlined in the PUD zoning district. The second phase of a PUD review is the general plan, which is a more detailed review of the site and building design.

In this case, the PUD concept plan was approved on February 20, 2018 and the applicants are now requesting approval of the general plan. The City's previous approval of the rezoning and PUD concept plan does not bind the City to subsequent approval of the general plans.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the PUD concept plan, and provides the following analysis and information:

Comprehensive Plan

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

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

Design Review

The project is subject to the design standards for the Lake Street district. A design review critique of the proposed plans is attached to this report. The proposed project does not meet one of the design standards, and the proposal requires the following design deviation:

- Exterior Building Materials: The design standards state that at least 90% of the non-glass surfaces of each elevation must be composed of brick, stone, cast stone, wood, or stucco. The proposed plans meet the material requirements for the south/Lake Street and east elevations, but the use and amount of fiber cement board on the west and north sides of the building exceeds 10% and requires a design deviation.

Zoning

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

	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height (max.)	3 stories and 35 feet, whichever is less	35 feet	3 stories 39.7 feet
Floor Area Ratio (max.)	None	None	0.92
Impervious Surface (max.)	None	25% 75% with stormwater management 100% with shoreland impact plan/CUP	TBD (Final impervious surface coverage is dependent on design of public parking area)
Property Line Setbacks (min.)	None	None	North: 250+ ft. East: 28.5 ft. South: 0 ft. West 10 ft.
Lot Requirements (min.)	None	Same as underlying zoning district	54,909 sq ft

Building Height

Per the zoning ordinance, the building height is measured from the average grade along the building footprint to the top of the parapet/coping of a flat roof. The proposed building would be three stories with an overall height of 39.7 feet, as measured from grade to the top of the parapet/coping. The proposed building also includes a basement level for underground parking, which would extend 6 feet above average grade level because of the high water table on the site. The zoning ordinance states that a basement level can extend up to 6 feet above grade before it is considered an additional story. Therefore, as defined by the zoning ordinance, the proposed building is 3 stories with a basement level.

Section 801.33.2 A. of the zoning ordinance stipulates the maximum height in the PUD district is 35 feet or 3 stories, whichever is less, and Section 801.91.10 of the zoning ordinance stipulates structure height in the Shoreland overlay district as follows:

The minimum building structure height for either lake classification shall follow the Individual district requirements of the base zoning districts but shall not exceed 35 feet. Building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit as regulated under Section 801.91.19 of this Ordinance.

Therefore the proposed building height of 39.7 requires a variance and a conditional use permit/shoreland impact plan.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. For an office development, the parking ordinance requires a minimum of 3 spaces for each 1,000 sq. ft. of floor area. The proposed building consists of 37,821 sq. ft. of gross floor area (subtracting the parking level), which requires 102 parking spaces. The proposed building includes 29 enclosed parking spaces within the underground garage, the balance of the parking would be provided in the surface parking lot to the north of the building, which is shared with the public parking behind the building.

The proposed plans include a conceptual layout for the shared public parking area behind the building. The proposed plan provides a total of 186 parking stalls, which accommodates 74 stalls required for the Hughes project, 85 stalls for the Boatworks easements, and 27 stalls of permanent public parking. Bicycle parking is provided at the rear entrance of the building, adjacent to the parking lot.

Site Access and Circulation

The proposed PUD general development plan shows a 24' wide two-way access drive from Lake St to the shared parking area (with 253 Lake St. E) at the rear of the building. Access to the underground parking garage would be provided at the north end of the building from the shared parking area. As part of the project, the applicant is proposing a pedestrian access along the west side of the property which would connect Lake Street to a side entrance to the building.

Subdivision

The proposed plans do not include a preliminary and final plat to combine the parcels and subdivide into the parcel for the development and the public parking. The applicant would be required to submit a future development application for the preliminary and final plat subdivision.

Action Steps

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

Attachments

Applicant's Narrative
PUD General Plans
Design Review Critique
Approved PUD Concept Plans
Concept Parking Plan prepared by City

**GENERAL PLAN APPLICATION
235/239 LAKE STREET EAST, WAYZATA
Melvin's 235, LLC, Applicant**

July 3, 2018

NARRATIVE SUMMARY

Introduction:

The 235/239 Lake Street East property is planned to be developed into a three story multi-tenant office building. The current property consists of four tax parcels which will be combined into a single tax parcel for the development. The new office building is currently designed to contain 37,879 of gross leasable square feet of area. The building will contain approximately 28 lower level parking stalls as well as surface parking for tenants and/or visitors located on the north side of the property. We are requesting General Plan and Design Review approval by the City of Wayzata.

The 235/239 Lake Street East development is intended to serve the local multi-tenant office market. The property owner Melvin's 235, LLC is expected to lease a portion of the building for their own company use and offices. The balance of the office space will be leased to local general office space users.

The 235/239 Development team currently includes:

Developer/Owner
Melvin's 235, LLC – Pat Hughes Principal
235 Lake Street East
Wayzata, MN 55391

Project Manager
McSharry Real Estate, LLC – Tom Dillon
229 Minnetonka Avenue South, #52
Wayzata, MN 55391

Project Architect
Momentum Design Group – Craig Hartman
765 North Hampden Avenue, #180
St. Paul, MN 55114

Project Surveyor
Sathre-Bergquist, Inc. – Dave Pemberton
150 Broadway Avenue South
Wayzata, MN 55391

Civil Engineer
Rehder and Associates, Inc.
3440 Federal Drive, Suite #110
Eagan, MN. 55122

Application Request:

The 235 Lake Street General Plan application includes the following requests for approval:

- 1) Rezoning property from C-4A to Planned Unit Development (PUD), to allow for the development of a three story multi-tenant office building
- 2) Planned Unit Development (PUD) approval, to allow for the development of a three story multi-tenant office building
- 3) Variance from maximum building height from 35 feet to 39 feet 6 inches, due to the high level of ground water present on this site, will not allow for building the parking garage completely below grade
- 4) Shoreland Impact Plan/Conditional Use Permit (CUP) for height variance from 35 feet to 39 feet 6 inches, due to the high level of ground water present on this site, will not allow for building the parking garage completely below grade

Present Site Status:

The property has been owned by Melvin's 235, LLC for the past 13 years. There currently exists one two story office building on the property which was built in 1953. The property is currently zoned C-4A and we are requesting a PUD rezoning. An existing zoning summary of neighboring properties within 350-foot radius of 235/239 Lake Street East has been requested of the City of Wayzata.

Site Conditions:

The site is a flat site with a low-quality wetland located on the northern edge of the property. There are no other buildings, structures, significant trees or significant landscaping located on the site. Soil conditions are expected to be structurally unsuitable to support a new building and will need driven piles for foundation support. Ground water is expected to be found very near the surface of the site. Required utilities for the new office building are located in the Lake Street East right of way.

Building Plans:

The office building plans show the following gross floor sizes:

Parking Level	12,608 square feet of gross building area
First Floor	12,839 square feet of gross building area
Second Floor	12,975 square feet of gross building area
Third Floor	<u>12,065 square feet of gross building area</u>
Total GBA	50,488 square feet of gross building area

All building space is planned as general office space and approximately 29 parking stalls provided in the basement of the 235 building. The balance of required parking will be provided the on surface parking lot on the north side of building. The office building steps back from Lake Street on floor two by five feet and by an additional twelve feet on level three. The schematic building plans provide a building height of thirty-nine and one-half feet.

Statement of Area Use:

The surrounding properties on Lake Street East is mostly a combination of commercial and business uses. The planned redevelopments immediately to the east of the 235/239 property which would change uses from commercial use to high density residential use. Both the existing surrounding uses and the proposed future surrounding uses are compatible with the planned office building use at 235/239 Lake Street East.

