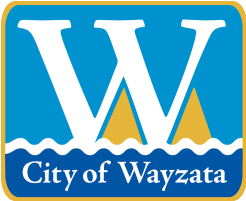


WAYZATA PLANNING COMMISSION

Meeting Agenda

Click [HERE](#) to join the Zoom meeting.

Pursuant to Minnesota Statute Sec. 13D.015, and the Executive Orders and Emergency Declarations related to the COVID19 pandemic, this Planning Commission meeting is being conducted by electronic means using the audio and video conferencing platform, Zoom. Members of the public may watch and listen to the meeting by logging into Zoom, or by calling 312-626-6799 on a phone, and entering **Zoom Meeting ID 973 5054 2155** and **Passcode 417598**. The meeting will also be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/WCTV.

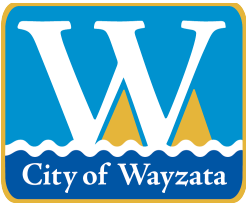


To speak during the Public Forum and/or Public Hearing portions of the meeting you can use Zoom or a phone. When using Zoom, indicate you'd like to speak by using Zoom's "raise hand" function. When using a phone, press *9. In each case, you will be muted until you have been recognized and invited to speak. The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing **PublicComment@wayzata.org**, calling City staff at 952-404-5313, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

Monday, June 7, 2021
6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of May 3, 2021 Meeting Minutes
5. **Public Hearing Items**
 - a. Consider Development Application for Side Yard Setback Variances, Shoreland Setback Variance, and a Conditional Use Permit at 900 Shady Lane East
 - b. Consider Development Application for a Planned Unit Development Amendment and Variance for the Rice Street Townhomes at 520, 524, 530, and 534 Rice Street East
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commissioner Liaison Schedule and City Meeting Calendar
7. **Adjournment**

Upcoming Meetings:
City Council - June 15, 2021
Planning Commission - June 21, 2021



City of Wayzata Planning Commission Agenda Report

MEETING DATE: June 7, 2021	AGENDA ITEM: 4.a
TITLE: Approval of May 3, 2021 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 May 3, 2021 Planning Commission meeting.

ATTACHMENTS:

1. Draft May 3, 2021 PC Minutes

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MAY 3, 2021**

AGENDA ITEM 1. Call to Order

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

Chair Plantan read the following prepared statement:

Pursuant to Minnesota Statute Sec 13D.015 and because of the COVID-19 pandemic, this Planning Commission Meeting is being held remotely by electronic means using the audio and video conferencing platform, Zoom. Members of the Commission, City staff, and others that are a part of the meeting will be participating by video or audio connections where we can all hear each other and see the presentations being made. We have a public forum and public hearing this evening on the agenda. If you'd like to speak during these portions of the meeting, you may call 1-(312) 626-6799, enter the Zoom meeting ID 97119215809, and press 9 to speak. Callers will be placed on hold and muted until the appropriate time of the meeting is reached. At that time, each caller will be recognized in turn, and invited to speak. Public comments continue to be welcomed and encouraged and we ask if possible, that comments of future agenda items be submitted in advance by emailing PublicComment@wayzata.org. Please include "public comments" in the subject line, your name and address, and the agenda item that you are speaking to. Comments can also be submitted by calling City staff or mailing comments to Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comments). The meeting will be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/wctv.

AGENDA ITEM 2. Roll Call

Chair Plantan welcomed new Planning Commissioner Ken Sorensen.

Chair Plantan asked Director Goellner to take roll call.

Present at roll call were Commissioners: Plantan, Douglas, Merriam, Parkhill, Stockton, Bashioum, and Sorensen. Community Development Director Emily Goellner, Assistant Planner Nick Kieser, Public Works Director Mike Kelly, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Douglas made a motion, seconded by Commissioner Merriam, to approve the May 3, 2021 agenda as presented.

Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the April 19, 2021 Planning Commission Meeting Minutes

Chair Plantan read the item on the consent agenda and asked if any Commissioners wished to pull it for further discussion.

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

Commissioner Stockton made a motion, seconded by Commissioner Merriam, to approve the Consent Agenda as presented.

Director Goellner completed a roll call vote on the motion. Upon a vote, the motion carried with 6 Ayes, 1 abstain (Bashioum).

AGENDA ITEM 5. Old Business Items

a) Consider Adoption of Planning Commission Report and Recommendation of Approval of New Wayzata Design Standards and Related Amendments to Chapter 909 of Zoning Ordinance

Director Goellner gave an overview of the process up to this point of updating the City's Design Standards, and introduced Andrew Faulkner of Van Meter Williams Pollack, the City's consultant on the project.

Mr. Faulkner noted that they have been very happy with the input from the community, the Zoning Task Force, and the Planning Commission regarding the Design Standards. He gave a brief overview of the purpose and the proposed amendments to the Design Standards. He reviewed the differences between the Bluff, Lake Street, and Wayzata Boulevard Districts. He reviewed the discussions and recommendations considered for: Parking; Walkways; Landscaping; Rooftop equipment; and Colors.

At the conclusion of Mr. Faulkner's presentation, Chair Plantan asked if the Commission had any questions for staff or Mr. Faulkner.

Commissioner Bashioum stated that the document that the Commission received in their packet had lots of strike throughs and changes of position in the document. She stated that it was difficult to find a cohesive paragraph that laid everything out without the strike-throughs and different colored text. She asked if the Commission would be getting a clean version of the document with the information that was presented by Mr. Faulkner this evening.

Mr. Faulkner stated the over-struck version of the ordinance was provided as a companion to the Design Standards document to show where changes were being made to the zoning ordinance. He agreed that it was very difficult to read the marked-up version of the ordinance, and recommended

1 the Commission read the PDF version of the Design Standards document because it is much more
2 digestible.

3
4 Chair Plantan noted that there are a number of murals in town, and asked how those would relate
5 to the Design Standards with regard to treatment or altering of exterior building materials or if that
6 would fall under a sign ordinance.

7
8 Director Goellner explained that typically what has happened with murals is they are reviewed on
9 a staff level. She noted that there is not a lot of clarity in the code around how the City would
10 review public art. She stated that she spoke with Mr. Faulkner today on what he has seen in other
11 communities and asked if he had any advice on best practices in light of her concerns about
12 addressing murals and public art within the standards.

13
14 Mr. Faulkner stated that regulating murals can be a free speech issue, and there is currently a bit
15 of that regarding a mural in South St. Paul. He stated that generally they have seen that murals are
16 not regulated under a sign ordinance, which are usually more defined for commercial purposes.
17 He stated that some communities have a Public Art Commission, and in others it is the charge of
18 the Community Development Staff. He stated that they have found it is probably best to have
19 some sort of body that includes representation from the art community to be able to pass judgment
20 on these. He stated that it is always difficult to determine if it is art or if it is branding. If the
21 question is about pure art, he believes it is probably best overseen by a separate commission, with
22 perhaps a separate ordinance that is specifically about art. He noted that he had been thinking that
23 if there were standards within this document, they would only apply to commercial, mixed-use,
24 and multi-family construction, which means someone could put something on their home or a
25 property wall and it would not be covered.

26
27 Commissioner Douglas stated that there was a Public Arts Committee in the City, but she was
28 unsure if it was still functioning. She stated that she feels murals would go in that direction, and
29 suggested that the City take a look at that possibility.

30
31 Director Goellner stated that she does not believe that committee is still functioning.

32
33 Commissioner Douglas suggested talking to former Mayor Willcox because she believes he had
34 something to do with the original formation of that committee.

35
36 Commissioner Bashioum noted that she had served as a member of the Public Arts Committee.

37
38 Commissioner Merriam asked why the first sentence on page 68, that began with "Housing uses
39 are encouraged..." was eliminated.

40
41 Mr. Faulkner stated that happened following a discussion with staff. He explained that they ended
42 up pulling that sentence out because they believe that the Design Standards should not address
43 land uses that are addressed elsewhere in the Zoning Ordinance.

1 Commissioner Merriam asked about an item on page 69, item C, that lists the activities that the
2 Design Standards do not apply to and asked if the wording could be changed to “a similar size *and*
3 design” rather than “a similar size *or* design”.

4
5 Mr. Faulkner stated that change could be made.

6
7 Commissioner Merriam asked if the wording under item C on page 69 could be changed to “similar
8 and equivalent quality materials”, rather than “same or similar materials”.

9
10 Mr. Faulkner stated that they could also make that change.

11
12 Commissioner Merriam asked for an explanation of the proposed language of Sec. 909.061.

13
14 Mr. Faulkner explained that this should read, “Building recesses shall be provided to allow space
15 for outdoor dining, seating, or landscaping.” He noted that significant breaks would count as a
16 building recess.

17
18 Director Goellner stated that it appears as though 1 and 2 in that provision are meant to be the same
19 number and not separate provisions.

20
21 Commissioner Merriam asked about Sec. 909.07A.1.a. and stated that she thinks that the way it is
22 worded could leave it open for interpretation that there is the ground floor and then there is a recess
23 above the ground floor. She stated that her understanding is that the recess would be to be included
24 with the ground floor.

25
26 Mr. Faulkner clarified that is an important distinction, and explained why the City would not want
27 to have the ground floor included on the upland sides of the building, but would on the lake side
28 of the building.

29
30 Commissioner Merriam noted that screened porches are included in Sec. 909.085 and asked if the
31 City really wanted to include them in this section.

32
33 Mr. Faulkner stated that it could be removed and explained that he believes the thought process in
34 this instance was that the Promenade used screened porches throughout. He stated that he
35 understands her concern because they can seem very dark even though they are an attractive
36 amenity. He stated that if the other Commissioners agree, they could take that out.

37
38 Commissioner Merriam stated that, personally, she would like to see it taken out. She referenced
39 6B.3 and asked if this language was removed because it was considered a zoning issue and did not
40 belong in the Design Standards.

41
42 Mr. Faulkner stated that he believes it was moved out of the standards and into “guidance” section.

43
44 Commissioner Merriam stated that she would like to spend some time discussing how deviation
45 requests are reviewed. She stated that the document stated that minor deviations would fall under
46 staff review. She questioned some of those things, such as any deviation from numerical standards

1 equal to or less than 5% of the standard. She stated that sometimes 5% can be a big deal, so she
2 wonders if that type of blanket statement should be made. She stated that if they are significant
3 deviations, they need Planning Commission and City Council approval, but the proposed language
4 lists several items that would automatically fall under the definition of minor deviations. She
5 stated that Sec. 909.5B referenced to large scale sites of 3 acres or more. She stated that she is
6 uncertain why the Planning Commission would not want to look at large scale sites. She gave
7 other examples of things like; rooftop equipment and screening, façade articulation, ground floor
8 design, awnings, building materials and quality, that she felt could be deemed significant
9 depending on the circumstances. She asked how the other Commissioners felt about these issues.

10
11 Mr. Faulkner gave an overview of the building materials and quality deviation and noted that the
12 idea is not to remove the control from the Planning Commission but to give staff a bit more
13 flexibility in working with applicants to propose suitable materials. He noted that the Planning
14 Commission would still see the design review and elevation package from the applications.

15
16 Commissioner Merriam asked for an explanation of why the large-scale sites would be considered
17 for minor deviations.

18
19 Mr. Faulkner stated that this was to give staff flexibility to work with applicants on issues such as
20 whether the internal streets connect to neighboring properties. He gave the example of Wayzata
21 Boulevard where there is not that much of an existing street grid around. He stated that staff and
22 the City's planning consultant were a bit concerned about this standard and explained that they
23 wanted to give staff the ability to waive some of those standards on a site-by-site basis. He stated
24 that once again, in this situation, this would be included in the staff report to the Planning
25 Commission and they would receive information about it, but it would be negotiated and worked
26 out earlier in the process rather than later.

27
28 City Attorney Schelzel stated that wants to make sure everyone understands the process and the
29 review staff would be doing with these changes, and what things would and would not be coming
30 to the Planning Commission.

31
32 Director Goellner explained that the intent is that the Planning Commission would review all
33 requests for significant deviations, which are listed in Sec. 909.29, and would make its decisions
34 based on that criteria. Staff would handle the overall design review, in a manner like a zoning
35 review is currently done. Staff would receive a development application that would include escrow
36 payment as well as application fees. She stated that she is recommending that at least for the first
37 year, the City would keep Van Meter Williams and Pollack on a retainer basis to assist staff in
38 applying the new standards and using escrow dollars from applications for that technical
39 assistance. Staff, with the assistance of the architectural professionals, would review proposed
40 design to ensure a proposed project meets all of the standards and if there are any minor deviations,
41 under Sec. 909.29B, staff could approve them if the review done by staff shows that the deviations
42 meet the criteria for approval. If a deviation requested is significant as defined in the Design
43 Standards, that would be brought through the process of Planning Commission review and Council
44 approval, and noted that it will be very similar to how it functions when a building needs a variance
45 or other land use approval.

1 City Attorney Schelzel clarified that staff will always prepare a report with their design analysis
2 and any deviation approvals, but the Planning Commission and City Council would only get
3 involved if there was a significant deviation, which is a shift from the way it is currently handled.
4

5 Mr. Faulkner stated that if an applicant proposes a deviation which would fall under a minor
6 deviation, and staff rejects it, and the developer proceeds, then it would arrive in front of the
7 Planning Commission.
8

9 Director Goellner agreed that there should be some sort of appeal process for a developer who
10 disagrees may be a good thing to have codified.
11

12 City Attorney Schelzel noted that he doesn't think there is an appeal process expressly spelled out
13 in the proposed amendments. In effect, that is what could happen if a developer wanted to press
14 it further; it would default to a variance from the Design Standards and reviewed under that criteria.
15 If the Commission wanted to have some sort of appeal process of a staff decision, he thinks that
16 should be written into the changes to Chapter 909.
17

18 Commissioner Merriam reiterated that she would question whether façade articulation, rooftop
19 equipment, or any deviation from numerical standards equal to or less than 5%, should actually be
20 considered a minor deviation.
21

22 Mr. Faulkner stated that the only standard in the façade articulation section is that it must occur at
23 a specified average spacing and can include the things listed. He explained that it is fairly detailed
24 and fairly limited because they are taking care of so many of the building and façade architectural
25 character elements through the massing provisions of the standards, and a deviation from those
26 would be a significant deviation.
27

28 Chair Plantan asked about the 5% requirement and if it meant that if the application meets 95% of
29 the required numerical standards it doesn't need to be reviewed or documented.
30

31 Mr. Faulkner stated that this is a key point of clarification and explained that the answer is no. He
32 stated that he thinks they will need to figure out a way to make this point more clear. He explained
33 that they are saying that if a standard would require something at 50 foot spacing and the applicant
34 provides something at 47.5 foot spacing then, that would be acceptable, because it is a reduction
35 of 5% from the number.
36

37 Director Goellner stated that it would be up to staff to document that determination. Using the 47.5
38 foot spacing as example, a determination would need to be made that it meets the criteria and why
39 staff was comfortable with it. She stated that it does not mean that everyone only needs to follow
40 95% of the rules.
41

42 City Attorney Schelzel stated that one of the things discussed at the last meeting was how to get
43 folks to follow the guidance of the Design Standards, since guidance was a suggestion rather than
44 a requirement. He stated that following the guidance was added as a deviation approval criterion
45 in the latest draft. So, when an application is being reviewed, if overall it follows a lot of the
46 guidance, that will weigh in favor of approval of any requested deviations.

1
2 Commissioner Bashioum asked if the sidewalk widths will be included, and explained that she felt
3 it was a bit unclear whether it was within the County right-of-way roads or within the different
4 districts. She asked what would be the minimum sidewalk width anywhere within the City as it
5 applies to Design Standards.

6
7 Mr. Faulkner stated that it will be 12 feet on Lake Street, 5 feet in the Bluff, and 7 feet on Wayzata
8 Boulevard. He noted that Wayzata Boulevard gets a bit complicated because of the County
9 standards and currently, you would only be able to get 5 feet because that is what the County
10 builds.

11
12 Commissioner Bashioum stated that the City does not currently consistently have 12-foot
13 sidewalks on Lake Street, so this would be a new change. She asked what would happen for
14 buildings that aren't compliant, and if they would be grandfathered in.

15
16 Mr. Faulkner stated that the 12 feet was taken directly from the existing standard, so he will confess
17 that he didn't know that a number of buildings along Lake Street did not already meet that standard.
18 He stated that it was possible that they were developed prior to the current standards requirement,
19 and that Commissioner Bashioum just raised a fairly complicated issue. He stated that the City
20 cannot require somebody to reconfigure or demolish part of their building to increase sidewalk
21 width, and there is likely grandfathering involved.

22
23 Commissioner Bashioum clarified that her question was actually more about a situation where, for
24 the 12 feet of sidewalk, there are patios or other construction that impedes pedestrian traffic, and
25 not so much about whether the building itself was in that space but other incursions into the public
26 right-of-way.

27
28 Mr. Faulkner stated that the standards are really focused on the development and construction,
29 and not necessarily the use and the maintenance of clear sidewalk open space.

30
31 Director Goellner stated that for sidewalk cafes that encroach into the right-of-way, the City
32 Council uses the right-of-way ordinance for those decisions, so the Design Standards are
33 applicable to new or significant construction. She stated that she thinks the Council will use the
34 Design Standard widths in consideration for future opportunities.

35
36 Commissioner Bashioum stated that walkability and being pedestrian friendly is mentioned at least
37 a dozen times in this document as well as the Comprehensive Plan. She noted that if the City
38 doesn't follow through on its code and is looking to update designs standards for a new building,
39 it doesn't seem fair that the City is not equally representing what they want the City to look like.

40
41 Director Goellner stated that she believes the City Council makes those decisions based on right-
42 of-way ordinance, and regulates the encroachments and outdoor sidewalk cafes by permit, which
43 are reviewed and approved at public Council meetings.

44
45 Commissioner Bashioum asked if the permits are temporary.
46

1 Director Goellner clarified that the permits are renewed each year.

2
3 Commissioner Bashioum asked if the permits were also reviewed each year.

4
5 Director Goellner stated that her understanding is that they are reviewed each year.

6
7 Commissioner Bashioum asked if the new Design Standards would enter into the renewal process.

8
9 Director Goellner stated that the Design Standards are really meant to address new building
10 construction, or substantial rehabilitation or additions to buildings. She stated that she thinks the
11 discussion the Commission is having about walkability is an important consideration for Council,
12 and they have the discretion to decide whether they feel each permit is appropriate for the area.

13
14 Commissioner Bashioum stated that the Council also has the discretion to decide if they feel it is
15 appropriate to encroach on public right-of-way, impinging pedestrian traffic.

16
17 Commissioner Douglas asked if the 12-foot sidewalk measurement included the 6-foot strip of
18 landscaping.

19
20 Mr. Faulkner stated that was correct. He clarified that it is 12 feet, with 6 feet of landscape, which
21 in some cases means street trees and in others it is lawn.

22
23 Commissioner Merriam stated that she feels as though the sidewalks have changed recently, with
24 the new Panoway improvements. She asked if the City still had aggregate brick sidewalks on Lake
25 Street. She referenced Sec. 909.16B3 and noted that if the City doesn't, this section should
26 probably be changed.

27
28 Mr. Faulkner stated that they can coordinate with City staff to make that change and answer that
29 question.

30
31 Commissioner Stockton asked about the Wayzata Boulevard District walkability with regard to
32 high-speed areas, and if there was the ability to consider putting metal poles coming out of the
33 ground in the crosswalk areas. She explained that they are frequently used in Europe where two
34 or three of these poles are placed in the cross walks, so if a car were to veer off the road into the
35 pedestrian area, they would hit the metal rather than the person. She stated that this may not be
36 the right arena for that decision, but explained that she wanted to at least bring it up.

37
38 Mr. Faulkner stated this area has been a very large struggle for them, and would encourage the
39 Commission to see what they have addressed on Wayzata Boulevard. He noted that it is sort of
40 the most they can do, at this moment, and is definitely a temporary solution. The challenge in that
41 area of the City is that the roadway is controlled by the County, so nothing can be done without
42 their assistance. He stated that they have done everything they can within the Design Standards to
43 address those issues without really touching what is the County's.

1 Director Goellner stated that they have been thinking about adding in elements of traffic safety
2 analysis into the larger Wayzata Boulevard Corridor Study that intersects land use, design, and
3 future road construction.

4
5 Chair Plantan asked if the Commission felt ready to make a motion recommending approval, or if
6 they would prefer to table the approval in order to incorporate some of the things that have been
7 discussed tonight.

8
9 Commissioner Parkhill stated that he feels the Commission can note the changes and still
10 recommend approval.

11
12 Commissioner Douglas stated that she agreed with Commissioner Parkhill, and the Commission
13 can acknowledge today's discussion and move the document forward.

14
15 Chair Plantan stated that she brought up the idea of tabling discussion because of the issues raised
16 by Commissioner Merriam with relation to significant versus minor deviations and staff review
17 rather than Commission review.

18
19 Commissioner Bashioum stated that she would like to see a document that does not have as many
20 strike-throughs because it is a bit confusing to go through the entirety of the document, and
21 explained that she would like to see a clean copy before it moves forward to Council.

22
23 Commissioner Stockton stated that she agreed with Commissioner Bashioum and noted that even
24 though she is on the Task Force, this a big decision.

25
26 City Attorney Schelzel stated that if the Commission decides to make a motion to move this
27 forward, there is a draft report and recommendation included in the packet that would do that. He
28 noted that he wanted to draw the Commissions attention to a recommended condition in that report
29 that there would be incorporation of any final edits to correct minor errors, clarify existing or
30 proposed language, and make sure that it is properly codified within the City Code. He stated that
31 the draft Report could be adopted and moved forward with an additional condition or direction
32 that certain things be changed in the proposed standards, such as moving something from a minor
33 deviation to a substantial. He stated that there is also the option noted by the Chair to table this
34 item until the next meeting and direct staff to come back with a document that reflects more of
35 these changes and a clean copy of the updated ordinance that could be more easily read without
36 the strike-throughs.

37
38 There being no further discussion, Chair Plantan asked for a motion on the application.

39
40 Commissioner Douglas made a motion, seconded by Commissioner Parkhill, to adopt the Report
41 and Recommendation recommending approval of the proposed new Wayzata Design Standards
42 Document, and the Zoning Ordinance Amendment, subject to the incorporation of any final edits
43 to the document that correct minor errors, clarify existing or proposed language, properly codify
44 within City Code, and/or are recommended by the City Attorney or City Clerk.

1 Chair Plantan asked if the discussion tonight regarding significant or minor deviations would be
2 considered with this motion.

3
4 City Attorney Schelzel stated that he took the motion to mean that it is moving forward the
5 documents as proposed, and noted that there could be a friendly amendment could be added to the
6 motion on the floor to include a note or direction on that if the Commission wanted a more
7 substantial or specific changes to some of those areas.

8
9 Hearing no such amendment, Chair Plantan asked for a roll call vote.

10
11 Director Goellner completed a roll call vote on the motion. Ayes – Plantan, Sorensen, Parkhill,
12 Douglas, Stockton; Nay – Merriam, Bashioum. The motion carried.

13
14 Director Goellner stated that they will correct the typos and work with the City’s consultant, the
15 City Attorney and City Clerk to ensure the process around the deviations is incorporated as
16 discussed.

17
18 City Attorney Schelzel stated that the Council will be aware of the discussion that the Commission
19 has had, and noted that Council is free to make further amendments to the documents.

20
21 **AGENDA ITEM 6. Public Hearing Items**

22
23 **a) Consider Development Application for a Planned Unit Development Amendment**
24 **and Variance for the Rice Street Townhomes of 520, 524, 530, and 534 Rice Street**
25 **East**

26
27 Director Goellner explained that this application for the Rice Street Townhomes is for a PUD
28 amendment and variance from the R-4 and R-5 standards that are applicable in a residential PUD
29 District. She gave background information on the zoning in the surrounding neighborhood. She
30 stated that this property is zoned PUD, and is guided as high density residential in the 2040
31 Comprehensive Plan. She reviewed the location of the completed and adjacent building 1, and
32 buildings 2 and building 3 of the proposed plan, and noted that there are two units in each building
33 for a total of 6 units. She stated that the PUD district was approved in 2006, and since then,
34 Building 1, the stormwater management system, and the parking lot have been completed; but
35 noted that Buildings 2 and 3 were not built at that time. The properties for Buildings 2 and 3 are
36 under new ownership as of 2019. She stated that after discussion between staff and the applicant,
37 the applicant decided to complete the project as originally approved and a building permit was
38 issued for Building 2. She explained that staff had missed some of the applicable PUD standards
39 for the new building, so construction was halted about a month ago. The Building Official has
40 allowed the applicant to preserve and secure portions of the building and materials that were on
41 site and underway at the time because the application review process would take time to conclude.
42 She stated that the applicant is proposing to construct Building 2 and also Building 3 under a
43 revised plan which requires a PUD amendment and a variance to the R-4 and R-5 standards that
44 are applicable in the PUD district. She stated that this is unique in that a building permit was
45 incorrectly issued but that the City still needed to apply the applicable PUD standards. She showed
46 photos of the existing conditions on the site.

1
2 Assistant Planner Kieser reviewed the PUD amendments that are proposed and highlighted the
3 main changes from the 2005 plans to the current plans, including: front yard setback; staggering
4 of unit heights for Building 2; rooftop enclosure; building materials; construction deadline; other
5 modifications to the plans such as window locations, floor plans, deck locations. He noted that
6 the applicant is asking for the construction deadline to be changed to 2 years after the approval of
7 a new or updated Development Agreement for the project.
8

9 Director Goellner summarized the public comment that the City has received thus far. She stated
10 that all comments that had been received by April 29, 2021 were attached to the packet and were
11 from: Anne LaFrance; Anthony Straszewski; Marlene Straszewski; Bruce Merry; John Adams;
12 Jon Munson; Kathleen Nash; Peter Slocum; Robert Kinghorn; Tasha Winkels; and Tom Robbins.
13 She explained that the comments expressed many concerns about the proposed changes with the
14 utmost concern being the smaller front yard setback for Buildings 2 and 3, the change in the
15 staggering of the unit height for Building 2, the visual of the impact of the rooftop elements that
16 are proposed, and the changes to building materials. She stated that a petition was signed by 7
17 property owners, which is a total of 14 residents, that states that the original applicant had worked
18 with the neighborhood during the first PUD approval process and listed the modifications in the
19 current plan that they found unacceptable. She reviewed the questions for the Commission to
20 consider when considering the requests by the applicant.
21

22 Chair Plantan asked if the Commission had any questions for Staff.
23

24 Commissioner Sorensen stated that it was interesting to see the site plan that showed the location
25 of the storm sewer, and that he was under the impression that was the driving issue that resulted in
26 the setbacks moving closer to Rice Street. He stated that in looking at the plans, it is a little hard
27 to understand why the buildings have to be moved so far into the setback. He asked if the storm
28 sewer was not built where the City thought it would be, and therefore the buildings now have to
29 be moved.
30

31 Planner Kieser stated that is the main reason that the applicant has stated that the building was
32 moved forward in their plans. But, essentially, that there is no real reason that Building 3 would
33 need to be moved forward based on that. He stated that the only reason that the applicant might
34 need to do that is if there is any future work done on that site, they could get down there and do
35 that work, but staff would not require it.
36

37 Public Works Director Mike Kelly stated that his understanding is that the storm sewer was built
38 exactly according to plan, and noted that it is a very large structure. He stated that he is not sure
39 how the surveyor laid it out on their drawing, and noted that the opening/manhole cover was placed
40 as far north as it could be, which would allow the building to be built within a few feet of the
41 structure. He stated that in his opinion, the current building could have been constructed closer to
42 the storm structure; but there was no discussion or request from the applicant to the engineering
43 or public works department for moving the building to the north.
44

45 Commissioner Sorensen noted that he has other questions not on this topic, but asked if it would
46 be appropriate to allow other Commissioners who may have questions on this topic to ask theirs

1 now before he moves on. The Chair thanked Commissioner Sorensen and recognized
2 Commissioner Douglas.

3
4 Commissioner Douglas asked for clarification on whether there was any concern from the
5 developer or discussion about the location.

6
7 Public Works Director Kelly stated that from his recollection, there were no concerns with the
8 design of how the stormwater was meant to drain towards Minnetonka Avenue. The plan was
9 always to have a smaller building unit on that parcel ,and there was not discussion with engineering
10 staff about moving or changing the unit from its original design.

11
12 Commissioner Sorensen asked what the rationale is from the applicant regarding not staggering
13 the buildings.

14
15 Planner Kieser stated it comes back to the review of the PUD standards, and not finding it at the
16 forefront. He stated that in the 2005 plans and renderings, it does not show the exact calculation
17 or the height of the staggering units. He stated that in the approved building permits, it shows
18 Building 1 should be staggered 4 feet from unit 1 to unit 2, and was actually built at a 2-foot stagger
19 between the units. Building 2 should be staggered at 2 feet from unit 3 to unit 4; however the
20 proposed plans do not show that staggering.

21
22 Commissioner Sorensen stated that he believes the current building is hand-laid brick and cast or
23 limestone accessories. He asked if the intent for Buildings 2 and 3 to be hand-laid brick because
24 the word 'veneer' was used. He stated that he thinks this is important information for the
25 Commission to know, namely, if it is hand-laid brick or just a veneer that is attached to a pre-cast
26 panel.

27
28 Planner Kieser explained that the plans show a brick veneer finish and cast stone. He noted that
29 the materials are available at City Hall for review to show the likeness to the materials that were
30 used in 2005. He stated that the applicant can give a more detail response.

31
32 Chair Plantan asked if there had been a landscape plan submitted.

33
34 Planner Kieser stated that there was not a landscape plan submitted with this application. He stated
35 that there was an encroachment review for the retaining walls in the right of way, but nothing for
36 the landscaping.

37
38 Commissioner Parkhill asked if Building 1 was a block construction with a brick outside, and if
39 Building 2 was a metal frame or wood construction with full brick on the outside. He stated that
40 he would like to understand the difference in the construction being proposed versus what is in
41 place on Building 1.

42
43 Planner Kieser stated that Building 2 is framed as wood, and believes the intent is to lay the brick
44 on the wood for the brick veneer, but reiterated that he would have the applicant explain this in
45 more detail.

1 Commissioner Parkhill asked about whether there was a difference in functionality between
2 limestone cast and cast stone.

3
4 Planner Kieser stated that in the Design Standards, there are simply 'stone' requirements, so those
5 are all incorporated into a broader category.

6
7 Commissioner Parkhill confirmed with Planner Kieser that there was not an issue with the permit
8 for Building 3, there was just a mistake issuing the permit for Building 2. He asked how the
9 buildings were moved forward from where they are in the original plans, and asked if it was a new
10 drawing that was submitted for permitting.

11
12 Planner Kieser stated that those were the plans that were submitted with the building permit for
13 Building 2 and when it was reviewed in greater detail later, that resulted in the halt, in order to
14 move through this public process to allow continued construction of the building.

15
16 Commissioner Parkhill asked if there was a separate architect hired by the builder.

17
18 Planner Kieser stated that the architect is DFP which was not the architect for the original PUD.

19
20 Commissioner Merriam asked Public Works Director Kelly about the building process, and
21 whether there is a discussion about where the garage level is compared to the driveway and how
22 that is supposed to be set. She stated that she understands that the road is already in place behind
23 all three units. She noted that she went to the site today and because the second building wasn't
24 staggered, the garage is a good foot lower than where the connection is from the driveway. She
25 asked if that was something that was also approved or considered.

26
27 Public Works Director Kelly stated that they looked at that, and explained that the drawings that
28 were presented to the Engineering and Public Works department last fall indicated that the garage
29 floor would be at an elevation of 952. He stated that he understands that number probably doesn't
30 mean anything to the Commission, but explained that it is higher than the driveway. Typically
31 they would want to see an elevation of the garage floor above the driveway when looking at its
32 relationship to a public street. He stated that this is a bit different from the standpoint that it is
33 adjoining a private driveway; however, when the City reviewed the plans last fall, in relationship
34 to the encroachment agreement, the elevations for the second building were at 952 and both above
35 the driveway. He stated that what Commissioner Merriam saw today is an elevation of about
36 948.5, so somewhere between the plan that was reviewed last fall and the issuance of the building
37 permit, he believed that number changed.

38
39 Commissioner Douglas stated that she went to City Hall early today and took a picture of the
40 proposed brick and it says on the brick 'Rice Street Faux Brick'. She asked for clarification on
41 the building materials.

42
43 Planner Kieser stated that he will have the applicant answer that question.

44
45 Commissioner Douglas asked if there was elevator equipment on the roof.

1 Planner Kieser stated that there is no elevator equipment on the rooftop.

2
3 Commissioner Douglas asked how large the rooftop enclosures are relative to the first building.

4
5 Planner Kieser explained that the approved 2005 plans do not show roof dimensions, but in the
6 plans for the building permit for Building 1, those enclosures were shown at around 100 square
7 feet. The proposed square footage for the remaining enclosures are around 144 square feet and
8 just a bit larger for unit 6.

9
10 Commissioner Douglas asked what the reason was for the increase in size by almost 50%.

11
12 Planner Kieser stated that the applicant has requested to be able to build according to these plans,
13 so would be another question for the applicant.

14
15 Commissioner Sorensen stated that he thought he understood that when the plans were initially
16 submitted by the applicant, that the garage elevations were 952 but have actually been built at 948.
17 He asked if the building permit plans that were mistakenly approved show an elevation of 948.

18
19 Public Works Director Kelly stated that he does not oversee the Building Department, so he is not
20 sure exactly which set of plans were submitted for the permit. He stated that what he has seen
21 more recently had the elevation at 948.5, and explained that the documents he looked at for the
22 encroachment agreement show the garage floor for building 2 to be 952.

23
24 Commissioner Bashioum asked Public Works Director Kelly about the disparity in the garage
25 floor, and if that would be considered a significant change.

26
27 Public Works Director Kelly stated that he would like to clarify the two elevations of 952 and
28 948.5 which is about a 2-foot difference and is essentially a drop off into the garage from the
29 current driveway whereas, originally proposed it was above the driveway. He stated that when
30 they look at things from a drainage standpoint for single family residences, they have a code
31 provisions that would typically like to see the garage at least 1 foot above the center line of the
32 street or the edge of the street. He explained that most of the time homes are setback from the
33 street by 20-30 feet or more which makes it very challenging in a large rain event for the water in
34 the street to back up enough that it would find its way into a garage. In this case, he understands
35 the driveway is graded from the building to the south curb line, so the issue with water coming
36 down the driveway would likely not go into the garage; however, it may because of its grade
37 change. He stated that the driveway is tipped from the north side to the south side so the water
38 wants to be on the south edge.

39
40 Commissioner Bashioum asked if Public Works Director Kelly was concerned about water getting
41 into the garage.

42
43 Public Works Director Kelly stated that it is not a concern for him because he will not be living
44 there, but if he was a property owner looking at this site, he would be concerned.

45
46 Chair Plantan invited the applicant to address the Commission.

1
2 Applicant K.C. Chermak, Pillar Homes, stated that he will do his best to fill in the gaps from the
3 presentations made by Director Goellner and Planner Kieser. He stated that his process began last
4 spring just as COVID hit and has been under scrutiny the entire time. He noted that the
5 correspondence can be documented pretty solidly for about 9 months until the building permit was
6 issued. He stated that there was not a hidden agenda or deviation that was supposed to cause this
7 upheaval. He stated that this site has sat dormant for 13 years and noted that it had to go back to
8 the bank in 2008 because of the economic turndown. He stated that there have been 2 owners
9 between then and now, and the interpretation of everything that goes with that is of utmost
10 importance for everybody involved with Pillar Homes. He stated that this is a concept plan and it
11 does meet, has met, and has been reviewed by the City relentlessly for 9 months. This PUD had a
12 lot of aspects to it, first and foremost, it was not finalized and submitted to the County and
13 reiterated that it was a concept. He stated that it is the first thing stated on the resolution 'concept
14 plan approval'. The concept plans are a bunch of general plans that have been somewhat stated
15 and shown by staff, and he feels were designed to have some deviations and alterations made to
16 them when data, engineering, and survey work was applied to the site. He stated that the back lot
17 had to be broken off which was part of the PUD and also 206 Minnetonka; that building was a
18 Dutch colonial and was designated to stay, and that also had to be split off and taken care of. In
19 the meantime, what was left was the final plat for the townhomes. He stated that he would like
20 the Commission to notice that he has switched from PUD to plat, and the final plat was finalized
21 at the County. As the changes were finalized, changes had to be made on site to accommodate
22 that, which is why most of the stuff turned in was concept. He stated that he believes staff will
23 back him up on the fact that everything that was turned in was labeled 'concept' or 'hypothetical'
24 with a plan that was designed to achieve certain setbacks, hardcover, and design standards. The
25 small deviations have been reviewed, discussed, suggested by a professional. He stated that has
26 done just want the resolution says, in complete accordance with the City and the direction that was
27 given to him by staff. He stated that he worked very hard to complete the PUD to the best of the
28 interpretation of the PUD that was filed. He reiterated that they believe they have adhered to the
29 original PUD and look forward to the final details that can be reviewed. He stated that he does not
30 think he was given any special treatment by staff and would say that he was scrutinized
31 significantly more than an average permit would be. There are some specifics that were set in
32 stone that were easy to follow. It was not mentioned once, which he is a little surprised by, that
33 this particular development had 75% hard cover and is a PUD development. He stated that it is
34 important to note the things that were removed from the PUD and the 75% hard cover has to do
35 with the townhomes and the six lots and not the driveway, which is the common area outlot, that
36 holds the water management system together. From day one, the concept plan for the site was
37 such that even the lot lines that set up the existing PUD were not finalized. Lot 1 and 2 were made
38 to be the largest which slides everything to the west. The plat that was filed does not match up
39 with the particular location of where the townhomes were conceptually going and all shifted
40 slightly to the west. Based on the data of that particular location, everything had to be shifted and
41 the adjustments were made accordingly to accommodate that.

42
43 Mr. Chermak asked Director Goellner to put up the official survey of the site that he has turned
44 into the City that was completed by Sathre Bergquist and explained that every single grade from
45 the original survey deviates by anywhere from 3.8 to 4.2 feet in height off the ground. Deviations
46 were made to this from day one, which is acceptable and staff reviewed them. The original survey

1 that everyone has been referring to, the actual garage floors are 956.1 and 954 and the original
2 grades were supposed to 960.9 and 958 and noted that this was in the approved data that was turned
3 in with the PUD. He stated that on all the elevations, there were 10-11 steps coming from the front
4 sidewalk to the front door and in actuality, there are 5 steps. He stated that to bring the discussion
5 back to today's standards, he would like to point out some of the things that were discussed, such
6 as the plans, were just concept plans and not building or bidding plans. He stated that the storm
7 sceptor being discussed in the original plans was the man hole cover and not the exact sceptor. He
8 stated that it is just over 7 feet tall, and the reason that the pipe deviates from there is that it was
9 never a requirement that he could see on any documents that this system and the pipe that collects
10 the water from the parking area to the commercial building is to the west. He stated that he can't
11 find that on any of the documents. He stated that on the grading plan that was signed and approved
12 and turned in with the PUD, it shows a man hole in the middle of the parking area and also shows
13 a much smaller man hole touching the building and doesn't indicate the actual structure going in
14 underground; it shows nothing relating to the water that needs to be picked up from the existing
15 commercial building to the west. He reiterated that part of what was approved is a concept plan
16 and part of the concept does not match reality. He explained that there are constant indications
17 throughout the entire paperwork that was turned in with the PUD that completely matches up with
18 the 'word of the day': concept. There is no man hole in the middle of the parking lot, there are
19 three large man holes on the backside, and the actual storm sceptor is in the general location. He
20 stated he had to provide this information with the help of Sathre Bergquist. He reviewed the pipe
21 locations and explained that the sliding of the building came through a suggestion from the
22 surveyor, from Pillar Homes and a collaboration of planning and staff to be able to not deteriorate
23 or provide jeopardy to the storm sceptor. Based on this, a whole bunch of other things were decided
24 in continuity and consistency with the City. He reviewed the building plan and garage levels and
25 noted that units 3 and 4, the garage floor will be 951.5 and units 5 and 6 will be 948 and the
26 difference has to do with the entire outlot driveway sloping from high to low from east to west.
27 He stated that the concept plan was approved in 2005 and has been dormant for 13 years. He noted
28 that there was not a Shoreland Overlay District when this was done, but believes it was
29 implemented shortly thereafter. He stated that he is very involved in water management and enjoys
30 filtering and making sure water, before it gets to Lake Minnetonka, is filtered and purified. He
31 said they requested, and were approved for, permeable pavers from the outlot lot line to the
32 garages, and would completely address with Public Works Director Kelly was talking about and
33 water will never make it to these garages. He stated that they are all pitched so that the water either
34 gets into the ground through the permeable pavers or it will angle and work its way down to the
35 normal storm sceptor that is at the end of the building that has been there for 15 years.