Site:

First floor building setback from Lake Street is estimated at between five feet to ten feet based on the varying property line along Lake Street. The proposed development would require approximately 92 parking stalls including one loading stall at the rear of the building based on one stall per thousand square feet of leasable office space. Melvin's 235, LLC and the City of Wayzata are working on a mutually beneficial parking arrangement that would provide surface parking for the 235/239 building and City of Wayzata provide public parking during off peak business hours. This arrangement would involve a conveyance of a northern portion of Melvin's 235 land and northern portion of some of the 253 Lake Street land to create this City owned surface parking area.

Access to and from the 235/239 property to Lake Street will be located on the east side of the proposed 235 building and completely on 235/239 property. It is expected that a private/public parking lot use agreement will be formalized with the City prior to approval of the 235 Lake Street General Plan.

Site Tabulation:

Total Site Area:	56,954 square feet of land
First Floor	12,839 square feet of gross building area
Second Floor	12,975 square feet of gross building area
Third Floor	12,065 square feet of gross building area

Proposed FAR .61 FAR based on current site area

Project Schedule:	City Approvals	September 2018
	Construction Start	October 2018
	Construction Completion	August 2019
	Building Occupancy	September 2019

Public or Common Space:

There are several planned public or common spaces at the 235/239 Lake Street East property and include a planned driveway and walkway connecting the north surface parking lot and Lake Street East. The driveway and walkway are planned to be located on the 235/239 building and west of the 253 Lake Street East building property line.

Easements/Utilities:

It is anticipated that Melvin's 235, LLC will have a shared driveway/access easement with the City of Wayzata and a parking easement with the City of Wayzata when the development is completed in 2019. Building required utilities are currently located in the right of way of Lake Street East and include sanitary sewer, watermain and storm sewer. All utilities are expected to be adequate to serve the needs of the new 235 office building.

Tax Increment Financing District (TIF):

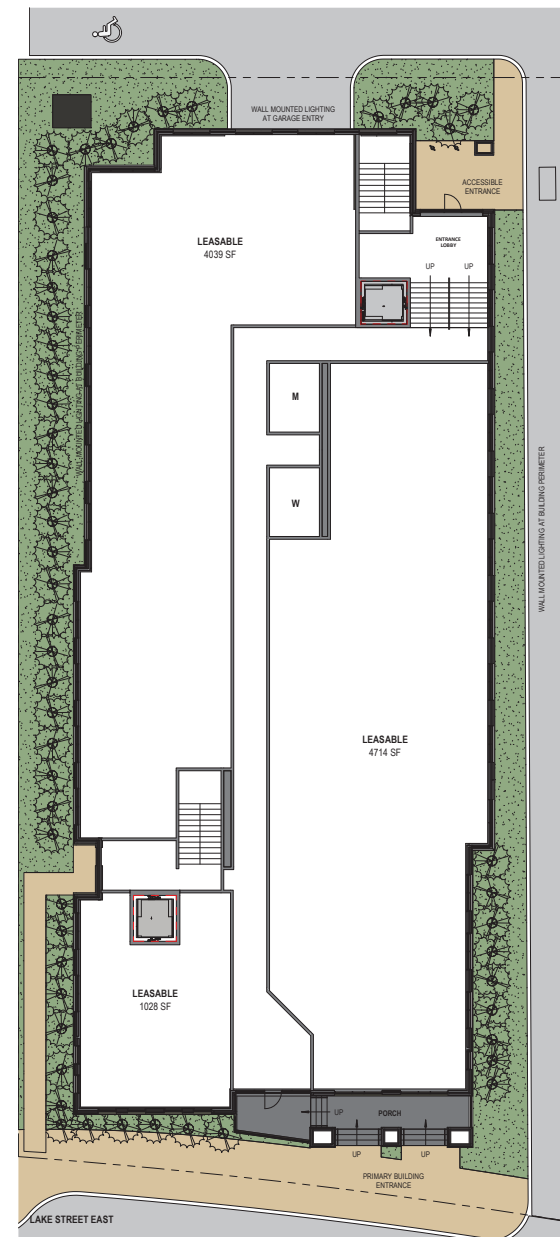
Melvin's 235, LLC has been supportive of the City of Wayzata's effort to create a tax increment district in this area of Lake Street East. The proposed TIF district would include approximately 24 land parcels and would generate the ability for the City to invest in several meaningful infrastructure projects. Melvin's 235 LLC intends to apply for TIF financing through the City and be a supportive member of this TIF district for the benefit of the City.

Application Conclusion:

We are requesting favorable review and approval of this General Plan submittal and Design review.



1 SITE PLAN
SCALE 1" = 30'-0"

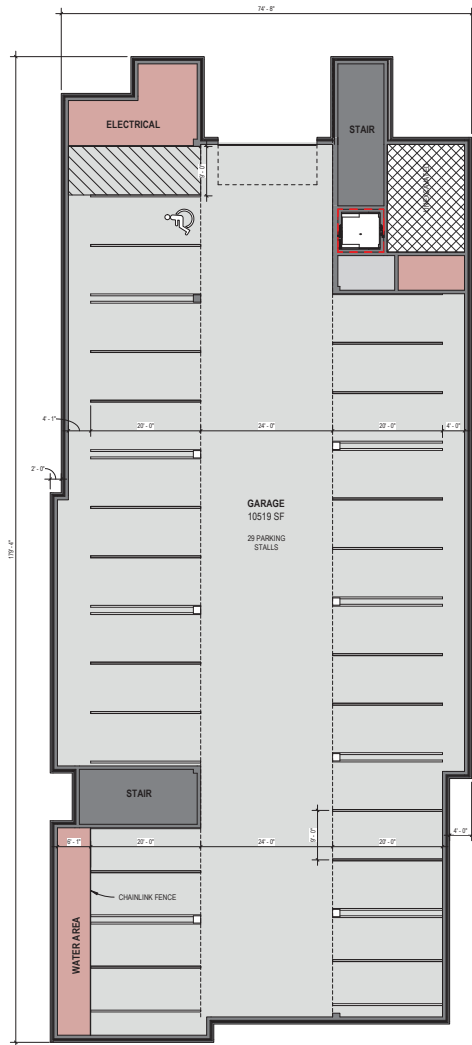


2 1ST FLOOR
SCALE 3/32" = 1'-0"

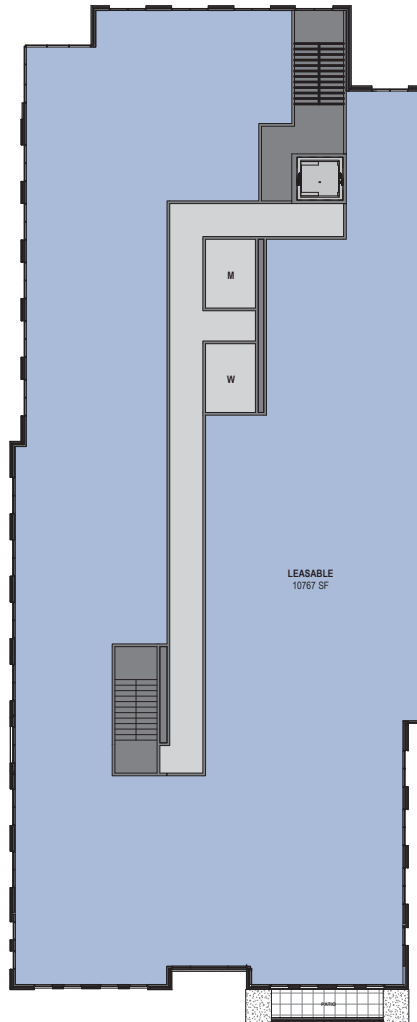
- PEDESTRIAN SCALE LIGHTING, NOT EXCEEDING THIRTEEN (13) FEET IN HEIGHT, SHALL BE LOCATED ON WALKWAYS AND ADJACENT TO STORE ENTRANCES. ALL SIDEWALK LIGHTING MUST BE PROJECTED DOWNWARDS. CITY LIGHT STANDARD SHALL BE FOLLOWED FOR ALL PUBLIC STREETS.
- LIGHT POSTS SHALL BE OF A DARK COLOR.
- LIGHTING FIXTURES SHALL BE COMPATIBLE WITH THE ARCHITECTURE OF THE BUILDING.
- LIGHTS ATTACHED TO BUILDINGS SHALL BE SCREENED BY THE BUILDING'S ARCHITECTURAL FEATURES TO ELIMINATE GLARE TO ADJACENT PROPERTIES. ALL FACADE LIGHTING MUST BE PROJECTED DOWNWARDS.
- ALL LIGHTING FIXTURES SHALL COMPLY WITH CITY CODE SECTION 601.16.6 AS IT RELATED TO GLARE.

DATE	DESCRIPTION
09/25/16	1.00 - 1.01

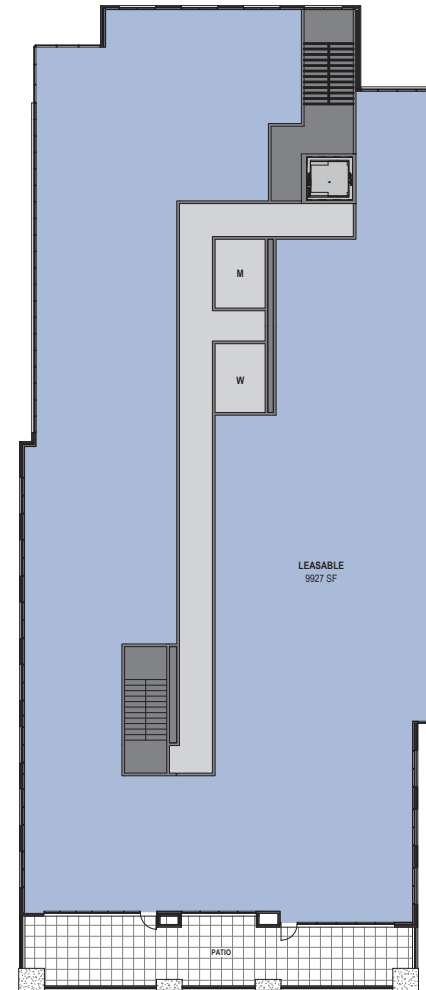
Date	09/25/16
Project Architect	Chadler
Project Number	160019



① GARAGE FLOOR
SCALE 3/32" = 1'-0"



② 2ND FLOOR
SCALE 3/32" = 1'-0"



③ 3RD FLOOR
SCALE 3/32" = 1'-0"

GROSS BUILDING AREA	
GARAGE	12583 SF
1ST FLOOR	12601 SF
2ND FLOOR	12565 SF
3RD FLOOR	12565 SF
TOTAL	50499 SF

DATE	08/20/18
PROJECT ARCHITECT	CHUCKLE
PROJECT NUMBER	18019

DATE: 08/20/18
PROJECT ARCHITECT: CHUCKLE
PROJECT NUMBER: 18019
PRINT NAME: BRIAN GADET
LICENSE # 12560
DATE: _____
SIGNATURE: _____

Date	08/20/18
Project Architect	Chuckle
Project Number	18019

MATERIAL PERCENTAGES - EAST	
BRICKSTONE BASE	14%
STONE PANEL	38%
NICHHA PANELS	12%
WINDOW / DOORS	36%

MATERIAL PERCENTAGES - NORTH	
BRICKSTONE BASE	10%
STONE PANEL	35%
NICHHA PANELS	5%
WINDOW / DOORS	42%

MATERIAL PERCENTAGES - WEST	
BRICKSTONE BASE	14%
STONE PANEL	44%
NICHHA PANELS	6%
WINDOW / DOORS	34%



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



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

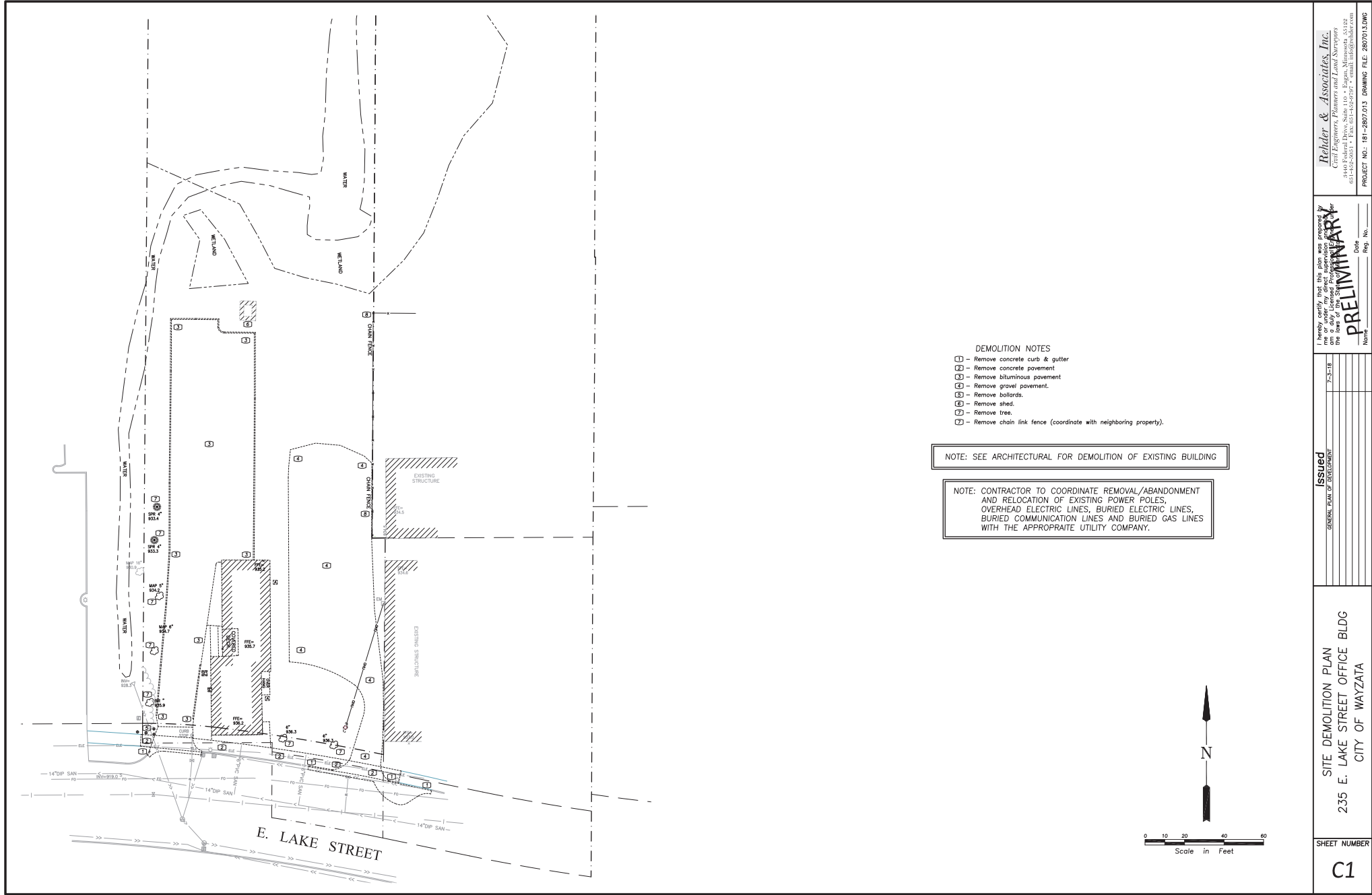


3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



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

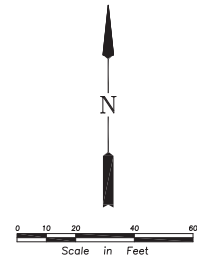




- DEMOLITION NOTES
- (1) - Remove concrete curb & gutter
 - (2) - Remove concrete pavement
 - (3) - Remove bituminous pavement
 - (4) - Remove gravel pavement
 - (5) - Remove bollards
 - (6) - Remove shed
 - (7) - Remove tree
 - (8) - Remove chain link fence (coordinate with neighboring property).