36
37 Mr. Chermak continued that he feels it is important for the Commission to know how everything
38 reached this point and the immense dialogue that took place with professionals to problem solve
39 the situation. He explained that the engineering backs up everything that is taking place on the
40 site, and was carefully scrutinized by the City and was done, in step, together. Based on the
41 location of units 1 and 2 and the finalizing of the plan, they are located further west than the original
42 concept plan. He stated that that they moved the building that was on the lot line over 5 feet and
43 the biggest unit is unit 1, which moves the middle of the building further to the west which means
44 everything else had to be slid to the west and all grades had to be adjusted. He stated that every
45 single height requirement, every single concept height, that was in the original PUD was not based
46 on data, and everything in there is 4 feet higher than it should be. He stated that the reason it is

1 important that the two buildings are slid further to the west is that the grades start to diminish and
2 stepping the buildings was not necessary. He stated that he believes because the original survey
3 work was not accurate based on the factual information of what was going to be installed, that the
4 grades were all off and the elevation height is actually lower than the intended plan were originally
5 set. He stated that this was not in violation of anything and they were simply adjustments that
6 make this project work. The plans that were turned in with the data base that they are referencing
7 with the PUD had to do with particular elevations and were concept plans and incomplete. He
8 stated that the plans are simply not buildable and gave the example of the stairs that reach the top
9 of building and the doors that are depicted to the south, but in actuality face east and west, and
10 explained that this building was not built based on these plans. He stated that he pointed this out
11 to Planner Kieser in one of his earliest reviews that these plans do not match what was built. He
12 stated that there was a deviation made, and he is requesting to do the same.

13
14 Mr. Chermak stated that Commissioner Douglas had raised a question on what the square footage
15 of the roof tops was off by 50% and explained that it was only off by that much because they were
16 not using accurate, real world data. He moved on to explaining the exterior of the buildings and
17 noted that it will match. He stated that it is just 13 years newer product and much more durable.
18 He stated that thin veneer is brick that is cut in half, and veneer can mean anything from siding to
19 shakes to wood products. They are using brick veneer in a full fashion, which means grouting it
20 in in a normal fashion. He noted that for the limestone, he brought a sample to the City and believes
21 that it is the exact limestone based on research of the vendors along with the brick and the design
22 and pattern will be replicated. He stated that cast stone is also a very similar product and some
23 was planned to be used on more of the landscaping and front entry walls. He explained that
24 limestone is a terrible product to use for landscaping, so he plans to use the cast stone in more of
25 the landscaping. He stated that all the black detailing in the plans will be matched, almost identical
26 and noted that some of the window locations are different based on floor plans and were not part
27 of the PUD. He stated the floor plans match with today's market but the exterior will stay
28 consistent with the original two units plans. He stated that he believes he has addressed all the
29 questions that the Commissioners had brought up this evening and offered to answer any additional
30 questions.

31
32 Chair Plantan asked if the Commission had questions for the applicant.

33
34 Commissioner Parkhill asked how the decision was made to modify the setbacks.

35
36 Mr. Chermak stated that after the information was discovered regarding the storm sceptor and the
37 pipes, the plan that was set forth for lot 6 with a minimal deviation to get away from it, they
38 decided, in collaboration with the City, to slide it away from there. He explained the details of how
39 they moved the setbacks.

40
41 Commissioner Parkhill asked if this modification was included in the plans that had been approved.

42
43 Mr. Chermak stated that this does match up with the survey work.

1 Commissioner Douglas stated that when she looked at the building materials at City Hall, it was
2 labeled 'Rice Street Faux Brick' and although there were regular bricks there, it doesn't appear as
3 though that is what will be used.

4
5 Mr. Chermak stated that it is "f-u-l-l", full veneer brick.

6
7 Commissioner Douglas stated that she thought that the proposed material wasn't quite a match for
8 building 1, and asked if he has taken the materials over there to take a look.

9
10 Mr. Chermak stated that he has had both the supplier and the installer take them over to the first
11 building.

12
13 Commissioner Sorensen confirmed that the brick would be hand set by masons, brick by brick.

14
15 Mr. Chermak stated that is correct.

16
17 Commissioner Merriam asked if the design of 520 and 524 was actually bigger than what was on
18 the originally approved for the PUD.

19
20 Mr. Chermak stated that there is a slight deviation and the westerly wall, front to back, is about 5
21 feet longer.

22
23 Commissioner Merriam asked what the supplier and the installer said about the brick when they
24 took it over to the first building.

25
26 Mr. Chermak explained that they said it was a perfect match, and were very complimentary and
27 excited that they found a match.

28
29 Commissioner Bashioum stated that Mr. Chermak had mentioned that he was using brick, she
30 thought he had mentioned it was half thickness. She asked if they were half bricks or full bricks.

31
32 Mr. Chermak stated that they will be 100% full brick.

33
34 Commissioner Bashioum asked if that would then not be considered veneer.

35
36 Mr. Chermak explained that the term veneer just means some sort of cladding on the exterior of a
37 building, to be legally and officially documenting the term. He stated that it is a full veneer brick.

38
39 Commissioner Bashioum asked if he knew the dimensions of the brick.

40
41 Mr. Chermak stated that he does not have the exact dimensions, but believes it is in the area of 3
42 inches thick by 8 inches long.

43
44 Commissioner Merriam asked about the size of the bedroom level decks on units 530 and 534.

1 Mr. Chermak stated that the deck on the main floor is roughly about 20 feet long, and 6 feet 6
2 inches deep.

3
4 Commissioner Merriam stated that the dimensions of the deck for the existing building look like
5 they are 6 feet 10 inches by 2 feet 8 inches. She asked if the second building would have two
6 decks.

7
8 Mr. Chermak clarified that there will just be one deck, and explained that the one that was going
9 to be a deck is just going to be in its likeness and will just cover the deck below it.

10
11 Commissioner Stockton asked if the total building area for building 3 is the same today as it was
12 at the time of the original approval in 2006.

13
14 Mr. Chermak stated that there is a document with the PUD that gives the approximate sizes of the
15 square footages, and noted that building 3 is 181 square feet larger and building 2 is 181 square
16 feet less.

17
18 Commissioner Bashioum stated that the windows are considerably different than the original
19 windows with the arches, which is a glaring difference on how the building looks from the outside.
20 She asked what made him deviate from the approved style and the placement.

21
22 Mr. Chermak stated that the front elevation is virtually identical which was most important. He
23 noted that in reference to the window that Planner Kieser mentioned, in that particular area, there
24 wasn't a need for a window. For the side windows, which are only 10 feet from the two sides, he
25 went to square windows with the accent limestone piece above it that will be arched, and for the
26 back of the house he did sliding doors.

27
28 Chair Plantan asked why the deck is constructed differently and has 6 x 6 supports holding the
29 deck, versus how it is constructed now on building 1.

30
31 Mr. Chermak explained that the engineering behind it is significantly more complicated in today's
32 building world, so instead of trying to brace anything off of the house with no supports, it was
33 designed to have the supports that come down in a more structural and a better long-term advantage
34 for building the decks.

35
36 Chair Plantan asked if it would ever be enclosed and that was why it was constructed this way.

37
38 Mr. Chermak stated that it was not and was just set up as a better structure. He noted that the
39 phantom screen is a new product that has entered the marketplace and is not a permanent screen,
40 but rather a cosmetic, roll-up screen that is mounted to the underside of the covered area above
41 this deck.

42
43 Chair Plantan asked if it would be categorized as a screened porch.

44
45 Mr. Chermak stated that it is not a screened porch, but are simply open decks with the option to
46 add screened porches which would be done with a temporary roll up material.

1
2 Chair Plantan asked if Mr. Chermak would have been able to do this construction on the deck if
3 the second building was in its original location.
4

5 Mr. Chermak stated that the posts are just 3 feet away from the house and if the second building
6 was in its original location, he probably would have had to adjust it back slightly to about 2 feet
7 away.
8

9 Chair Plantan stated that there is no cornicing on these buildings to emphasize the stepping down
10 or breaking up the façade like the original building, and asked if that was simply a design decision.
11 She stated that there is also not any of the horizontal banding designating the levels.
12

13 Mr. Chermak stated that the horizontal band is on the sides and should have been continued around
14 the back. He explained that he believes that it was just missed by the architect.
15

16 Chair Plantan confirmed that the horizontal banding was included in the construction documents
17 just not on the elevations. She asked, from a design standpoint, why they made the decision to not
18 to do the arched windows or to follow any of the detailing in the original plans.
19

20 Mr. Chermak stated that it was strictly putting the focus on the front of the house. Due to the fact
21 that the sides are so hidden, it functionality became more important than the arched effect and
22 provides the option for them to open the window.
23

24 Chair Plantan asked if the only location for arched windows was on the front at the very top and
25 the others are square windows with an arched cornice piece.
26

27 Mr. Chermak stated that this was correct.
28

29 Chair Plantan asked when the most recent survey was done that Mr. Chermak has referenced
30 numerous times.
31

32 Mr. Chermak stated that it was completed within the last 60-90 days and noted that he had turned
33 it in with his submittal.
34

35 There being no additional questions from the Commission for the applicant, Chair Plantan
36 reviewed the significance of, and rules for, the public hearing, and opened the public hearing on
37 the application at 9:49 pm.
38

39 Christopher Vojta, 125 Walker Avenue South, stated that they have sent multiple letters to the City
40 and strongly protest any variation from the original 2005 PUD. He stated that due to the lateness
41 of the hour, he will let their letters speak for themselves and just noted the three main things that
42 they do not understand how they could be approved: the setbacks; the height amendments; and
43 unnecessary exceptions for this project.
44

45 Tom Vanderhayden, stated that he thinks the challenge for the commission in reviewing this
46 application is behaving as though a building didn't already exist and is just on paper. He stated

1 that from his recollection and experience as a former commissioner, a few elements that they had
2 to be sensitive to was sheer economic interest of the developer, and that variances based on that
3 should be weighed accordingly. He stated that there are a host of variances in this application, and
4 that any one of them could have rationally knocked down a recommendation of approval. He
5 listed the requests and stated that the differences are meaningful and not minor. He stated that he
6 wanted to encourage the Commission to hold fast to their role and what is required in this case.
7 He stated that he is not supportive of any of the proposed changes, and noted that the developer
8 said the stepping down of buildings was not necessary; not that it couldn't be done. He stated that
9 he found the answer to the screen porch question interesting because Mr. Chermak basically said
10 it is a screened porch, but not a screened porch. He encouraged the Commission to diligently push
11 in on this case.

12
13 John Adams, 544 Rice Street East, stated that he would like to correct the record because there
14 was a lot of misinformation that was given by Mr. Chermak tonight. He stated that Jon Munson
15 wanted to be at tonight's meeting however, he needed to attend the Council meeting in Deephaven.
16 He stated that Mr. Munson is considered by many to be one of the top architects and builders in
17 the state, and has built hundreds of homes around the lake. Mr. Adams stated that some of the
18 drawings that Mr. Chermak submitted, for example, the one that shows the rooftop elevator and
19 garden, the man hole in the parking lot, and the plan that shows the grass areas—those 3 are
20 conceptual original drawings from early on in the process. He stated that dates are from mid-2005
21 and the building permits were issued for all 3 buildings; those were working drawings and
22 complete plans for all three buildings that were building ready. He stated that they sold those plans
23 to the previous owner of those lots who paid \$50,000, and Mr. Chermak received those plans upon
24 purchasing the lots. He reiterated that those were working drawings, and for Mr. Chermak to call
25 them a concept plan is 100% wrong. He stated that those three drawings were not part of the PUD
26 plan. He stated that he doesn't have a record of those three, but has a roof plan that is a complete
27 roof plan with measurements. He stated that he has a site plan that was part of the approved PUD.
28 He stated that there are so many things being stated tonight that are just smoke and mirrors, that it
29 is driving him crazy. He stated that on the site plan that is approved and part of the PUD, the first
30 unit is at 971.5, the second unit is 969.5 the third unit is 967.5, the fourth unit was 965.5, units 5
31 and 6 are 963.5. He explained that these numbers were the first-floor elevations and are included
32 on the site plan. The plans also show the building heights of building 1 at 34 feet, building 2, 32.3
33 feet, and building 3 at 32 feet and shows that each unit was to go down by 2 feet. He stated that
34 for Mr. Chermak to talk about the surveys being wrong is absolute craziness and reiterated that
35 this was platted, surveyed, and all submitted. He stated that he was supposed to review any
36 changes, and was told by the City that all the residents of the association had to sign off on any
37 modifications or changes. He stated that if Mr. Chermak had a problem with any of the information
38 he shared tonight, he should have sat down with him and told him what was wrong, and he would
39 have gotten the accurate information to him and proven him wrong. He stated that the only reason
40 Mr. Chermak is pushing the buildings forward was so unit 6 could be bigger, and it has nothing to
41 do with the storm sewer. He explained that the building was designed around the storm sewer
42 because he had an agreement with Kathleen Nash and Tom Robbins, who lived across the street,
43 that he would move the buildings as far back on the site as possible. So, Jon Munson had to design
44 the 6th unit to go around the storm sewer and be smaller in order to accommodate their request to
45 get approval for the project. He stated that the roof over the deck is not acceptable and will block
46 the sunlight and, in his opinion, will look goofy. He stated that there were no screened porches

1 intended for this project, nor was it part of the PUD nor is there a practical difficulty. He stated
2 that the plans call for cast stone which is poured concrete and not limestone. He stated that in
3 looking at Mr. Chermak's building plans, they do not appear to be very complete and don't, for
4 example, show front stair cases. He stated that this is an incomplete plan and has a building height
5 of 34.7-foot height on the building he is currently constructing. It had been approved for 32.3
6 feet, which were agreements that he had with Tom Robbins. He stated that he and Tom argued
7 about the height of building 2 and 3 for months, and many meetings were held with the neighbors.
8 He stated that former Council member Bangert told him that he had to make the people across
9 Rice Street happy or she wouldn't support the project. He stated that he got the plans approved on
10 a 3 to 2 vote from the City Council. He stated that the current deck design with the posts coming
11 down have nothing to do with the latest and greatest construction methods, and has everything to
12 do with Mr. Chermak not wanting to pay the money to cantilever them out like he did, which is
13 more expensive. He stated that the garage going down by a foot is a nightmare even though it is
14 sloped. In a downpour he thinks there is going to be water coming down off of Walker and heading
15 right down the driveway. He stated that Jon Munson had designed this perfectly to follow the
16 grade and the new plan makes absolutely no sense. He stated that they could have gotten building
17 permits for all three of the buildings with the drawings that were submitted as part of this PUD.
18 He reiterated that there is a whole bunch of smoke and mirrors going on in this situation and he
19 wants the Commission to know the truth and feels that so far, Public Works Director Kelly has
20 been the honest one. He stated that he believes Public Works Director Kelly when he told the
21 Commission that the set of drawings he looked at had the garage floor at 952 feet. He feels this is
22 a bad design and doesn't like the deck situation. He emphasized the buildings never should have
23 been moved forward or allowed to be higher than what was approved. He reiterated that there
24 were some difficulties with the site, but Jon Munson did a wonderful job designing around it with
25 a smaller unit.

26
27 Chair Plantan noted that Mr. Adams had gone over his allotted time and asked him to conclude his
28 comments.

29
30 Mr. Adams stated that he could go on for an hour because he is so riled up. He reiterated that there
31 was a lot of misinformation put out there to the Commission.

32
33 Bruce Merry, 216 Minnetonka Avenue South, stated that the east side of his property is very close
34 to what would be the 6th unit in this development. He stated that he believes the original PUD was
35 well-conceived in both style and design. He stated that he doesn't feel as though anybody would
36 question Jon Munson's talent. He stated that he would like to peel back the layers of this issue
37 because it is really simple. He stated that it is quite obvious to him that this is about a builder
38 wanting to make money. He would like to ask Mr. Chermak the questions that if this isn't about
39 making money, why can't he just comply with the original PUD and build the buildings as they
40 were proposed. He stated that the Planning Commission is being asked to weigh their sense of
41 integrity versus allowing a building to further Mr. Chermak's monetary self-interest.

42
43 Anthony Straszewski, 527 Rice Street East, thanked Public Works Director Kelly for his honesty
44 and noted that it takes a lot of courage to say and do the right thing. He stated that in the City staff
45 report, Mr. Munson's name is incorrectly spelled and should be Jon Munson. He explained that
46 Mr. Munson is the architect of record for the original development and the PUD that was approved

1 in 2006. He stated that it seems odd to him that the citizens are in this position tonight and that
2 Planner Kieser doesn't know the architect of record for a huge development and is a huge misstep.
3 Mr. Munson submitted working drawings for this PUD which was approved. The City Code and
4 ordinances are crystal clear that any change to the approved PUD needs to go through the Planning
5 Commission. When neighbors realized that what was being built didn't conform to the PUD and
6 approached City staff to get the information posted on the website, the requests were summarily
7 dismissed by staff. He stated that it wasn't until a few weeks ago that the plans were actually
8 posted so they could see what was going on. He stated that the Code is clear, which is why this is
9 now at the public hearing process. He noted that his big question is how things got this far. He
10 stated that how the City issued permits for significant changes, such as moving a building 6 feet
11 when someone cannot get a variance on a fence for 2 feet, is obscene. He reiterated that the Code
12 is clear, but wanted to note that there were so many misstatements and omissions of fact in the
13 City staff's report that it is really almost embarrassing. He asked the Planning Commission to read
14 everything that was submitted and not rely on the staff report because it is not entirely true. He
15 stated that he has 3 pages of notes on all the misstatements from both Mr. Chermak as well as City
16 staff members. He stated that there is an opportunity to do the right thing, and he doesn't feel the
17 staff report reflects the right thing. He stated that the liability hole that City Attorney Schelzel has
18 created with that report is becoming significant. He stated that the Commissioners may be looking
19 at this and think that the new proposal isn't all that different, but he feels that moving the building
20 this much is significant.

21
22 Tom Robbins, 523 Rice Street East, stated that he has the sad distinction of owning the house and
23 lot that are the most negatively effected by Mr. Chermak over-stepping his bounds. His home is
24 on the lowest lot of the 5 lots on Rice Street in the middle of the block. He explained that his
25 1890s home was on Big Island and moved over the ice to Wayzata in 1908. He purchased it 30
26 years ago, has totally remodeled it, and it is his only major asset. When he moved to Wayzata,
27 there was an old rental house on Mr. Adam's lot that was demolished in 2007 and he assumed that
28 any new structures would have to start from the original dirt base. Mr. Adams explained that the
29 first 2 units were on the original base so he assumed it would continue. The new construction sites
30 are obviously not on the original base and have been raised up anywhere from 4 to 6 feet. The big
31 question is why. There are many variables to consider which should be defined and agreed upon
32 in advance and enforced. He stated that for many reasons, it seems as though the enforcement has
33 been lax. For years, he has been sitting at his main floor desk looking out his window at the 117-
34 year-old Weis house, which resembles the original home that Mr. Adams demolished. The roofline
35 of that home is at his sitting eye level. He stated that the new, huge, dominating structure appears
36 like Godzilla in comparison. He explained that he was very concerned and afraid about this
37 project. He asked the Planning Commission to recommend a denial of the proposed amendment
38 to the PUD, and at a minimum he would ask that the Commission take more time to review the
39 proposed amendments and direct staff to report back. He stated that it appears to him that if there
40 is a French drain problem, the alley should be torn up and the drain should be dug deeper and in a
41 different spot.

42
43 There being no additional comments on the application, Chair Plantan closed the public hearing at
44 10:22 pm.

45
46 Chair Plantan asked for the Commission to share their questions and feedback on the application.

1
2 Commissioner Merriam asked if the PUD amendment being discussed is an amendment to a PUD
3 final plan and if it had anything to do with a concept plan.
4

5 Director Goellner stated that amendments can be considered in concept or to final plans. Typically
6 a concept plan for a PUD amendment is that something has really drastically changing in terms of
7 land use, for example changing from a residential project to a commercial project.
8

9 Commissioner Merriam stated that the reason she asked is because the applicant mentioned that it
10 was only a concept plan, which she really questions because she cannot imagine the project being
11 built if it was only a concept plan.
12

13 City Attorney Schelzel noted that as Commissioner Merriam may remember, because she was on
14 the Commission at the time, there was a recommendation on the original PUD that went to Council,
15 and a concept, general, and final plan were ultimately approved and memorialized in the
16 development and PUD agreement.
17

18 Commissioner Merriam stated that she just wanted to make sure the Commission understood this
19 point and noted she was on the Planning Commission when this went through in 2005. She stated
20 that she remembers that it was a huge hurdle for John Adams who fought long and hard to get this
21 project approved because the neighbors really didn't want it. She stated that she remembers that
22 he negotiated hard with them for every little inch that he got, which is something that is important
23 to consider.
24

25 Commissioner Bashioum stated that when the Commission is evaluating a request for a variance
26 or changes to ordinances, they are asked to consider whether a hardship or a practical difficulty is
27 present, and if it is due to the applicant's actions. She stated that ultimately, it is the property
28 owner's legal responsibility to know and understand the land use regulations, the agreements that
29 run with the property or properties, and to adhere to all previously approved instruments and
30 entitlements for the site. She stated that she feels that the reason that Mr. Chermak is coming to
31 the City now is due to his own actions, as has been demonstrated this evening. She stated that she
32 does not think she can support this application presented to the Commission this evening.
33

34 Commissioner Douglas stated that this was a long and involved application, and noted that she too
35 remembers the original application from John Adams. She stated that Mr. Adams spent hours with
36 the neighbors working out the details and ultimately, he and the neighborhood came to a win/win
37 solution. She stated that the neighbors reactions today are as valid as it was 15 years ago. She
38 stated that the positive of the current situation is that this project may be completed in a similar
39 fashion and quality, but she questions the definition of 'similar' and feels that what is proposed is
40 not similar enough. She stated that the City did appear to make a mistake in granting a building
41 permit, but the developer also appears to have been negligent in not talking to and developing more
42 of a relationship with the neighborhood. She explained that she cannot recommend approval for
43 the following reasons: the lack of collaboration with the neighbors; the setback encroachments;
44 rooftop enclosures being larger; lack of arched windows on the rear of the buildings; change in
45 deck sizes; no landscape plan; and finally that she was not convinced about the brick color. She
46 stated that she has lived in row houses, which are different than living in a single-family

1 neighborhood setting; their HOA rules and regulations specifically spell out that things like
2 windows, doors, steps, and materials have to be uniform, and to make even a minor change requires
3 approval from the HOA. She stated that if this proposal was a large development, it may not matter
4 as much, but this is a very small, tight-knit development and uniformity is very important; 'similar'
5 is not good enough. She stated that she cannot support this project.

6
7 Commissioner Stockton stated that she wholeheartedly agrees with Commissioner Bashioum's and
8 Commissioner Douglas' commentary. She stated that she has been in one of the existing
9 townhomes, and it is a quality building. It stands out in terms of its structure, the weight of the
10 building, and inside and out is just high quality. There are material substitutions in the current
11 proposal that she thinks will not reflect or mirror that, and noted that the whole discussion around
12 the drainage still leaves her confused as to the justification for pushing everything forward into the
13 setback. She stated that she is also concerned about the community feelings around the
14 development. She stated that she did realize that construction costs are up and asked to what extent
15 that may be relevant or worth noting.

16
17 Commissioner Parkhill asked what happens if this application is not approved, and specifically
18 what will happen to the building that is already pretty much built.

19
20 City Attorney Schelzel stated that the Commission will make a recommendation to the Council,
21 who will make the ultimate decision on the application. If Council does not approve this particular
22 PUD amendment and variance requested, the builder would then have a choice in how to proceed.
23 Mr. Schelzel stated that the City could not allow something to be built on the property that does
24 not comply with City Code, so the existing building would need to be modified to comply with the
25 standards of the existing PUD, or the applicant would have to submit a new application for a
26 different proposal, so something else could be built. He stated that status quo is really not an
27 option.

28
29 Commissioner Parkhill stated that he appreciates what has already been shared by the other
30 Commissioners. He stated that he believes the original PUD was great in both style and design.
31 He stated that he understands the neighbors concerns, and assumes that City staff operated in good
32 faith, but that there was obviously some sort of mistake made and a permit was issued. He stated
33 that he would like to find a way to support what is mostly built there and make some modifications
34 to it, so the City can fill this vacant land; but he also feels for the neighbors who will be looking at
35 something different than they expected. He stated that he would like to try to find a compromise
36 of some sort, and see the second building survive with some sort of agreeable modification. He
37 stated that he thinks the third building needs to go back to the PUD plan. He reiterated that he
38 would like there to be a reasonable outcome, where Mr. Chermak doesn't lose his shirt and the
39 neighbors can look at something pleasant; but he doesn't know what that is. He stated that he
40 cannot recommend approval all of the variance requests, and stated that he doesn't really want to
41 do a full denial or a full acceptance; but also realizes his job is not really to figure out what the
42 compromise may be. He stated that he would like to see some work done so this could be moved
43 forward in a way that is mostly agreeable to everyone. He stated that he would recommend denial
44 of the current request with the hope that it leads to another conversation where there is some sort
45 of compromise found that will work for everybody.

1 Commissioner Merriam stated that she agrees with a lot that has already been said tonight. She
2 stated that she appreciates that 15 years later someone is attempting to get the other two buildings
3 done, and appreciates that there may be some modifications that could be made that would help in
4 the cost of construction; but she did not see any involvement of the neighbors in coming to a new
5 plan. She stated that the applicant just went ahead and proposed something, knowing that there
6 was a PUD in place and was in possession of the plans to fulfill the PUD. She stated that is it
7 unfortunate that there wasn't more neighborhood involvement in this process. She stated that the
8 design presented tonight, the PUD amendment, lacks architectural integrity compared to the
9 original plan. The neighbors were counting on the original plans occurring, and are clearly not
10 happy with the proposed amendments from something that they worked so hard to negotiate in the
11 original PUD agreement. She stated that she also does not see a hardship in this instance, and
12 would recommend denial of the requests. She stated that perhaps the applicant can come to a new
13 agreement by working with the neighbors.

14
15 Commissioner Sorensen stated that there are obviously strong opinions and feelings on all sides
16 of this issue. He stated that he thinks it is a matter of how the Commission can be objective and
17 fair, and really look at the criteria which govern the request. He stated that there have clearly been
18 deviations to the original PUD, and he is attempting to look at how those relate to the criteria
19 governing a variance request. He is sympathetic to the fact that this property has sat vacant for 15
20 years and hasn't been developed, and that the economy and circumstances are a lot different now.
21 He stated that he is considering the question of the essential character of the neighborhood, and
22 whether it is altered with these changes, and whether the changes are in harmony with the general
23 purpose and intent of the original PUD, and also take into consideration the practical difficulties.
24 He stated that there were a few things that were still a bit difficult to understand, why changes
25 were made, the biggest of which would be the setbacks. He stated that he cannot fully support this
26 request, although he could see supporting some of the amendments. He stated that he supports
27 Commissioner Parkhill's idea that the applicant investigate a strategy that may make things work,
28 and minimize the downside of the current situation, and make it acceptable to the City and the
29 neighborhood.

30
31 Chair Plantan stated that she has spent time assessing this application and the stated objective of
32 the Comprehensive Plan, which has been long and arduous, and has attempted to be objective and
33 fair, not dwelling on the events of the past or personalities of those involved. She stated that after
34 reviewing the documents, the applicants narrative, staff reports, public comments, she is leaning
35 towards a denial recommendation of the application as well. She stated that she has difficulty with
36 the number of deviations from the original PUD, with the most concerning being the setback
37 deviation. She stated that she also wishes there could be discussions between the applicant and the
38 homeowners association to resolve this issue. She reiterated that she will not be able to vote in
39 favor of this application.

40
41 City Attorney Schelzel noted that there is a draft report and recommendation for denial included
42 in the packet that could go straight to the Council. Alternatively, the Commission could direct
43 staff to prepare a report and recommendation of denial that could call out more of the things that
44 seem to most concern the Commission and bring it back to the Commission for consideration at
45 the next meeting. He stated that the benefit of the second option is that it could be particularized

1 for the Commission based on their comments this evening, and it may also give the applicant a
2 window to consider changes or have dialog with the neighbors about a possible solution.

3
4 Commissioner Merriam stated that if the Commission recommends denial based on the report that
5 has already been drafted, the Council will have all the comments from the minutes to consider,
6 and further noted that she believes a few of the Councilmembers are in attendance tonight. She
7 stated that option may bring about a way for this to be resolved more quickly, rather than just
8 putting it on hold until the next meeting.

9
10 Commissioner Parkhill asked if the Commission recommends denial of this request, whether the
11 applicant could then pull the application in order to work with the neighbors and bring back a new
12 proposal.

13
14 City Attorney Schelzel stated that the applicant has the option of withdrawing the application any
15 time before Council has weighed in and makes a decision on it. He stated that this doesn't allow
16 the project to go forward as currently proposed; but it would allow the applicant to resubmit a
17 different application right away.

18
19 There being no further discussion, Chair Plantan asked for a motion on the application.

20
21 Commissioner Parkhill made a motion, seconded by Commissioner Merriam, to adopt the
22 Planning Commission Report and Recommendation reflecting denial of the request for a PUD
23 amendment and variance at 520, 524, 530, and 534 Rice Street E.

24
25 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

26
27 Chair Plantan noted that this would be on the City Council agenda for May 18, 2021.

28
29 **AGENDA ITEM 6. Other Items:**

30
31 **a) Welcome New Planning Commissioner Ken Sorensen**

32
33 Director Goellner welcomed Commissioner Sorensen and asked him to give a little background
34 on himself.

35
36 Commissioner Sorensen stated that he is honored to be selected to serve as Planning
37 Commissioner, and gave some background information on his life, work experience, and history
38 in the area.

39
40 **b) Review of Development Activities**

41
42 Planner Kieser stated that there are not any new, complete development applications at this time,
43 but are a few in review.

44
45 **AGENDA ITEM 7. Adjournment.**

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

2
3 Commissioner Bashioum made a motion, seconded by Commissioner Douglas, to adjourn the
4 Planning Commission meeting.

5
6 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

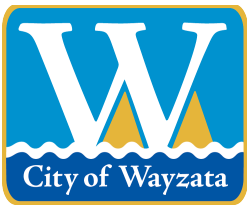
7
8 The Planning Commission meeting was adjourned at 11:04 p.m.

9
10 Respectfully submitted,

11 Kayla Atkins Rokosz

12 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: June 7, 2021	AGENDA ITEM: 5.a
TITLE: Consider Development Application for Side Yard Setback Variances, Shoreland Setback Variance, and a Conditional Use Permit at 900 Shady Lane East	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: July 23, 2021	

BACKGROUND:

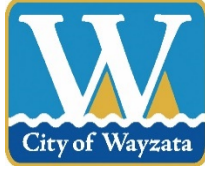
The property owners, Chris and Lynn Astrup, and applicant, Alexander Design Group, are proposing to construct a new single-family residence at 900 Shady Lane East. The proposed project requires a two side-yard setback variances, Shoreland setback variance, and a Conditional Use Permit (CUP) to locate a portion of the structure in the Flood Fringe District. This property received similar approvals for a single-family residence in 2019, but that project was never constructed. The proposed residence includes an updated layout and design from the 2019 plans.

ACTION REQUESTED:

The Planning Commission should direct staff to prepare a Planning Commission Report and Recommendation to be reviewed at the next Planning Commission meeting.

ATTACHMENTS:

1. Staff Report and Plans



**Planning Report
Wayzata Planning Commission
June 7, 2021**

Project Name: Astrup Residence
Owner: Chris & Lynn Astrup
Applicant: Kathryn Alexander, Alexander Design Group
Addresses of Request: 900 Shady Lane East
Prepared by: Nick Kieser, Assistant Planner
“60 Day” Deadline: July 23, 2021

Development Application

Introduction

The property owners, Chris and Lynn Astrup, and applicant, Alexander Design Group, are proposing to construct a new single-family residence at 900 Shady Lane East. The proposed project requires a two side-yard setback variances, Shoreland setback variance, and a Conditional Use Permit (CUP) to locate a portion of the structure in the Flood Fringe District. This property received similar approvals for a single-family residence in 2019, but that project was never constructed. The proposed residence includes an updated layout and design from the 2019 plans.

Property Information

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

Address	PID	Owner
900 Shady Lane East	06-117-22-42-0010	Lynn & Chris Astrup

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

Zoning District:	R-2A Single-Family Residential District
2040 Comp Plan Designation:	Low Density Residential
Overlay District:	Shoreland Overlay District

Project Location

The property is the most western lot on Shady Lane East. The railroad and the Central Business District are located to the north. To the west, there is a creek running from

Gleason Lake to Lake Minnetonka and the Section Foreman House is located on the west side of the creek. Lake Minnetonka is located to the south and single-family residences are located to the east.

Maps 1 and 2: Project Location



Application Requests

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

- A. Setback Variances from the R-2A Zoning District Requirements: The proposed project requires two side-yard setback variances from the requirements of the R-2A Zoning District. The requested variances include:
 1. North side-yard setback variance of 1 foot of the required 15 feet to a distance of 14 feet (§ 953.06.B.1.B).
 2. South side-yard setback variance of 5 feet off the required 15 feet to a distance of 10 feet (§ 953.06.B.1.B).
- B. Setback Variance from the Shoreland Overlay District Requirement: The proposed project requires a Shoreland setback variance of 50 feet off the required 75 feet to a distance of 25 feet (§ 991.09.D.2).
- C. Conditional Use Permit for the Principal Structure in the Flood Fringe District: The proposed house is situated in the Flood Fringe District and needs a Conditional Use Permit based on the fill located around the proposed home. (§ 993.06.C.1)

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	Railroad	N/A	N/A
	Shopping Center	C-2/Shopping Center Business District	Commercial
East	Single-family homes	R-2A/Single-Family Residential District	Low Density Residential
South	Lake Minnetonka	N/A	N/A
West	Creek and the Section Foreman House	R-2/Medium Density Single-Family Residential District	Parks

Public Hearing Notice

The public hearing notice was published in the *Sun Sailor* on May 27, 2021. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on May 26, 2021.

Analysis of Application

Background

In 1984, setback variances were granted to construct the principal structure that was recently demolished. In 2019, the City approved the following requests for a new single-family residence in Resolution 31-2019:

- North side-yard setback variance of 8 feet off the required 15 feet to distance of 7 feet
- South side-yard setback variance of 5 feet off the required 15 feet to a distance of 10 feet
- Shoreland setback variance of 50 feet off the required 75 feet to a distance of 25 feet
- Conditional Use Permit to locate a portion of the principal structure in the Flood Fringe District

Since the 2019 approvals, the existing home was demolished, but the approved home was never constructed and the property was sold to the current owners. Helical piers were put in place in 2019 on this property, which would be utilized for the proposed home. This development application incorporates a new single-family residence that has a different layout and design which requires updated approvals.

Proposed Plan

The current application proposes a two-story, 2,639 square foot, slab on grade house with an attached three-car garage. The proposed home also includes a pool, hot tub, elevator access to the roof deck, and a boathouse. The proposed house would use the

existing driveway entrance location. Decks are also provided in multiple locations around the home, including a deck on top of the second story. The proposed home would have arborwood ash and stone siding, with a significant amount of glass, as shown in the renderings and elevation plans.

Setback Variances

	R-2A Requirements	Shoreland Requirements	Proposed	Variance Requested
Side-Yard Setback	15 feet	N/A	14 feet (north)*, 10 feet (south)*	Yes Yes
Rear-Yard Setback	20 feet	N/A	25.3 feet	No
Shoreland Setback	N/A	75 feet	25.3 feet*	Yes
Lot Coverage	20%	N/A	14.1%	No
Impervious Surface	30%	25%	25%	No
Building Height	3 stories/45 feet peak max	35 feet	34'1 $\frac{3}{4}$ " (peak)	No

Since this is a uniquely shaped lot, the front yard starts at the most easterly property line which is the driveway entrance. The eastern, narrow portion of the lot incorporates the front yard. The side yards are then defined as the north and southeast property lines which the setback variances are requested from. The rear property line is adjacent to the creek and Lake Minnetonka. This curved property line is where the shoreland setback is being requested from.

The practical difficulties stated is that the property would be essentially unbuildable without setback variances. In order to meet the Shoreland setback of 75 feet and the 15 foot side-yard setbacks, there is a small triangular buildable area of around 2,800 square feet. The property also does not allow for a basement unless significant fill is placed on the lot. That increases the total building footprint for the levels above grade. The proposed home complies with the permitted uses, lot coverage, impervious surface, height, and lot requirements in the R-2A Zoning District.

Conditional Use Permit

The applicant has worked to place the proposed house in a similar location to the existing home, however the configuration of the house puts a small portion of the structure in the Flood Fringe (FF) District. To allow this encroachment into the FF District, fill that is at the regulatory flood protection elevation needs to extend 15 feet beyond the extent of the home. This application does not show this amount of fill and the 15 feet needed would encroach further into the floodplain and possibly onto the neighboring property. Any structure that is located in the FF District without the appropriate fill requires the CUP.

The proposed areas that are located in the FF are a significant portion of the hot tub and the boathouse.

Encroachment without the required fill is allowed through a Conditional Use Permit (CUP). Along with this CUP, the applicant will also need all of the required permits and approvals from the Watershed District and Department of Natural Resources before any construction can begin. Engineering staff has stated that if the applicant gets the appropriate approvals from the Watershed District and the Department of Natural Resources then staff does not have any concerns. The past applicants received similar approval for this type of work. The current applicants have also already been in discussion with the applicable parties to allow this kind of construction and fill.

The main goal of this CUP requirement is to ensure that the floodplain area allows for the same volume of water flow throughout the floodplain. If fill is required in the floodplain then fill should be removed elsewhere so that the water flow in the event of the flood remains the same. The proposed project proposes to allow for more water volume on site than the existing conditions. The volume of the floodplain would be increased from 409.32 cubic yards to 421.16 cubic yards.

Staff Recommendation

Staff recommends approval of the setback variances based on the unique location and shape of the lot. The side yard and shoreland setback requirements on this lot create a small buildable area which is not sufficient for a single-family home. Also, the water elevation does not allow for a basement easily without significant fill introduced to the site.

Staff also recommends approval of the Conditional Use Permit because the plans would minimize the amount of fill and structures located in the Flood Fringe District. If 15 feet of fill was placed around the structure then that would lead to more encroachment into the Flood Fringe District which could cause future water flow issues. The floodplain volume is actually increased with this project. Also, the applicant has been in discussions with the Department of Natural Resources already and would need to get any additional approvals from the DNR and Watershed District for this work to ensure the floodplain area works correctly.

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

1. Narrative dated April 30, 2021 by Alexander Design Group
2. Existing Survey dated May 24, 2019 by Cornerstone Land Surveying, Inc.
3. Proposed Survey dated April 29, 2021 by Cornerstone Land Surveying, Inc.
4. Renderings dated February 11, 2021 by Alexander Design Group

5. Plan Set dated April 26, 2021 by Alexander Design Group
6. Civil Plans dated May 21, 2021 by Pierce Pini & Associates
7. Boathouse Plan Set dated April 30, 2021 by Alexander Design Group

Applicable Code Provisions for Review

Variance Standards: Section 905.01.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria are as follows:

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

Shoreland Variances: Section 991.20 states that variances may be granted by the City Council in accordance with Section 905 of this Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional criteria shall apply within shoreland areas:

- A. Result in the placement of an artificial obstruction which shall restrict the passage of storm and flood water in such a manner as to increase the height of flooding, except obstructions approved by the U.S. Army Corps of Engineers in conjunction with sound floodplain management.
- B. Result in incompatible land uses or which shall be detrimental to the protection of surface and ground water supplies.
- C. Be not in keeping with land use plans and planning objectives for the City of Wayzata or which shall increase or cause danger to life or property.
- D. Be inconsistent with the objectives of encouraging land uses compatible with the preservation of the natural land forms, vegetation and the marshes and wetlands within the City of Wayzata.
- E. Shall constitute a hardship as defined in Section 905 of this Ordinance.
- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in this Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.

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

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

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

Floodplain Conditional Use Permits: City Code Section 993.13.B and 993.13.C state that the Planning Commission and City Council must consider all relevant factors specified in other Sections of this Ordinance, and the following factors in granting and imposing conditions on conditional use permits in the Floodplain Overlay District:

1. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.
4. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services to be provided by the proposed use to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of viable alternative locations for the proposed use that are not subject to flooding.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

City Code Section 993.13.C. state that the City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Modification of waste treatment and water supply facilities.

2. Limitations on period of use, occupancy, and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
5. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

ALEXANDER
DESIGN GROUP

architecture

April 30th 2021

**Variance Request
Astrup Residence**

900 Shady Lane East Wayzata, MN 55391

Project Summary:

To give you a bit of background on this submission, the previous homeowners had applied for and been granted these same variances in 2019. The variances were granted, the permit was applied for by John Kraemer & Sons and granted, the existing house torn down, the beginning of the foundation installed and then COVID hit us all. Their lives changed and they sold the lot to Chris & Lynn Astrup. Chris & Lynn have different lifestyle needs and style preference so we are here before you to again request those same variances.

The proposed project is for a new, single family home on an existing conforming lot on Lake Minnetonka. The property had a two-story single-family home built in 1984 that was non-conforming as to side setbacks, setbacks from ordinary high water (OHW), setbacks from wetlands, and impervious surface coverage. The lot is unbuildable without these variances.

The project as proposed will maintain or improve upon those existing non-conformities, and will require variances for setbacks from OHW and side yards, but will bring the property into code conformance for impervious surface coverage. The project also requires a variance to alter grade within the floodplain (as the original 1984 home would have also required) in order to grade the building pad.

The proposed project meets the intent of the ordinance, as it demonstrates a clear practical difficulty, and improves upon the existing conditions and water quality.

Accordingly, our proposed project requests for the following variances:

Variance 1: Request for a variance for reduction of the required North side yard setback from 15' to 14' and for a reduction on the south side yard setback from 15' to 10'.

Variance 2: Request for a variance for reduction of the required setback from OHW from 75' to 25'

Conditional Use Permit CUP: Request for CUP for Principal Structure in Flood Fringe District. We will be filling 409.32 (fill vol. (CY)) within the 100-year flood elevation. As a means to counteract this and balance the lot, we will be cutting 421.16 (fill vol. (CY)) within the 100-year flood elevation.

The proposed project is consistent with the intent of zoning ordinances and Wayzata comprehensive plan and, as outlined below and supported by the other application materials, the requested variances clearly meet the standard of practical difficulty.

Variance 1: Request for a variance for reduction of the required side yard setbacks

A. The proposed project is in harmony with the general purposes and intent of this ordinance:

- The project is a single-family home, a use specifically called for in the R-2A single-family residential district zoning.
- The proposed project is a well within all requirements for building mass and lot coverage, demonstrating that the project is not out of scale with the lot itself.
 - *Lot coverage: 14.1% (20% maximum allowed)
 - *Impervious surface coverage: 25% (30% maximum allowed/28.3% existing)
 - *Building height: 34'-1 3/4" (3-stories and 35' maximum allowed)
- The intent of having side setbacks for residential structures is to allow for adequate light and air to the adjacent properties and to allow for a harmonious rhythm of homes along a street. The North side requests reduces the side setback along a rail line. As such, there is not a concern for adjacent buildings. The south side still provides adequate light and air.

B. The proposed project is consistent with the comprehensive plan:

- The project proposes to improve a site with a new single-family home, consistent with the Comprehensive Plan's goals of increasing housing quality, maintaining properties and reinforcing the surrounding single-family neighborhood.
- The lot is guided for continued residential use in the 2030 Land Use Plan within the "Estate Single Family Residential district."
- The proposed project meets the plan's goal for continuing its reputation for "unique single-family residential neighborhoods and estates...with a reputation for quality in both materials and overall design of residential structures."
- The project meets the plan's goals of protecting the neighborhood character through:
 - *The proposed project is well within all requirements for building mass and lot coverage, demonstrating that the project is not out of scale with the lot itself.
 - *The project replaces an older deteriorating home that was built inadequately to deal with the groundwater level.
 - *The proposed stormwater runoff plan will be an improvement over existing conditions, which will be beneficial for the water quality of the surrounding lake and wetlands.

C. The proposed project is a reasonable use of the property:

- The proposed single-family home is a reasonable use of this R-2A zoned property. Allowing a reduced setback adjacent to the railroad-owned open space to the North is also reasonable.

D. The variance request is due to circumstances unique to the property, not created by the landowner:

- The practical difficulty in complying with the setback regulation is due to the unique shape of the lot and its proximity to the adjacent lake and wetlands, which makes any single-family development impossible without a variety of setback variances. The lot is simply not buildable otherwise.
- The height of the groundwater creates an additional practical difficulty, as no basement would be possible without significantly raising the existing grade. Such a direction would be injurious to adjacent water quality, as well as views from the lake. Given this, all occupiable square footage for the home must be above grade, increasing the building footprint needed to create a home of reasonable size to the property and neighborhood.
- These site conditions are specific and unique to this site and were not created by the landowner.

E. The variance, if granted, will not alter the essential character of the locality:

The proposed setbacks will be in line with other residences and their garages.

Variance 2: Request for a variance for reduction of the required setback from Ordinary High Water (OHW) from 75' to 25'

A. The proposed project is in harmony with the general purposes and intent of this ordinance:

- The intent of setbacks from OHW are to maintain natural characteristics of shorelands, including views from the body of water, and to protect water quality during and after construction. The proposed project is consistent with these goals as:
 - *The erosion control and stormwater plans will mitigate any potential adverse impacts of the project during and after construction
 - *The water quality will be improved by the project, through a reduction in the impervious surface coverage; from the existing 28.03% to 25%.

*The project does not impact the views of the adjacent residence, and is positioned well behind that home's setback from the lakeshore itself

*The proposed project will be built with the foundation designed to withstand the high groundwater conditions for generations.

B. The proposed project is consistent with the comprehensive plan:

- As discussed above, the project is consistent with the land use guidance and other goals of the city's Comprehensive Plan.

C. The proposed project is a reasonable use of the property:

- The proposed new home is a reasonable use of the property
- The project does not impact the views of the adjacent residence and is positioned well behind this home's setback from the lakeshore itself

D. The variance request is due to circumstances unique to the property, not created by the landowner:

- The practical difficulty in complying with the OHW setback regulation is due to the unique shape of the lot and its proximity to the adjacent lake and wetlands. The lot is simply not buildable if compliance with the OHW setback is required.

E. The variance, if granted, will not alter the essential character of the locality:

- The project is positioned within the general footprint of where the existing residence was so it will not alter the character of the shoreland in this area. The project does not impact the views of the adjacent residence and is positioned well behind that home's setback from the lakeshore itself.

F. The setback variance complies with the additional criteria for granting of variances in the Shoreland Overlay District:

- The placement of the residence will not obstruct passage of storm or flood water or increase flooding impacts-
- The residence will be a compatible land use and will not be detrimental to the protection of surface or ground water supplies
- The proposed residence and setback from the OHW is in keeping with the city's land use plans and will not increase or cause danger to life or property.
- Replacing the existing house with the new house will not be inconsistent with the preservation of natural land forms, vegetation, marshes and wetlands.
- Compliance with the OHW setback requirement constitutes a practical difficulty.

Conditional Use Permit: Request for Conditional Use permit for a Principal Structure located in the Flood Fringe District.

A. This project is in harmony with the general purposes of section 993.

The proposed single-family home is a permitted use in section R-2A and is consistent in size and scale of other homes in the area.

B. This project is consistent with the Comprehensive Plan.

This project meets the requirements of section 904 and as discussed above is consistent with the city's Comprehensive Plan for present and future uses.

C. The conditions of Section 993 of the Zoning Ordinance are being met.

The project will not increase the danger to life or property due to increased flood heights or velocities caused by encroachments.

The project will not increase susceptibility to flood damage. It will preserve natural marshes and wetlands. The placement of the structure will not obstruct passage of storm or flood water.

There will be no construction of a basement.

Tree Removal/Replacement: We are working with a landscape architect to draft up a tree preservation plan, perform a tree inventory, and provide a tree replacement plan that is in keeping with the City of Wayzata's needs. With the design of the new home we don't see the need to remove any additional trees. Below is a survey showing what trees were removed prior to our new owners purchasing the property.



The trees that were removed are:

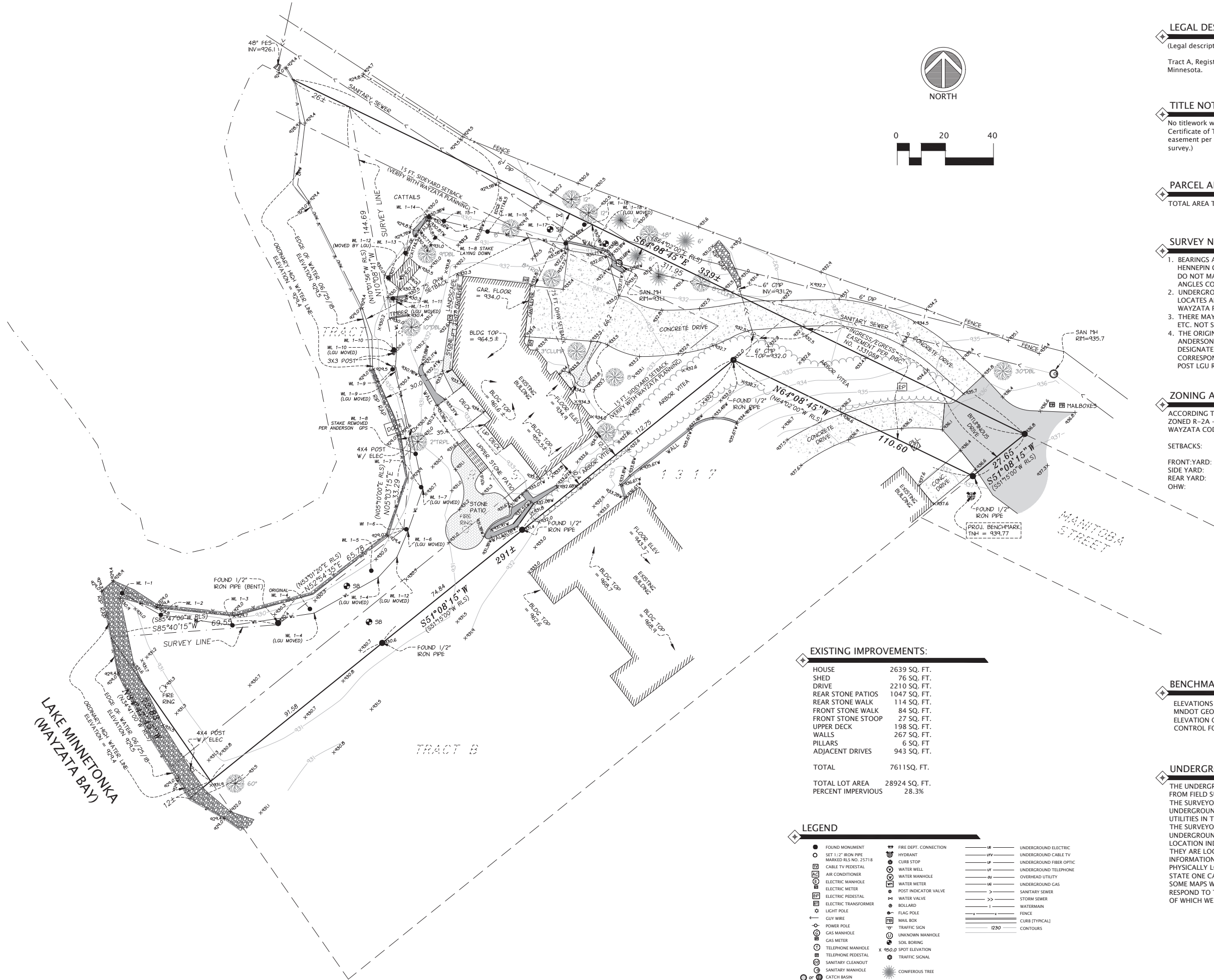
Crab apple with a 11" DBH

Crab apple with a 8" DBH

Whitespire birch with a 3" DBH

Whitespire birch with a 8" DBH

We thank you in advance for your time and attention to this matter.



LEGAL DESCRIPTION:

(Legal description per Certificate of Title No. 1473761)

Tract A, Registered Land Survey No. 1317, Hennepin County, Minnesota.

TITLE NOTES:

No titlework was provided by the owners for our review. Certificate of Title No. 1473761 lists an ingress/egress easement per Doc. No. T1331059. (Shown graphically on the survey.)

PARCEL AREA:

TOTAL AREA TO OHW = 28924 SQ. FT. / 0.66 ACRES

SURVEY NOTES:

- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE HENNEPIN COUNTY SURVEYORS OFFICE. THOUGH ANGLES DO NOT MATCH THE PLATTED BEARINGS ALL INTERIOR ANGLES CONFORM TO PLATTED INFORMATION.
- UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF WAYZATA PUBLIC WORKS DEPARTMENT.
- THERE MAY SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
- THE ORIGINAL LOCATION OF WETLAND STAKES (SET BY ANDERSON ENGINEERING PRIOR TO LGU REVIEW) IS DESIGNATED WITH A DOT. THE WETLAND LINE AND CORRESPONDING NOTES DESIGNATE THE WETLAND LINE POST LGU REVIEW AND ADJUSTMENT.

ZONING AND SETBACK

ACCORDING TO THE WAYZATA ZONING MAP THIS PARCEL IS ZONED R-2A - SINGLE FAMILY DISTRICT. SETBACKS PER WAYZATA CODE ONLINE 12/07/2018.

SETBACKS:

FRONT:YARD: 30 FEET
SIDE YARD: 15 FEET
REAR YARD: 20 FEET
OHW: 75 FEET

EXISTING IMPROVEMENTS:

HOUSE	2639 SQ. FT.
SHED	76 SQ. FT.
DRIVE	2210 SQ. FT.
REAR STONE PATIOS	1047 SQ. FT.
REAR STONE WALK	114 SQ. FT.
FRONT STONE WALK	84 SQ. FT.
FRONT STONE STOOP	27 SQ. FT.
UPPER DECK	198 SQ. FT.
WALLS	267 SQ. FT.
PILLARS	6 SQ. FT.
ADJACENT DRIVES	943 SQ. FT.

TOTAL 7611SQ. FT.

TOTAL LOT AREA 28924 SQ. FT.
PERCENT IMPERVIOUS 28.3%

LEGEND

● FOUND MONUMENT	● FIRE DEPT. CONNECTION	— 18" — UNDERGROUND ELECTRIC
○ SET 1/2" IRON PIPE MARKED RLS NO. 25718	○ HYDRANT	— 18" — UNDERGROUND CABLE TV
□ CABLE TV PEDESTAL	○ CURB STOP	— 18" — UNDERGROUND FIBER OPTIC
□ AIR CONDITIONER	○ WATER WELL	— 18" — UNDERGROUND TELEPHONE
□ ELECTRIC MANHOLE	○ WATER MANHOLE	— 18" — OVERHEAD UTILITY
□ ELECTRIC METER	○ WATER METER	— 18" — UNDERGROUND GAS
□ ELECTRIC PEDESTAL	○ POST INDICATOR VALVE	— 18" — SANITARY SEWER
□ ELECTRIC TRANSFORMER	○ WATER VALVE	— 18" — STORM SEWER
○ LIGHT POLE	○ BOLLARD	— 18" — WATERMAIN
○ GUY WIRE	○ FLAG POLE	— 18" — FENCE
○ POWER POLE	○ MAIL BOX	— 18" — CURB [TYPICAL]
○ GAS MANHOLE	○ TRAFFIC SIGN	— 18" — CONTOURS
○ GAS METER	○ UNKNOWN MANHOLE	
○ TELEPHONE MANHOLE	○ SOIL BORING	
○ TELEPHONE PEDESTAL	○ 950.0 SPOT ELEVATION	
○ SANITARY CLEANOUT	○ TRAFFIC SIGNAL	
○ SANITARY MANHOLE	○ CONIFEROUS TREE	
○ CATCH BASIN	○ DECIDUOUS TREE	
○ STORM DRAIN		
○ FLARED END SECTION		
○ STORM MANHOLE		

BENCHMARKS

ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE MNDOT GEODETIC WEBSITE. SURVEY DISK T117 WITH AN ELEVATION OF 940.28 WAS USED TO ESTABLISH VERTICAL CONTROL FOR THIS SURVEY (NAVD 88)

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL LOCATE TICKET NUMBER(S) 182982530. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.



CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

900 SHADY LANE

WAYZATA, MINNESOTA

CONTACT:

GABRIEL KELLER
PETERSEN KELLER ARCHITECTS
2919 JAMES AVENUE SOUTH
MINNEAPOLIS, MN 55408
PHONE: 612-353-4920
EMAIL: gabriel@pkarch.com

COUNTY/CITY:

HENNEPIN COUNTY

CITY OF WAYZATA

REVISIONS:

DATE	REVISION
11-02-18	INITIAL ISSUE
05-19-19	ADD WETLAND INFO
05-24-19	UPDATE LGU WETLAND INFO

CERTIFICATION:

I hereby certify that this plan 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.

Daniel L. Thurmes
Daniel L. Thurmes Registration Number: 25718

Date: 12-07-18

PROJECT LOCATION:

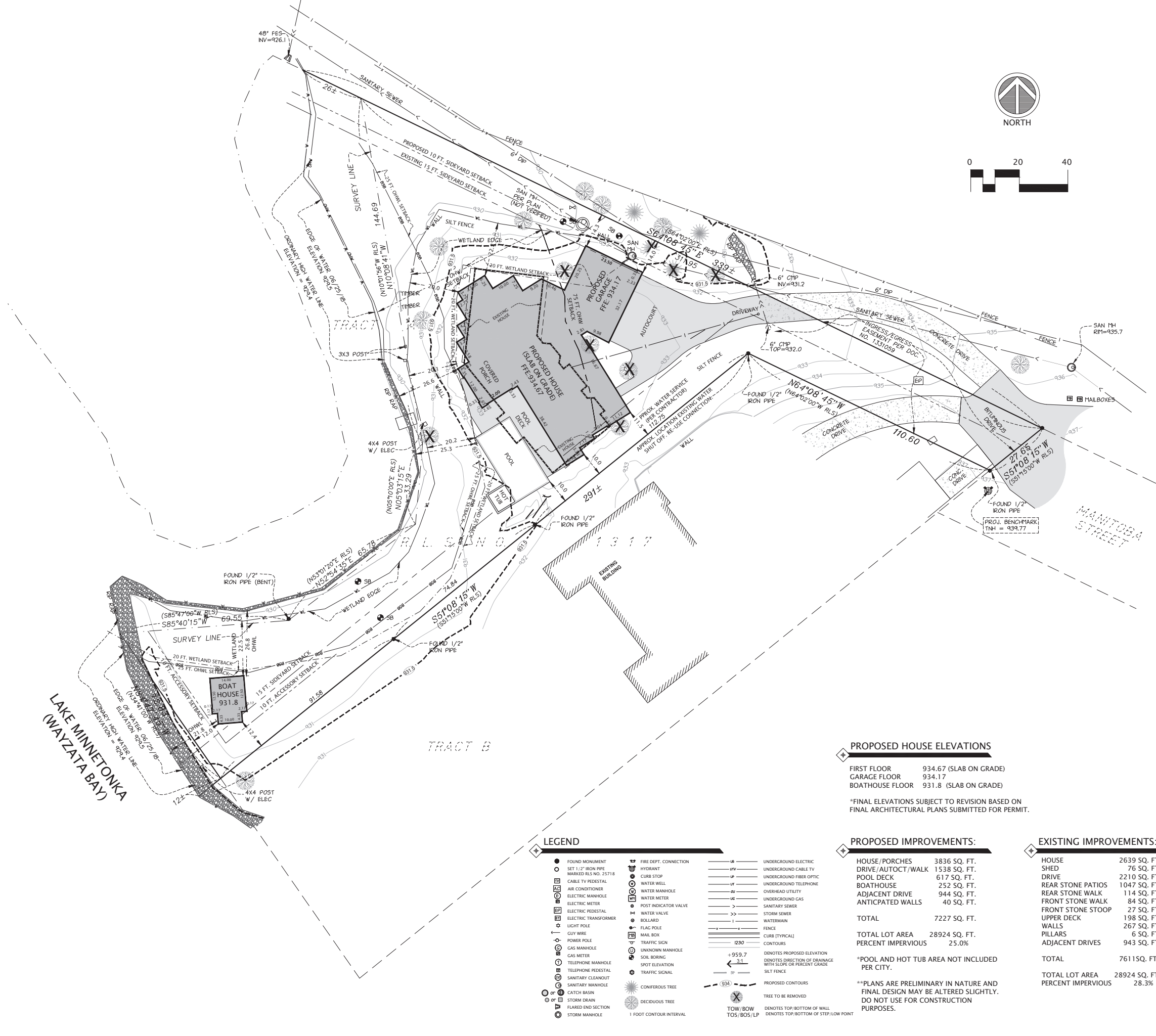
900 SHADY LANE E.
PID#0611722420010

Suite #1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVVPK19
PROJECT NO. PK180019

BOUNDARY/TOPOGRAPHIC SURVEY



LEGAL DESCRIPTION:
(Legal description per Certificate of Title No. 1473761)

Tract A, Registered Land Survey No. 1317, Hennepin County, Minnesota.

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REAR YARD: 20 FEET
OHW: 75 FEET

PROPOSED IMPROVMENT NOTES:
1) A FULL SURVEY SHOWING EXISTING CONDITIONS ARE SHOWN ON A SURVEY BY CORNERSTONE LAND SURVEYING MARKED "BOUNDARY/TOPOGRAPHY SURVEY" WITH A REVISION DATE OF 05/19/2019.
2) THE BUILDING FOOTPRINT AND SITE IMPROVEMENTS ARE BASED ON ARCHITECTURAL PLANS DEVELOPED BY ALEXANDER DESIGN GROUP. ELECTRONIC FILES WERE RECEIVED ON 04/26/2021.
3) ENGINEERING PLANS BY PIERCE PINI ASSOCIATES.
4) SANITARY AND WATER SERVICES PER UTILITY CONTRACTOR JIM STEWART 01/30/2020.
* VERIFY FINAL ELEVATIONS AND DIMENSIONS WITH CONSTRUCTION DOCUMENTS PRIOR TO CONSTRUCTION. ALERT CORNERSTONE TO ANY DISCREPANCIES.

BENCHMARKS
ELEVATIONS BASED ON INFORMATION AS SHOWN ON THE MNDOT GEODETIC WEBSITE. SURVEY DISK T117 WITH AN ELEVATION OF 940.28 WAS USED TO ESTABLISH VERTICAL CONTROL FOR THIS SURVEY (NAVD 88)

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- AIR CONDITIONER
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC PEDESTAL
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- POWER POLE
- GAS MANHOLE
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- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- SANITARY MANHOLE
- SANITARY MANHOLE
- CATCH BASIN
- STORM DRAIN
- FLARED END SECTION
- STORM MANHOLE

- FIRE DEPT. CONNECTION
- HYDRANT
- CURB STOP
- WATER WELL
- WATER MANHOLE
- WATER METER
- POST INDICATOR VALVE
- WATER VALVE
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- FLAG POLE
- MAIL BOX
- TRAFFIC SIGN
- UNKNOWN MANHOLE
- SOIL BORING
- SPOT ELEVATION
- TRAFFIC SIGNAL
- CONIFEROUS TREE
- DECIDUOUS TREE
- 1 FOOT CONTOUR INTERVAL

- UE UNDERGROUND ELECTRIC
- UTV UNDERGROUND FIBER OPTIC
- UF UNDERGROUND FIBER OPTIC
- UT UNDERGROUND TELEPHONE
- UG OVERHEAD UTILITY
- UG UNDERGROUND GAS
- SS SANITARY SEWER
- SS STORM SEWER
- WM WATERMAIN
- FENCE
- CU CURB (TYPICAL)
- I230 CONTOURS
- +959.7 DENOTES PROPOSED ELEVATION
- 3.1 DENOTES DIRECTION OF DRAINAGE WITH SLOPE OR PERCENT GRADE
- SF SILT FENCE
- PROPOSED CONTOURS
- TOW/BOW TOS/BOS/LP TREE TO BE REMOVED
- DENOTES TOP/BOTTOM OF WALL
- DENOTES TOP/BOTTOM OF STEP/LOW POINT

PROPOSED HOUSE ELEVATIONS	
FIRST FLOOR	934.67 (SLAB ON GRADE)
GARAGE FLOOR	934.17
BOATHOUSE FLOOR	931.8 (SLAB ON GRADE)
*FINAL ELEVATIONS SUBJECT TO REVISION BASED ON FINAL ARCHITECTURAL PLANS SUBMITTED FOR PERMIT.	

PROPOSED IMPROVEMENTS:	
HOUSE/PORCHES	3836 SQ. FT.
DRIVE/AUTOCT/WALK	1538 SQ. FT.
POOL DECK	617 SQ. FT.
BOATHOUSE	252 SQ. FT.
ADJACENT DRIVE	944 SQ. FT.
ANTICIPATED WALLS	40 SQ. FT.
TOTAL	7227 SQ. FT.
TOTAL LOT AREA	28924 SQ. FT.
PERCENT IMPERVIOUS	25.0%

*POOL AND HOT TUB AREA NOT INCLUDED PER CITY.
**PLANS ARE PRELIMINARY IN NATURE AND FINAL DESIGN MAY BE ALTERED SLIGHTLY. DO NOT USE FOR CONSTRUCTION PURPOSES.

EXISTING IMPROVEMENTS:	
HOUSE	2639 SQ. FT.
SHED	76 SQ. FT.
DRIVE	2210 SQ. FT.
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900 SHADY LANE

WAYZATA, MINNESOTA

CONTACT:
GABRIEL KELLER
PETERSEN KELLER ARCHITECTS
2919 JAMES AVENUE SOUTH
MINNEAPOLIS, MN 55408
PHONE: 612-353-4920
EMAIL: gabriel@pkarch.com

COUNTY/CITY:
HENNEPIN COUNTY
CITY OF WAYZATA

REVISIONS:	
DATE	REVISION
11-02-18	INITIAL ISSUE
05-19-19	ADD WETLAND INFO
05-24-19	UPDATE LGU
	WETLAND INFO
06-06-19	PROPOSED FOR VAR.
01-13-20	REV. HOUSE/SITE
01-30-20	REV. SAN/MIT.
02-04-20	REV. ELEV/CONT.
04-29-21	REV. DESIGN

CERTIFICATION:
I hereby certify that this plan 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.

Daniel L. Thurmes Registration Number: 25718
Date: 12-07-18

PROJECT LOCATION:
900 SHADY LANE E.
PID#0611722420010

Suite #1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME: SURVPK19
PROJECT NO.: PK180019



















Front Elevation

1/8" = 1'-0"



Left Elevation
 1/8" = 1'-0"



Rear Elevation
 $1/8" = 1'-0"$



Right Elevation
 $1/8" = 1'-0"$



401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE:
26 APRIL 2021

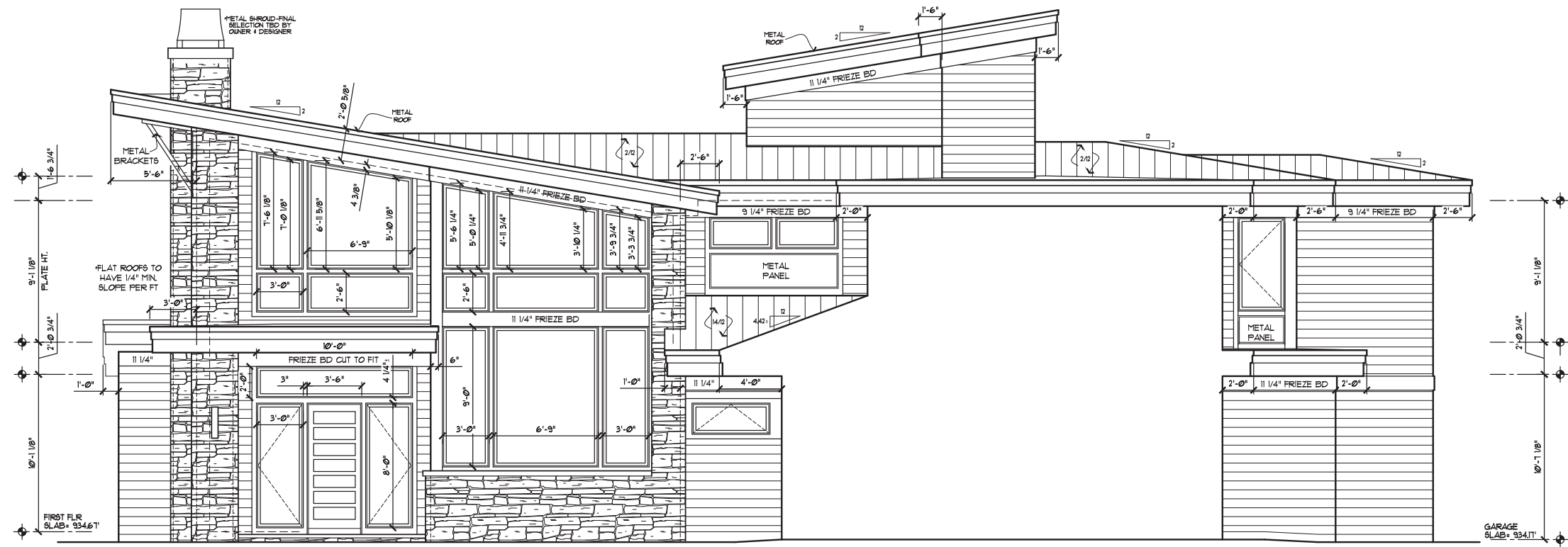
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DRAWING DESCRIPTION:
ELEVATIONS

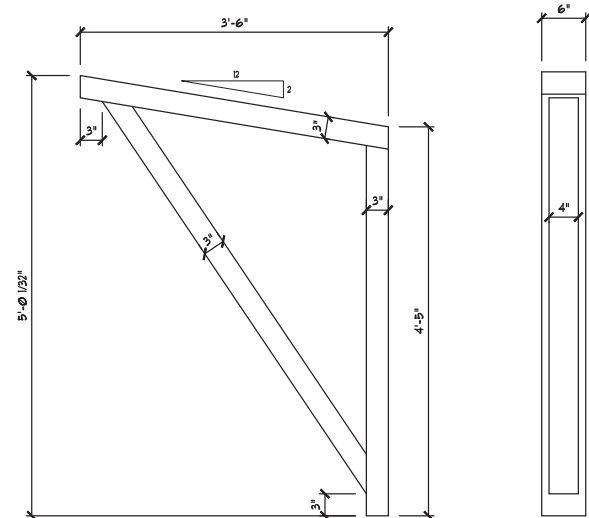
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ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

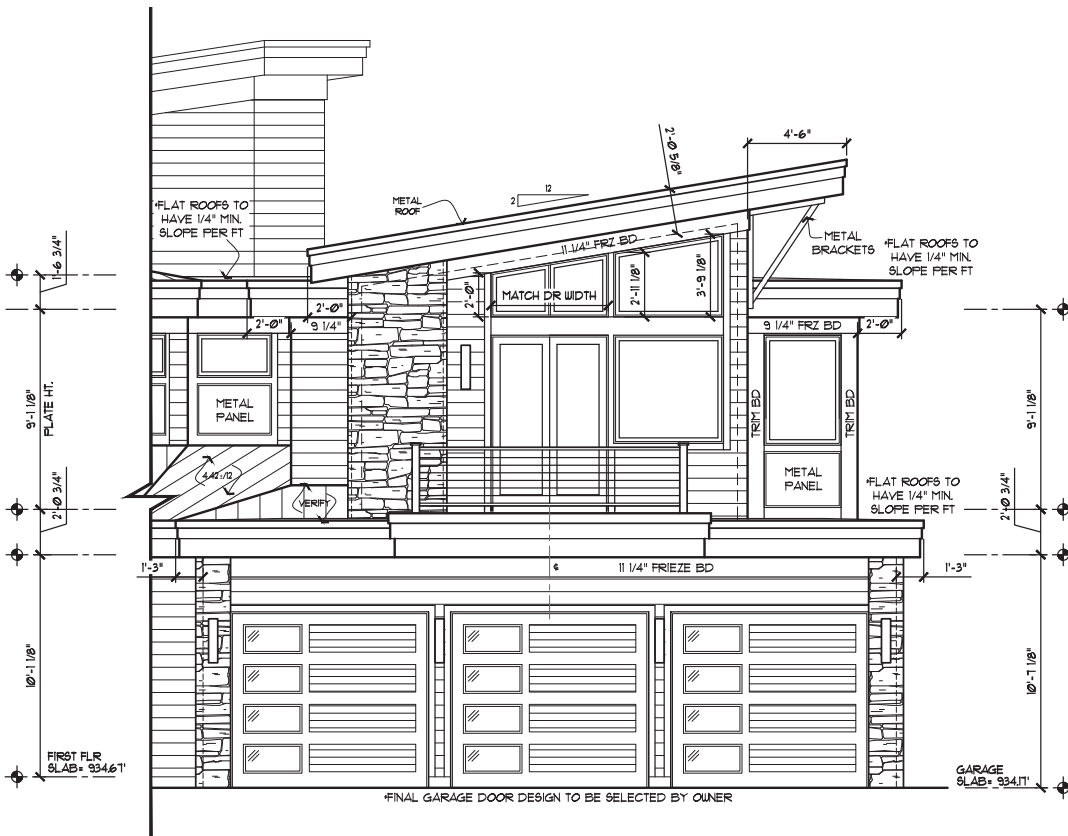
1
1 OF XX



1 FRONT ELEVATION
SCALE: 1/4"=1'-0"



3 BRACKET DETAIL (4 TOTAL)
SCALE: 1/4"=1'-0"



2 GARAGE FRONT ELEVATION
SCALE: 1/4"=1'-0"



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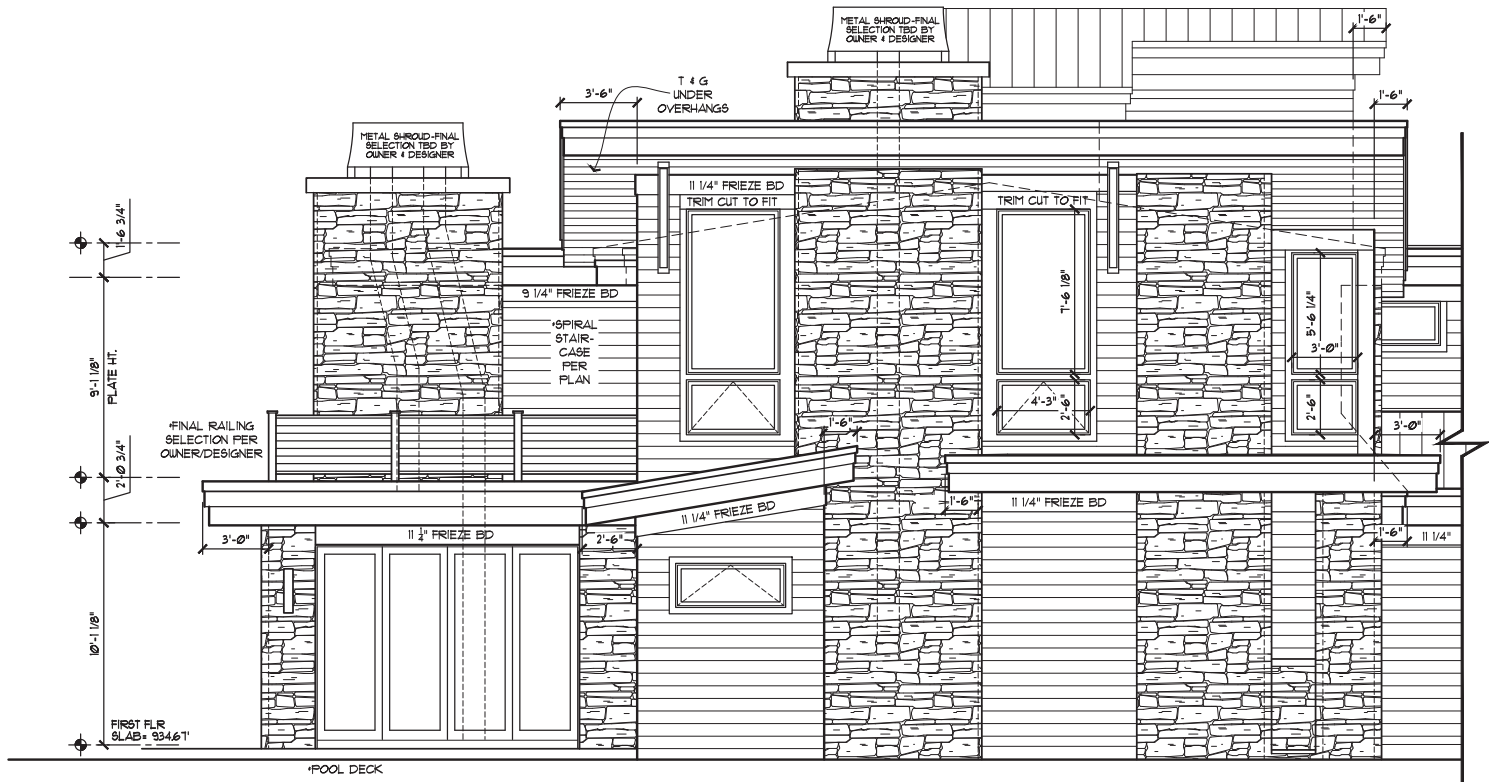
ISSUE DATE:
26 APRIL 2021
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
ELEVATIONS

REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

2
2 OF XX

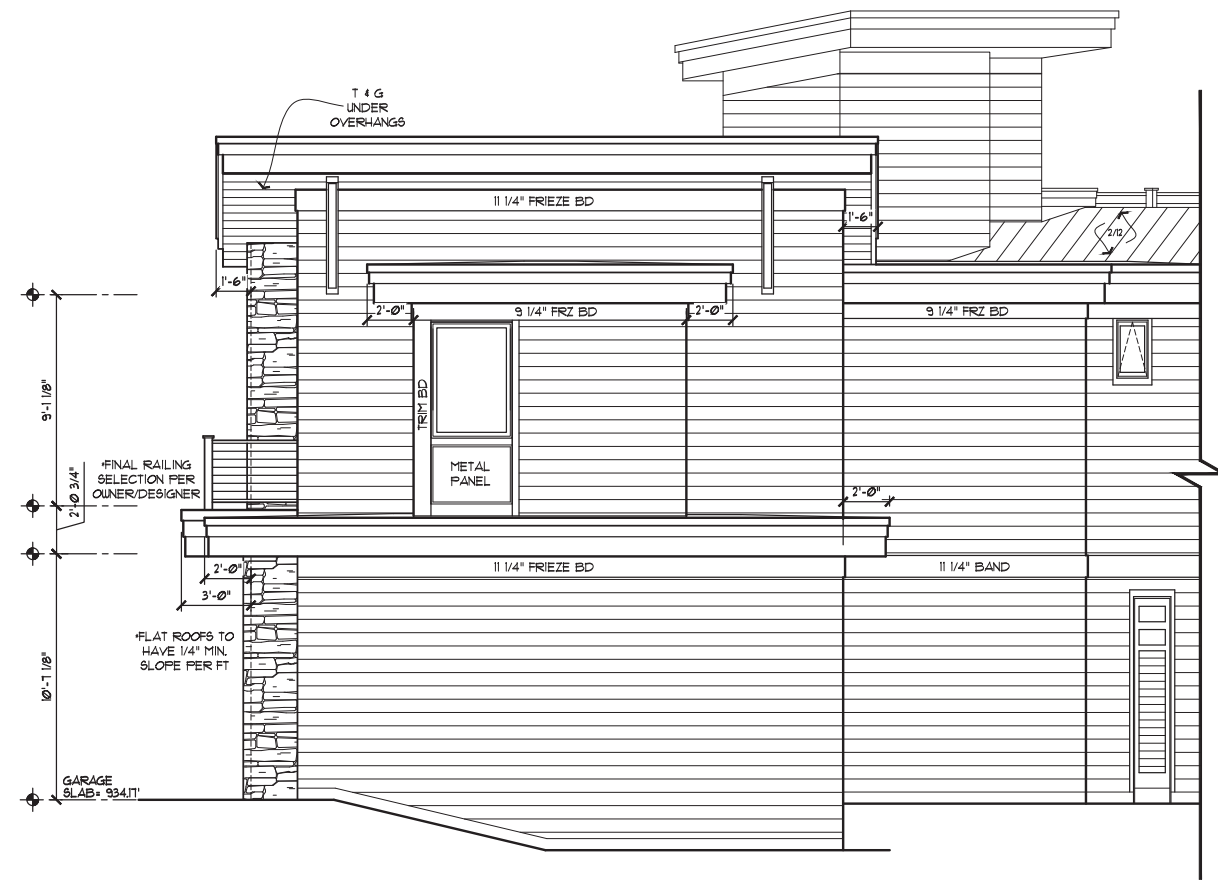


1
2 LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"

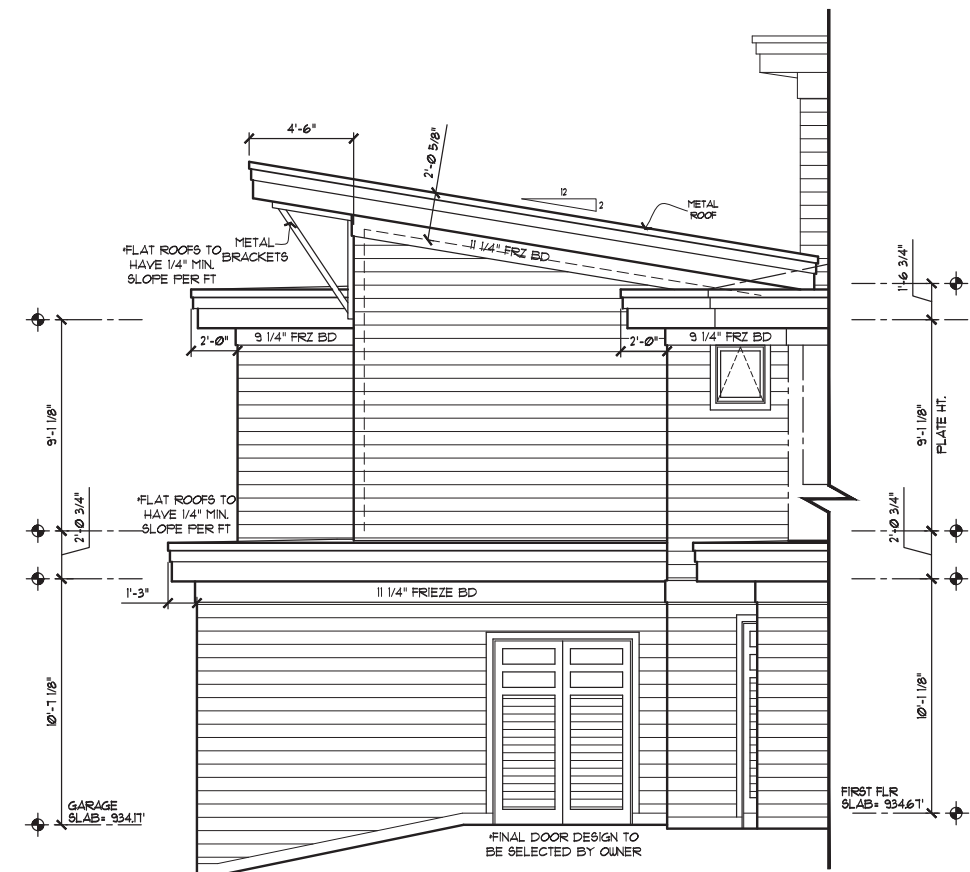
METAL ROOFING PER ELEV'S
BORAL FRIEZE, BANDS, AND TRIM
PER ELEV'S.
ARBORWOOD ASH SIDING PER ELEV'S.
FULL STONE & THIN STONE VENEER
PER ELEV'S. - SEE PLANS FOR
LOCATIONS
4" STONE CAPS PER ELEV'S