NOTE: SEE ARCHITECTURAL FOR DEMOLITION OF EXISTING BUILDING

NOTE: CONTRACTOR TO COORDINATE REMOVAL/ABANDONMENT AND RELOCATION OF EXISTING POWER POLES, OVERHEAD ELECTRIC LINES, BURIED ELECTRIC LINES, BURIED COMMUNICATION LINES AND BURIED GAS LINES WITH THE APPROPRIATE UTILITY COMPANY.



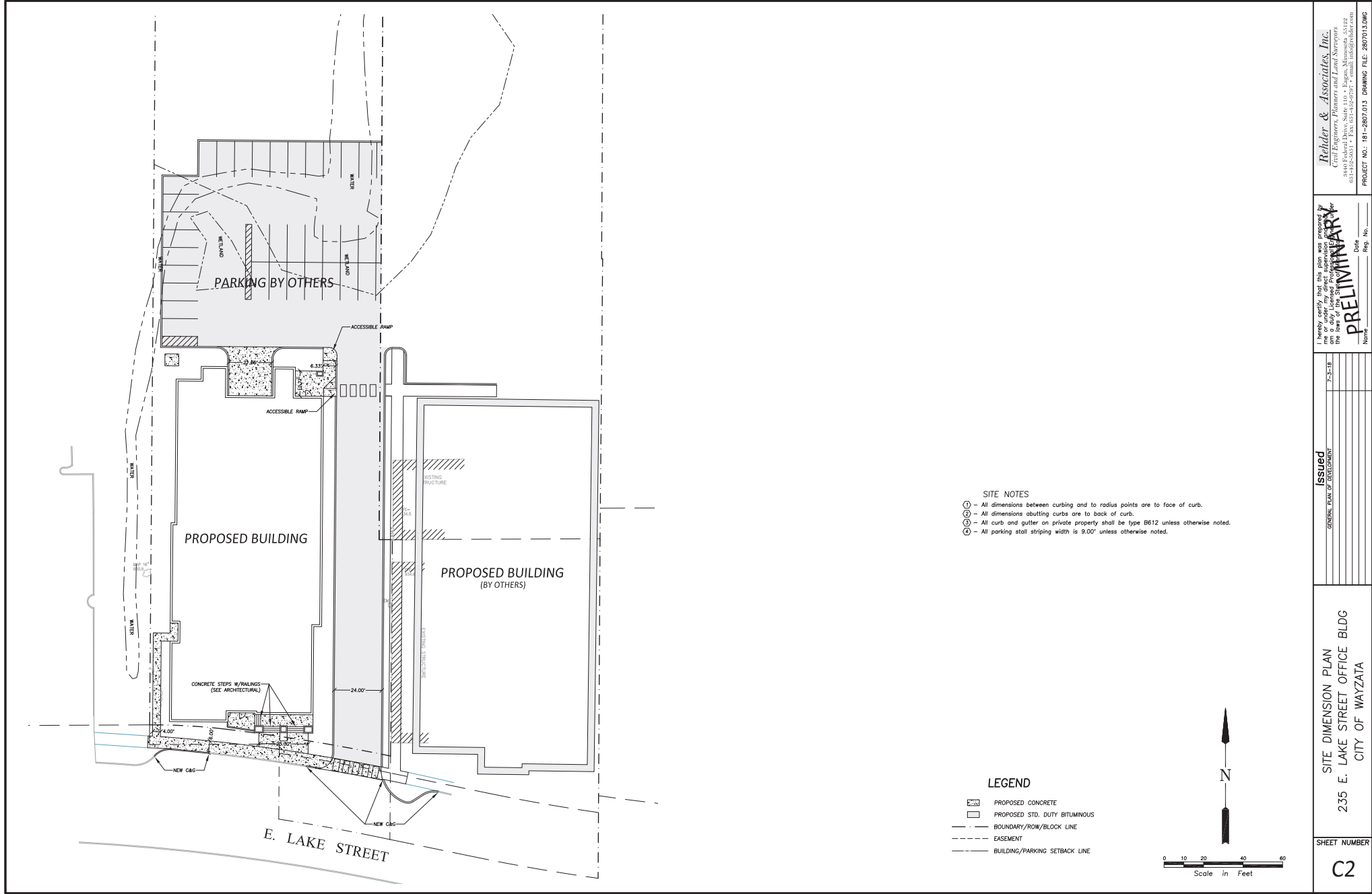
Rehder & Associates, Inc.
Civil Engineers & Planners, Inc.
3440 Federal Drive, Suite 110 • Eagan, Minnesota 55122
612-432-4031 • Fax 612-432-9797 • email info@rehder.com
PROJECT NO.: 181-2807.013 DRAWING FILE: 280701.DWG

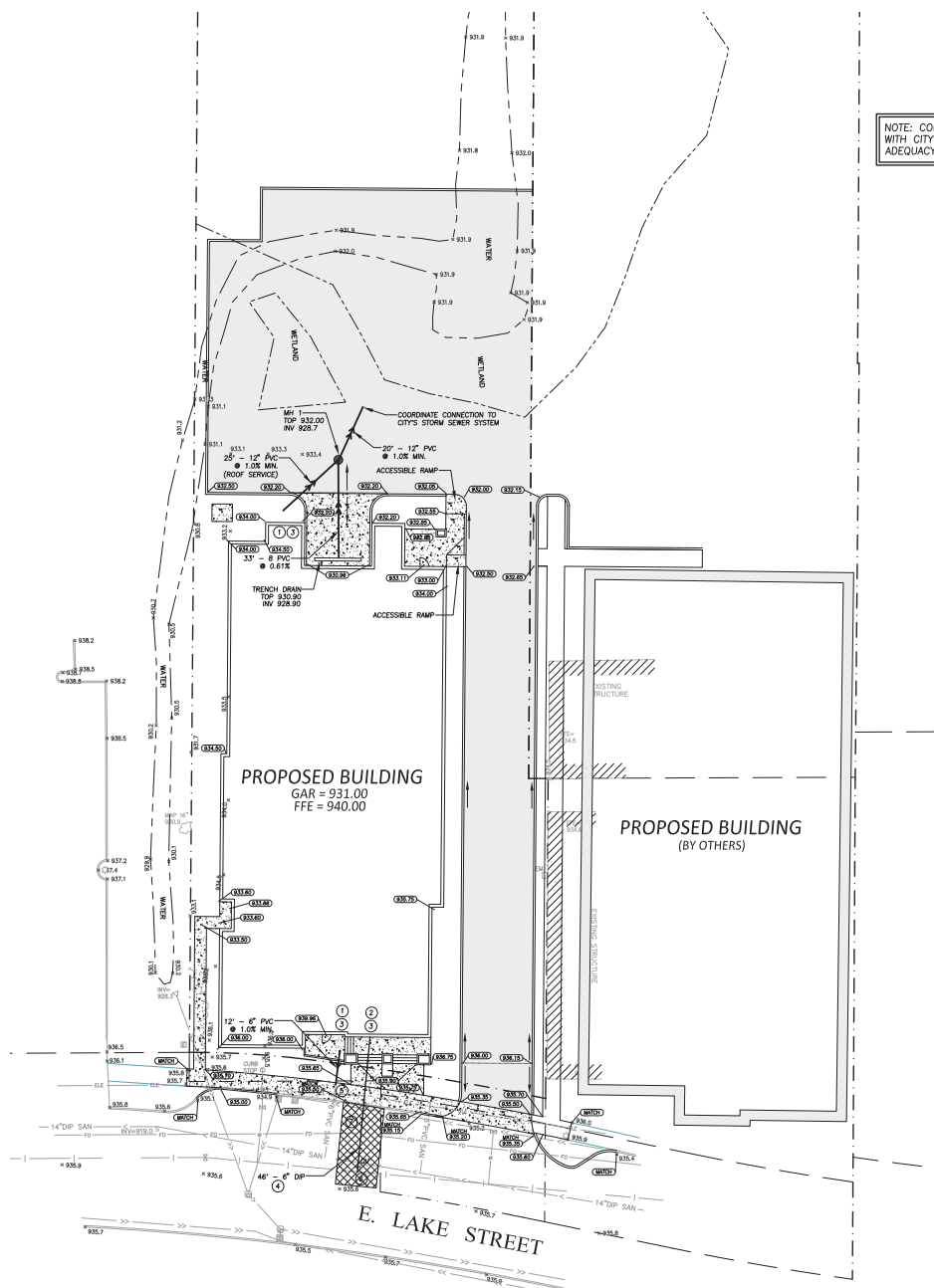
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
PRELIMINARY
Name: _____ Date: _____ Reg. No. _____