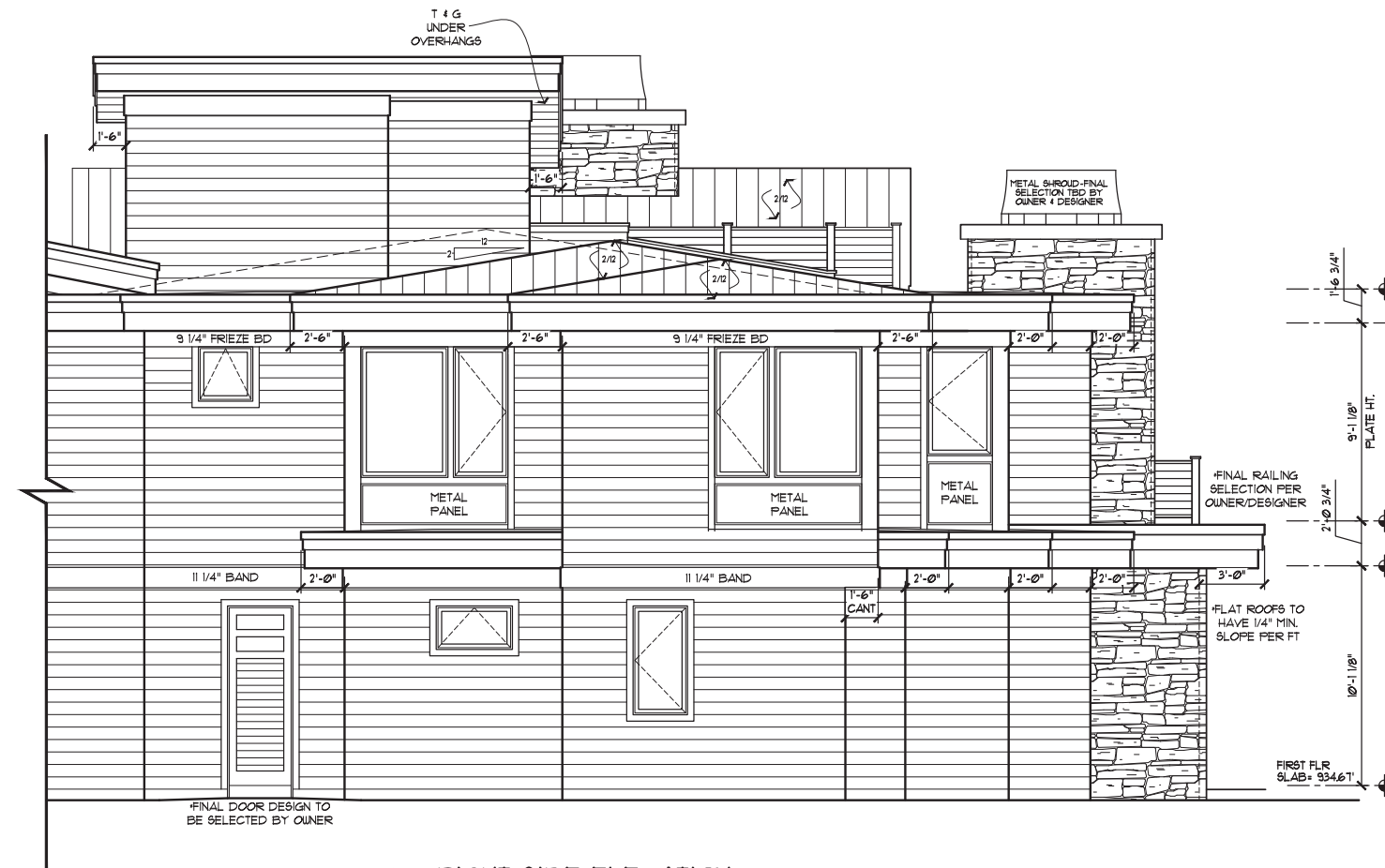
2
2 REAR ELEVATION
SCALE: 1/4"=1'-0"



3 SIDE GARAGE SIDE ELEVATION
SCALE: 1/4"=1'-0"



2 REAR GARAGE SIDE ELEVATION
SCALE: 1/4"=1'-0"



1 RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

METAL ROOFING PER ELEVS
BORAL FRIEZE, BANDS, AND TRIM
PER ELEVS.
ARBORWOOD ASH SIDING PER ELEVS.
FULL STONE & THIN STONE VENEER
PER ELEVS. - SEE PLANS FOR
LOCATIONS
4" STONE CAPS PER ELEVS



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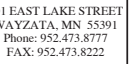
ISSUE DATE
26 APRIL 2021
PREVIOUS ISSUE DATES:

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ELEVATIONS

REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

3
3 OF XX



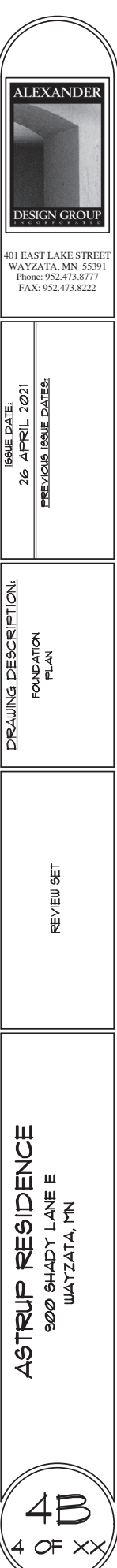
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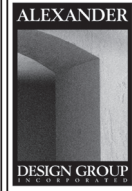
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REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

44
4 OF XX





401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
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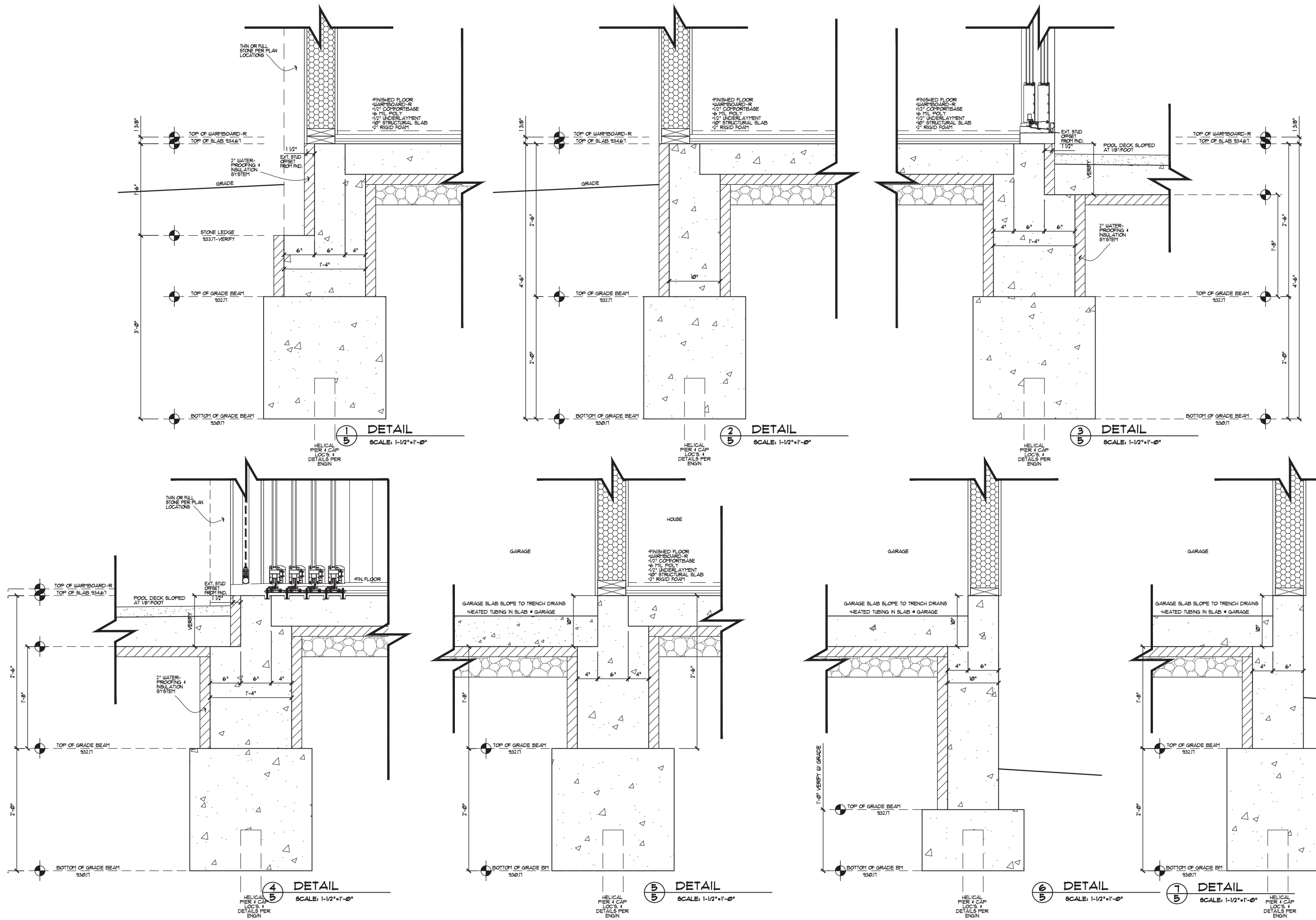
ISSUE DATE:
26 APRIL 2021
PREVIOUS ISSUE DATES:

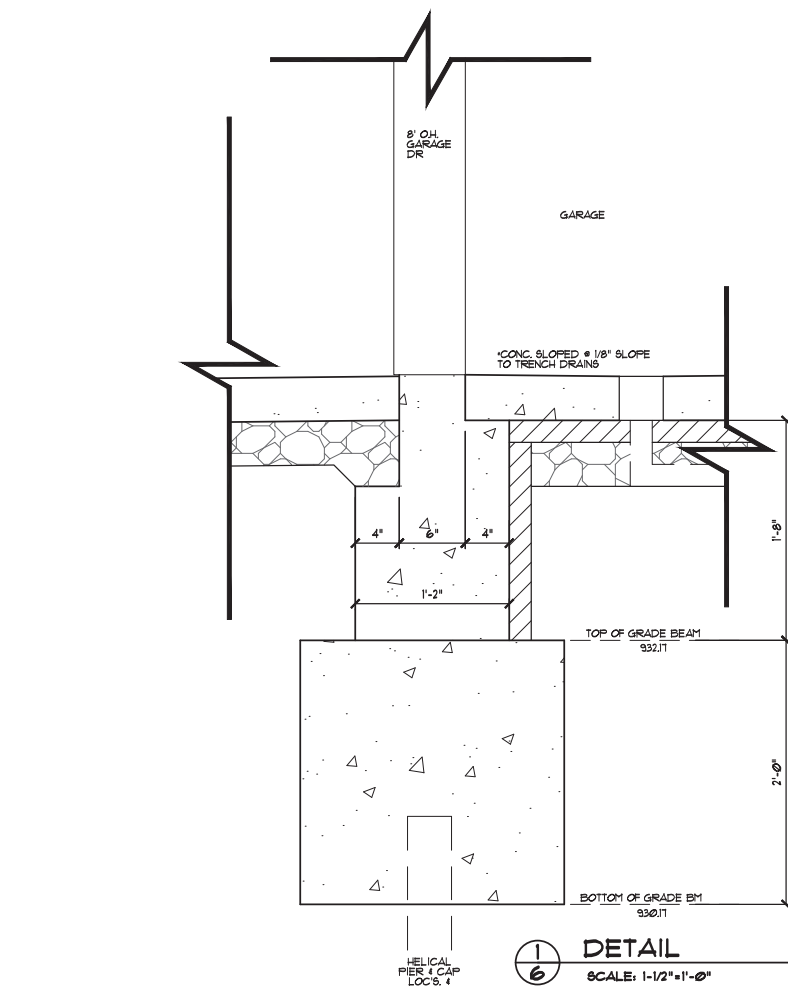
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FOUNDATION
DETAILS

REVIEW SET

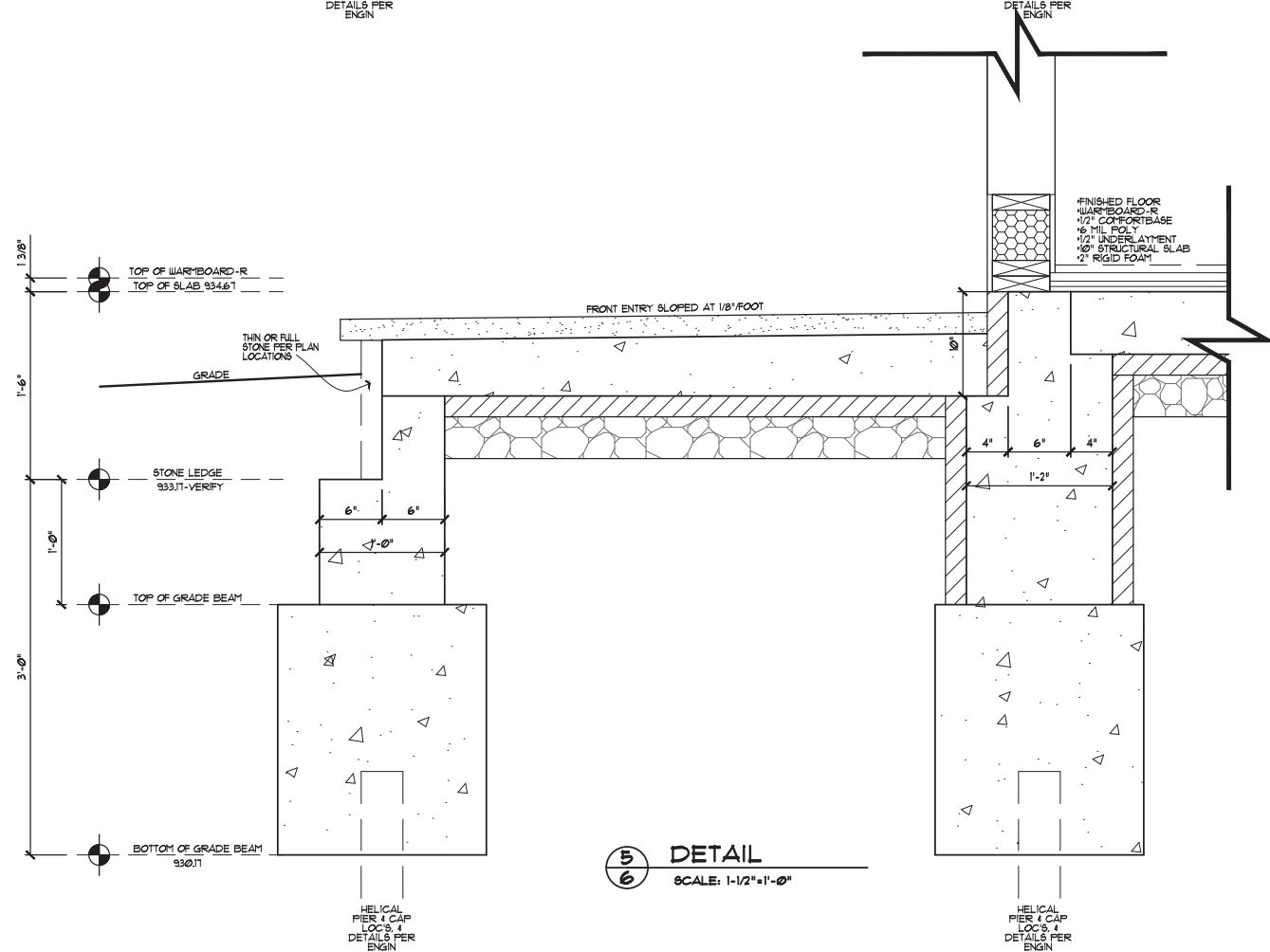
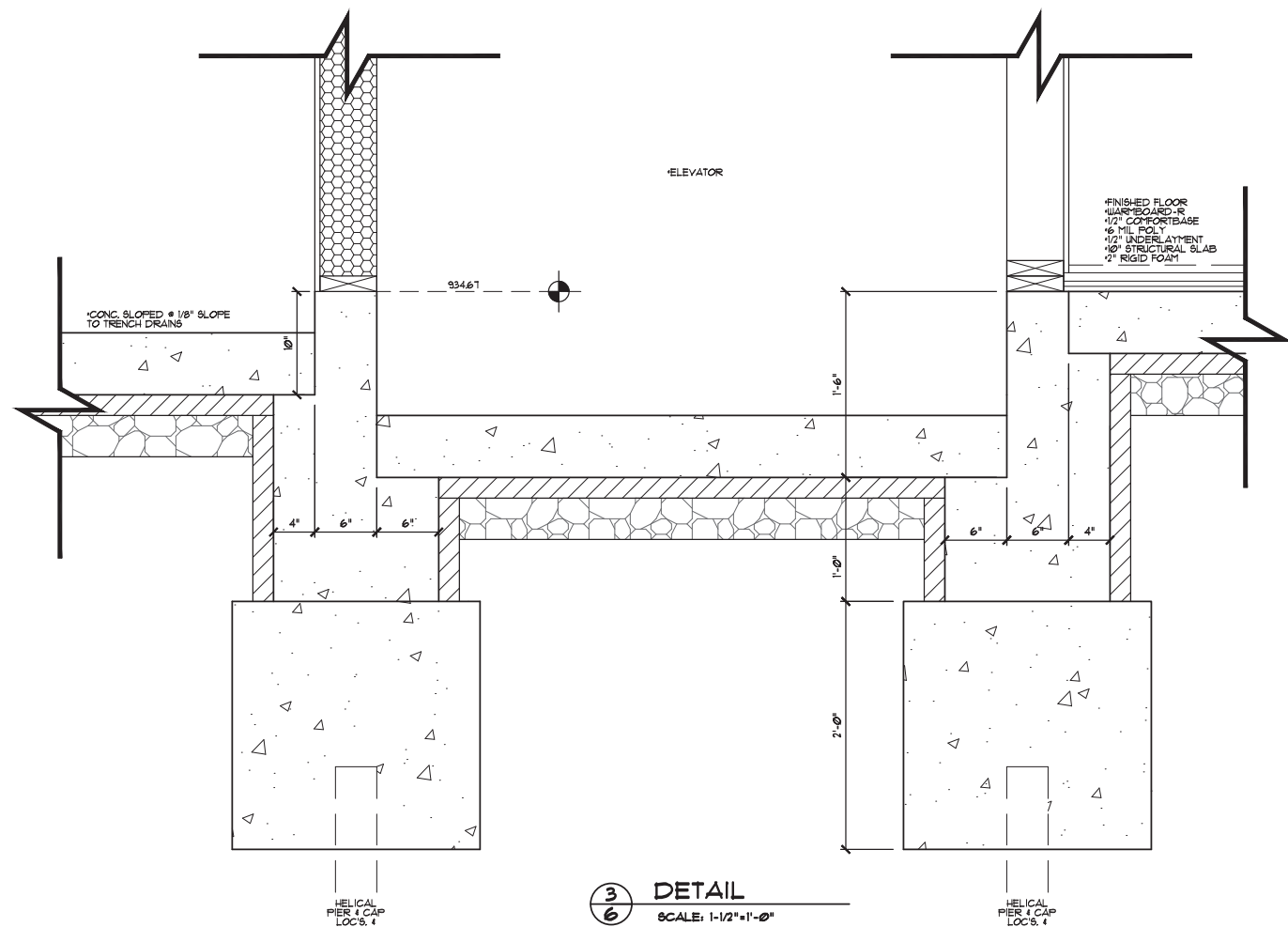
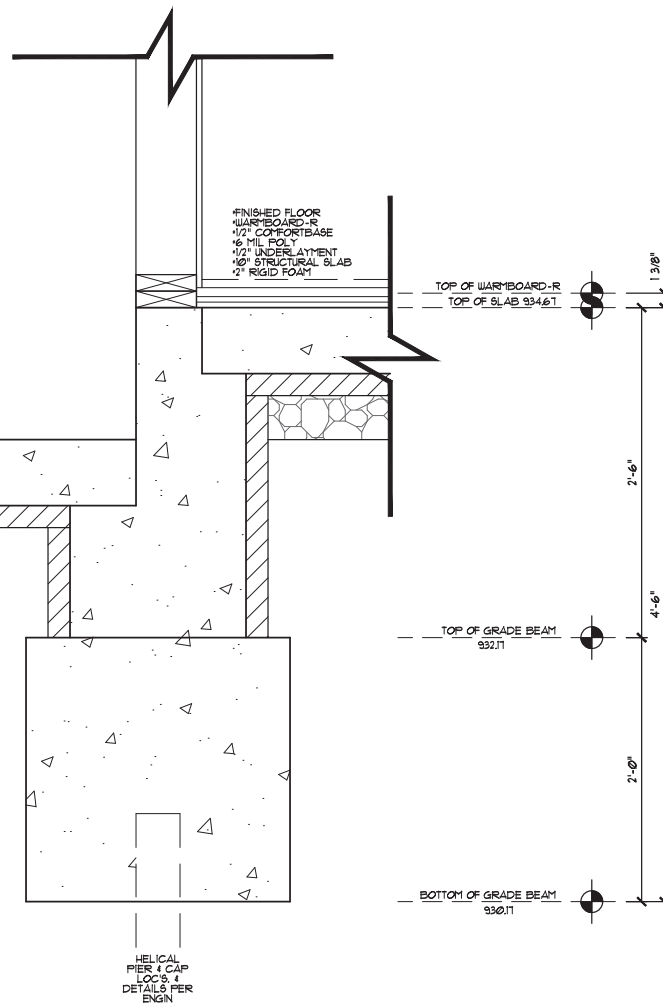
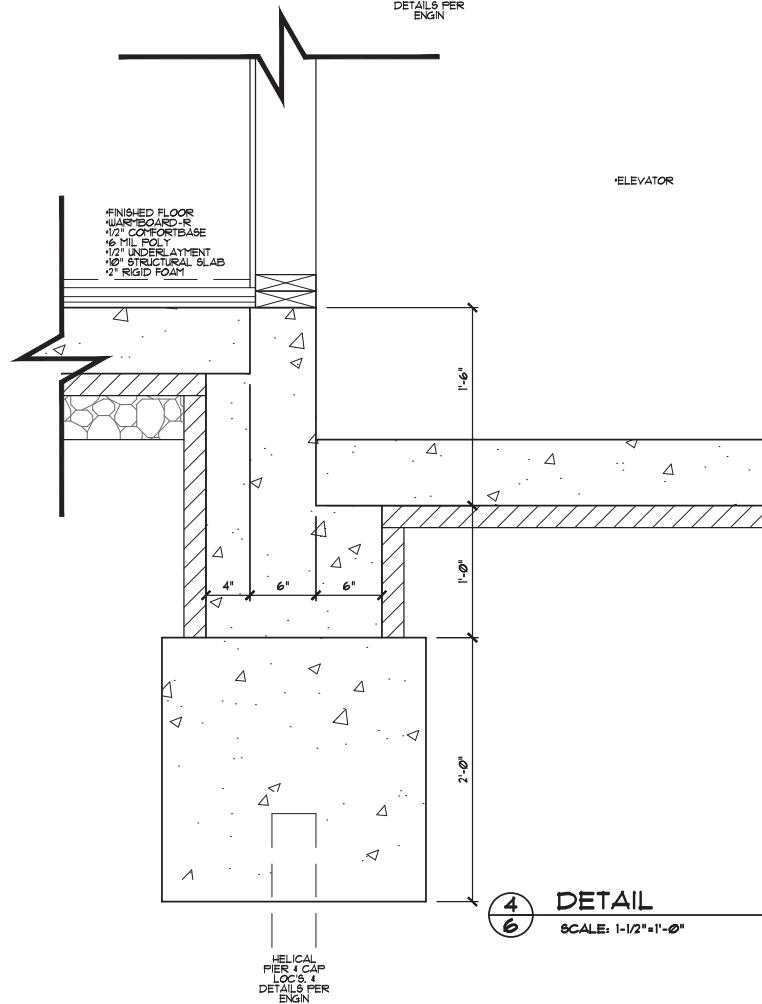
ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

5 OF XX





2
6 DETAIL - NOT USED
SCALE: 1-1/2"=1'-0"



ALEXANDER
DESIGN GROUP
ARCHITECTS

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ISSUE DATE:
26 APRIL 2021

PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
FOUNDATION
DETAILS

REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

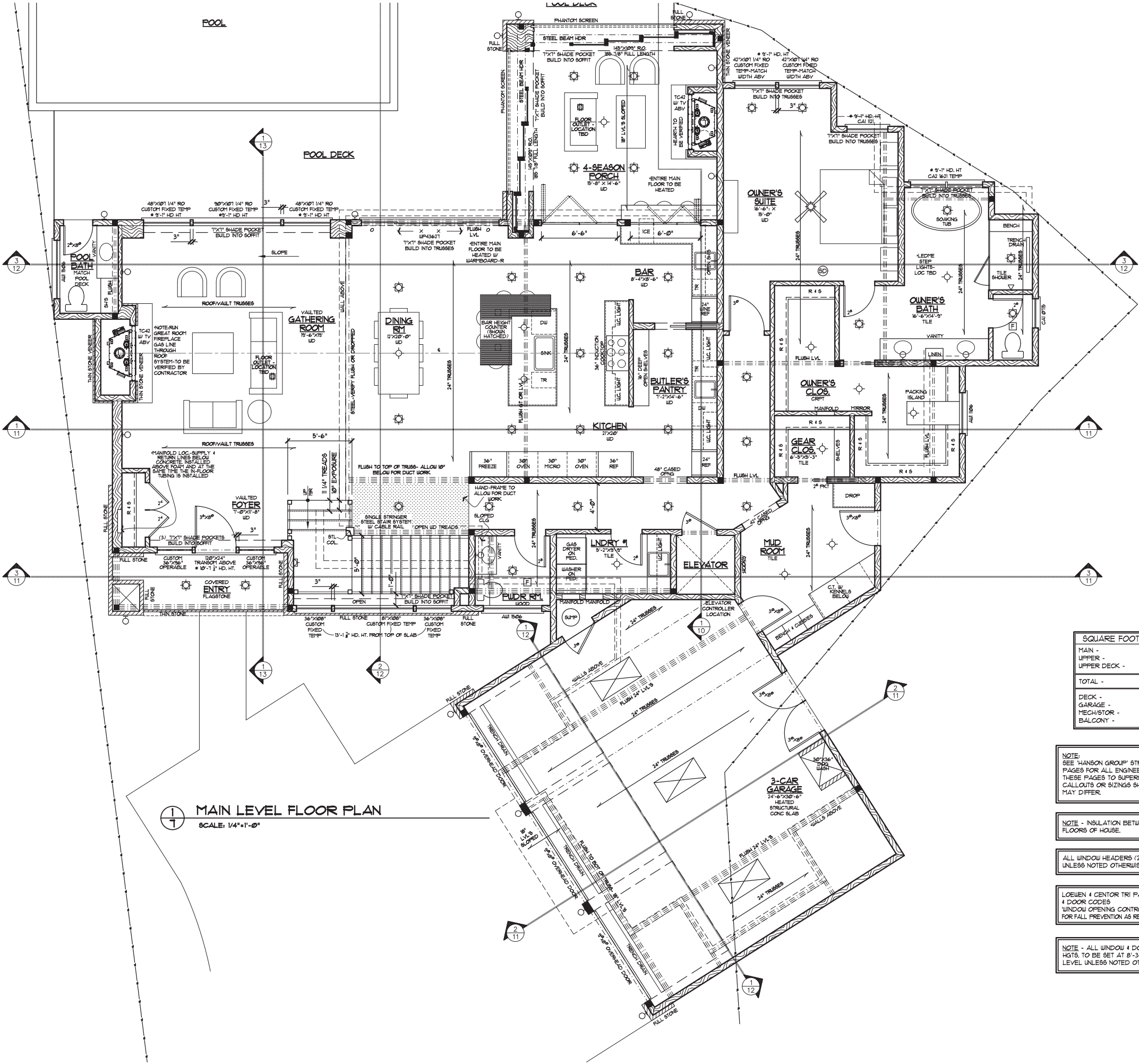
6 OF XX

ELECTRICAL SYMBOL LEGEND

	DUPLEX OUTLET
	FOUR-PLEX OUTLET
	FLOOR OUTLET
	SWITCHED OUTLET
	WEATHERPROOF OUTLET
	220 OUTLET
	SINGLE POLE SWITCH
	3-WAY SWITCH
	4-WAY SWITCH
	CEILING LIGHT FIXTURE
	WALL LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	RECESSED TREAD LIGHT FIXTURE
	CEILING FAN FIXTURE
	EXHAUST FAN
	SMOKE DETECTOR
	TECHNOLOGY OUTLET
	TV/CABLE - PER A/V CONTRACTOR

NOTES:

- ALL SYMBOL LOCATIONS ARE APPROXIMATE. VERIFY EXACT LOCATIONS WITH JOB SUPERVISOR OR CLIENT.
- ALL POWER OUTLETS ASSUMED PER CODE.
- OUTLETS SHOWN ARE SPECIAL, REQUIRED, OR PREFERRED LOCATIONS.
- COORDINATE ALL RECESS LIGHTING FIXTURES WITH FLOOR TRUSS MANUFACTURER.



SQUARE FOOTAGE	
MAIN -	2921#
UPPER -	221#
UPPER DECK -	421#
TOTAL -	561#
DECK -	296#
GARAGE -	187#
MECH/STOR -	194#
BALCONY -	46#

NOTE:
SEE "HANSON GROUP" STRUCTURAL
PAGES FOR ALL ENGINEERING.
THESE PAGES TO SUPERSEDE ANY
CALLOUTS OR SIZINGS SHOWN THAT
MAY DIFFER.

NOTE - INSULATION BETWEEN ALL
FLOORS OF HOUSE.

ALL WINDOW HEADERS (2) 2X10,
UNLESS NOTED OTHERWISE

LOEWEN 4 CENTER TRI PANE WINDOW
& DOOR CODES
'WINDOW OPENING CONTROL DEVICE'
FOR FALL PREVENTION AS REQ'D.

NOTE - ALL WINDOW & DOOR HEAD
HGTs. TO BE SET AT 8'-3" AT MAIN
LEVEL UNLESS NOTED OTHERWISE

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

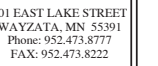
DRAWING DESCRIPTION:
MAIN LEVEL
FLOOR PLAN

ISSUE DATE:
26 APRIL 2021
PREVIOUS ISSUE DATES:

ALEXANDER

DESIGN GROUP

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WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222



ISSUE DATE:
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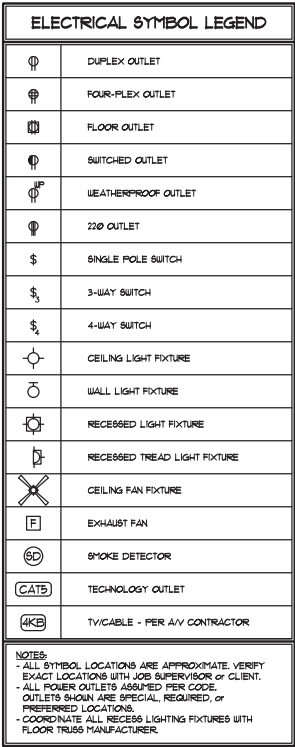
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:

534

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

8
3 OF XX



ELECTRICAL SYMBOL LEGEND

	DUPLEX OUTLET
	FOUR-PLEX OUTLET
	FLOOR OUTLET
	SWITCHED OUTLET
	WEATHERPROOF OUTLET
	220 OUTLET
	SINGLE POLE SWITCH
	3-WAY SWITCH
	4-WAY SWITCH
	CEILING LIGHT FIXTURE
	WALL LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	RECESSED TREAD LIGHT FIXTURE
	CEILING FAN FIXTURE
	EXHAUST FAN
	SMOKE DETECTOR
	TECHNOLOGY OUTLET
	TV/CABLE - PER A/V CONTRACTOR

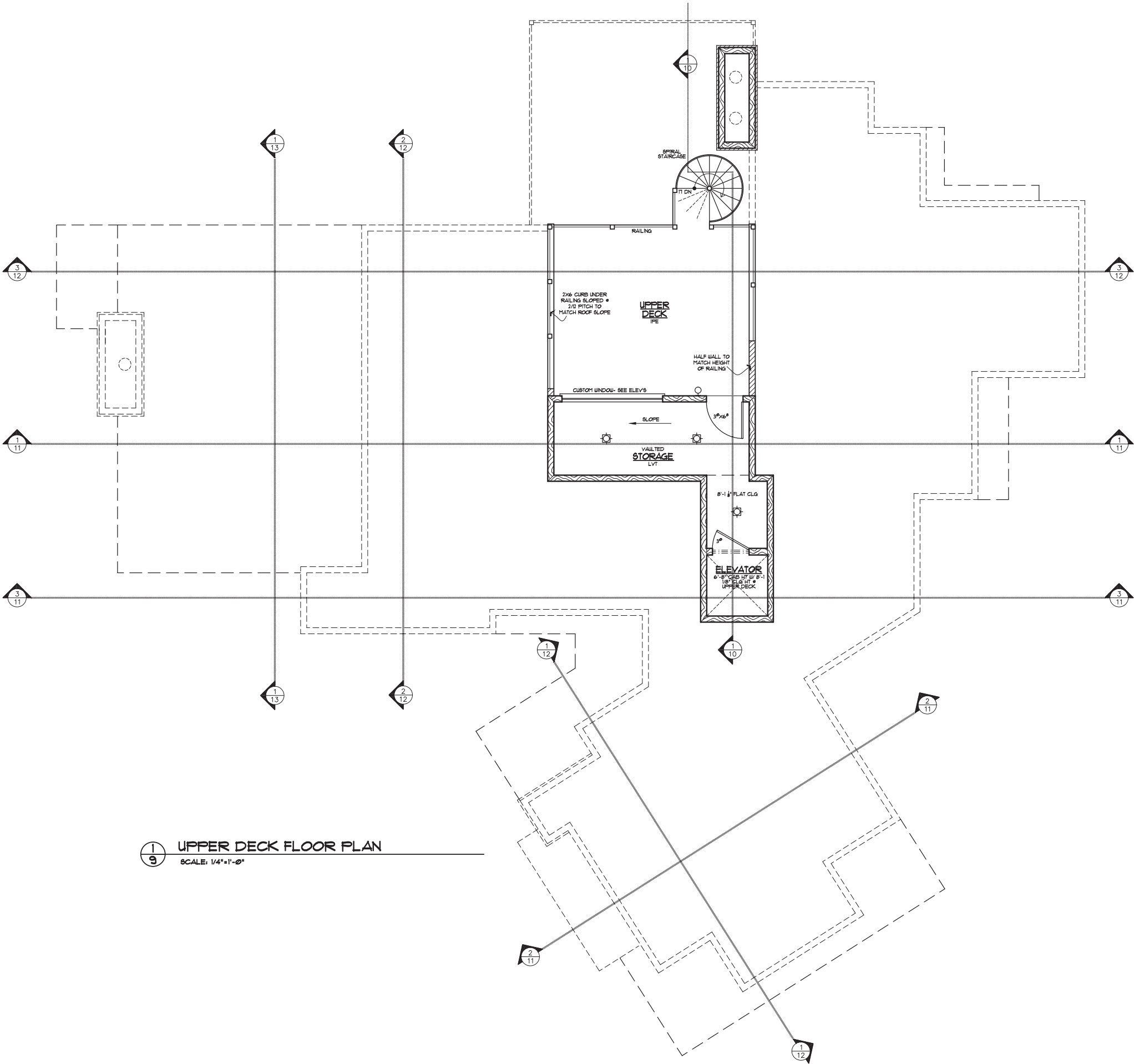
NOTES:

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- COORDINATE ALL RECESS LIGHTING FIXTURES WITH FLOOR TRUSS MANUFACTURER.



19

UPPER DECK FLOOR PLAN

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

SQUARE FOOTAGE	
MAIN -	2921#
UPPER -	2211#
UPPER DECK -	421#
TOTAL -	5611#
DECK -	296#
GARAGE -	181#
MECH/STOR -	194#
BALCONY -	46#

NOTE:
SEE HANSON GROUP STRUCTURAL
PAGES FOR ALL ENGINEERING.
THESE PAGES TO SUPERSEDE ANY
CALLOUTS OR SIZINGS SHOWN THAT
MAY DIFFER.

NOTE - INSULATION BETWEEN ALL
FLOORS OF HOUSE.

ALL WINDOW HEADERS (2) 2X10,
UNLESS NOTED OTHERWISE

LOELEN 4 CENTER TRI PANE WINDOW
4 DOOR CODES
'WINDOW OPENING CONTROL DEVICE'
FOR FALL PREVENTION AS REQ'D.