Issued	7-2-18
GENERAL PLAN OF DEVELOPMENT	

SITE DEMOLITION PLAN
235 E. LAKE STREET OFFICE BLDG
CITY OF WAYZATA

SHEET NUMBER
C1





NOTE: CONTRACTOR TO COORDINATE WITH CITY THE SIZE AND ADEQUACY OF SANITARY SERVICE.

GRADING NOTES

- ① - All elevations shown are to final surfaces.
- ② - Contractor is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for Construction Activity before construction begins.

EROSION CONTROL NOTES

- ① - Contractor is responsible for all notifications and inspections required by General Storm Water Permit.
- ② - All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
- ③ - Sweep paved public streets as necessary where construction sediment has been deposited.
- ④ - Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- ⑤ - Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.
- ⑥ - Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a contained area.
- ⑦ - Spring/summer temporary turf establishment: seed shall be MNDOT Mixture 21-111 @ 100 lbs/acre and mulch shall be MNDOT Type 1. Winter temporary turf establishment: seed shall be MNDOT Mixture 21-112 @ 100 lbs/acre and mulch shall be MNDOT Type 1.

INSPECTION AND MAINTENANCE

- The site must be inspected once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours.
- All inspections and maintenance conducted must be recorded in writing and records retained with the SWPPP.
- Areas of the site that have undergone final stabilization, may have the inspection of these areas reduced to once per month.
- All silt fence must be repaired, replaced, or supplemented within 24 hours when they become nonfunctional or the sediment reaches 1/3 of the height of the fence.
- Surface waters and conveyance systems must be inspected for evidence of sediment being deposited. Removal and stabilization must take place within seven (7) days of discovery unless precluded by legal, regulatory, or physical access constraints.
- Construction site vehicle exit locations must have sediment removed from off-site paved surfaces within 24 hours of discovery.

POLLUTION PREVENTION MANAGEMENT

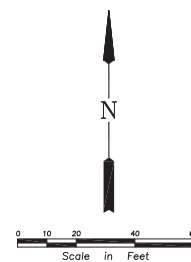
- All solid waste must be disposed of off-site per the MPCA disposal requirements.
- All hazardous waste must be properly stored with restricted access to storage areas to prevent vandalism. Storage and disposal of hazardous waste must be in compliance with MPCA Regulations.

UTILITY NOTES

- ① - All sewer services to extend to a point 5' from proposed building.
- ② - Bring water main into proposed building and cap at the floor.
- ③ - Verify all service locations and inverts with mechanical engineer before construction.
- ④ - All watermain to have a minimum of 7.5' of cover.
- ⑤ - Connect to existing sanitary sewer service.
- ⑥ - Wet tap existing water main per City requirements.
- ⑦ - Repair street and curb/gutter matching existing pavement sections.

LEGEND

- PROPOSED CATCH BASIN/MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATERMAIN
- PROPOSED CONCRETE
- PROPOSED STD. DUTY BITUMINOUS
- PROPOSED CONTOUR
- PROPOSED ELEVATION
- SILT FENCE
- INLET PROTECTION DEVICE
- BOUNDARY/ROW/BLOCK LINE
- EASEMENT
- LOT LINE
- BUILDING/PARKING SETBACK LINE
- DRAINAGE ARROW
- EXISTING WATERMAIN
- S — EXISTING SANITARY SEWER
- ST — EXISTING STORM SEWER
- G — EXISTING BURIED GAS LINE
- E — EXISTING BURIED ELECTRIC LINE
- C — EXISTING BURIED COMMUNICATION LINE
- 980 — EXISTING CONTOUR
- x 995.50 EXISTING ELEVATION



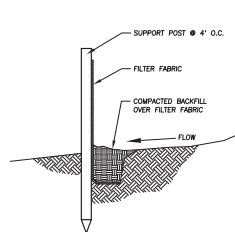
Rehder & Associates, Inc.
Civil Engineering, Planning, and Land Use
3440 Federal Drive, Suite 100 • Fargo, Minnesota 58102
601-498-0011 • Fax 601-498-0797 • email info@rehder.com
PROJECT NO.: 181-2807.013 DRAWING FILE: 280701.DWG

I hereby certify that this plan was prepared by a duly Licensed Professional Engineer under the laws of the State of North Dakota.
PRELIMINARY
Name: _____ Date: _____ Reg. No. _____

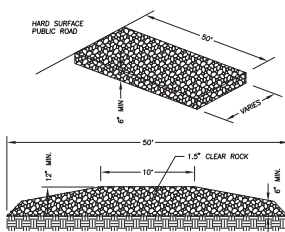
Issued
GENERAL PLAN OF DEVELOPMENT
7-2-18

GRADING, DRAINAGE, EROSION CONTROL
& UTILITY PLAN
235 E. LAKE STREET OFFICE BLDG
CITY OF WAYZATA

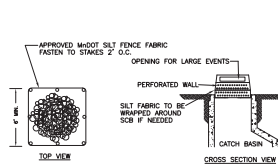
SHEET NUMBER
C3



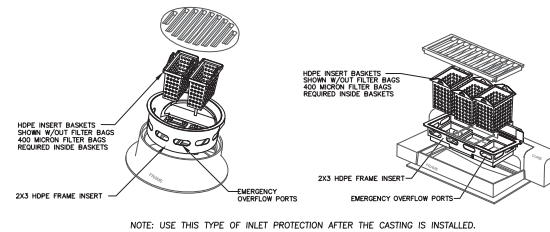
1
C4 SILT FENCE
NO SCALE



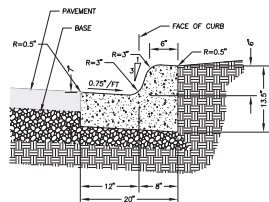
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C4 ROCK CONSTRUCTION ENTRANCE
NO SCALE



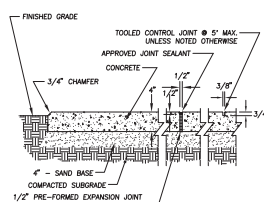
3
C4 INLET PROTECTION
(INFRASAFE OR EQUAL)
NO SCALE



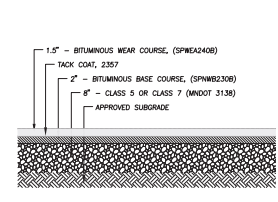
4
C4 INLET PROTECTION
(INFRASAFE OR EQUAL)
NO SCALE



5
C4 B612 CONCRETE CURB & GUTTER
NO SCALE



6
C4 CONCRETE SIDEWALK
NO SCALE



7
C4 STANDARD PAVEMENT SECTION
NO SCALE

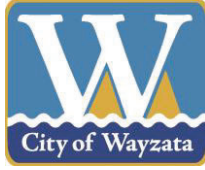
Rehder & Associates, Inc.
Civil Engineering
3440 Federal Drive, Suite 100 • Eugene, Oregon 97403
601-492-0031 • Fax: 601-492-0797 • email: info@rehder.com
PROJECT NO.: 181-2807.01.3 DRAWING FILE: 2807013.DWG

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Oregon.
PRELIMINARY
Name: _____ Date: _____ Reg. No. _____

Issued	7-2-18
GENERAL PLAN OF DEVELOPMENT	

DETAILS & SPECIFICATIONS
235 E. LAKE STREET OFFICE BLDG
CITY OF WAYZATA

SHEET NUMBER
C4



WAYZATA PLANNING COMMISSION

September 5, 2018

REPORT AND RECOMMENDATION OF APPROVAL OF PUD GENERAL PLAN, DESIGN REVIEW, VARIANCE, AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT AT 235 AND 239 LAKE ST E

SUMMARY OF RECOMMENDATION

1. **Approval*** of PUD General Plan of Development
2. **Approval*** of Design of Project
3. **Approval*** of Height Variance
4. **Approval*** of Shoreland Impact Plan/Conditional Use Permit for Height

*** with certain conditions listed at the end of this Report**

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, (collectively, the "Applicant") have submitted a development application to redevelop the properties at 235 and 239 Lake Street East (the "Property"). The proposed redevelopment involves the demolition of the existing office building and the construction of a new three story, 37,879 square foot office building with one level of underground parking (the "Project").
- 1.2 Previous Approvals. On February 20, 2018, the City Council approved the PUD Concept Plan of Development for the Project and the rezoning to PUD/Planned Unit Development, contingent upon approval of the PUD General Plan of Development.
- 1.3 Approvals Requested. The Application includes requests for approval of the following:
 - A. PUD General Plan of Development (the "PUD" or "PUD General Plan"): The Project would be built according to an approved PUD Plan for the Property, which includes a three story, 37,879 square foot office building with one level of underground parking, generally consistent with the

approved PUD Concept Plan of development for the Project, except for the following modifications: (1) the access drive has been moved from the west side of the building to the east, between 235 and 253 Lake Street East; (2) the building has been increased in size from 35,181 to 37,879 square feet; and (3) addition of a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the 35-foot height requirement.

- B. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards of the Zoning Ordinance. The Applicant is requesting approval of the design elements of the Project as well as certain deviations from the Design Standards, further detailed in the Design Critique included as Attachment B (the “Deviations”).
- C. Variance from the Building Height Standard: A variance from the maximum 35 foot, 3 story building height permitted in the PUD Zoning District to allow for the proposed building with a height up to 39.7 feet (the “Height Variance”).
- D. Shoreland Impact Plan/Conditional Use Permit for the Building Height: A shoreland impact plan/conditional use permit for a building in excess of 35 feet in the S/Shoreland District to allow for the proposed building with a height up to 39.7 feet (the “Height CUP”).

- 1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

Address	PID	Owner
235 Lake St E	06-117-22-23-0010	Melvin’s 235, LLC
235 Lake St E	06-117-22-23-0007	Melvin’s 235, LLC
235 Lake St E	06-117-22-32-0003	Melvin’s 235, LLC
239 Lake St E	06-117-22-23-0014	Melvin’s 235, LLC

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

Zoning:	PUD/ Planned Unit Development*
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District W/Wetland Overlay District

**The rezoning from C-4A to PUD is effective upon approval of the PUD General Plan of Development.*

- 1.6 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on August 9, 2018 and mailed to all property owners located within 350 feet of the Property on August 7, 2018. The

public hearing on the Application was held at the August 20, 2018 Planning Commission meeting.

Section 2. STANDARDS

2.1 General Plan of Development for Planned Unit Developments (PUDs).

- A. Approval Process for General Plan of Development. Approval of a Planned Unit Development is according to a multi-stage review and approval process (Concept Plan, General Plan, Final Plan) set forth in Section 33 of the Zoning Ordinance. Following the approval of a PUD Concept Plan, the Applicant must submit a new application for approval of a PUD General Plan of Development that depicts and outlines the proposed implementations of the approved Concept Plan, and that includes the information and materials outlined in Section 801.33.6. The same review procedure and criteria is followed for a General Plan of Development as is followed with a Concept Plan. Approval of a PUD Concept Plan in no way binds the City to subsequent approval of a General Plan of Development. Sec. 801.33.5.B.1.
- B. Intent and Purpose of PUDs. 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:
 - 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.
- C. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the

Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.

6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall

be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

- D. Residential and Non-Residential PUD Standards. Sections 801.33.3 and 4 set forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential and non-residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

- 2.2 Design Standards. All new multi-family residential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment B). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

- A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.

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

2.3 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.

- F. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

2.4 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Under Section 801.91.10, building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.19 states that landowners or developers desiring to develop land located within the Shoreland District must first submit a conditional use permit application as regulated by Section 801.04 and a "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of a proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

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

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

Section 3. FINDINGS OF FACT

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

- 3.1 PUD General Plan. The PUD General Plan of Development would implement the approved PUD Concept Plan.
 - A. The PUD General Plan reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - B. The PUD General Plan meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 - C. The PUD General Plan allows for phased and orderly development with the adjacent properties at 253 and 259 Lake St E by consolidating and coordinating building location, vehicle and pedestrian access, and shared public parking.
 - D. The PUD General Plan creates a more desirable and creative environment than would be possible under the existing C-4A/Limited Central Business District, and accommodates public parking being constructed on the back of the Property in coordination with adjacent properties.
 - E. In addition, the PUD General Plan meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance and Section 2.1 of this Report and Recommendation except those for which additional approvals are requested.
 - F. The Application contains the information and materials listed in Section 801.33.5.C of the Zoning Ordinance.
- 3.2 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations, which are:
 - (i) Exterior Building Materials: The design standards state that at least 90% of the non-glass surfaces of each elevation must be composed of brick, stone, cast stone, wood, or stucco. The proposed plans meet the

material requirements for the south/Lake Street and east elevations, but the use and amount of fiber cement board on the west and north sides of the building exceeds 10%.

The Commission finds that there would be very little, if any, negative impacts of this Deviations, and to the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:

- A. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.
- B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards, as noted in the record.
- C. The positive effect of the Project on the area in which the Project is proposed.

3.3 Height Variance. The Height Variance meets all of the standards for granting a variance under the Zoning Ordinance:

- A. The Height Variance is in harmony with the purpose and intent of the Zoning Ordinance, and is consistent with the Comprehensive Plan guidance for the area.
- B. The Applicant has demonstrated in the Application and its presentation to the Planning Commission that there are practical difficulties in complying with the building height requirement under the relevant criteria of the Zoning Ordinance, including a demonstration that the Height Variance requested is (i) due to circumstances related to the topography, soils, and water table on the Property, and not created by the landowner; and (ii) the Height Variance, if granted, will not alter the essential character of the locality, which include buildings of similar height, scale and massing along Lake Street.