ALEXANDER
DESIGN GROUP

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PREVIOUS ISSUE DATES:

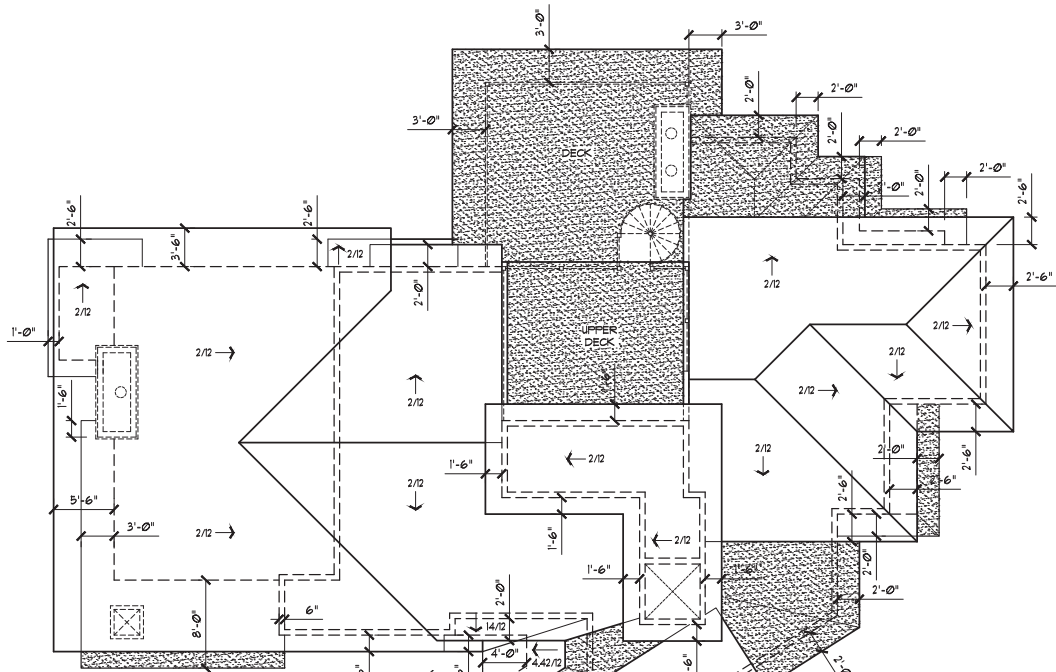
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UPPER DECK
FLOOR PLAN

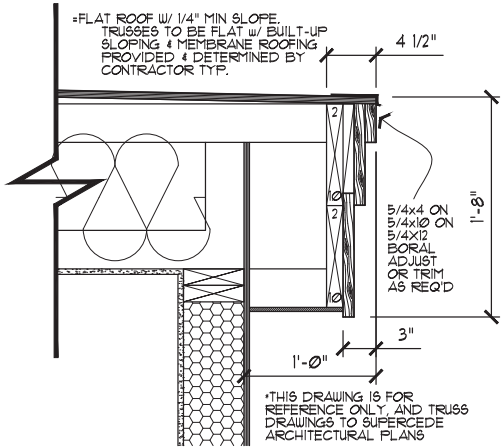
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ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

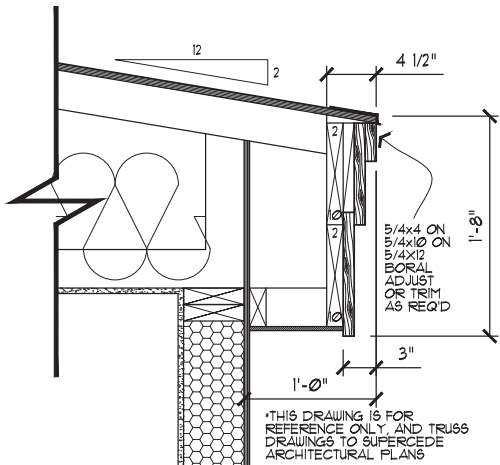
9 OF XX



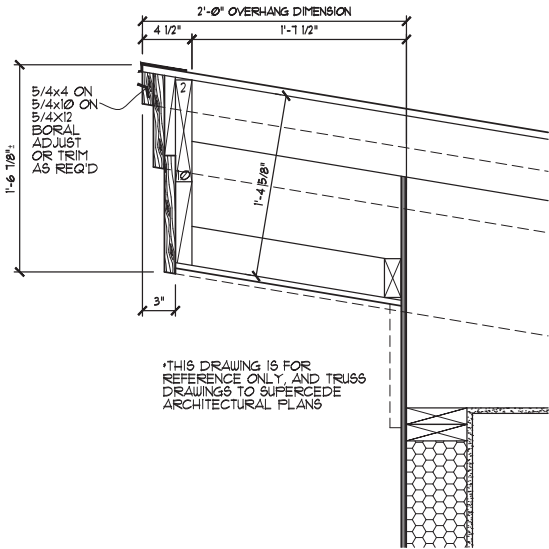
2 UPPER DECK FLOOR PLAN
SCALE: 1/8"=1'-0"



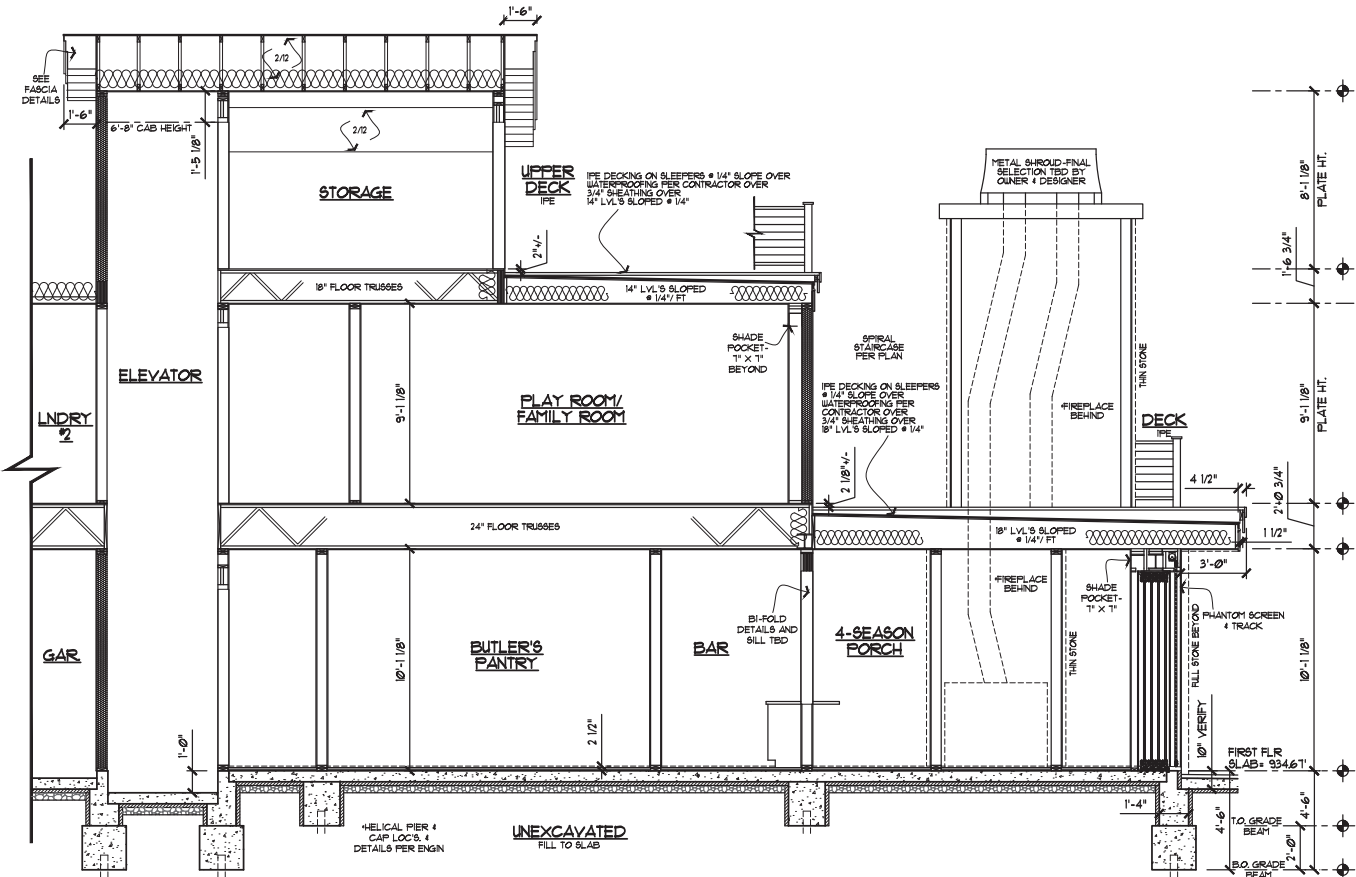
4 FLAT ROOF DETAIL
SCALE: 1/8"=1'-0"



5 FASCIA DETAIL
SCALE: 1/8"=1'-0"



3 FASCIA DETAIL
SCALE: 1/8"=1'-0"



1 BUILDING SECTION
SCALE: 1/8"=1'-0"

NOTE:
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GENERAL CONSTRUCTION NOTES:
ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE OF STUD.
EXTERIOR STUD OFFSET FROM FOUNDATION 1-1/2" OF FACE OF FOUNDATION WHERE EXTERIOR FOUNDATION INSULATION IS APPLIED, EXCEPT WHERE NOTED.
ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DRAWINGS.
ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY GENERAL CONTRACTOR.
ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE ENGINEERED BY SUPPLIER.
ALL WDW HEADERS TO BE 2-2x10 UNLESS OTHERWISE NOTED.
ALL WOOD ABUTTING CONCRETE TO BE TREATED. VERIFY ANGLES WITH FLOORPLANS (45° UNLESS OTHERWISE NOTED).
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT STATE OF MINNESOTA BUILDING & ENERGY CODES AND TO LOCAL INDUSTRY STANDARDS & STANDARD INDUSTRY PRACTICES.
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER MANUFACTURER'S INSTALLATION REQUIREMENTS.
ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH AND PLASTER BUREAU GUIDELINES.
ALL WEATHER RESISTIVE BARRIERS SHALL BE INSTALLED PER IRC SEC. R103.2 AS AMENDED BY THE STATE OF MINNESOTA RULES SECTION 1309.0103.

ROOF CONSTRUCTION:
ROOF VENTS AS REQ'D. - 1/300.
STANDING SEAM METAL ROOFING
FELT PAPER w/ ICE & WATER SHIELD.
FULL ICE & WATER - ROOFS UNDER 4:12
5/8" OSB ROOF SHEATHING.
WOOD TRUSSES @ 24" O.C. - ENGINEERED BY SUPPLIER.
CLOSED CELL FOAM INSULATION
5/8" GYP. BD. CEILING.

SOFFIT/FASCIA CONSTRUCTION:
SEE DETAILS

WALL CONSTRUCTION:
SIDING PER ELEVATIONS.
2 LAYERS GRADE "D" BUILDING PAPER.
1/2" PLYWOOD SHEATHING.
2x6 L&L STUDS @ 16" O.C.
CLOSED CELL SPRAY FOAM
5/8" GYP. BD. - TAPED, SANDED, PAINTED

FLOOR CONSTRUCTION:
FINISHED FLOOR
3/4" T. & G. PLYWOOD SUBFLOOR.
FLOOR TRUSSES (PER PLAN) @ 18" O.C.
UNLESS OTHERWISE NOTED.
SPRAYED U-FOAM INSUL. @ R10 R-21
5/8" GYP. BD. @ FINISHED AREAS.

FOUNDATION:
SEE ENGR. PAGES FOR GRADE BEAM & HELICAL PIER DETAILS

GRADE LEVEL:
FINISHED FLOOR
WAIRBOARD-R
6 MIL POLY
1/2" UNDERLAYMENT
10" STRUCTURAL SLAB
POLY VAPOR BARRIER
2" RIGID INSULATION
INTERIOR AND EXTERIOR DRAIN TILE TO 6" PUMP BUCKETS

ALEXANDER
DESIGN GROUP

401 EAST LAKE STREET
WAYZATA, MN 55391
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FAX: 952.473.8222

ISSUE DATE:
26 APRIL 2021

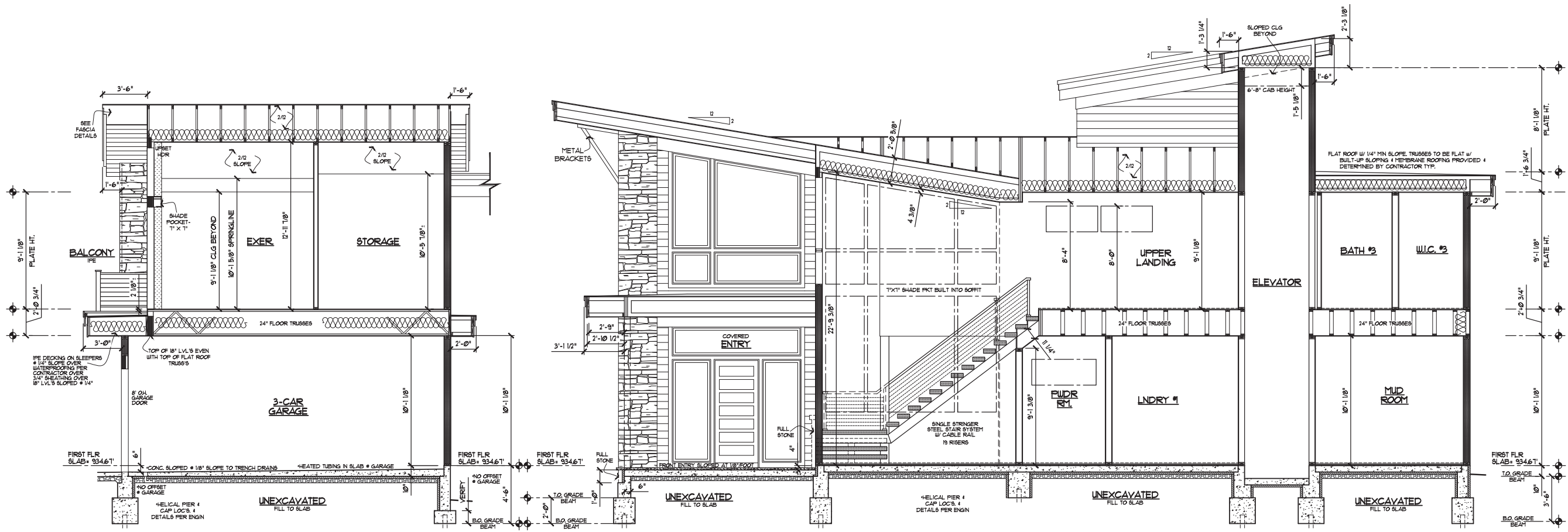
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
BUILDING SECTION
& ROOF PLAN

REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

10
OF XX



2 BUILDING SECTION
SCALE: 1/8"=1'-0"

GENERAL CONSTRUCTION NOTES:
ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE OF STUD.
EXTERIOR STUD OFFSET FROM FOUNDATION 1/2" OF FACE
OF FOUNDATION WHERE EXTERIOR FOUNDATION
INSULATION IS APPLIED, EXCEPT WHERE NOTED.
ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER
SCALED DRAWINGS.
ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY
GENERAL CONTRACTOR.
ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE
ENGINEERED BY SUPPLIER.
ALL WDW HEADERS TO BE 2-2x10 UNLESS OTHERWISE
NOTED.
ALL WOOD ABUTTING CONCRETE TO BE TREATED.
VERIFY ANGLES WITH FLOORPLANS (48" UNLESS
OTHERWISE NOTED).
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT
STATE OF MINNESOTA BUILDING & ENERGY CODES AND
TO LOCAL INDUSTRY STANDARDS & STANDARD
INDUSTRY PRACTICES.
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER
MANUFACTURER'S INSTALLATION REQUIREMENTS.
ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH
AND PLASTER BUREAU GUIDELINES.
ALL WEATHER RESISTIVE BARRIERS SHALL BE
INSTALLED PER IRC SEC. R1032 AS AMENDED BY THE
STATE OF MINNESOTA RULES SECTION 1309.07103.

FOUNDATION:
*SEE ENGR. PAGES FOR GRADE BEAM & HELICAL PIER
DETAILS

GRADE LEVEL:
FINISHED FLOOR
WARRANTY BOARD-R
6 MIL POLY
1/2" UNDERLAYMENT
10" STRUCTURAL SLAB
POLY VAPOR BARRIER
2" RIGID INSULATION
INTERIOR AND EXTERIOR DRAIN TILE TO 6" BUCKETS

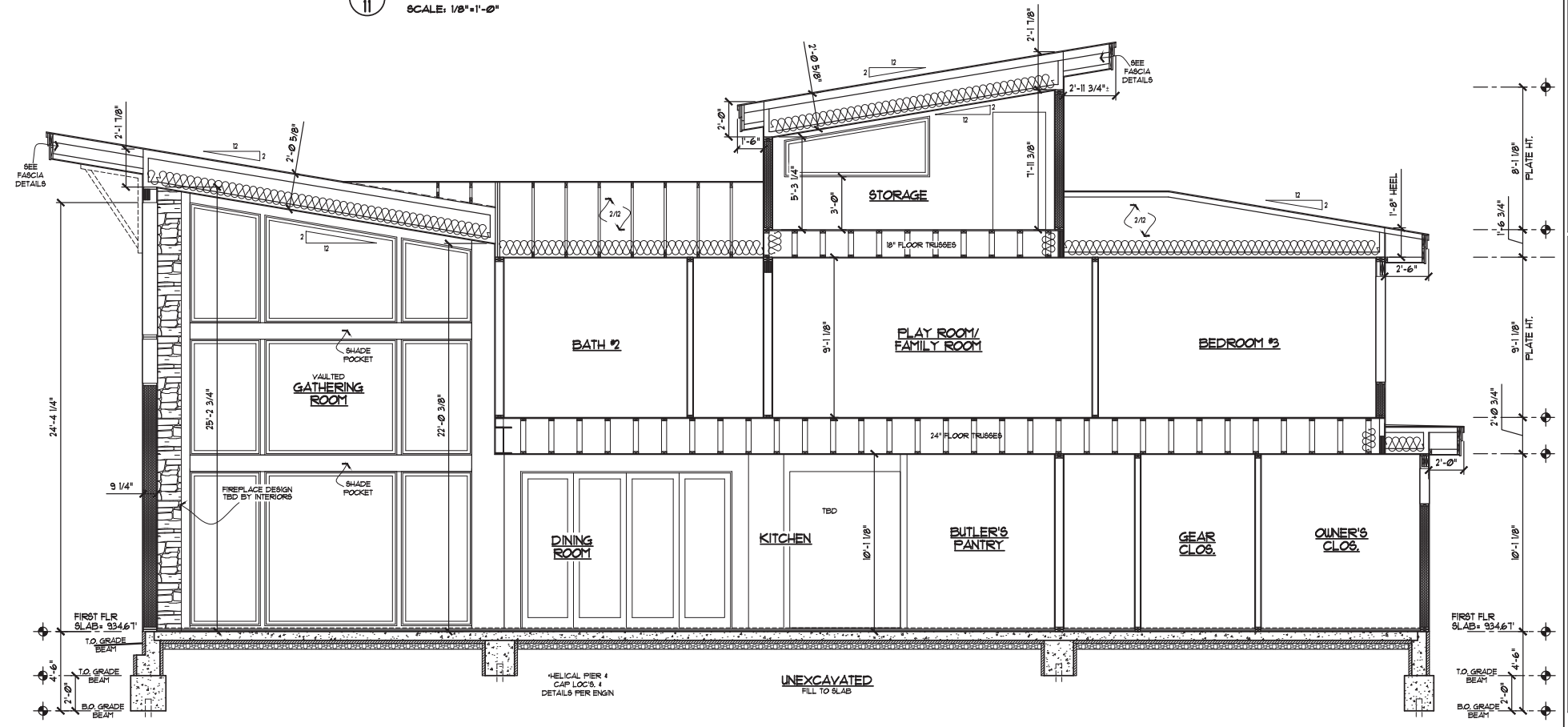
ROOF CONSTRUCTION:
ROOF VENTS AS REQ'D. - 1/300.
STANDING SEAM METAL ROOFING
FELT PAPER w/ ICE & WATER SHIELD.
FULL ICE & WATER @ ROOFS UNDER 4:12
5/8" OSB ROOF SHEATHING.
WOOD TRUSSES @ 24" O.C. - ENGINEERED BY SUPPLIER.
CLOSED CELL FOAM INSULATION
5/8" GYP. BD. CEILING.

SOFFIT/FASCIA CONSTRUCTION:
*SEE DETAILS

WALL CONSTRUCTION:
SIDING PER ELEVATIONS.
2 LAYERS GRADE "D" BUILDING PAPER
1/2" PLYWOOD SHEATHING.
2x6 LVL STUDS @ 16" O.C.
CLOSED CELL SPRAY FOAM
5/8" GYP. BD. - TAPED, SANDED, PAINTED

FLOOR CONSTRUCTION:
FINISHED FLOOR
3/4" T. & G. PLYWOOD SUBFLOOR
FLOOR TRUSSES (PER PLAN) @ 192" O.C.
UNLESS OTHERWISE NOTED.
SPRAYED U-FOAM INSUL. @ R11 R-21
5/8" GYP. BD. @ FINISHED AREAS.

3 BUILDING SECTION
SCALE: 1/8"=1'-0"



1 BUILDING SECTION
SCALE: 1/8"=1'-0"



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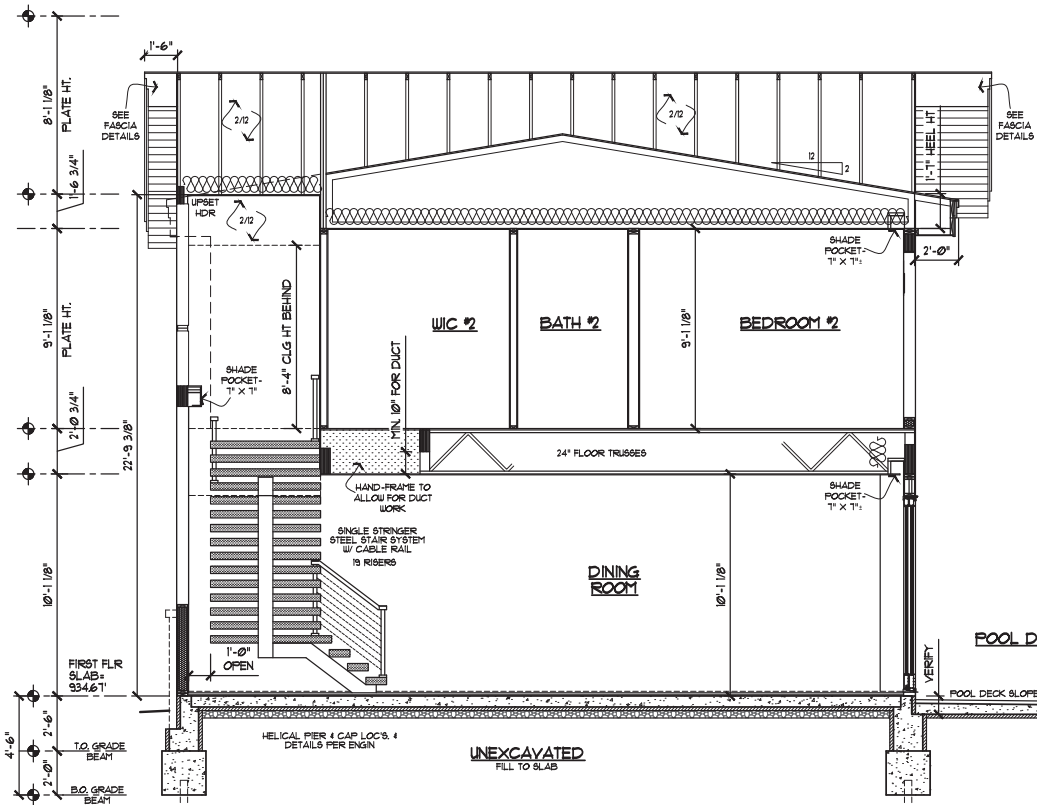
PREVIOUS ISSUE DATES:

DRAWING DESCRIPTION:
BUILDING SECTIONS

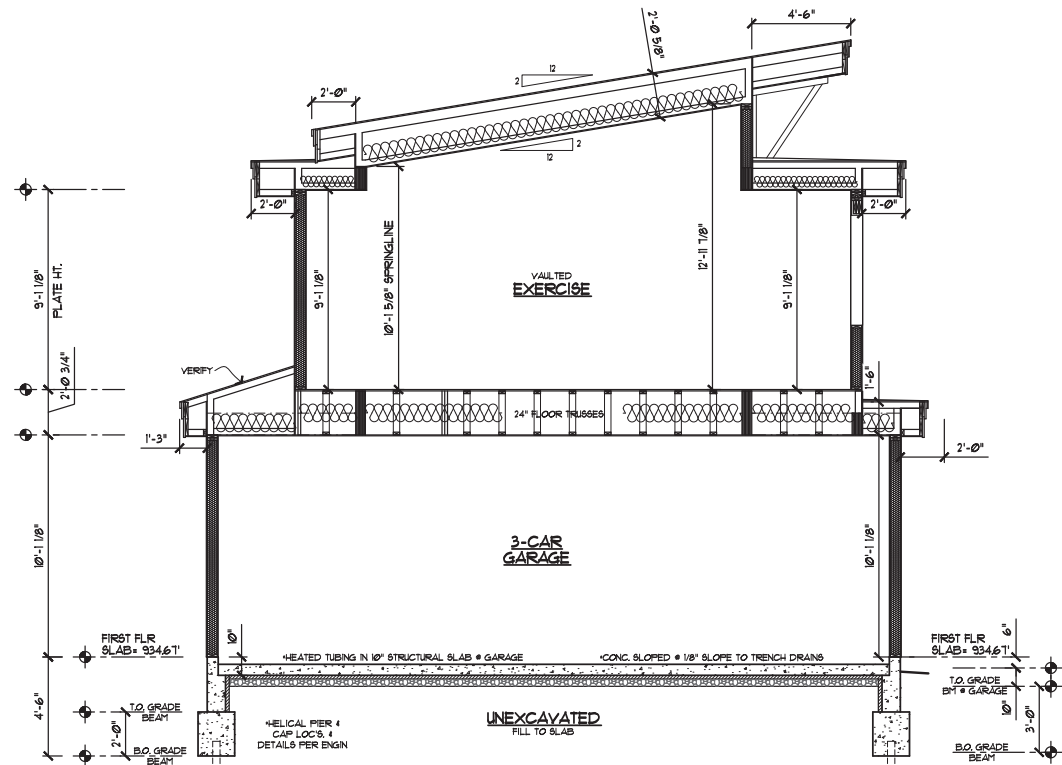
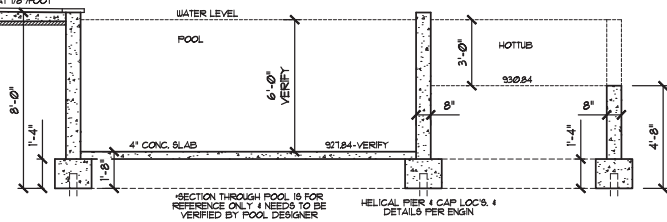
REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

11
OF XX



2
12 BUILDING SECTION
SCALE: 1/8"=1'-0"



1
12 BUILDING SECTION
SCALE: 1/8"=1'-0"

GENERAL CONSTRUCTION NOTES:
ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE OF STUD.
EXTERIOR STUD OFFSET FROM FOUNDATION 1-1/2" OF FACE
OF FOUNDATION WHERE EXTERIOR FOUNDATION
INSULATION IS APPLIED, EXCEPT WHERE NOTED.
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ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY
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ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE
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ALL WOOD HEADERS TO BE 2-2x10 UNLESS OTHERWISE
NOTED.
ALL WOOD ABUTTING CONCRETE TO BE TREATED.
VERIFY ANGLES WITH FLOORPLANS (45° UNLESS
OTHERWISE NOTED.)
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT
STATE OF MINNESOTA BUILDING & ENERGY CODES AND
TO LOCAL INDUSTRY STANDARDS & STANDARD
INDUSTRY PRACTICES.
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER
MANUFACTURER'S INSTALLATION REQUIREMENTS
ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH
AND PLASTER BUREAU GUIDELINES.
ALL WEATHER RESISTIVE BARRIERS SHALL BE
INSTALLED PER IRC SEC. R103.2 AS AMENDED BY THE
STATE OF MINNESOTA RULES SECTION 1309.0103.

ROOF CONSTRUCTION:
ROOF VENTS AS REQ'D. - 1/300.
STANDING SEAM METAL ROOFING
FELT PAPER W/ ICE & WATER SHIELD.
FULL ICE & WATER & ROOFS UNDER 4:12
5/8" OGS ROOF SHEATHING.
WOOD TRUSSES @ 24" O.C. - ENGINEERED BY SUPPLIER.
CLOSED CELL FOAM INSULATION
5/8" GYP. BD. CEILING.

SOFFIT/FASCIA CONSTRUCTION:
SEE DETAILS
WALL CONSTRUCTION:
SIDING PER ELEVATIONS.
2 LAYERS GRADE "D" BUILDING PAPER
1/2" PLYWOOD SHEATHING.
2x6 LBL. STUDS @ 16" O.C.
CLOSED CELL SPRAY FOAM
5/8" GYP. BD. - TAPED, SANDED, PAINTED

FLOOR CONSTRUCTION:
FINISHED FLOOR
3/4" T. & G. PLYWOOD SUBFLOOR
FLOOR TRUSSES (PER PLAN) @ 19.2" O.C.
UNLESS OTHERWISE NOTED.
SPRAYED U-FOAM INSUL. @ R19 R-21
5/8" GYP. BD. - FINISHED AREAS.

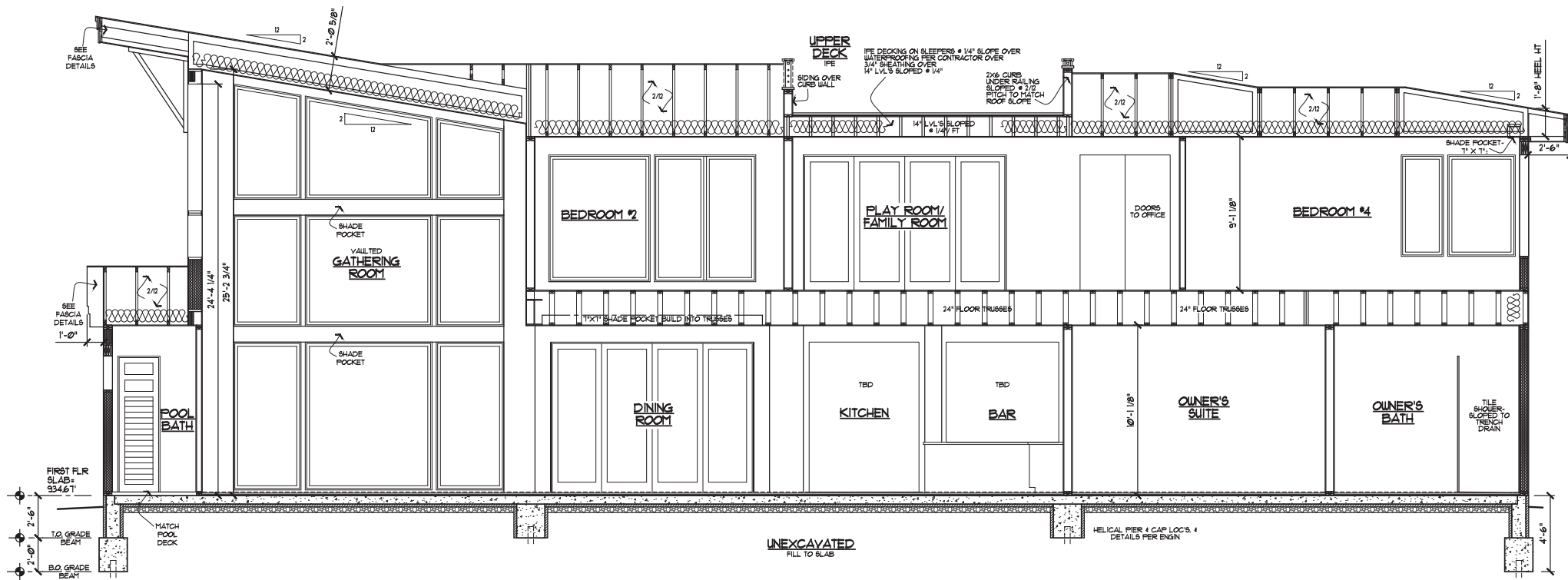
FOUNDATION:
SEE ENGN. PAGES FOR GRADE BEAM & HELICAL PIER
DETAILS

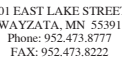
GRADE LEVEL:
FINISHED FLOOR
WARMBOARD-R
6 MIL POLY
1/2" UNDERLAYMENT
10" STRUCTURAL SLAB
POLY VAPOR BARRIER
2" RIGID INSULATION
INTERIOR AND EXTERIOR DRAIN TILE TO GUMP BUCKETS

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ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES.

3
12 BUILDING SECTION
SCALE: 1/8"=1'-0"





ISSUE DATE:
26 APRIL 2021
PREVIOUS ISSUE DATES:

BUILDING SECTIONS

REVIEW SET

ASTRUP RESIDENCE
900 SHADY LANE E
WAYZATA, MN

13
13 OF XX



GENERAL CONSTRUCTION NOTES:
ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE OF STUD.
EXTERIOR STUD OFFSET FROM FOUNDATION 1/2" OF FACE
OF FOUNDATION WHERE EXTERIOR FOUNDATION
INSULATION IS APPLIED, EXCEPT WHERE NOTED.
ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER
SECTION DRAWING DIMENSIONS.
ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY
GENERAL CONTRACTOR.
ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE
ENGINEERED BY SUPPLIER.
ALL WUD HEADERS TO BE 2-2x10 UNLESS OTHERWISE
NOTED.
ALL WOOD ABUTTING CONCRETE TO BE TREATED,
VERMISCHES WITH FLOORPLANS (48" UNLESS
OTHERWISE NOTED).
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT
STATE OF MINNESOTA BUILDING & ENERGY CODES AND
TO LOCAL INDUSTRY STANDARDS & STANDARD
INDUSTRY PRACTICES.
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER
MANUFACTURERS INSTALLATION REQUIREMENTS
ALL UTILITY SHALL BE INSTALLED PER MINNESOTA LAWF
& WATER BUREAU GUIDELINES.
ALL WEATHER RESISTIVE BARRIERS SHALL BE
INSTALLED PER IRC SEC. R702.5 AS SPECIFIED BY THE
STATE OF MINNESOTA RULES CHAPTER 1309.0103.

ROOF CONSTRUCTION:
ROOF VENTS AS REQD. - 1/300.
STANDING SEAM METAL ROOFING
FELT PAPER w/ ICE & WATER SHIELD.
FULL ICE & WATER & ROOFS UNDER 4:12
5/8" OSB ROOF SHEATHING.
WOOD TRUSSES @ 24" O.C. - ENGINEERED BY SUPPLIER.
CLOSED CELL FOAM INSULATION
5/8" GYP. BD. CEILING.

SOFFIT/FASCIA CONSTRUCTION:
•SEE DETAIL 6

WALL CONSTRUCTION:
SIDING PER ELEVATIONS.
2 LAYERS GRADE "D" BUILDING PAPER.
1/2" PLYWOOD SHEATHING.
2x6 LSL STUDS @ 16" O.C.
CLOSED CELL SPRAY FOAM
5/8" GYP. BD. - TAPED, SANDED, PAINTED

FLOOR CONSTRUCTION

3/4" T. & G. PLYWOOD SUBFLOOR.
FLOOR TRUSSES (PER FLOOR) @ 192" O.C.
UNLESS OTHERWISE NOTED.
SPRAYED U-FOAM INSUL. @ RIM R-21
5/8" GYP. BD. @ FINISHED AREAS.

FOUNDATION:

*SEE ENGIN. PAGES FOR GRADE BEAM & HELICAL PIER DETAILS

GRADE LEVEL:

FINISHED FLOOR
WARMBOARD-R
6 MIL POLY
1/2" UNDERLAYMENT
10" STRUCTURAL SLAB
POLY VAPOR BARRIER
2" RIGID INSULATION
INTERIOR AND EXTERIOR DRAIN TILE TO SUMP BUCKETS

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creation date: 2/5/2020
filepath: /Volumes/TVL Studio/PROJECTS/900 SHADY LANE/2. DWG/1. DRAWINGS/2. PERMIT SET/TREE PRESERVATION PLAN.dwg
last saved: bretneseler February 5, 2020 9:51 AM

1 TREE PRESERVATION PLAN



GENERAL NOTES

- SEE SHEET L001 FOR GENERAL NOTES.
- REFER TO ARCHITECTURAL DRAWINGS FOR BUILDING INFO.
- ELECTRICAL CONTRACTOR, MECHANICAL CONTRACTOR, AND IRRIGATION CONTRACTOR TO COORDINATE WITH PAVING, CONCRETE, AND WALL CONTRACTORS ON SLEEVE LOCATIONS UNDER DRIVEWAYS, WALKS, AND WALLS.
- REFER TO SHEET L010 FOR EXISTING CONDITIONS PLAN FOR BOUNDARY INFORMATION. ALL CONSTRUCTION STAKING MUST BE PERFORMED BY A REGISTERED LAND SURVEYOR
- DO NOT SCALE THE DRAWINGS. WRITTEN DIMENSIONS ARE TO BE USED FOR ALL LAYOUT WORK.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY LAYOUT DISCREPANCIES.
- ALL SITE ELEMENTS SHALL BE STAKED IN THE FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION.
- AUTOCAD FILE AVAILABLE TO CONTRACTOR UPON REQUEST FOR FIELD LAYOUT.

LEGEND:

	EXISTING TREE TO BE SAVED		PROPOSED NEW TREE
	PROPOSED NEW SHRUB		PROPOSED NEW PERENNIAL
	EXISTING CONTOUR		PROPOSED CONTOUR
	EXISTING SPOT ELEVATION		PROPOSED SPOT ELEVATION
	DRAINAGE FLOW		PROPOSED CATCH BASIN
	PROPOSED DRAIN TILE		PROPOSED POP-UP EMITTER
	PROPOSED LIGHT FIXTURE		PROPOSED BUILDING ENTRY

KEYNOTES

- WETLAND EDGE DELINEATION
- ORDINARY HIGH WATER LINE (929.40)
- EXISTING RIPRAP SHORELINE - SAVE AND PROTECT
- EXISTING DOCK - SAVE AND PROTECT
- EXISTING SIGNIFICANT TREE(S) TYP. - SAVE AND PROTECT
- EXISTING ARBORVITAE HEDGE - SAVE AND PROTECT
- EXISTING RIPRAP SPILLWAY - SAVE AND PROTECT
- EXISTING NEIGHBORING PROPERTY/SITE FEATURE - SAVE AND PROTECT
- EXISTING CITY STREET/ALLEY - SAVE AND PROTECT, REPAIR ANY DAMAGED AREAS PER CITY STANDARDS
- EXISTING ADJACENT DRIVE TO BE USED AS CONSTRUCTION ENTRANCE - REPAIR AND REPLACE TO EXISTING CONDITIONS AFTER CONSTRUCTION
- EXISTING DOCK TO REMAIN - SAVE AND PROTECT
- EXISTING SANITARY SEWER ACCESS - SAVE AND PROTECT
- CRITICAL ROOT ZONE OF PRESERVED TREES, TYPICAL
- LIMITS OF DISTURBANCE, TYPICAL

TREE INVENTORY

#	SPECIES	DBH	STEM	CLASS	STATUS
1	CRAB APPLE	11"	MULTI-STEM	SIGNIFICANT	TO BE REMOVED
2	CRAB APPLE	8"	SINGLE	SIGNIFICANT	TO BE REMOVED
3	WHITESPIRE BIRCH	3"	MULTI-STEM	INSIGNIFICANT	TO BE REMOVED
4	RIVER BIRCH	8"	MULTI-STEM	SIGNIFICANT	TO BE REMOVED
5	WHITE PINE	6"	SINGLE	SIGNIFICANT	TO BE REMOVED
6	WHITE PINE	6"	SINGLE	SIGNIFICANT	TO BE REMOVED
7	WHITESPIRE BIRCH	8"	MULTI-STEM	SIGNIFICANT	TO BE REMOVED
8	ASH	8"	SINGLE	SIGNIFICANT	TO BE PRESERVED
9	RIVER BIRCH	9"	MULTI-STEM	SIGNIFICANT	TO BE PRESERVED
10	RIVER BIRCH	10"	MULTI-STEM	SIGNIFICANT	TO BE PRESERVED
11	WHITESPIRE BIRCH	2"	MULTI-STEM	INSIGNIFICANT	TO BE PRESERVED

TOTAL SIGNIFICANT TREE DBH BEING REMOVED	47
ALLOWABLE REMOVAL (25% TOTAL DBH)	11.75

REQUIRED TREE REPLACEMENT	35.25 caliper inches
TOTAL PROPOSED TREE REPLACEMENT (SEE L401)	36.00 caliper inches

900 SHADY LANE RESIDENCE

900 SHADY LANE EAST - WAYZATA - MN

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

TRAVIS VAN LIERE
license no: 43728
date: 1/23/2018

NOTE:

Rev #	Description	Date
1	ISSUED FOR VARIANCE	06.03.2019
2	ISSUED FOR PERMIT	01.06.2020
3	PERMIT SET REVISIONS	02.05.2020

Drawing:
TREE PRESERVATION PLAN

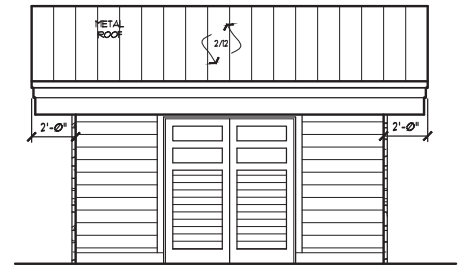
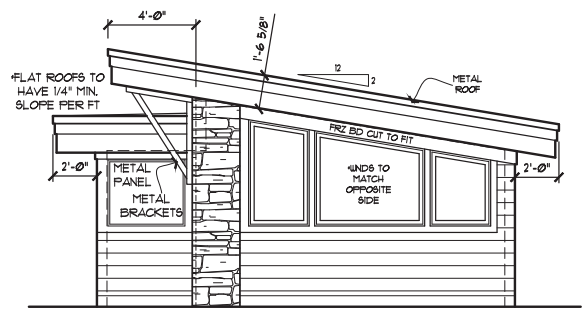
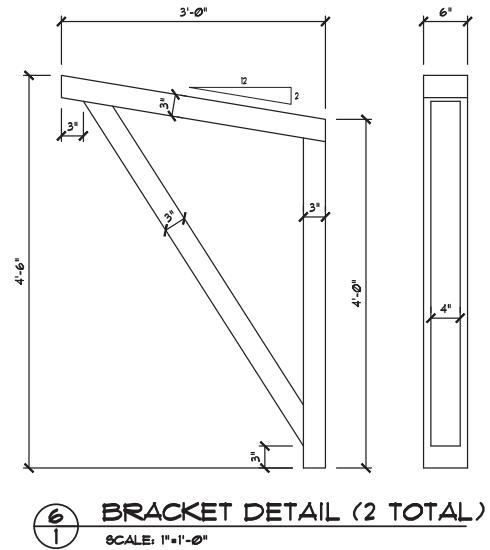
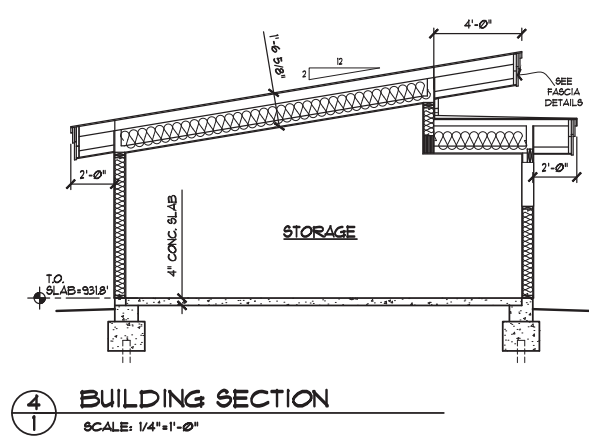
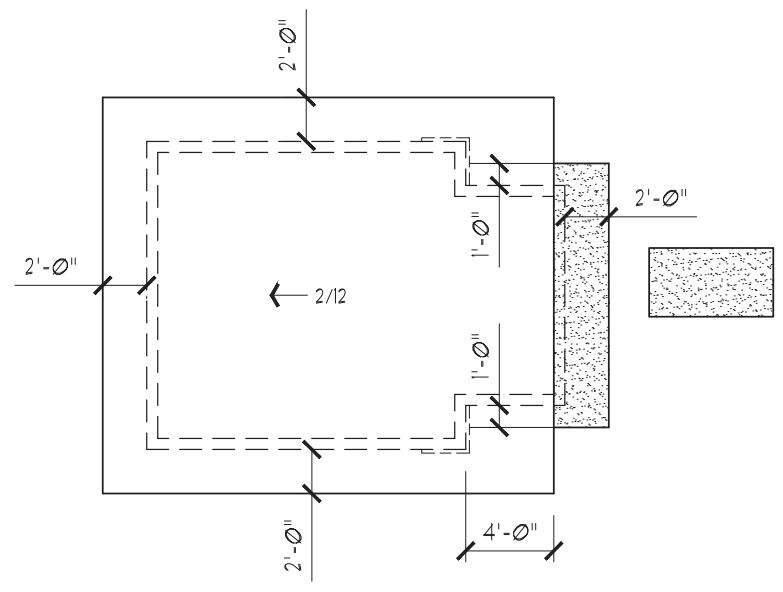
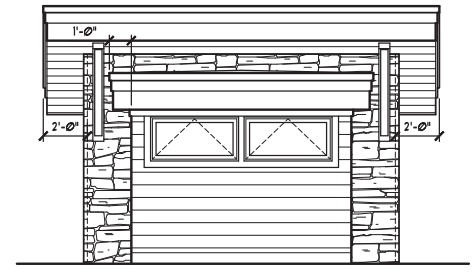
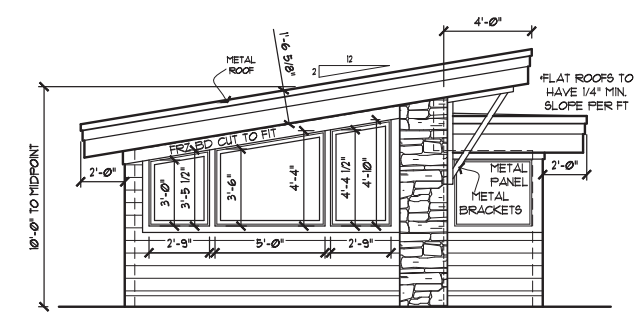
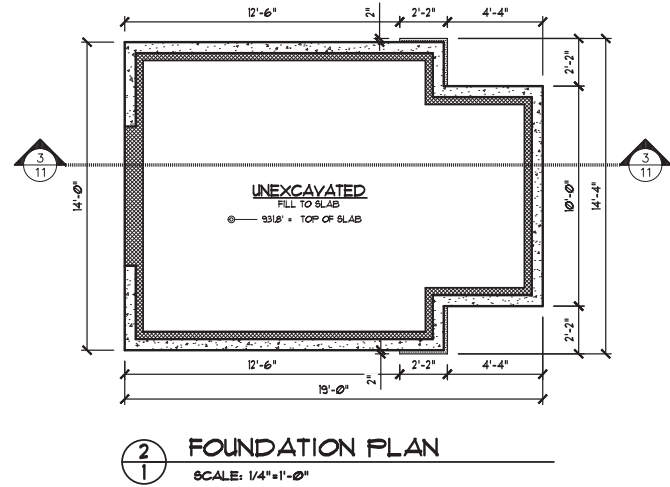
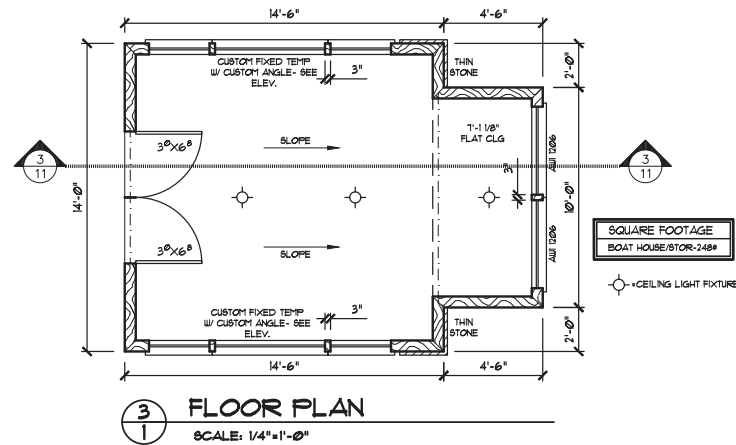
Drawn By:
Date:
Scale:

BW
2/5/2020
1"=0'

Sheet:

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SCALE: 1 inch = 16 feet





NOTES

1. ALL EXISTING INFORMATION TAKEN FROM SUNDE LAND SURVEYING, INC. DATED MAY 3, 2018
2. A GEOTECHNICAL EXPLORATION AND ENGINEERING REVIEW WAS COMPLETED FOR THIS SITE BY AMERICAN ENGINEERING TESTING, INC. REPORT NO. 20-20073 DATED JUNE 8, 2018.
3. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.
4. CONTRACTOR TO PREVENT DIRT AND/OR DEBRIS FROM ENTERING STORM SEWER OR BEING TRANSPORTED OFF-SITE IN AN UNCONTROLLED MANNER. CONTRACTOR TO VERIFY AT PROJECT CLOSEOUT THAT STORM SEWER SYSTEM IS CLEAR OF SEDIMENT AND/OR DEBRIS AND IS FULLY FUNCTIONAL.
5. SEE SWPPP NARRATIVE FOR FURTHER INFORMATION AND DIRECTION OF EROSION CONTROL MEASURES.
6. CATCH-BASINS AND MANHOLES ARE SHOWN ON PLAN LARGER THAN ACTUAL SIZE. COORDINATE LOCATION OF MANHOLE COVER AND CASTING SO THAT IT IS PROPERLY LOCATED AT THE BACK OF CURBLINE FOR THE CURB INLETS OR CENTERED IN THE AREA AS SHOWN ON THE PLAN FOR THE AREA DRAINS AND MANHOLE COVERS.
7. STORAGE AND PROTECTION OF EXISTING SITE FEATURES WHICH NEED TO BE REMOVED AND REPLACED FOR CONSTRUCTION OF PROJECT ARE THE RESPONSIBILITY OF THE CONTRACTOR. STORAGE SHALL BE WITHIN THE LIMITS OF STAGING AREA AS SHOWN ON SHEET. CONTRACTOR TO PREVENT DAMAGE OR THEFT OF THESE ITEMS AND TO REPLACE AT OWN EXPENSE.
8. ALL AREAS DISTURBED BY CONSTRUCTION WHICH ARE OUTSIDE THE LIMITS OF PAVING ARE TO BE RESTORED AND REVEGETATED.
9. ALL STUMPS FROM TREES REMOVED WITHIN PROJECT LIMITS SHALL BE GROUND AND REMOVED IN THEIR ENTIRETY.
10. ALL UTILITY DEMOLITION AND/OR ABANDONMENT TO BE PERFORMED IN ACCORDANCE WITH CITY OF WAYZATA AND STATE OF MINNESOTA REGULATIONS AND STANDARDS.
11. ALL ELECTRICAL POLE AND LIGHT REMOVAL SHALL BE COORDINATED WITH THE CITY OF WAYZATA PRIOR TO DEMOLITION.
12. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHICH MAY INCLUDE BUT IS NOT LIMITED TO ELECTRIC, TELEPHONE, GAS, CABLE TV, COMPUTER CABLE, FIBER OPTIC CABLE, SANITARY SEWER, STORM SEWER, STEAM, CONDENSATE, SANITARY DUCT BANK AND WATERMAIN. CONTRACTOR TO CONTACT GOPHER ONE-CALL BEFORE EXCAVATING.
13. ALL EXISTING UTILITIES AND OTHER IMPROVEMENTS ARE TO REMAIN UNLESS NOTED OTHERWISE.
14. ALL SITE FEATURES TO BE RESTORED TO MATCH EXISTING UNLESS NOTED OTHERWISE. COORDINATE ALL RESTORATION AND INSTALLATIONS WITH CITY OF WAYZATA PROJECT MANAGER.
15. CONTRACTOR TO PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS, LANDSCAPING, STRUCTURES AND UTILITIES THAT ARE TO REMAIN. CONTRACTOR TO REPAIR ANY DAMAGE AT OWN EXPENSE.
16. ALL WORK TO CONFORM WITH CITY OF WAYZATA AND STATE OF MINNESOTA STANDARDS AND REGULATIONS. ALL COMPLETED WORK IS SUBJECT TO INSPECTION BY THE CITY OF WAYZATA SEWER UTILITY DEPARTMENT AT A REASONABLE TIME BEFORE BACKFILLING.
17. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO STARTING CONSTRUCTION.
18. PROVIDE BARRICADES AT STREETS AND SIDEWALKS PER CITY OF WAYZATA REQUIREMENTS.
19. WASTE MATERIALS INCLUDING PAVEMENT REMOVED DURING CONSTRUCTION, WASTE PIPING AND SUPPLIES, CONSTRUCTION DEBRIS AND EXCESS EXCAVATED MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE PROJECT SITE AND DISPOSED OF PROPERLY BY THE CONTRACTOR.
20. ADEQUATE DRAINAGE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND ANY DRAINAGE DITCH OR STRUCTURE DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THE SATISFACTION OF THE OWNING AUTHORITY. ALL CONSTRUCTION STORM RUNOFF SHALL COMPLY WITH THE CITY OF MINNEAPOLIS REQUIREMENTS.
21. WHEN WORKING AROUND EXISTING TELEPHONE OR ELECTRICAL POLES, THE CONTRACTOR SHALL BRACE THE POLE FOR SUPPORT.
22. WHEN WORKING AROUND EXISTING UTILITIES THAT BECOME EXPOSED, THE CONTRACTOR SHALL PROVIDE SUFFICIENT SUPPORT TO PREVENT EXCESSIVE STRESS ON THE PIPING. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO EXACTLY LOCATE AND PRESERVE THESE UNDERGROUND FACILITIES.
23. ALL EXCAVATIONS MUST COMPLY WITH THE REQUIREMENTS OF OSHA 29 CFR, PART 1926, SUBPART P "EXCAVATIONS AND TRENCHES". THIS DOCUMENT STATES THAT EXCAVATION SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
24. CONTRACTOR SHALL COORDINATE WITH ARCHITECT'S AND MECHANICAL ENGINEER'S DRAWINGS TO VERIFY LOCATION, SIZE AND QUANTITY OF ALL UTILITY CONNECTIONS.
25. SITE UTILITY CONTRACTOR TO FURNISH AND INSTALL ALL WATER MAIN, SANITARY SEWER AND STORM SEWER FACILITIES AND APPURTENANCES TO WITHIN FIVE FEET OUTSIDE THE BUILDING. COORDINATE WITH MECHANICAL CONTRACTOR FOR EXACT LOCATION AND DEPTH OF CONNECTION WITHIN BUILDING.
26. ALL MATERIALS FOR PROPOSED CONSTRUCTION OR REPAIR OF EXISTING FACILITIES SHALL BE NEW PRODUCTS DIRECT FROM THE FACTORY AND FREE FROM DEFECTS.
27. SANITARY SEWER PIPE AND FITTINGS TO BE POLYVINYL CHLORIDE (PVC), SDR 26 MINIMUM AND COMPLY WITH ASTM D3034 AND F679. JOINTS TO BE SOLVENT CEMENT OR FLEXIBLE WATERTIGHT.
28. STORM SEWER PIPE TO BE REINFORCED CONCRETE PIPE (RCP), ASTM C76, CLASS 5, WITH GASKETED JOINTS OR POLYVINYL CHLORIDE (PVC) SDR 26 MINIMUM COMPLYING WITH ASTM D3034 AND F679 WITH SOLVENT CEMENT OR FLEXIBLE WATERTIGHT JOINTS AS NOTED ON PLANS AND SPECIFICATIONS.
29. WATER MAIN TO BE DUCTILE IRON PIPE (DIP) THICKNESS CLASS 52 FOR 8" DIP AND THICKNESS CLASS 53 FOR 4" AND 6" DIP.
30. MAINTAIN 3 FEET VERTICAL SEPARATION AND 10 FEET HORIZONTAL SEPARATION BETWEEN WATER AND SEWER PIPES.
31. CONTRACTOR SHALL NOT BLOCK DRAINAGE FROM OR DIRECT EXCESS DRAINAGE ONTO ADJACENT PROPERTY.
32. PROVIDE THE FOLLOWING MINIMUM COVER OVER THE TOP OF PIPE AS FOLLOWS:
- A. 8" OVER WATER MAIN
- B. 5' OVER SANITARY SEWER
- C. 1' OVER STORM SEWER
33. MAXIMUM CROSS-SLOPES FOR SIDEWALKS AND ADA ACCESS ROUTES SHALL BE MAINTAINED. PUBLIC AND PRIVATE PAVEMENT AREAS. REMOVAL SHALL BE ON A DAILY BASIS WHEN TRACKING OCCURS AND MAY BE ORDERED BY CITY INSPECTORS AT ANY TIME IF CONDITIONS WARRANT. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
34. MAXIMUM SLOPES FOR HANDICAP PARKING STALLS AND ACCESS AISLES SHALL NOT EXCEED 2.00% IN ANY DIRECTION.
35. THE CONTRACTOR SHALL PROVIDE A CONTINUOUS, ACCESSIBLE AND SAFE PEDESTRIAN WALKWAY THAT MEETS ADA AND MN MUTCD STANDARDS IF WORKING IN A SIDEWALK AREA, AND TRAFFIC CONTROL PER MN MUTCD REQUIREMENTS FOR WORK IN THE PUBLIC RIGHT-OF-WAY.
36. ALL COSTS FOR RELOCATION AND/OR REPAIR OF CITY FACILITIES SHALL BE BORNE BY THE CONTRACTOR AND/OR PROPERTY OWNER.
37. CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND/OR PROPERTY IRONS.
38. DRAWINGS DO NOT INDICATE AREAS OF TEMPORARY SUPPORT SYSTEMS. THE CONTRACTOR IS RESPONSIBLE FOR ALL MEANS AND METHODS AND WILL HAVE TOTAL CONTROL OVER THE TYPES AND DESIGN OF ALL SHORING, SHEETING, BRACING, ANCHORAGES, EXCAVATION SUPPORT WALLS, DIRECTIONAL BORING, AUGER JACKING, SOIL STABILIZATION AND OTHER METHODS OF PROTECTING EXISTING IMPROVEMENTS. SEE SPECIFICATIONS FOR SUBMITTAL REQUIREMENTS.
39. CONTRACTOR TO RECORD EXISTING CONDITIONS AS NEEDED (PHOTOGRAPHS, VIDEO, PHOTOGRAPHY, FIELD SURVEYING, ETC.) TO ENABLE RECONSTRUCTION TO MATCH EXISTING CONDITIONS AS REQUIRED. CONTRACTOR TO DOCUMENT EXISTING CONDITIONS SO THAT RECONSTRUCTED AREAS WILL HAVE POSITIVE DRAINAGE SIMILAR TO EXISTING.
40. WHERE DEMOLITION, EXCAVATION, UNDERPINNING, PILE DRIVING, COMPACTING OR SIMILAR WORK IS TO BE PERFORMED ADJACENT TO OR IN THE IMMEDIATE VICINITY OF EXISTING STRUCTURES, THE OWNER WILL PROVIDE BUILDING SURVEYS AND SEISMIC MONITORING. CONTRACTOR SHALL COORDINATE MONITORING OF BUILDING AND KEEPING OWNER INFORMED OF OPERATIONS THAT MAY IMPACT SENSITIVE PROJECTS OR STRUCTURES.
41. ACCESS TO FIRE DEPARTMENT APPARATUS MUST BE MAINTAINED AT ALL TIMES DURING THE ENTIRETY OF THE PROCESS. FIRE DEPARTMENT CONNECTIONS MUST BE WITHIN 150 FEET OF A HYDRANT FOR NEW CONSTRUCTION. IDENTIFY AVAILABILITY/DISTANCE TO FIRE HYDRANTS.
42. PAVEMENT MARKINGS THAT EXIST PRIOR TO THE START OF THE PROJECT MUST BE REPLACED IN KIND. IF IT IS LATEX OR EPOXY PAINT THEN IT MUST GO BACK IN WITH THE TYPE OF PAINT UNLESS OTHERWISE DIRECTED BY CITY OF MINNEAPOLIS TRAFFIC DIVISION. ALL COSTS ASSOCIATED WITH THE PAVEMENT MARKING REPLACEMENT SHALL BE BORNE BY THE CONTRACTOR AND/OR PROPERTY OWNER.
43. ALL COSTS FOR RELOCATION AND/OR REPAIR OF CITY TRAFFIC FACILITIES INCLUDING TRAFFIC SIGNALS SYSTEMS, STREET LIGHTING, TRAFFIC SIGNS, PARKING METERS, AND PAVEMENT MARKINGS SHALL BE BORNE BY THE CONTRACTOR AND/OR PROPERTY OWNER.
44. ANY EXISTING CONCRETE INFRASTRUCTURE IN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO PUBLIC SIDEWALKS, CURB AND GUTTER, AND ADA PEDESTRIAN RAMPS, THAT IS EITHER CURRENTLY DEFECTIVE OR THAT IS DAMAGE DURING THE TIME OF SITE RE-DEVELOPMENT, MUST BE REMOVED AND REPLACED AT THE TIME OF SITE RE-DEVELOPMENT.
45. IF IMPACTED SOIL IS ENCOUNTERED DURING SITE ACTIVITIES WORK WILL NEED TO STOP AND NOTIFICATION PROVIDED TO THE MN DUTY OFFICER AT (651) 649-5451.
46. AS A CONDITION OF THE APPROVED SITE PLAN, THE APPLICANT MUST PROVIDE AS-BUILT DRAWINGS (PAPER OR PDF) OF ALL SANITARY AND STORM SEWER LINES AND ALL APPURTENANCES WHICH WERE INSTALLED ON A SITE FOR WHICH A FINAL SITE PLAN WAS APPROVED. AS-BUILT CHANGES TO TEXT INCLUDING: INVERT ELEVATIONS, DIMENSIONS, NOTES, ETC. SHALL BE LINED OUT WITH THE RECORD DRAWING TEXT PLACED NEAR IT. DO NOT ALTER, MODIFY OR ERASE ORIGINAL APPROVED CONSTRUCTION DRAWING TEXT. THE CONSTRUCTION AS-BUILT DRAWINGS SHALL SHOW, BUT ARE NOT LIMITED TO, SUCH INFORMATION AS THE EXACT SIZE, LENGTH, TYPE AND LOCATION OF PIPES; LOCATION AND SIZE OF MANHOLES AND CATCH BASINS; DEPTH AND SLOPES OF RETENTION BASINS. THE CONSTRUCTION AS-BUILT DRAWINGS SHALL SHOW ALL WORK AS ACTUALLY INSTALLED AND AS FIELD VERIFIED BY GENERAL CONTRACTOR. A SIGNED LETTER ON COMPANY LETTERHEAD ATTESTING TO ACCURACY OF THE AS-BUILTS SHALL BE SUBMITTED TO THE CIVIL ENGINEER WITHIN 30 DAYS OF COMPLETING ALL UTILITY SYSTEMS.

EROSION CONTROL NOTES

1. BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE. USE 2 INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST 12 INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXTEND THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE USING A GEOTEXTILE FABRIC BENEATH THE AGGREGATE TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
2. REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED IN UNDISTURBED AREAS THAT MAY RECEIVE RUNOFF FROM THE PROJECT AREA. HAY BALES OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
3. CATCH BASIN INSERTS OR OTHER APPROVED PRODUCTS ARE REQUIRED IN UNDISTURBED AREAS THAT MAY RECEIVE RUNOFF FROM THE PROJECT AREA. HAY BALES OR FILTER FABRIC WRAPPED GRATES ARE NOT ALLOWED FOR INLET PROTECTION.
4. LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. TEMPORARY STOCKPILES LOCATED ON PAVED SURFACES MUST BE NO LESS THAN TWO FEET FROM THE DRAINAGE/GUTTER LINE AND SHALL BE COVERED IF LEFT MORE THAN 24 HOURS.
5. MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPLACE DETERIORATED, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
6. DISTURBED SOIL STABILIZATION SHALL USE SEED AND MULCH, EROSION CONTROL MATTING, AND/OR SODDING AND STAKING IN GREEN SPACE AREAS. SEED WITH ANNUAL RYE SEED AT 60 LBS PER ACRE AND WOOD MULCH FIBER AT 45 LBS PER 1,000 SF. AN EARLY APPLICATION OF GRAVEL BASE ON AREAS TO BE PAVED IS RECOMMENDED TO MINIMIZE EROSION POTENTIAL.
7. READY MIXED CONCRETE AND CONCRETE BATCH PLANTS ARE PROHIBITED WITHIN THE PUBLIC RIGHT OF WAY. ALL CONCRETE RELATED PRODUCTION, CLEANING AND MIXING ACTIVITIES SHALL BE DONE IN THE DESIGNATED CONCRETE MIXING/WASHOUT LOCATIONS.
8. CHANGES TO EROSION CONTROL PLAN MUST BE APPROVED BY THE EROSION CONTROL INSPECTOR PRIOR TO IMPLEMENTATION. CONTRACTOR TO PROVIDE INSTALLATION AND DETAILS FOR ALL PROPOSED ALTERNATE TYPE DEVICES.
9. ALL EROSION CONTROL ELEMENTS ARE TEMPORARY. CONTRACTOR TO INSTALL EROSION CONTROL ELEMENTS PRIOR TO START OF LAND DISTURBING ACTIVITIES. MAINTAIN IN GOOD CONDITION DURING CONSTRUCTION AND REMOVE FROM THE SITE UPON COMPLETION OF FINAL PAVING AND TURF ESTABLISHMENT.
10. EROSION CONTROL SHALL BE PLACED SO IT DOES NOT DISTURB THE EXISTING PAVEMENT OR DRIVE LANES THAT ARE TO REMAIN. MANY METHODS OF EROSION CONTROL WILL WORK AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSTALL THE MEASURE MOST APPROPRIATE TO THE SITE CONDITIONS AND THAT WHICH MEETS THE CITY OF BUFFALO STANDARDS. EROSION CONTROL IS GRAPHICALLY SHOWN ON THE PLANS FOR CLARITY BUT SHALL BE PLACED IN THE MOST APPROPRIATE LOCATIONS IN THE FIELD AND BEHIND THE BACK OF CURB. EXISTING CURB AND GUTTER AND BITUMINOUS ROAD IS TO REMAIN AND SHALL BE PROTECTED FROM DAMAGE. ANY DAMAGED CURB AND GUTTER OR ROADWAY WILL BE REPAIRED BY THE CONTRACTOR AND PAID FOR SOLELY BY THE CONTRACTOR. SEE DETAILS AND SPECIFICATIONS.

LEGEND

- 3-7" BIR EXISTING TREE
- EXISTING FIRE HYDRANT
- EXISTING WATER MANHOLE
- EXISTING MANHOLE
- EXISTING ELECTRIC MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM SEWER MANHOLE
- EXISTING CATCH BASIN MANHOLE
- EXISTING CATCH BASIN
- EXISTING LIGHT POLE
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM SEWER LINE
- EXISTING UTILITY POLE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING UNDERGROUND GAS LINE
- EXISTING GATE VALVE
- EXISTING CONTOUR
- EXISTING SPOT ELEVATIONS
- PROPOSED CONTOUR
- PROPOSED SPOT ELEVATION
- DENOTES SURFACE DRAINAGE
- PROPOSED SAWCUT LINE
- APPROXIMATE SOIL BORING LOCATION
- SILT FENCE
- EROSION CONTROL AT CB/MH
- EXISTING TREE TO BE REMOVED

PIERCE PINI & ASSOCIATES

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FAX 763.537.1354

ASTRUP RESIDENCE
(900 SHADY LANE)

WAYZATA, MN

I hereby certify that this plan or drawing 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.

PIERCE PINI & ASSOCIATES, INC.

For

By *Tim Setala*

Name TIM SETALA

Date 05/21/2021 Reg. No. 53552

Issued for A PERMIT DRAWINGS

Date 05/21/21

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No.

Drawn JRH

Checked TPS

Date 05/21/21

Permit Drawings

Drawing Title

CIVIL NOTES AND
LEGEND

C100

PIERCE PINI &
ASSOCIATES

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by me or under my direct supervision and that I am
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For PIERCE PINI & ASSOCIATES, INC.

By *Jim Setala*

Name TIM SETALA

Date 05/21/2021 Reg. No. 53552

Issued for Date

A PERMIT DRAWINGS 05/21/21

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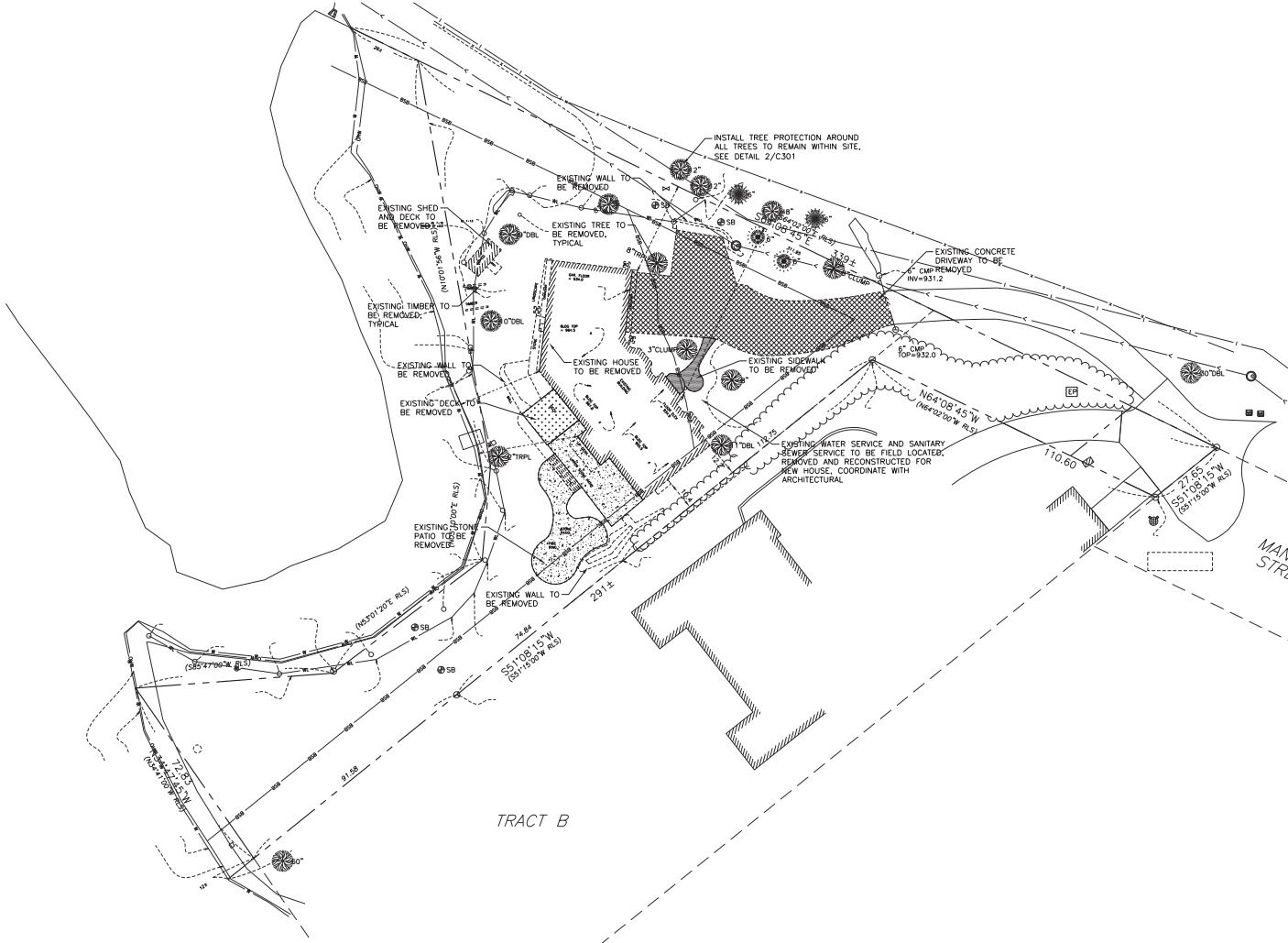
Date 05/21/21

Permit Drawings

Drawing Title

SITE DEMOLITION
PLAN

C200



NORTH
1
C200
SITE DEMOLITION PLAN

0 20' 40' 60'

1"=20'

WAYZATA, MN



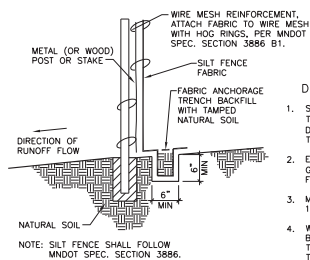


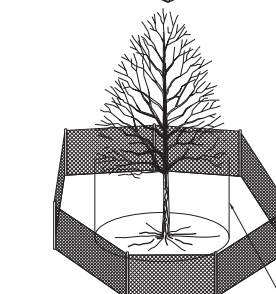
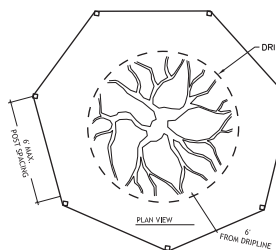
FIGURE 1 TYPICAL INSTALLATION FOR SILT FENCE

TABLE 1 MAXIMUM SLOPE LENGTH AND SLOPE FOR WHICH SILT FENCE IS APPLICABLE

SLOPE H:V	PERCENT	BY CALCULATION		BY ACCEPTED DESIGN PRACTICES	
		SILT FENCE STORAGE EQUALS 2 FT FOR A 100-YEAR EVENT	SILT FENCE STORAGE EQUALS 2 FT FOR A 2-YEAR EVENT OR 3 FT FOR A 100-YEAR EVENT	MAXIMUM SLOPE LENGTH	MAXIMUM SLOPE LENGTH
100:1	1%	400 FT	900 FT	100 FT	
50:1	2%	200 FT	450 FT	75 FT	
25:1	4%	100 FT	225 FT	75 FT	
20:1	5%	80 FT	180 FT	75-50 FT	
17:1	6%	67 FT	150 FT	50 FT	
12.5:1	8%	50 FT	112 FT	50 FT	
10:1	10%	40 FT	90 FT	50-25 FT	
5:1	20%	20 FT	45 FT	25-15 FT	
4:1	25%	16 FT	36 FT	15 FT	
3:1	33%	12 FT	27 FT	15 FT	
2:1	50%	8 FT	18 FT	15 FT	

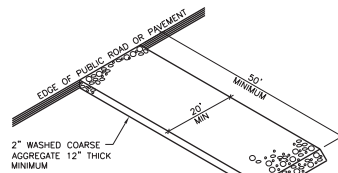
DESIGN RECOMMENDATIONS

1. SILT FENCES SHOULD BE INSTALLED ON THE CONTOUR (AS OPPOSED TO UP AND DOWN A HILL) AND CONSTRUCTED SO THAT FLOW CANNOT BYPASS THE ENDS.
2. ENSURE THAT THE DRAINAGE AREA IS NO GREATER THAN 1/4 ACRE PER 100 FT OF FENCE.
3. MAKE THE FENCE STABLE FOR THE 10-YEAR PEAK STORM RUNOFF.
4. WHERE ALL RUNOFF IS TO BE STORED BEHIND THE SILT FENCE, ENSURE THAT THE MAXIMUM SLOPE LENGTH BEHIND THE FENCE DOES NOT EXCEED THE SPECIFICATIONS SHOWN IN TABLE 1.

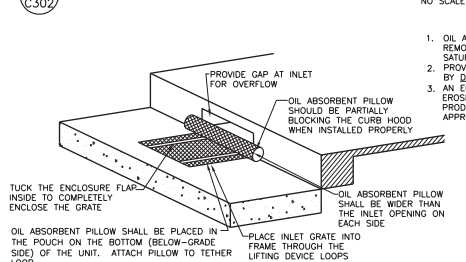


TREE PROTECTION NOTES:

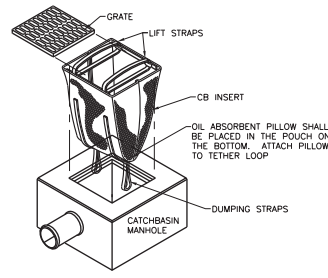
- 1) ALL TREE PROTECTION FENCING AND EROSION CONTROL FENCING SHALL BE INSTALLED ACCORDING TO THE PLANS PRIOR TO ANY DEMOLITION. AFTER DEMOLITION OR AS NECESSARY, TREE PROTECTION FENCING MAY BE RELOCATED WITH APPROVAL FROM THE LANDSCAPE ARCHITECT. ALL TREE PROTECTION FENCING AND EROSION CONTROL DEVICES SHALL BE MAINTAINED FOR THE DURATION OF THE CONSTRUCTION PERIOD.
- 2) CONTRACTOR SHALL NOT STORE ANY MATERIALS OR PARK ANY VEHICLES IN TREE PROTECTION ZONES. THE FENCE SHALL PREVENT TRAFFIC MOVEMENT AND THE PLACEMENT OF TEMPORARY FACILITIES, EQUIPMENT, STOCKPILES AND SUPPLIES FROM HARMING VEGETATION WITHIN THE LIMITS OF PROTECTION.
- 3) THE CONTRACTOR SHALL CLEANLY CUT ALL ROOTS EXPOSED BY GRADING AS DIRECTED BY THE LANDSCAPE ARCHITECT.
- 4) THE CONTRACTOR SHALL USE DESIGNATED CONSTRUCTION ENTRANCES AND STAGING AREAS.



3 GRAVEL CONSTRUCTION ENTRANCE



4 CATCHBASIN CURB BOX INLET EROSION CONTROL



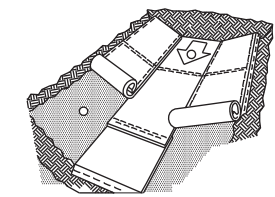
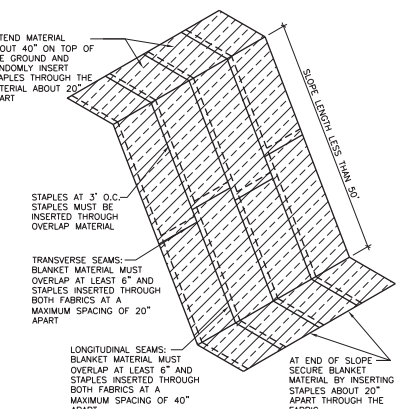
1. OIL ABSORBENT PILLOW SHALL BE REMOVED AND REPLACED WHEN NEAR SATURATION.
2. USE DANDY'S BAG II AS MANUFACTURED BY DANDY'S PRODUCTS, INC.
3. AN EQUIVALENT CATCHBASIN EROSION CONTROL INSERT METHOD OR PRODUCT MAY BE USED WITH PRIOR APPROVAL FROM ENGINEER.

8 CB INSERT EROSION CONTROL

1 HEAVY DUTY SILT FENCE DETAIL



2 TREE PROTECTION DETAIL



1. BEFORE INSTALLATION APPLY TOPSOIL, FERTILIZER AND SEED TO SURFACE.
2. BEGIN AT THE TOP OF THE CHANNEL, INSTALL MATS BY ANCHORING IN A 6" DEEP BY 6" WIDE TRENCH WITH APPROXIMATELY 12" OF MAT EXTENDED BEYOND THE UP-SLOPE PORTION OF THE TRENCH. ANCHOR WITH A ROW OF STAPLES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF MAT BACK OVER SEED AND SOIL. SECURE MATS WITH A WITH A ROW OF STAPLES SPACED APPROXIMATELY 12" APART ACROSS THE WIDTH OF THE MATS.
3. ROLL CENTER MATS IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL.
4. PLACE CONSECUTIVE AND ADJACENT MATS END OVER END (SHINGLE STYLE) WITH A MINIMUM 6" OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER TO SECURE OVERLAPPED MATS.
5. FULL LENGTH EDGE OF MATS AT TOP OF SIDE SLOPES MUST BE ANCHORED WITH A ROW OF STAPLES APPROXIMATELY 12" APART IN A 6" DEEP BY 6" WIDE TRENCH.
6. THE TERMINAL END OF MATS MUST BE ANCHORED WITH A ROW OF STAPLES APPROXIMATELY 12" APART IN A 6" DEEP BY 6" WIDE TRENCH.
7. BACKFILL AND SEED AFTER STAPLING.
8. FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR PROPER INSTALLATION.

EROSION STABILIZATION MATS



7 COIR LOG



5 EROSION CONTROL BLANKET



1. EROSION CONTROL BLANKET TO BE CATEGORY 4-COCOONUT ZS FOR SLOPES GREATER THAN 5:1 AND SIDES AND BOTTOM OF ALL DRAINAGE SWALES AND PONDING AREAS AND CATEGORY 2-STRAW ZS FOR ALL SLOPES LESS THAN 5:1 PER MNDOT SPEC. SECTION 3885.
2. INSTALL PER MNDOT SPEC. SECTION 2575

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ASTRUP RESIDENCE (900 SHADY LANE)

WAYZATA, MN

I hereby certify that this plan or drawing 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.

For: PIERCE PINI & ASSOCIATES, INC.

By: *Jim Setala*

Name: TIM SETALA

Date: 05/21/2021 Reg. No. 53552

Issued for: Date: 05/21/21

A PERMIT DRAWINGS

Drawn: JRH

Checked: TPS

Date: 05/21/21

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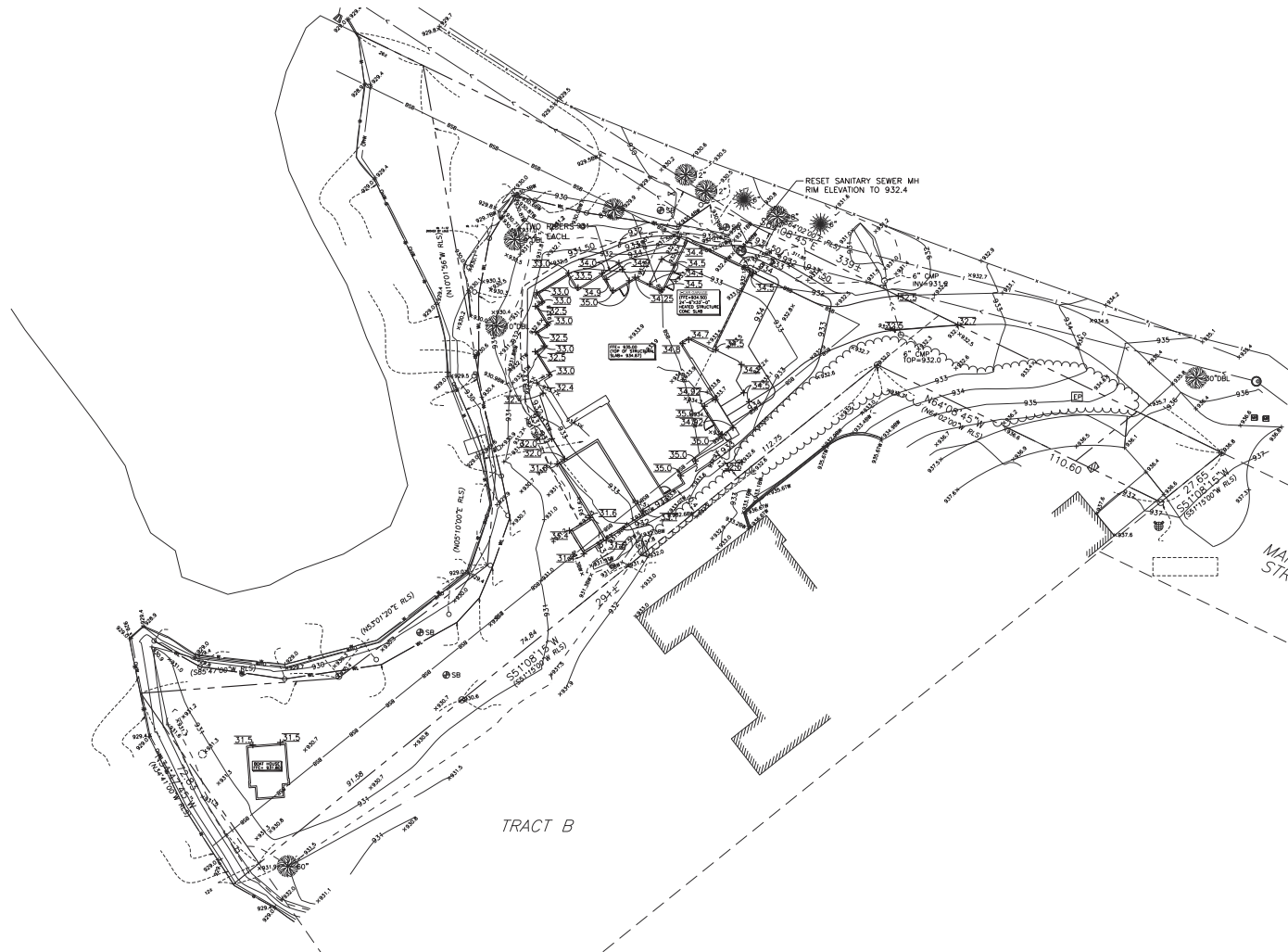
Date: 05/21/21

Permit Drawings

Drawing Title

EROSION AND SEDIMENT CONTROL - DETAILS

C302



NORTH
1
C400
GRADING AND DRAINAGE PLAN
0 20' 40' 60'
1"=20'

PIERCE PINI & ASSOCIATES

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ASTRUP RESIDENCE (900 SHADY LANE) WAYZATA, MN

I hereby certify that this plan or drawing 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.

For: PIERCE PINI & ASSOCIATES, INC.

By: *Tom Setala*

Home: TM SETALA

Date: 05/21/2021 Reg. No. 53552

Issued For	Date
A PERMIT DRAWINGS	05/21/21

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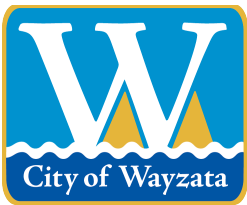
Date: 05/21/21

Permit Drawings

Drawing Title

GRADING AND
DRAINAGE
PLAN

C400



City of Wayzata Planning Commission Agenda Report

MEETING DATE: June 7, 2021	AGENDA ITEM: 5.b
TITLE: Consider Development Application for a Planned Unit Development Amendment and Variance for the Rice Street Townhomes at 520, 524, 530, and 534 Rice Street East	
PREPARED BY: Nick Kieser, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: July 24, 2021	

BACKGROUND:

The property owner and applicant, Pillar Homes Partner Inc., has submitted a development application for completion of the development of the Rice Street Townhomes on 520, 524, 530, and 534 Rice Street East. The project would construct two new townhome buildings, with two units in each building. The properties are part of a Planned Unit Development (PUD) that was originally approved in 2005, and in which one of the three planned townhome buildings has been constructed.

In 2019, City staff met with the applicant on the unfinished portion of the Rice Street Brownstones project which had been vacated for close to 15 years. After some deliberation, the new local developer ultimately indicated to staff that they would complete the project as originally approved, thus no development approval was needed.

In 2020, when City staff was reviewing the building permit and plans for one of the buildings, staff misinterpreted the proposed changes between the new building and the 2005 PUD General Plans and incorrectly issued a building permit for the middle building (Building 2). In early 2021, construction commenced.

In March 2021, residents adjacent to or near the Rice Street Brownstones alerted Council Members and staff that the changes that were administratively permitted to the original plan should have been reviewed in a PUD Amendment and variance request process. After reviewing this concern with the City Attorney, staff agreed that the changes needed to be considered through the PUD Amendment and variance process and that major construction be halted immediately. Work halted on Friday, March 26. The applicant received approval from the City Building Official to do work to secure the project until the public review process is completed.

The applicant is requesting a PUD Amendment and a Variance from the R-4 and R-5 Standards applicable in the PUD District. The requests are further summarized in the attached report.

The Applicant withdrew a previous application on the property that was reviewed by the Planning Commission on May 3, 2021, and for which the Commission adopted a Report and Recommendation of denial. Four public comments are also attached.

ACTION REQUESTED:

After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should consider adoption of either the draft *Planning Commission Report and Recommendation of Approval or Denial*, with appropriate findings based on the Commission discussion.

ATTACHMENTS:

1. Public Comments Received by 6/3/2021
2. Draft PC Report PUD Amendment and Variance Approval - Rice Street Townhomes
3. Draft PC Report PUD Amendment and Variance Denial - Rice Street Townhomes

4. Staff Report and Plans

May 27, 2021

Mayor Mouton, City Council and Planning Commission,

I am writing regarding the Rice Street Brownstone development.

In January 2021 I signed a purchase agreement with Pillar Homes to purchase 530 Rice Street. As part of that purchase agreement, I have also made a 30% down payment to the builder. Over the past 5 months I have been working with the builder and an interior design team I have hired to build my dream home in Wayzata. I am very much looking forward to joining the community and living closer to my family members.

However, I have become overly concerned about the proposed changes being requested by the neighbors and city. Several concerns raised do not directly impact the property I have purchased, so I will focus my comments on the requested changes affecting 530 Rice Street. Fortunately, my concerns relate to only two elements of the proposed development – the windows and the rooftop. I am seeking to understand the issues around these elements and how we can come to a compromise that will unite, rather than the divide, the neighborhood.

Windows

I have been working very hard with my interior designers to create a contemporary home within this traditional brick structure – to which the rectangular windows played favorably. The request to change the windows on the main floor and upper level to arches and half rounds from rectangles would greatly impact the work I have done from a time and monetary standpoint, as well as the feel of the home. I understand the cities desire for continuity and believe there is a balance that can be struck if all parties are willing to come to the table to find a win-win solution in keeping the buildings in harmony with one another, yet current to today's trends. Pillar Homes original plans, where a permit was granted, accomplished that goal by maintaining an arched feel on the exterior with a rectangular window in the interior. I previously lived in a similar style home – brick and limestone exterior, with both arched and rectangular windows - so I have confidence that a solution can be found to maintain the esthetic of the development and neighborhood.

Rooftop

The addition of a room to the rooftop/creating a 4th floor was never something I entertained or desired, however, I am seeking a landing that would provide handicap accessibility by extending the current elevator to all levels. I believe this can be accommodated without impacting the neighbors view of this townhome or the overall vision of the development. I am requesting this because I have a family member who is unable to ascend/descend a flight of stairs and would not be able to access the rooftop without an elevator. In addition to those with physical limitations, the elevator would be an added value as our population continues to age. The appearance of these requests will be negligible with the completed construction of the North Lake Townhomes on Walker Avenue S.

Building a home is a stressful time in anyone's life, and this process has been far from easy, but I remain committed to finding a resolution with the neighbors and city that adds to the great community of Wayzata.

Thank you & be well,

Nicole J. Dunham
Email: Ndunham31@aol.com
Cell: 612-968-9449

Nick Kieser

From: Christopher Vojta <cvojta@comcast.net>
Sent: Tuesday, June 1, 2021 11:51 AM
To: Public Comment
Cc: cvojta@comcast.net; Tony Straszewski
Subject: Regarding Rice Street Townhomes 520 524 530 534

This letter is a follow-up to our statement from the previous Public Hearing regarding the above.

We are the Vojta's at 125 Walker Ave S.

The proposed modifications are unacceptable to us as there is a legal PUD already in place. Our position has not changed from that earlier expressed.

Specifically, all setbacks, height restrictions, patio sizes and designs/materials should be respected as that was what was agreed upon in the original PUD. This means, the current building with its 4.5 foot setback variance should be taken down immediately.

Finally, we are **extremely troubled** by the fact that our own city is treating a developer preferentially and even considering these absolutely unnecessary changes. The city has supported multiple meetings with the developer, for example, but only now has finally agreed to meet specifically with us, the affected taxpayers and voters.

There were and continue to be multiple mis-statements of facts: for example, there is no engineering requirement to have large decks in the rear with support posts; there is no requirement to change the original footprints of the latter building due to the storm drain, but rather the proposal increases the size of the building being built.

When we did our extensive renovation, we respected the code and the beauty it enforces in our neighborhood.

As taxpayers, we request that the city support us as its citizens and do not allow this unnecessary set of changes.

Please feel free to contact me with questions.

Christopher Vojta
cvojta@comcast.net
612 965 9547

Anthony Straszewski527
Rice Street East
Wayzata, Minnesota 55391
(763) 242-3441
tstraszewski2@gmail.com

June 3, 2021

Sent via email: PublicComment@Wayzata.org, lindsaybashoum@wayzata.org, peggydouglas@wayzata.org,
gregoryflannigan@wayzata.org, lauramerriam@wayzata.org, jeffreyparkhill@wayzata.org, christineplantan@wayzata.org,
Olariissa@larissastockton.com, w/ copies to City of Wayzata Council Members

Wayzata Planning Commission
600 Rice Street East
Wayzata, MN 55391

RE: **June 7, 2021, Public Hearing 520, 524, 530, 534 Rice Street East, PUD AmendmentAnthony Straszewski Public Comments for the Record**

City of Wayzata Planning Commissioners,

My position has not changed since the May 3, Planning Commission Meeting:

- My wife and I relied on the City's assurance that the referenced PUD would be built as approved.
- It is not fair to Kathleen Nash, Tom Robbins and John & Rhonda Adams that their negotiated 2006 PUD zoning height and setback restrictions be overturned because the current developer is seeking to increase his profits.
- City Code requires ANY changes to a PUD be approved by City Council, and the developer's variance application does not include many of the changes he has made and plans to make
- The structure at 530-534 Rice Street is in violation of the PUD zoning.
 - The structure exceeds the front yard setback by over four feet.
 - The structure will exceed the 32 foot 3-inch building height restriction.
 - Unit #4 height/roofline is not stepped down from unit #3.

Since the May 3, meeting, and setting the record straight:

- **Working Drawings:** Wayzata City Attorney is not correct in his position that the working drawings/plans drafted by Jon Monson, licensed architect of record, and submitted by John Adams, original developer, do not apply to the PUD zoning. **In fact, the working drawings are incorporated by reference in the Development Agreement recorded with Hennepin County. Here is the reference lifted directly from the recorded Development Agreement.**

2. **PUD General Plan Approval.**

A. **Grant of PUD.** The City, pursuant to City Code Zoning Ordinance Section 33 and City Code Zoning Ordinance Section 801.33.2.A, approves the PUD General Plan subject to the conditions set forth in this Agreement and the conditions in the City Resolutions. The Property shall be developed, and all improvements installed and maintained, in accordance with the Plans listed below (the "Plans") which, subject to the additional or varying requirements stipulated in this Agreement, satisfy the requirements of the Zoning Ordinance of the City and other applicable ordinances, except as may otherwise be set forth in this Agreement. The Property, developed in accordance with the Plans and this Agreement, shall be referred to as the "Project." Reduced copies of these Plans are attached to this Agreement with large-scale copies of the Plans, which are or will be on file with the City, and are incorporated into this Agreement by reference. **The Plans, as specified below, may be amended or prepared, subject to City approval, after entering this Agreement, but shall be filed by Developer with the City and must be approved by the City before issuance of building permits. The recorded copy of this Agreement, as required below, shall be considered amended by the Plans as submitted to the City.** To the extent required by the City, the parties shall execute an agreement acknowledging any amendment to this Agreement or documents referenced by this Agreement and record the same with the appropriate Hennepin County land records for the Property. If, during the course or after completion of the Project, the City determines that any of the new improvements are not adequate to serve the Project, or do not satisfy the performance standards of the City or other governmental agency, then the City may require modifications in such Plans and the improvements shown thereon to correct such deficiencies, and the City shall not be estopped from making such requirements notwithstanding its approval of the original Plans. If the Plans vary from the written terms of this Agreement, the written terms shall control. The Plans are as follows:

- **Front Yard Setback** (page 119 of the May 3, PC Packet):
 - Pillar Homes fabricated the rationale for moving building #3 six feet and building #2 over four feet beyond the PUD zoning setbacks. Rather, the developer was attempting to add square footage to both buildings. Building #2 was moved forward to increase the height and accommodate a seven hundred square foot fourth story. Building #3 was moved forward to accommodate a seven hundred square foot fourth story and an additional 427 square feet in unit six. This additional 1,827 square feet at \$772/sq ft (using Zillow average for Wayzata comps) would add \$1,410,444 to Pillar Homes top line revenue.
 - City Engineer, Mike Kelly, truthfully testified during the May 3, Planning Commission Hearing that the original storm sewer was properly engineered and built, and that the 2006 PUD plans required a smaller footprint for unit #6 to accommodate the storm sewer. In other words, the storm sewer had nothing to do with the Pillar Homes plans to move the buildings forward, ignoring the 2006 PUD setbacks.
 - Commissioner Laura Marriam astutely enquired and revealed during the May 3, Public Hearing that Pillar Homes completed their storm sewer survey in March of 2021, an underhanded attempt to support their false narrative.
 - See the page 238 of the May 3, Planning Commission Report for direct testimony from the architect of record for the 2006 PUD, Jon Monson.

The Rice Street Neighbors (at least nine households) agree that we will not concede to any changes to the PUD zoning, especially setbacks and height restrictions. City Staff and the Planning Commission must include the full set of working drawings in their analysis and recommendation (again, incorporated by reference into the recorded PUD and subject to PUD zoning requirements). I respectfully ask that you deny the Applicant's request for a variance and recommend to the City Council that they order the immediate removal of the violating structure and compel Pillar Homes to start over in accordance with the PUD zoning.

Many have stated the Planning Commission and City Council will do well to conduct their analysis as if the violating structure had not yet been built, and the developer were seeking the variance before construction commenced. I agree.

Yours truly,

Tony Straszewski

-----Original Message-----

From: kelly harrington <kelly@lovelykellyharrington.com>

Sent: Thursday, June 3, 2021 9:33 PM

To: Public Comment <publiccomment@wayzata.org>

Subject: Rice Street Brownstones

To Whom it May Concern:

My husband and I moved into 540 Rice Street East on April 2nd, 2021. We are thrilled with where we are and look forward to being involved in the community.

I have attended the City planning meeting, the meeting held by Pillar Homes last night and the meeting with the city attorney and city planner that was held this morning.

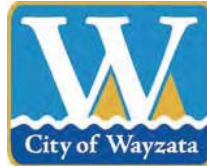
Finally, I think I have a pretty clear picture of where everything currently stands.

It is my hope as this progresses, that the developer is held to the same standards that all the surrounding neighbours have been held to and followed. It is clear that the city made an error in approving the project. That does not mean that the project should be allowed to continue. It is too close to the road and it is too high. Period.

I so no need to get into the details of surveys, pipes, water lines, garage depth, porches, windows etc... It simply is not within the codes that the city has laid out.

If an exception is made here, where will it end?

Thank you,
Kelly Harrington



WAYZATA PLANNING COMMISSION

June 7, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF PUD AMENDMENT AND VARIANCE AT 520, 524, 530, 534 RICE STREET E

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of PUD Amendment

Approval* of Variance from PUD District standards for Amended PUD Plan

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Application. The property owner and applicant, Pillar Homes Partner Inc., (the "Applicant") has submitted an application for completion of the development of the Rice Street Townhomes project on 520, 524, 530, and 534 Rice Street East (legally described on Attachment B, the "Property"). The Property is part of a Planned Unit Development (PUD) that was originally approved in 2006 (the "Existing PUD"), and in which one of three planned townhome buildings has been constructed. The Applicant proposes to construct the remaining two buildings with the modifications reflected in the plans submitted with the Application (the "Project"). The Applicant withdrew a previous application for constructing the remaining two buildings on the Property that was reviewed by the Planning Commission on May 3, 2021, and for which the Commission adopted a Report and Recommendation of denial.
- 1.2 PUD Amendment and Variance Requested. The Application includes the requests for approval of (i) a PUD Amendment to amend the plans approved for the Existing PUD to incorporate the plans shown on Attachment A (the "Amended PUD Plan" or "PUD Amendment"); and (ii) a variance from the PUD District standards to the extent the Amended PUD Plan differs from those standards (the "PUD Variance").

1.3 Property. The addresses, property identification numbers, and owner of the Property in the PUD is identified on Attachment B.

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

Zoning:	PUD / Planned Unit Development
Comp Plan:	High Density Residential

1.5 Notice, Neighborhood Meeting, and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on May 27, 2021 and mailed to all property owners located within 500 feet of the Property on May 26, 2021. The Applicant hosted a neighborhood meeting on June 2, 2021 via the audio/video conferencing platform Zoom. The public hearing on the Application was held at the June 7, 2021 Planning Commission meeting.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 933.09 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD as is followed for a new PUD.
- B. Intent and Purpose of PUDs. Chapter 933 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 933.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. 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 933.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 933.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
 14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- D. Residential PUD Standards. Sections 933.03 sets forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential component. 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 PUD Variance. Under the PUD Chapter of the Zoning Ordinance, multi-family PUD development projects must follow the general standards of the R-4 or R-5 Zoning Districts. Townhomes are an allowed use in both the R-4 and R-5 Districts but some of R-5 and R-4 standards, such as setbacks, are different in the Existing PUD and the Amended PUD Plan. Section 905.01.C provides the criteria for reviewing a variance from the standards of the Zoning Ordinance. These criteria are:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.

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

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 Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the “Amended PUD”) conforms with the overall intent and purpose of a PUD as outlined in Chapter 933 of the Zoning Ordinance, and the intent and purpose of the Existing PUD.

- B. Intent and Purpose of PUDs. The Amended PUD would continue to encourage the following, as noted in the findings for approval of the Existing PUD:
1. The conservation and more efficient use of land in the PUD through a site specific arrangement of three related townhomes.
 2. The preservation and enhancement of desirable site characteristics.
 3. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 4. An efficient use of land resulting lower development costs and public investments.
- C. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 933.2.A and in Section 2.1 of this Report, which would continue to be met as they are within the Existing PUD. The PUD Amendment will mainly allow for an updated building design that is related to the previous development of the site, and current market conditions and construction processes. The PUD Amendment would not include any other significant changes (other than those reflected in the PUD Amendment) to the previously approved and Existing PUD, including the general style, unit number, size, footprint, and height of the Applicant's buildings.
- 3.2 PUD Variance. The PUD Variance meets all of the standards for granting a variance under the Zoning Ordinance:
- A. The PUD Variance, and its relation to the Existing PUD and the Amended PUD Plan, is in harmony with the general purposes and intent of the Zoning Ordinance and the current PUD Zoning District in terms of proposed multi-family residential uses and townhome building design and construction; and is consistent with the High Density Residential guidance of the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with all of the PUD District Standards, in that:
1. The Applicant's proposal for the Property is reasonable in that it would complete the two unfinished buildings contemplated by the Existing PUD but would require certain standards not permitted in the R-4 and R-5 Districts;

2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that Applicant seeks to complete a previously approved PUD according to the uses and buildings contemplated by the Existing PUD; and
 3. The PUD Variance, if granted, will not alter the essential character of the locality in that the uses and buildings under the PUD Amendment would be substantially similar to those in the Existing PUD.
- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the parameters of the Property, previous development in the Existing PUD, requirements of stormwater management, and other code compliance considerations.
- D. The PUD Variance is not a use variance.
- E. The Application submitted by the Applicant set forth reasons that the PUD Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.

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) the PUD Amendment, and (ii) the PUD Variance, subject to the following conditions:
- A. The Applicant must secure all necessary building permits for construction on the lots of the Proposed Subdivision, and follow all laws and regulations applicable to the construction on the Property, including building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
 - B. Stormwater Facilities, Grading, Drainage, and Erosion Plans for the Project the must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
 - C. The Applicant must build and complete the Project in conformance, in all material respects, with the Amended PUD Plan.
 - D. The Applicant must enter into a new or amended PUD Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of this Resolution,

amends the lapsed construction deadlines therein to allow for timely completion of the Project, and maintains all other conditions of previous approvals for the Existing PUD that are not superseded by the approvals this Resolution.

- E. 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 7th day of June 2021.

Attachments:

Attachment A: PUD Amendment

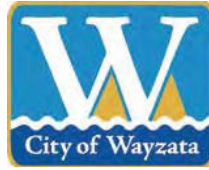
Attachment B: Information and Legal Description of Property

Attachment A:
PUD Amendment / Amended PUD Plan

DRAFT

Attachment B:
Property Information

Addresses	PIDs	Owner
534 Rice Street East	06-117-22-24-0098	Pillar Homes Partner, Inc.
530 Rice Street East	06-117-22-24-0099	
524 Rice Street East	06-117-22-24-0100	
520 Rice Street East	06-117-22-24-0101	



WAYZATA PLANNING COMMISSION

June 7, 2021

REPORT AND RECOMMENDATION OF DENIAL OF PUD AMENDMENT AND VARIANCE AT 520, 524, 530, 534 RICE STREET E

DRAFT

SUMMARY OF RECOMMENDATION

Denial* of PUD Amendment

Denial* of Variance from PUD District standards for Amended PUD Plan

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Application. The property owner and applicant, Pillar Homes Partner Inc., (the “Applicant”) has submitted an application for completion of the development of the Rice Street Townhomes project on 520, 524, 530, and 534 Rice Street East (legally described on Attachment B, the “Property”). The Property is part of a Planned Unit Development (PUD) that was originally approved in 2006 (the “Existing PUD”), and in which one of three planned townhome buildings has been constructed. The Applicant proposes to construct the remaining two buildings with the modifications reflected in the plans submitted with the Application (the “Project”). The Applicant withdrew a previous application for constructing the remaining two buildings on the Property that was reviewed by the Planning Commission on May 3, 2021, and for which the Commission adopted a Report and Recommendation of denial.
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Comp Plan:	High Density Residential

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 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.
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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.
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10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.2.A.10.
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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 PUD Standards. Sections 933.03 sets forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential component. 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 PUD Variance. Under the PUD Chapter of the Zoning Ordinance, multi-family PUD development projects must follow the general standards of the R-4 or R-5 Zoning Districts. Townhomes are an allowed use in both the R-4 and R-5 Districts but some of R-5 and R-4 standards, such as setbacks, are different in the Existing PUD and the Amended PUD Plan. Section 905.01.C provides the criteria for reviewing a variance from the standards of the Zoning Ordinance. These criteria are:
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- C. “Practical difficulties,” as used in connection with the granting of a variance, means that:
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- 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.

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 Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the “Amended PUD”) does not conform with the overall intent and purpose of a PUD as outlined in Chapter 933 of the Zoning Ordinance, and the intent and purpose of the Existing PUD.

B. Intent and Purpose of PUDs. The Amended PUD would not encourage the following:

1. The conservation and more efficient use of land in the PUD through a site specific arrangement of three related townhomes.
2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers, in that the Amended PUD would eliminate and/or detract from many of the thoughtful and well-designed aspects of the plans for the Existing PUD.
3. The preservation and enhancement of desirable site characteristics, such as the size of the front yard of Building 2 and the building heights of Building 2 and 3 which deter views of Lake Minnetonka.
4. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
5. A more desirable and creative environment than might be possible through the strict application of the current PUD District zoning.

3.2 PUD Variance. The PUD Variance does not meet all of the standards for granting a variance under the Zoning Ordinance:

- A. The PUD Variance, and its relation to the Existing PUD, is not in harmony with the general purposes and intent of the Zoning Ordinance and the current PUD Zoning District as noted elsewhere in this Report.
- B. The Applicant has not established that there are practical difficulties in complying with all of the PUD District Standards, in that:
 1. The Applicant's proposal for the Property is unreasonable in that it would not complete the two unfinished buildings in accordance with the well-considered and designed plans for the Existing PUD;
 2. The plight of the Applicant is not due to circumstances unique to the Property and is created by the Applicant, in that Applicant has not followed the previously approved plans associated with the Existing PUD; and
 3. The PUD Variance, if granted, will alter the essential character of the locality in that the changes associated with the proposed buildings under the PUD Amendment, including setbacks and staggering of units within Building 2, would not be substantially

similar to those in the well-considered and designed plans of the Existing PUD.

- C. The Application submitted by the Applicant does not set forth reasons that the PUD Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the (i) the PUD Amendment, and (ii) the PUD Variance.

Adopted by the Wayzata Planning Commission this 7th day of June 2021.

Attachments:

Attachment A: PUD Amendment

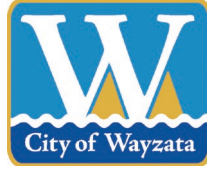
Attachment B: Information and Legal Description of Property

Attachment A:
PUD Amendment / Amended PUD Plan

DRAFT

Attachment B:
Property Information

Addresses	PIDs	Owner
534 Rice Street East	06-117-22-24-0098	Pillar Homes Partner, Inc.
530 Rice Street East	06-117-22-24-0099	
524 Rice Street East	06-117-22-24-0100	
520 Rice Street East	06-117-22-24-0101	



**Planning Report
Wayzata Planning Commission
June 7, 2021**

Project Name: Rice Street Townhomes
Applicant Pillar Homes Partner, Inc.
Addresses of Request: 520, 524, 530, and 534 Rice Street East
Prepared by: Nick Kieser, Assistant Planner
“60 Day” Deadline: July 24, 2021

Development Application

Introduction

The property owner and applicant, Pillar Homes Partner Inc., has submitted a development application for completion of the development of the Rice Street Townhomes on 520, 524, 530, and 534 Rice Street East. The project would construct two new townhome buildings, with two units in each building. The properties are part of a three townhome building Planned Unit Development (PUD) that was originally approved in 2005, and in which one of the three planned townhome buildings has been constructed.

The Applicant withdrew a previous application on the property that was reviewed by the Planning Commission on May 3, 2021, and for which the Commission adopted a Report and Recommendation of denial.

Property Information

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

Addresses	PIDs	Owner
534 Rice Street East	06-117-22-24-0098	Pillar Homes Partner, Inc.
530 Rice Street East	06-117-22-24-0099	
524 Rice Street East	06-117-22-24-0100	
520 Rice Street East	06-117-22-24-0101	

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

Current Zoning	2040 Comp Plan Land Use Designation
Planned Unit Development	High Density Residential

Project Location

The properties are located between Minnetonka Avenue South and Walker Avenue South on the south side of Rice Street East.

Maps 1 and 2: Project Location



Source: Hennepin County Interactive Map

Application Requests

The Applicant is requesting approval of the following:

- A. Planned Unit Development Amendment (Ch. 933): The requested Amendment to the existing PUD would incorporate the Applicant's current plans for the proposal that would complete the previously approved PUD project with the same types of uses and structures contemplated in the originally approved PUD, namely, two multi-family residential buildings with comparable layouts, shape, materials, number of units, and general style. The proposed modifications to the PUD plans require a PUD Amendment.
- B. Variance from the R-4 and R-5 Standards Applicable in the PUD District (§ 933.03.A.6): Multi-family PUDs are required to follow the R-4 or R-5 District standards. The proposed project would require a variance from these standards to allow it to be constructed as proposed.

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	Single-Family	R-3A Single and Two Family Residential District	Central Core Residential
East	City Hall	Institutional	Institutional/Public
South	Townhomes/ Commercial	PUD/C-1 Office and Limited Commercial District	Mixed-Use Commercial/Residential
West	Commercial	PUD	Mixed-Use Commercial/Residential

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on May 27, 2021 and mailed to all property owners located within 500 feet of the subject property on May 26, 2021.

Neighborhood Meeting

The Applicant hosted a neighborhood meeting on June 2, 2021 on the audio/video conferencing platform Zoom. There was ten participants in attendance for the Zoom meeting. The applicant gave a description of the proposed project and application. The participants commented and asked questions regarding building height, front yard setbacks, rear deck, and other components of the project.

Analysis of Application

Background

In 2005-2006, a new PUD District was approved which incorporated the properties listed above along with 540 & 544 Rice Street East, 206 Minnetonka Ave S, and an additional property to the south (which does not have an address but is the driveway and parking area for the townhomes). The approved PUD was to include three new separate townhome buildings with six units total, two in each building. Since the 2005-2006 PUD approval, one of the three buildings has been completed in the PUD District (Building 1). The additional properties have since been vacant and recently sold to the Applicant and current owner.

2005 PUD General Plan

In August 2005, Resolution 2887 was approved by the City Council which approved the General Plan for the PUD District. A condition stated in the Resolution was that the Applicant must enter into a Development Agreement with the City for the development of this project. The required Development Agreement between the City of Wayzata and Rice Street Brownstones, LLC was executed in July 2006 (see attached). The July 2006

Development Agreement states the PUD must be constructed in accordance with the General Plans:

- Floor Plans dated 6/10/2005
- Grading and Drainage Plan dated 6/10/2005
- Renderings dated 6/10/2005
- Site Plans dated 6/10/2005
- Storm water storage area detail
- Utility Plan dated 2/14/2006
- Survey by Advance Surveying and Engineering dated 6/20/2005

These plans are used to analyze this Application for a PUD Amendment and Variances. These plans are attached to this staff report. They are generally referred to in this report as the 2005 PUD General Plan.

Construction of Building 2 Halted

The current owner and Applicant proposes to complete construction of the remaining two townhome buildings with modifications that are described in more detail later in this report. Construction on the middle building (Building 2) commenced this year. However, after further review of the PUD plans and PUD Development Agreement (DA), it was determined that a building permit for Building 2 was issued incorrectly and construction was halted until such time as the current project receives the necessary approvals that are requested in the Application and noted above. The Applicant has also included plans for Building 3 in this application.

Previous 2021 Application

The Applicant withdrew a previous 2021 application for a proposal on the property that was reviewed by the Planning Commission on May 3, 2021, and for which the Commission adopted a Report and Recommendation of denial.

Comparison with Previous 2021 Application

The key changes from the previous application that was reviewed at the May 3, 2021 Planning Commission Meeting include:

- The proposed front building setback of Building 3 has changed from 0.5 feet to 6.5 feet by reducing the proposed length of the building.
- Additional information and clarity has been provided that the proposed buildings would be built with full brick and a limestone accent material.
- All of the tops of the windows now have a curved architectural cornice and limestone accent/banding around the windows. The front façade bottom floor windows are proposed rectangular which match the existing Building 1 windows.
- The limestone banding has been included in the plan elevations.
- The parapet wall has been lowered on the rooftop by 8 inches on Building 2 and 3.
- A landscape plan has been provided by the applicant.

- The footing for the rear deck of Building 3 has been removed and the rear deck is now cantilevered out from the building.
- The rooftop enclosure is now proposed to be constructed with a steeper angle on the north and south sides.
- The width of the rooftop enclosure of 520 Rice Street East has been reduced from 11 feet to 8 feet which has also reduced the total area by approximately 20 square feet.

Project Description

The proposed project would complete construction of the two additional buildings at 530 & 534 Rice Street East (Building 2) and 520 & 524 Rice Street East (Building 3).

- **Front Yard Setback** – The approved front yard setback in the existing PUD District is 6.5 feet. The setback is calculated from the front property line to the front building line. The setback for Building 2 is 2.1 feet and thus needs the requested approval, whereas the proposed setback for Building 3 would comply with the current PUD District at 6.5 feet. The applicant is requesting to keep the current setback for Building 2 in light of the fact there was a building permit issued incorrectly for the building at that setback. The additional right-of-way length in front of Building 2 and 3 is approximately 25 feet from the front property lines to the Rice Street curb. This length is in addition to the front yard setbacks.
- **Staggering of Unit Heights for Building 2** – The renderings from the PUD General Plan in 2005 show that Building 2 was to have a staggering of the unit heights (534 and 530 Rice Street East). Building 1 was constructed with a staggering of the units, but Building 3 was approved to be built without a staggering of the units, according to the 2005 plans. The approved plans do not give a measurement for what that elevation change should be from unit to unit. The applicant proposes to not stagger the units in the Building 2. The applicant is requesting to keep the current proposed roofline for Building 2 in light of the fact there was a building permit issued incorrectly for Building 2.
- **Building Materials** – The exact exterior building materials that were approved in 2005-2006 are difficult to determine, as the PUD Development Agreement and PUD plans do not specify the materials to be used. The materials used in the existing Building 1 were brick, as the main material, and limestone, as the accent material. The proposed Buildings 2 and 3 would be constructed with full brick as the main material and limestone as the accent material to match the existing Building 1 as best as possible with the materials currently available. A building material display is available for review on site.
- **Construction Deadline**
The original PUD project received several construction deadline extensions from those specified in the original PUD Agreement (DA). The last amendment that was approved extended the construction deadline to December 31, 2014. As part

of the application, the applicant is asking that the construction deadline in the DA again be extended for two years from the time of approval of the current application.

- **Approval of Proposed Plans**

Overall, the requested PUD Amendment would approve and incorporate the plans submitted with the application (and that are attached to this report) into the existing PUD. The proposed project would need to be constructed according to those attached plans, otherwise the applicant would need to return with a request for approval of a new PUD amendment (and any other needed approvals) if any of the plans are changed. Additional changes in the proposed plans compared to the plans in the original PUD include: exact locations of the windows, floor plans, removal of service door next to garage door, and removal of deck on third floor. The only proposed change to the front façade is the removal of one window on the most east and west side on the third floor. The proposed PUD Amendment would include all of these changes to allow the construction of the project according to the attached plans submitted with the application.

- **Variance from the R-4 and R-5 Standards**

Under the PUD Ordinance, multi-family PUD development projects must follow the R-4 or R-5 standards. Townhomes are an allowed use in the R-4 and R-5 Districts but some of R-4 and R-5 standards, such as setbacks, are different in the original PUD and PUD amendment requested. Thus, the application includes a request for a variance from these R-4 and R-5 standards to the extent they differ from the existing PUD and the PUD amendment requested. The practical difficulties stated include the location of the existing stormwater pipe and management system, and relating the new buildings to the existing PUD and the building that has already been built within the PUD.

Building Footprint Comparison of 2005 General Plan and Proposed PUD Plan

The proposed building footprints are listed in the following table. The following table also includes building footprint information from the 2005 PUD General Plan documents.

Building	Address	2005 Plans - Unit Footprint	Proposed Unit Footprint	Total Proposed Footprint
1 (existing)	540 Rice Street East	2,907 – 3,100 square feet	1,486 (existing)	2,908 square feet
	544 Rice Street East		1,422 (existing)	
2 (proposed)	534 Rice Street East	2,907 – 3,100 square feet	1,363	2,726 square feet
	530 Rice Street East		1,363	
3 (proposed)	524 Rice Street East	2,621 – 3,019 square feet	1,378	2,614 square feet

	520 Rice Street East		1,236	
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There is a range of footprint calculation displayed for the 2005 plans. This is due to the difference in the numbers provided on the Site Plan dated 6/10/2005 and the survey dated 6/20/2005. The building footprints of the proposed buildings were reduced to meet the limit of 75% impervious surface on all of the lots which is a required condition noted in the Resolution and Development Agreement.

Building Height Comparison of 2005 General Plan and Proposed PUD Plan

Building	Address	2005 Plans – Building Height	PUD Zoning District (§ 933.02.14.A)	Proposed Building Height (top of parapet)
1 (existing)	540 Rice Street East	34 feet	35 feet	Uncertain
	544 Rice Street East			Uncertain
2 (proposed)	534 Rice Street East	32 feet 3 inches		33 feet 1 inch
	530 Rice Street East			33 feet 1 inch
3 (proposed)	524 Rice Street East	32 feet		32 feet 10 inches
	520 Rice Street East			32 feet 10 inches

As noted above, the applicant has lowered the top parapet wall of Building 1 and 2 by eight inches from the previous 2021 application.

There is a lack of clarity in the 2005 General Plan in regards to building height. It is not clear from the documentation available how building height was calculated in 2005. More specifically, it is not clear if the 2005 General Plan used the average grade around the building in determining the height. Currently, surveyors are required to calculate the average grade around the entire site and that is used as the starting point to determine the building height. The current surveyor assembled information on the building height of the existing building (Building 1), as shown on the Building Height Comparison by Pillar Homes Partner, Inc. & Sathre-Berquist, Inc. dated 6/2/2021 (see attached). However, additional information on the average grade and how that was calculated is necessary in order to confirm the exact height of Building 1. The exact building height of Building 1 is not known because the City does not have an as-built survey on file for Building 1 showing that information.

Additionally, the ability to calculate the staggering of the unit heights is challenging since it is not clear if the building height was measured to the top unit, mid-point of the two units, or with a different technique. The proposed heights of Building 2 and 3 are calculated

from the average grade to the top of the parapet. Also, for all PUD applications, the building of 35 feet is used since that requirement is specifically stated in the Zoning Ordinance.

Building Setback Comparison of 2005 General Plan and Proposed PUD Plan

Building	Address	2005 Plans – Front Yard Setback	Proposed Front Yard Setback
1 (existing)	540 Rice Street East	6.5 feet	6.8 feet (existing)
	544 Rice Street East		6.8 feet (existing)
2 (proposed)	534 Rice Street East		2.1 feet
	530 Rice Street East		2.1 feet
3 (proposed)	524 Rice Street East		6.5 feet
	520 Rice Street East		6.5 feet

The table above shows the front yard setbacks of existing and proposed buildings. Building 3 is proposed to meet the 6.5 foot setback while Building 2 is proposed to have a front yard setback of 2.1 feet.

Additional Information

The proposed buildings would include a front entrance to Rice Street East. Each building would include a two-car garage entrance with driveway access to Walker Avenue South. The Rice Street Brownstone Homeowners Association (HOA) owns and maintains the driveway entrance and parking area property to the south of the proposed buildings. Underneath this parking area is a stormwater management system that controls all of the stormwater runoff for all of the property within the PUD. This stormwater management system was built during the construction of Building 1.

Retaining walls are proposed in the front of Buildings 2 and 3, similar to the existing Building 1, and would also incorporate landscaping and a sidewalk to the entrances. The retaining walls would require an encroachment permit that could be approved administratively. The sidewalk would be extended in the right-of-way along Rice Street East to connect with the driveway entrance to the property to the west. Currently, the sidewalk ends at the end of the property line for Building 1.

The length of existing Building 1 is approximately 63 feet. The length of Building 2 would be 60 feet, and the length of Building 3 would be 65 feet. The additional five feet for Building 3 over Building 2 would apply to the western unit only, since the lot for unit 6 is 7-11 feet longer than the lots for units 3-5.

The proposed buildings would have a deck for each unit on the rear of the buildings and a small balcony for each unit on the front of the buildings. The height of the buildings would be under 35 feet, as measured from the top of the guard rail on the rooftop. The

rooftop stairway enclosures were an approved amenity in the existing PUD, and the proposed buildings would incorporate a similar structure on the roof. Rooftop enclosures would be located on the roof for each unit. The windows would be stone arch windows, similar to the existing Building 1, accented with limestone trim.

The stormwater management system for the Rice Street Townhomes was constructed in 2005, essentially as shown on the “Grading and Drainage Plan, dated June, 10 2005, however the drawing does not show the storm water storage pipes that are located beneath the 6 stall parking area. The “storm water storage area detail” drawing shows the location of the stormwater storage pipes that are located beneath the 6 stall parking area, as well as the location of the 72 inch diameter Stormceptor structure. Together the storage pipes and structure provide the structural treatment and storage volume to treat stormwater for all 3 buildings as they were planned in 2005 at 75% impervious surface.

Public Comments

All public comments on the current application that have been received by the City as of June 3, 2021 are attached to this report.

Four comments were provided by the following members of the public:

- Christopher Vojta at 125 Walker Avenue South
- Nicole Dunham at 530 Rice Street East
- Tony Straszewski at 527 Rice Street East
- Kelly Harrington at 540 Rice Street East

Action Steps

Construction on the middle building (Building 2) commenced in early 2021. As previously noted, a building permit for that building was erroneously issued and subsequently revoked by the City after further review of the relevant 2005 PUD plans and PUD Development Agreement (DA). Construction on the property has been halted until such time as the current project receives the necessary approvals that are requested in the application.

In light of the above circumstances, the Applicant and City staff are seeking a resolution to this matter as soon as possible. To expedite the review process and get the application to City Council as soon as possible, staff has drafted alternative draft PC Reports for Planning Commission consideration:

1. Draft Planning Commission Report and Recommendation of Approval with findings
2. Draft Planning Commission Report and Recommendation of Denial with findings

After considering the items outlined in this staff report and the comments at the public hearing held at the meeting, the Planning Commission should consider adoption of either draft *Planning Commission Report and Recommendation*, with appropriate findings that are based on the findings and conclusions of the Planning Commission. If the

Commission adopts a Report and Recommendation, the application can be reviewed by the City Council as early as June 15, 2021.

If the Planning Commission would like more time to review a draft Planning Commission Report and Recommendation, the Commission can direct staff to return to the Commission on June 21, 2021 with revisions to one of the draft documents. The application would then likely be reviewed by the City Council on July 20, 2021.

Attachments

- Proposed survey by Sathre-Bergquist, Inc. dated 5/13/2021
- Narrative by Pillar Homes Partner, Inc.
- Floor Area Ratios by lot by Pillar Homes Partner, Inc.
- Architectural plans and elevations of 520 and 524 Rice Street East by DFP Planning and Design dated 5/13/2021
- Architectural plans and elevations of 530 and 534 Rice Street East by DFP Planning and Design dated 5/13/2021
- Landscape Plans by Pillar Homes Partner, Inc.
- Building Height Comparison by Pillar Homes Partner, Inc & Sathre-Berquist, Inc. dated 6/2/2021
- Development Agreement recorded 7/24/2006
- Resolution 2887 dated 8/22/2005
- Floor Plans dated 6/5/2005
- Grading and Drainage Plan dated 6/5/2005
- Renderings dated 6/5/2005
- Site Plans dated 6/5/2005
- Storm water storage area detail
- Utility Plan dated 2/14/2006
- Survey by Advance Surveying and Engineering dated 6/20/2005

Applicable Code Provisions for Review

PUD Amendment (§ 933.01 et. seq.)

The same review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD as was followed with respect to the applicant's Concept Plan, outlined in Sections 933.05 and 933.06.

The PUD Ordinance is established to provide comprehensive procedures and standards designed to all greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage.

A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.

B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and engineers.

C. More convenience in location and design of development and service facilities.

D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.

F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)

H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

Variance from R-4 and R-5 Standards (§955.01.C)

Criteria for Granting. Conditions governing considerations of variance requests.

1. Variances shall only be permitted when they are:

a) In harmony with the general purposes and intent of this Ordinance; and

b) Consistent with the Comprehensive Plan.

2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.

3. "Practical difficulties," as used in connection with the granting of a variance, means that:

a) The property owner's proposal for the property is reasonable but not permitted by this Ordinance;

b) The plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and

c) The variance, if granted, will not alter the essential character of the locality.

4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.