3.4 Shoreland Impact Plan/Conditional Use Permit for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

- A. The Applicant has submitted a "Shoreland Impact Plan" with all of the information required under Section 801.91.19.

- B. The height requested under the Height CUP (the “Proposed Height”) is consistent with the policies and provisions of the official City Comprehensive Plan as noted in this Report.
- C. The Proposed Height would be compatible with present and future uses of the area, including the adjacent property, as noted in this Report.
- D. The Proposed Height would not significantly impact the Lake Street streetscape, and the views from the sides and rear of adjacent properties and bluff area.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) PUD General Plan of Development, (ii) Design of the Project, (iii) Height Variance, and (iv) Height CUP, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.
- B. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application, included as Attachment A.
- C. Before the City issues a building permit for the Project, the final civil engineering plans, including Site Plan, Grading and Drainage Plan, Utility Plan, Stormwater Management Plan, and SWPP must be reviewed and approved by the City Engineer.
- D. Before the City issues a building permit for the Project, the final landscape plans must be reviewed and approved by the City Forester.
- E. Before the City issues a building permit for the Project, the final lighting plans must be reviewed and approved by City staff. The exterior lighting must be coordinated with adjacent properties and must meet City specifications and requirements.
- F. Before the City issues a building permit for the Project, the Applicant must submit a subdivision application to the City for review and approval by the City Council. The subdivision must include a separate lot on the back of the property to be donated to the City for use in combination with adjacent property as public parking to serve the Project and provide additional public parking in the downtown area. The Final Plat must be recorded with the appropriate Hennepin County

officials and the Applicant provide a recorded copy to the City.

- G. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of the City Council approval resolution, addresses all public improvements associated with the Project, addresses parking requirements for Project, terms for payment of park dedication fees, and in which the Applicant and any future Property owners agree to fully defend and indemnify the City for anything related to the Project and its relation to other properties within the West End TIF District, the Property and property-related rights, and in which any needed easements are granted to the City to allow for the construction, access and operation of a public parking lot and facility on the back of the Property to provide for additional public parking in the area, either entirely on the Property or in conjunction with other development or changes on adjacent properties.
- H. The Applicant must comply with all parking requirements for the Project, which may be met through a combination of on-site and off-site parking pursuant to the City's FILOP Policy or other agreement for use of off-site parking, and the Applicant must receive any approval required by the zoning ordinance for shared or joint parking facilities.
- I. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 5th day of September 2018.

Voting For Approval Recommendation: Buchanan, Douglas, Flannigan, Iverson, Murray, Plantan

Voting Against Approval Recommendation: None

Abstaining: None

Absent: None

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 785

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY
TO REZONE PROPERTY AT 235 AND 239 LAKE ST E TO
PUD PLANNED UNIT DEVELOPMENT DISTRICT**

THE CITY OF WAYZATA ORDAINS:

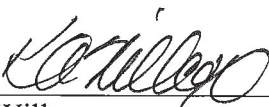
Section 1. Zoning Map Amendment

- 1.1. Rezoning. Based upon City Council Resolutions 13-2018 and 53-2018 (the “Resolutions”), the Official Zoning Map of the City of Wayzata is hereby amended to change the Zoning District designation of the Property, as defined in the Resolutions, to PUD Planned Unit Development District.

Section 2. Effective Date

- 2.1 This Ordinance will become effective upon passage and publication.

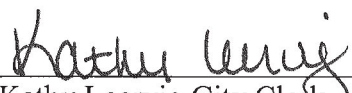
Adopted by the City Council this 16th day of October 2018.



Ken Willcox
Mayor

ATTEST:

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Wayzata, Minnesota, at duly authorized meetings held on October 2, 2018 and October 16, 2018.



Kathy Leervig City Clerk

SEAL

First Reading: October 2, 2018
Second Reading: October 16, 2018
Publication: October 25, 2018

RESOLUTION NO. 53-2018

RESOLUTION APPROVING PUD GENERAL PLAN, DESIGN, HEIGHT VARIANCE AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT AT 235 AND 239 LAKE ST E

WHEREAS, Pat Hughes and Tom Dillon, and the property owner, Melvin's 235, LLC, (the "Applicant") have submitted a development application (the "Application") for the second stage of land use approvals to redevelop the properties located at 235 and 239 Lake Street East (collectively, the "Property" and legally described on Attachment A hereto), involving the demolition of the existing office building on the Property and the construction of a new, three story, 37,821 square foot office building with public parking to the rear of the building (the "Project"); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, has held a public hearing on the Application, made findings of fact on each of the land use requests in the Application, and delivered a Report and Recommendation to the City Council, attached to this Resolution as Attachment B (the "PC Report");

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

A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the PC Report, all of which are incorporated by reference in this Resolution, the City Council of the City of Wayzata hereby confirms and memorializes that the Application meets the applicable requirements of Wayzata's Zoning Ordinance.

B. Based on the foregoing, the following requests in the Application are **HEREBY APPROVED**, subject to the conditions listed in Section C of this Resolution:

1. PUD General Plan of Development (the "PUD" or "PUD General Plan"), which includes a three story, 37,821 square foot office building with one level of underground parking, generally consistent with the approved PUD Concept Plan of development for the Project, except for the following modifications: (1) the access drive has been moved from the west side of the building to the east, between 235 and 253 Lake Street East; (2) the building has been increased in size from 35,181 to 37,821 square feet; and (3) addition of a lower level parking garage that would include 29 enclosed parking stalls, and would increase the height of the building above the applicable 35-foot height limit, all as set forth in the renderings, diagrams and plans identified in the PC Report.

2. Design of the Project (the "Design"), including a deviation from the Design Standards that pertains to exterior building materials, all as detailed in the Design Critique.
3. Variance from the maximum 35 foot, 3 story building height permitted in the PUD Zoning District to allow for the proposed building with a height up to 39.7 feet (the "Height Variance").
4. A Shoreland Impact Plan/Conditional Use Permit for a building in excess of 35 feet in the S/Shoreland District to allow for the proposed building with a height up to 39.7 feet (the "Height CUP").

C. The approvals listed in Section B of this Resolution are subject to and conditioned upon the following:

1. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.
2. The Applicant must build and complete the Project in conformance in all material respects with the plans depicted in the Application, included as Attachment A to the Planning Report and Recommendation.
3. Before the City issues a building permit for the Project, the final civil engineering plans, including Site Plan, Grading and Drainage Plan, Utility Plan, Stormwater Management Plan, and SWPP must be reviewed and approved by the City Engineer.
4. Before the City issues a building permit for the Project, the final landscape plans must be reviewed and approved by the City Forester.
5. Before the City issues a building permit for the Project, the final lighting plans must be reviewed and approved by City staff. The exterior lighting must be coordinated with adjacent properties and must meet City specifications and requirements.
6. Before the City issues a building permit for the Project, the Applicant must submit a subdivision application to the City for review and approval by the City Council. The subdivision must

include a separate lot on the back of the property to be donated to the City for use in combination with adjacent property as public parking to serve the Project and provide additional public parking in the downtown area. The Final Plat must be recorded with the appropriate Hennepin County officials and the Applicant provide a recorded copy to the City.

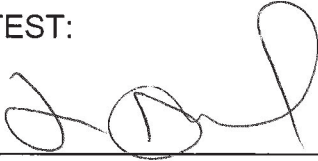
7. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of the City Council approval resolution, addresses all public improvements associated with the Project, addresses parking requirements for Project, terms for payment of park dedication fees, and in which the Applicant and any future Property owners agree to fully defend and indemnify the City for anything related to the Project and its relation to other properties within the West End TIF District, the Property and property-related rights, and in which any needed easements and/or property rights are granted or transferred to the City to allow for the construction, access and operation of a public parking lot and facility on the back of the Property to provide for additional public parking in the area, either entirely on the Property or in conjunction with other development or changes on adjacent properties.
8. The Applicant must (i) comply with all parking requirements for the Project, which may be met through a combination of on-site and offsite parking pursuant to the City's FILOP Policy or other agreement for use of off-site parking, and (ii) obtain any approval required by the Zoning Ordinance for shared or joint parking facilities.
9. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 2nd day of October, 2018.



Mayor Ken Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Plechash

Seconded by: Koch

Voted in favor of: Koch, Plechash, Wilcox

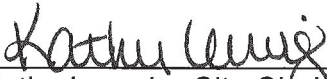
Voted against: Tyacke, McCarthy

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 October 2, 2018.



Kathy Leervig, City Clerk

SEAL

CITY OF WAYZATA

RESOLUTION NO. 25-2019

**RESOLUTION APPROVING AN EXTENSION OF ZONING APPROVALS AT
235 AND 239 LAKE ST E**

WHEREAS, the City Council adopted Resolution No. 53-2018 on October 2, 2018 and Ordinance No. 785 on October 16, 2018, which included the following zoning approvals at 235 and 239 Lake St E:

- PUD General Plan
- Deviation from the Design Standards pertaining to Exterior Building Materials
- Building Height Variance from 35 feet to 39.7 feet
- Shoreland Impact Plan/Conditional Use Permit for a Building Height of 39.7 feet
- Rezoning of the Properties to PUD

WHEREAS, City Code Section 904.06 Subd. A states that the conditional use permit shall become null and void twelve (12) months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the conditional use; and

WHEREAS, City Code Section 904.06 Subd. A states that the property owner or applicant shall have the right to submit an application for time extension; and

WHEREAS, City Code Section 904.06 Subd. B states that an application to extend the approval of a conditional use permit shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction; and

WHEREAS, City Code Section 904.06 Subd. C states that in making its determination on whether an applicant has made a good faith attempt to utilize the conditional use permit, the City Council shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay; and

WHEREAS, City Code Section 905.03 Subd. A states that a variance shall become null and void twelve (12) months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the variance; and

WHEREAS, City Code Section 905.03 Subd. A states that the property owner or applicant shall have the right to submit an application for time extension; and

WHEREAS, City Code Section 905.03 Subd. B states that an application to extend the approval of a variance shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction; and

WHEREAS, City Code Section 905.03 Subd. C states that in making its determination on whether an applicant has made a good faith attempt to utilize the variance, the City Council shall consider such factors as the type, design and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay; and

WHEREAS, City Code Section 933.10 Subd. D states that a PUD shall become null and void twelve (12) months after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the variance; and

WHEREAS, City Code Section 933.10 Subd. D states that the property owner or applicant shall have the right to submit an application for time extension; and

WHEREAS, City Code Section 933.10 Subd. D states that an application to extend the approval of a PUD shall state the facts of the request, showing a good faith attempt to utilize the permit, and it shall state the additional time being requested to begin the proposed construction; and

WHEREAS, City Code Section 933.10 Subd. D states that in making its determination on whether an applicant has made a good faith attempt to utilize the variance, the City Council shall consider such factors as the type, design and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay; and

WHEREAS, the City Council adopted Resolution No. 53-2018 on October 2, 2018 and Ordinance No. 785 on October 16, 2018 which granted a one year term of the PUD, variances and conditional use permits until October 2, 2019; and

WHEREAS, Thomas Dillon has submitted an application on behalf of himself and Pat Hughes for Melvin's 235, LLC stating that they are currently negotiating leases with potential tenants and will not begin construction before some tenants

have signed leases, and therefore is requesting an additional one year extension of the zoning approvals;

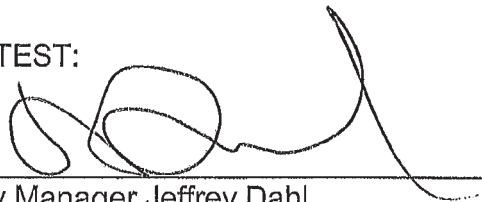
THEREFORE, BE IT RESOLVED, that the Wayzata City Council finds that the applicant has made a good faith attempt to utilize the PUD, variances and conditional use permits, and approves an additional one year extension of the PUD, variances and conditional use permits approved by City Council Resolution 53-2018 and Ordinance No. 785, attached as Exhibit A, until October 2, 2020.

Adopted by the Wayzata City Council this 2nd day of July, 2019.



Mayor Kenneth Willcox

ATTEST:



City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:	McCarthy
Seconded by:	Plechash
Voted in favor of:	Plechash, McCarthy, Koch, Buchanan, Willcox
Voted against:	None
Abstained:	None
Absent:	None
Resolution:	

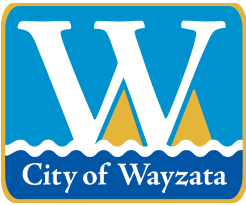
I hereby certify that the foregoing is a true and correct copy of Resolution No. 25-2019 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 2, 2019.



Kathy Leervig, City Clerk

SEAL





City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 6.a
TITLE: Review of Development Activities	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

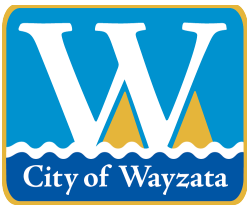
Staff will give a verbal update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 6.b
TITLE: February 4, 2020 City Council Report	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

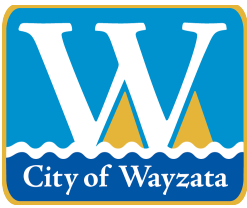
Commissioner Douglas will give an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 6.c
TITLE: February 18, 2020 City Council Report	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

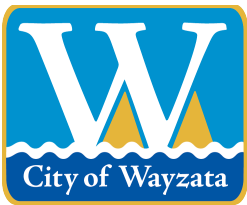
Commissioner Flannigan will give an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 6.d
TITLE: Planning Commissioner Liaison for the March 10, 2020 City Council Meeting	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Commissioner Iverson is scheduled for the March 10, 2020 City Council meeting.

ACTION REQUESTED:

N/A

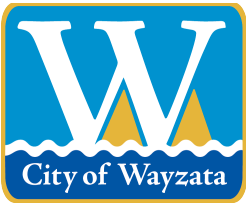
ATTACHMENTS:

1. Planning Commission Assignments at Council Meetings 2020

2020
Planning Commission assignments at Council meetings

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

Last Updated: January 1, 2020



City of Wayzata Planning Commission Agenda Report

MEETING DATE: February 19, 2020	AGENDA ITEM: 6.e
TITLE: 2020 Planning Commission Meeting Calendar	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is scheduled to be on Wednesday, March 4, 2020.

ACTION REQUESTED:

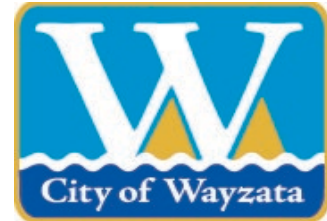
N/A

ATTACHMENTS:

1. 2020 Public Meeting Calendar

City of Wayzata

2020 Meeting Calendar



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Holiday Observed
City Offices Closed

Presidential Nomination Primary Elec - 3/3/20

Primary Election - 8/11/2020

General Election - 11/3/2020