6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

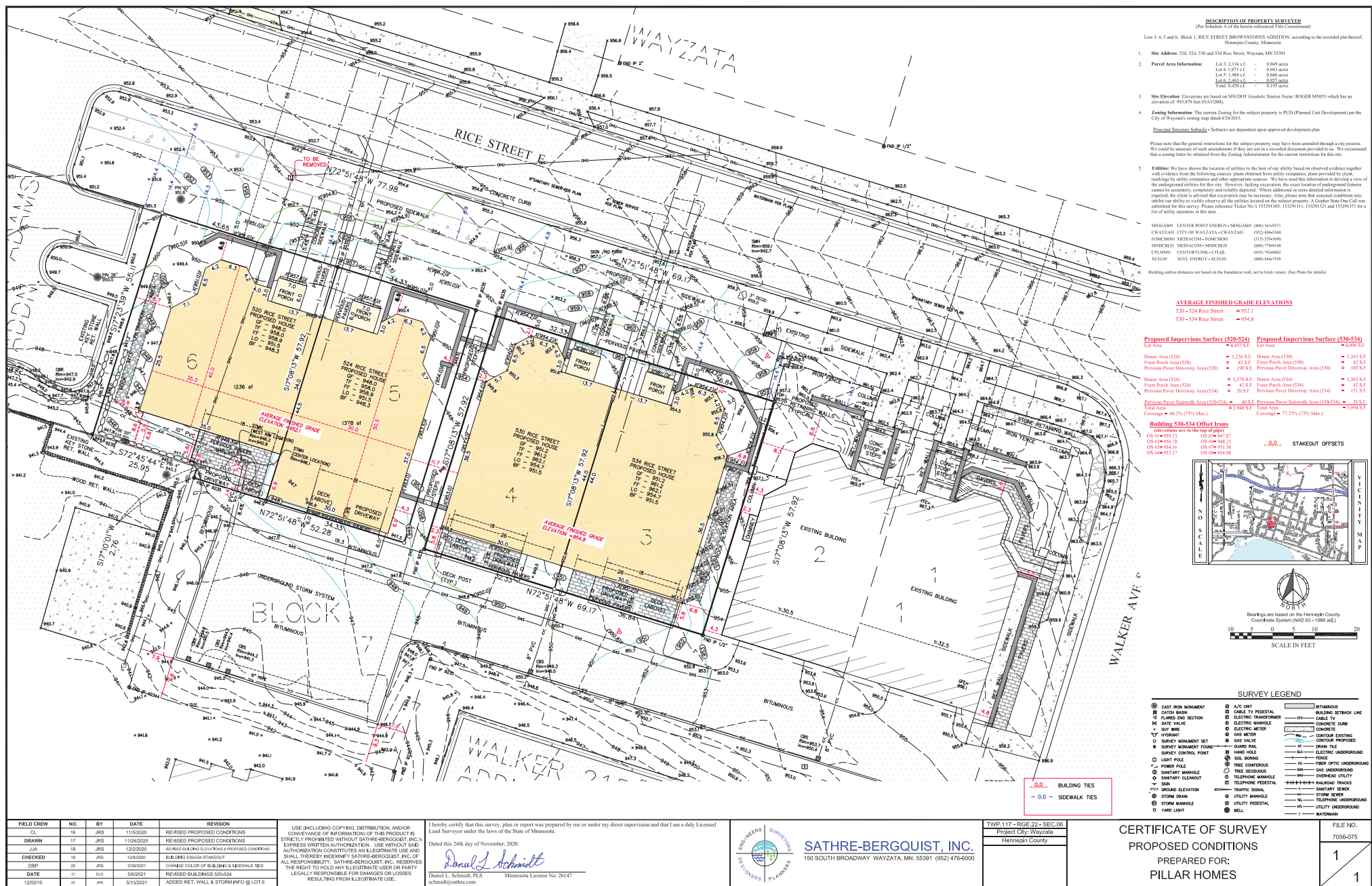
8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

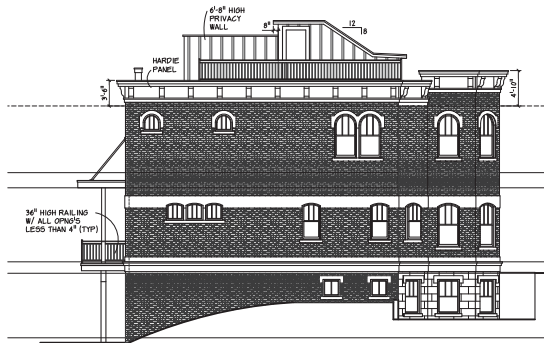


The narrative below explains the interpreted alterations to the Rice Street Townhomes final two buildings and architecture based on planning commission and neighborhood feedback on May 3, 2021

- 1.) Building #3 placement has been altered and relocation for a front set back of 6.5 feet. Lot 5 was moved back to the south keeping the same floor plan, while lot 6 was re-designed to fit in the setback and avoid the culvert/pipe from the water retention system to the south.
- 2.) An on-site real display of the exterior full brick and limestone has been created for better visual review of the exterior products.
- 3.) Window radiuses will be continued on all the elevations. This will include top floor radius windows and main floor arched windows. All limestone banding and window toppers are clarified.
- 4.) The roof top stairway angled roof section has been re-designed to reduce volume and the parapet wall was lowered.

**Pillar Homes Partner, Inc.
1700 Niagara Lane
Plymouth, MN 55447
763-475-1700
www.pillarhomes.com**





534

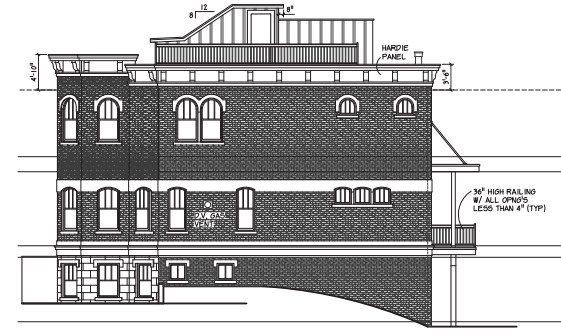
LEFT ELEVATION
SCALE: 1/8" = 1'-0"



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

530

534



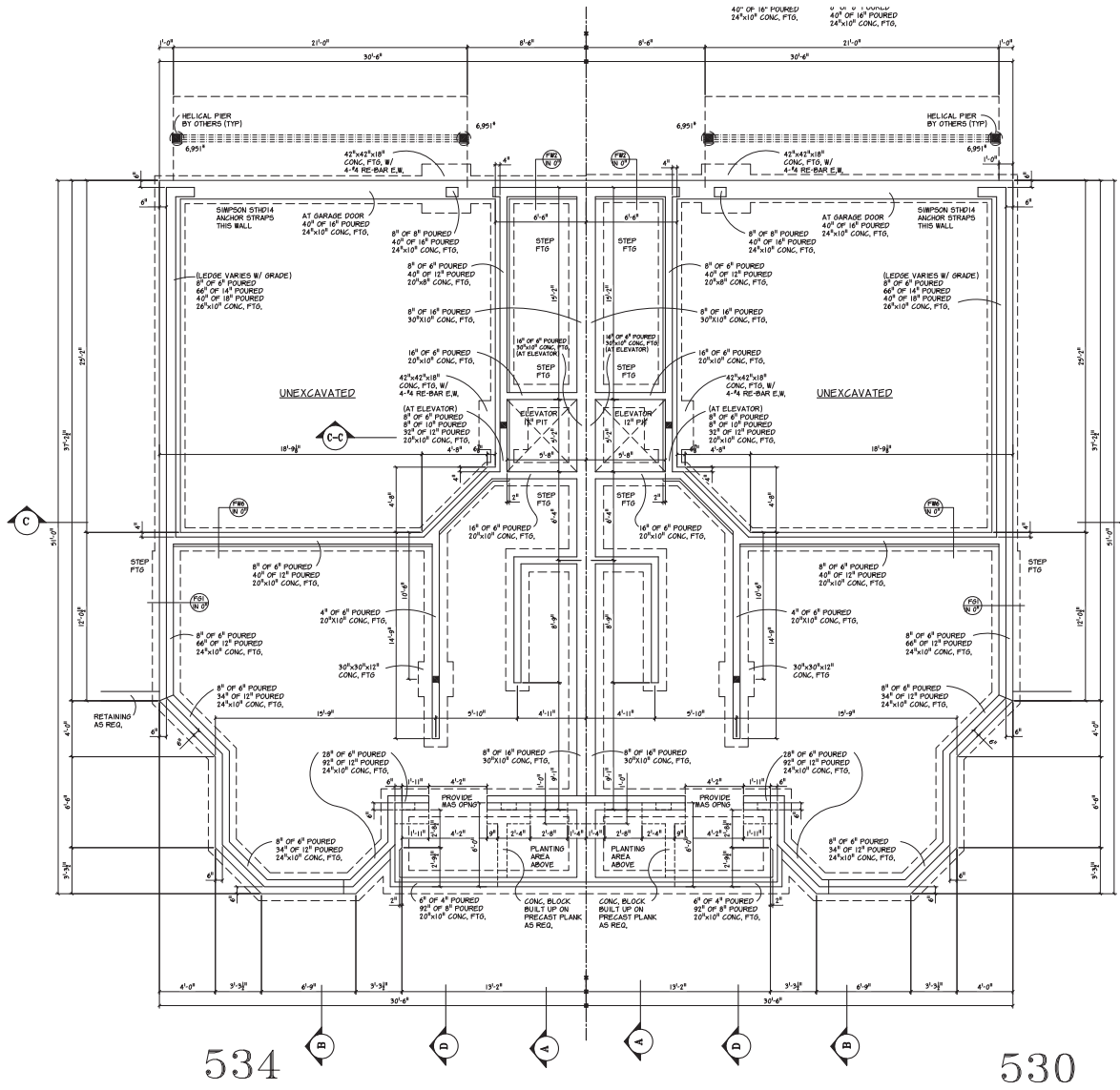
RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

530



534

530



FOUNDATION PLAN
 SCALE: 1/4"=1'-0"

FOUNDATION WALL & FOUNDATION INSULATION NOTES

- POURED FOUNDATION WALLS W/ SINGLE PLATE
- BASEMENT FLOOR RAISED TO TOP OF WALKOUT STEM WALL
- ASSUMED SOIL BEARING CAPACITY 2,000 LBS
- MAINTAIN 4" MIN. GRADE ABOVE FOOTING
- MASONRY CONTRACTOR TO VERIFY WALL & FOOTING REQUIREMENTS WITH SITE CONDITIONS
- MASONRY CONTRACTOR TO VERIFY ALL WALL AND FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS
- SEE FOUNDATION WALL DETAIL ON PAGE D1
- INDICATES DISTANCE FOUNDATION IS HELD IN FROM SHEETING ABOVE
- SEE FOUNDATION WALL DETAILS FOR FOUNDATION WALL INSULATION (R-10 EXTERIOR/ R-5 INTERIOR)

D.P.F. PLANNING & DESIGN

1000 BALTIMORE ST. NE SUITE 100 BLAINE, MN 55449
 TEL: 763.750.8000 FAX: 763.750.8005

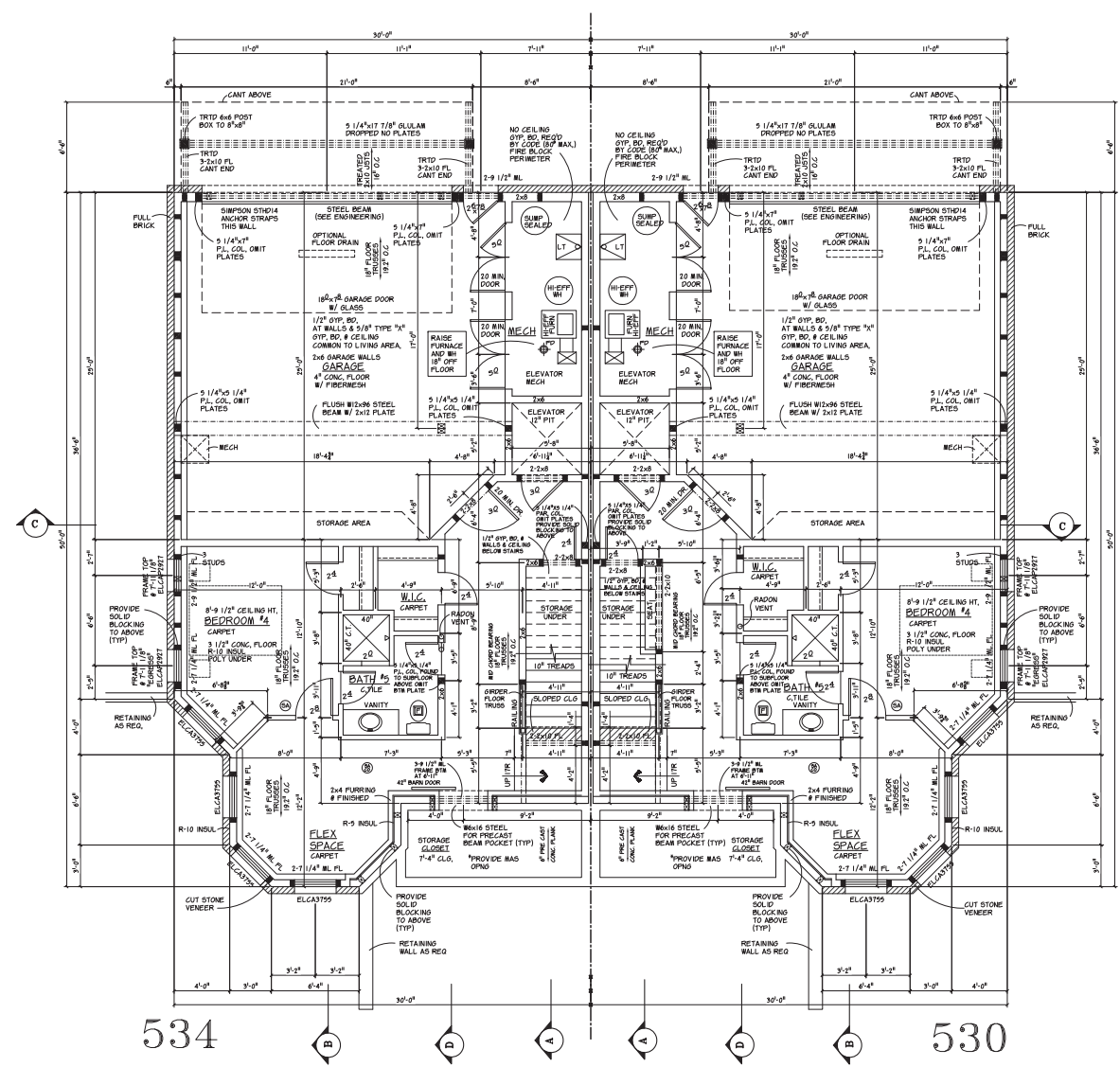
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 U.S. COPYRIGHT ACT

PILLAR HOMES

RICE STREET TOWN HOMES
 530-534
 RICE STREET EAST
 WAYZATA, MINNESOTA

DATE: 11-2-20
 REVISIONS:
 11-25-20
 12-1-20
 12-3-20
 12-9-20
 12-21-20
 12-23-20
 1-18-21
 1-28-21
 2-11-21
 2-24-21
 3-24-21 3-12-21
 DRAWN BY: JJJ-S-30-21
 C.E. ST-13-21
 COMM. NO. 220121
 SHEET NO. **2**

SEE ENGINEERING PAGES SI-54



BASEMENT PLAN

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

EXTERIOR DIMENSIONS ARE FROM EXTERIOR OF FOUNDATION WALLS AT FULL BASEMENT AREAS AND AS NOTED AT FRAMED WALLS AT LOOKOUT AND MULLCUT AREAS.

BASEMENT FINISHED	656 SQ. FT.
BASEMENT UNFINISHED	119 SQ. FT.
STORAGE CLOSET	83 SQ. FT.
GARAGE	562 SQ. FT.

WINDOW & DOOR NOTES

- MANUFACTURE WINDOWS
- CODE MAX U VALUE = 0.35 MAX SHGC = 0.35
- ALL WINDOWS SET AT SET & SILL UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR
- SHGC & U VALUE RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HP, HTS, MUST BE EQUIPPED WITH AN APPROVED LADDER

GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FLOOR SYSTEM NOTES

- ALL FLOORS TO BE 1/4" X 8"
- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBES & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

SHEETROCK & INSULATION NOTES

- GYP. BD. REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQ. FT. BAUMBER AT MECHANICAL)
- 1" GYP. BD. AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD. AT HABITABLE AREAS

FRAMING NOTES

- 8" X 12" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, BRACINGS, & ORDER TRUSSES TO FOUNDATION
- PROVIDE FINE BLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0"
- LONGITUDINAL SPACES & JOISTS, DROPPED CEILING, BETWEEN STAIR STRINGERS & BETWEEN STORIES
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ. FT.

SMOKE AND CARBON MONOXIDE ALARMS

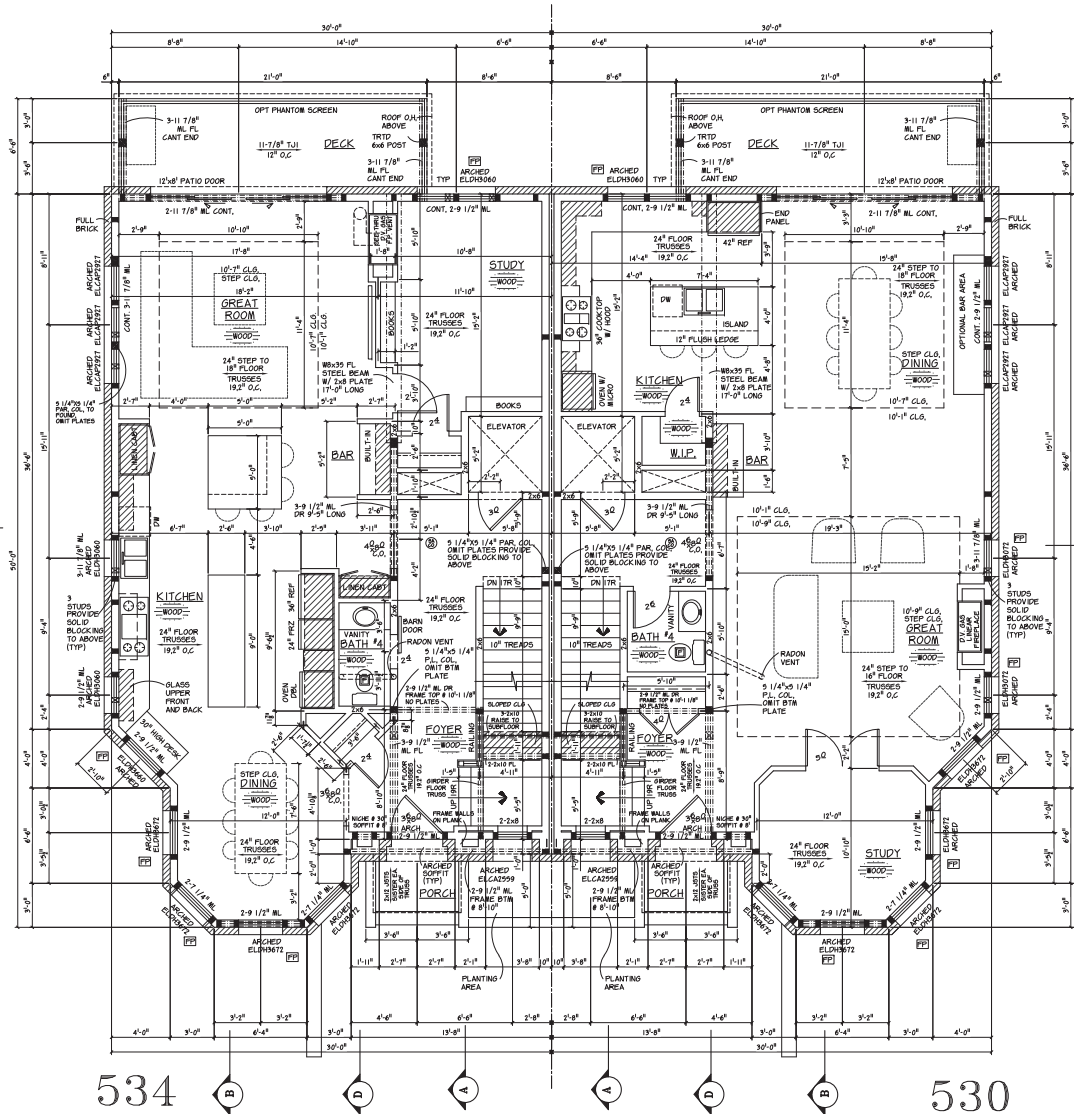
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 14' HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

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RICE STREET TOWN HOMES
530-534
RICE STREET EAST
WAYZATA, MINNESOTA

SEE ENGINEERING PAGES 51-54



FIRST FLOOR PLAN	
SCALE: 1/4" = 1'-0"	
EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING	
FIRST FLOOR FINISHED	1,363 SQ. FT.
WINDOW & DOOR NOTES	
• BARYN ELEVATE WINDOWS • CODE MAX U VALUE = 0.32 MAX SHGC = 0.39 • ALL WINDOWS SET 8'-0" UNLESS NOTED OTHERWISE • BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & SFC RATING FOR EACH WINDOW & EXTERIOR DOOR • BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HEAD HTS. • PF = PROVIDE FULL PROTECTION & OPERATING WINDOWS	
GUARDRAIL NOTES	
• GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 3'-0" ABOVE FLOOR • ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS	
FLOOR SYSTEM NOTES	
• ALL FLOORS TO BE L/40 • FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE • FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES • BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS	
FRAMING NOTES	
• 10'-1" PLATE HEIGHT UNLESS NOTED OTHERWISE • 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE • DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE • PROVIDE LVL/LSL, SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROPILES, AND GROUND TRUSSES TO FOUNDATION • PROVIDE FIREBLOCKING VERTICALLY & CEILING & FLOORS & HORIZONTALLY & INTERVALS NOT EXCEEDING 10'-0" • LONGEASED SPACES & SOFFITS, DROPPED CEILING, BETWEEN STAIR STRINGERS & BETWEEN STORES • PROVIDE DRAFT STOPPING BETWEEN STORES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQFT. • ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD AT HABITABLE AREAS	
SMOKE AND CARBON MONOXIDE ALARMS	
• PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 14' HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS. • PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS	

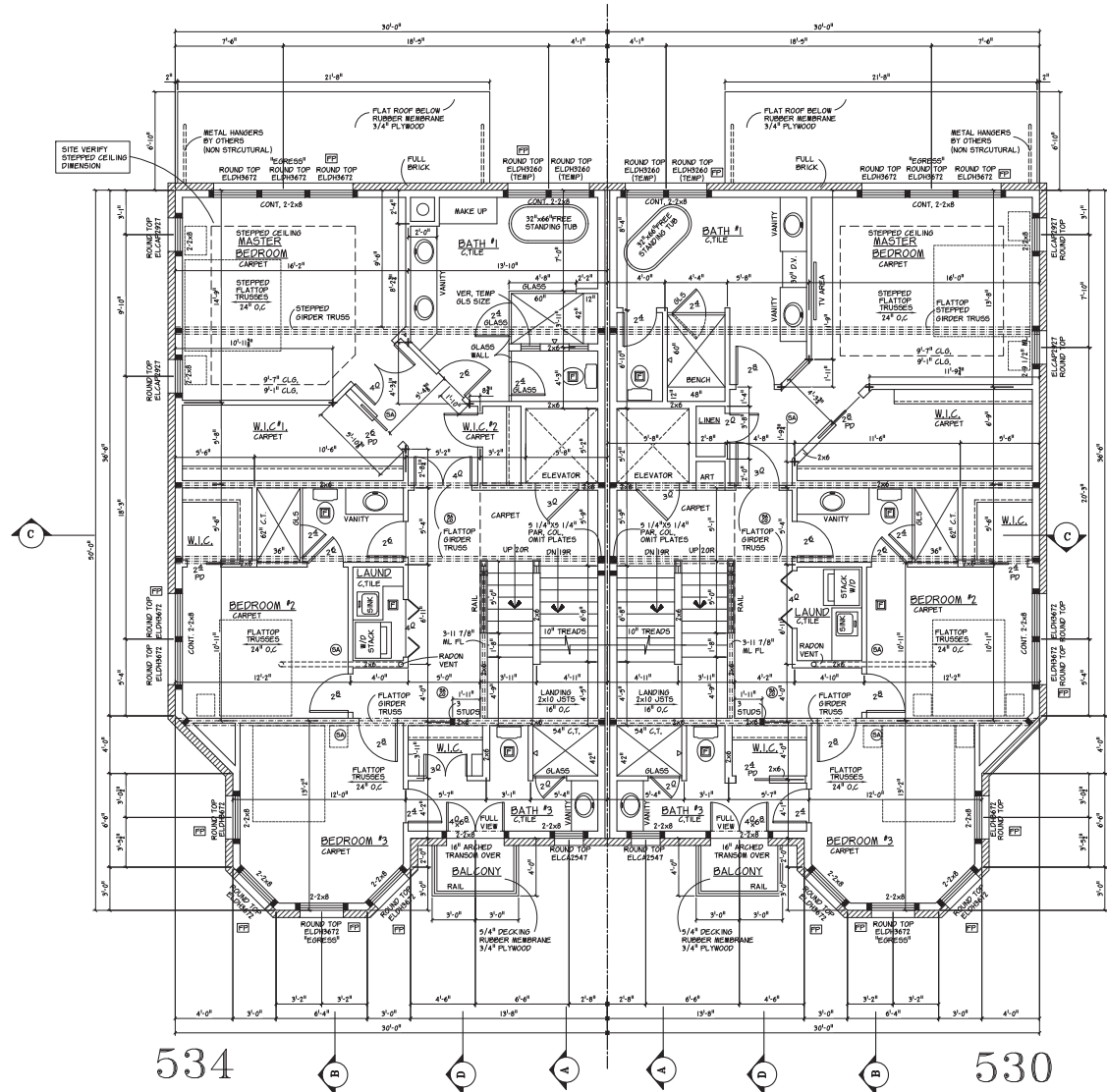
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SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"
SECOND FLOOR FINISHED 1377 SQ. FT.

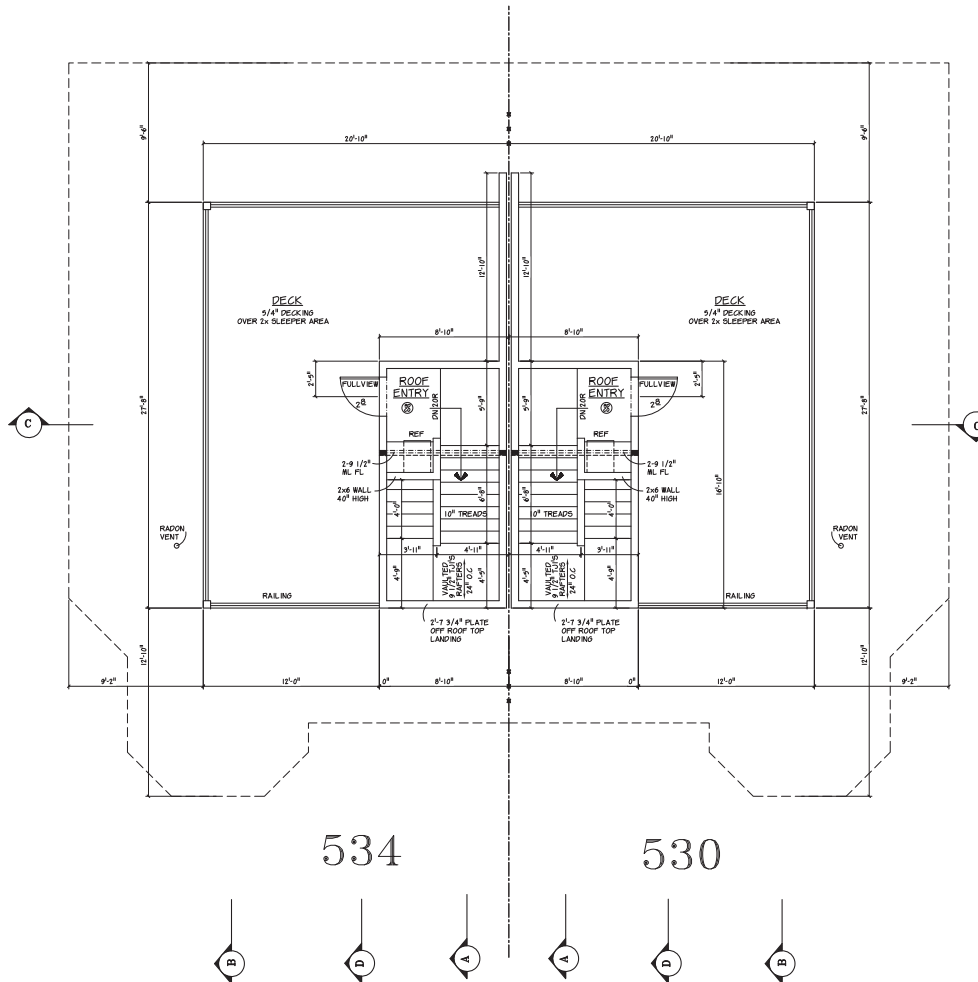
- WINDOW & DOOR NOTES**
- MINIMUM ELEVATE WINDOWS
 - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.39
 - ALL WINDOWS SET 4'-0" UNLESS NOTED OTHERWISE
 - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
 - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HERE, HTS, PP + PROVIDE FULL PROTECTION & OPERATING WINDOWS

- GUARDRAIL NOTES**
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 3' ABOVE FLOOR
 - ALL OPENINGS LESS THAN 4' AT ALL GUARDRAILS

- FRAMING NOTES**
- 8'-1 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
 - 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
 - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
 - PROVIDE LVL/LSL, SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROPILES, AND GROUND TRUSSES TO FOUNDATION
 - PROVIDE FIREBLOCKING VERTICALLY @ CEILING & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0"
 - CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
 - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1000 SQ.FT.
 - ALL SPINAT FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. RD. AT HABITABLE AREAS

- SMOKE AND CARBON MONOXIDE ALARMS**
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 12'-0" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS
 - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

SEE ENGINEERING PAGES SI-54



ROOF TOP DECK	
SCALE: 1/4"=1'-0"	
EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING	
UNIT 534 ROOF TOP ENTRY	149 SQ. FT.
UNIT 534 DECK	428 SQ. FT.
UNIT 530 ROOF TOP ENTRY	149 SQ. FT.
UNIT 530 DECK	428 SQ. FT.
WINDOW & DOOR NOTES	
- MARVIN ELEVATE WINDOWS - DOOR MAX U VALUE = 0.32 MAX. SHGC = 0.35 - ALL WINDOWS SET 6'-0" UNLESS NOTED OTHERWISE - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STG RATING FOR EACH WINDOW & EXTERIOR DOOR - BUILDER TO VERIFY ALL WINDOW DOOR & OPENING HORN HTS. - PP - PROVIDE FALL PROTECTION & OPERATING WINDOWS	
GUARDRAIL NOTES	
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 3'-0" ABOVE FLOOR - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS	
FRAMING NOTES	
7'-0" PLATE HEIGHT UNLESS NOTED OTHERWISE 2X6 STUDS & JOIST DOOR MULLS UNLESS NOTED OTHERWISE - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE - PROVIDE LVL/SL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, BRACINGS, AND GIRDERS TRUSSES TO FOUNDATION - PROVIDE FIREBLOCKING VERTICALLY & CEILING & FLOORS & HORIZONTALLY & INTERVALS NOT EXCEEDING 10'-0" - CONCEALED SPACES & SOFFITS DROPPED CEILING, BETWEEN STAIR STRINGERS & BETWEEN STORIES - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ. FT. - ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYPSUM AT HABITABLE AREAS	
SMOKE AND CARBON MONOXIDE ALARMS	
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS	

534

530

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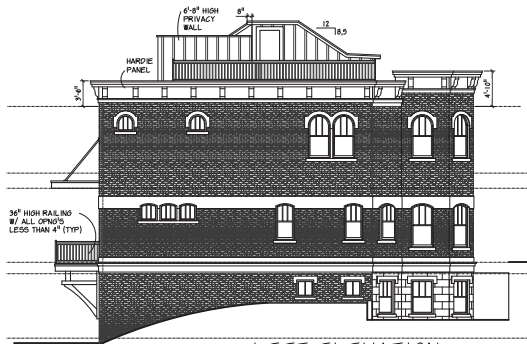
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524

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



520

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

524



520

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



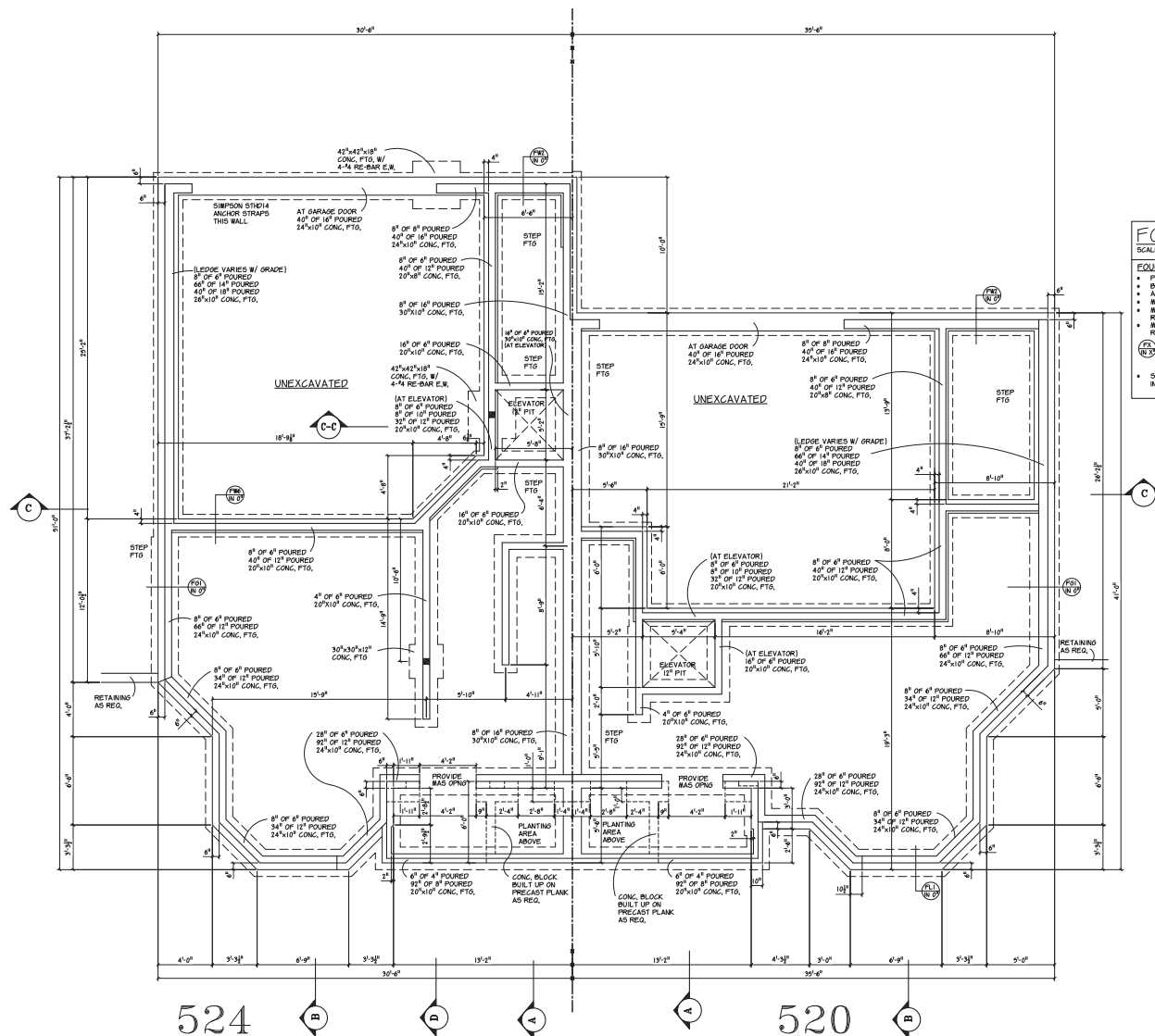
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520

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

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

SEE ENGINEERING PAGES 51-54



FOUNDATION PLAN
SCALE: 1/4"=1'-0"

FOUNDATION WALL & FOUNDATION INSULATION NOTES

- POURED FOUNDATION WALLS W/ SINGLE PLATE
- RASEMENT FLOOR RAISED TO TOP OF WALKOUT STEM WALL
- ASSIGNED SOIL BEARING CAPACITY 3,000 LBS
- MAINTAIN 4" MIN. GRADE ABOVE FOOTING
- MASONRY CONTRACTOR TO VERIFY WALL & FOOTING REQUIREMENTS WITH SITE CONDITIONS
- MASONRY CONTRACTOR TO VERIFY ALL WALL AND FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS

(F) SEE FOUNDATION WALL DETAIL ON PAGE D1

(W) INDICATES DISTANCE FOUNDATION IS HELD IN FROM SHEATHING ABOVE

SEE FOUNDATION WALL DETAILS FOR FOUNDATION WALL INSULATION (R-10 EXTERIOR/ R-9 INTERIOR)

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PILLAR HOMES

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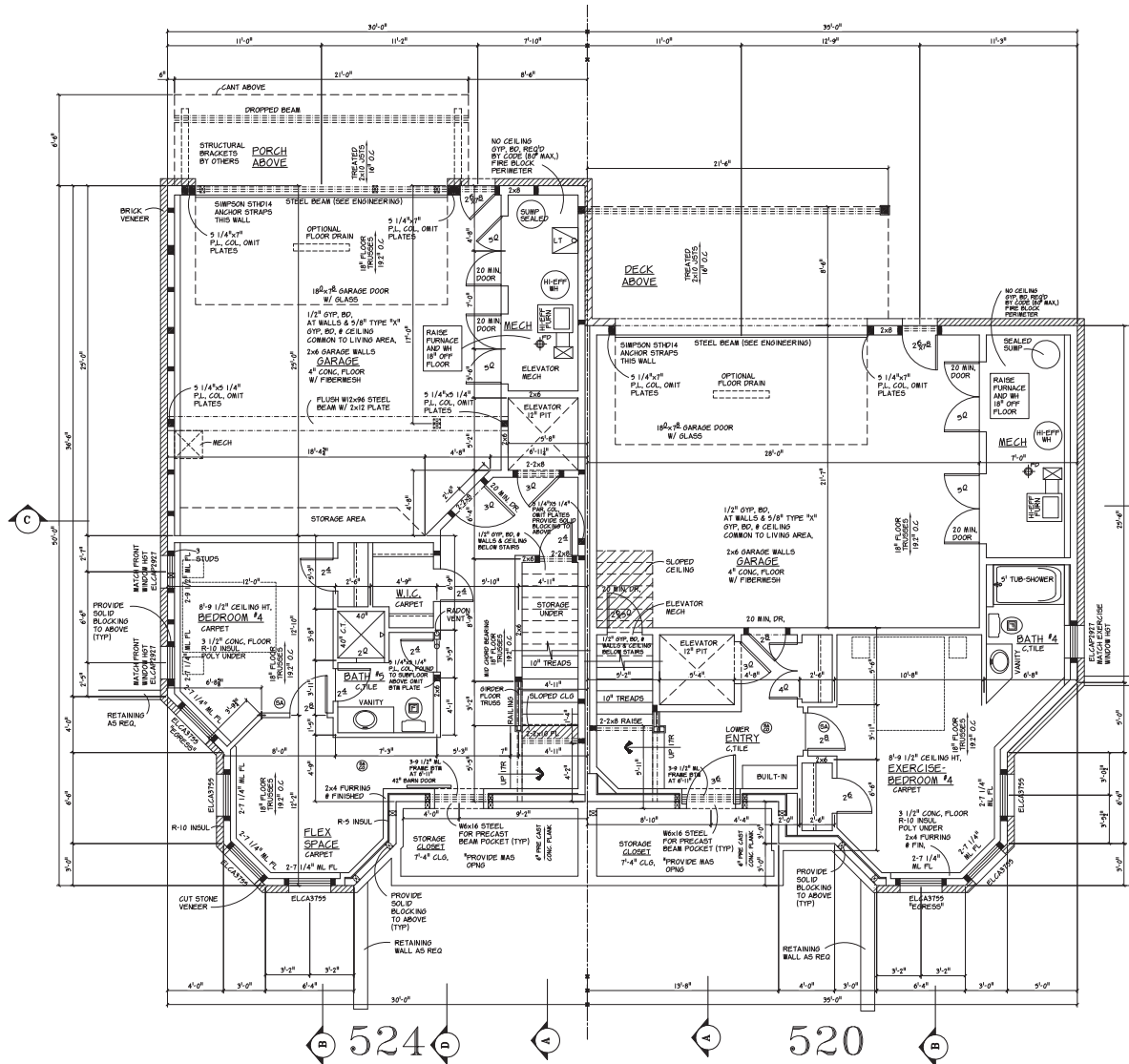
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BASEMENT PLAN

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

EXTERIOR DIMENSIONS ARE FROM EXTERIOR OF FOUNDATION WALLS AT FULL BASEMENT AREA AND AS NOTED AT FRAMED WALLS AT LOOKOUT AND WALKOUT AREAS

524 BASEMENT FINISHED	654 SQ. FT.
524 BASEMENT MECH UNFINISHED	129 SQ. FT.
524 STORAGE CLOSET	81 SQ. FT.
524 GARAGE	282 SQ. FT.
520 BASEMENT FINISHED	592 SQ. FT.
520 BASEMENT MECH UNFINISHED	116 SQ. FT.
520 STORAGE CLOSET	81 SQ. FT.
520 GARAGE	279 SQ. FT.

WINDOW & DOOR NOTES

- BARYN ELEVATE WINDOWS
- CODE MAX U VALUE = 0.32 MAX SHGC = 0.35
- ALL WINDOWS SET AT SET # SILL UNLESS NOTED OTHERWISE
- BUILDERS TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATINGS FOR EACH WINDOW & EXTERIOR DOOR
- BUILDERS TO VERIFY ALL WINDOW, DOOR & OPENING MEASUREMENTS
- WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 4" MUST BE EQUIPPED WITH AN APPROVED LADDER

GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FLOOR SYSTEM NOTES

- ALL FLOORS TO BE L/480
- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDERS TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

SHEETROCK & INSULATION NOTES

- 5/8" GYP. BD. REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQFT. MAXIMUM AT MECHANICAL)
- 1" GYP. BD. AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD. AT HABITABLE AREAS

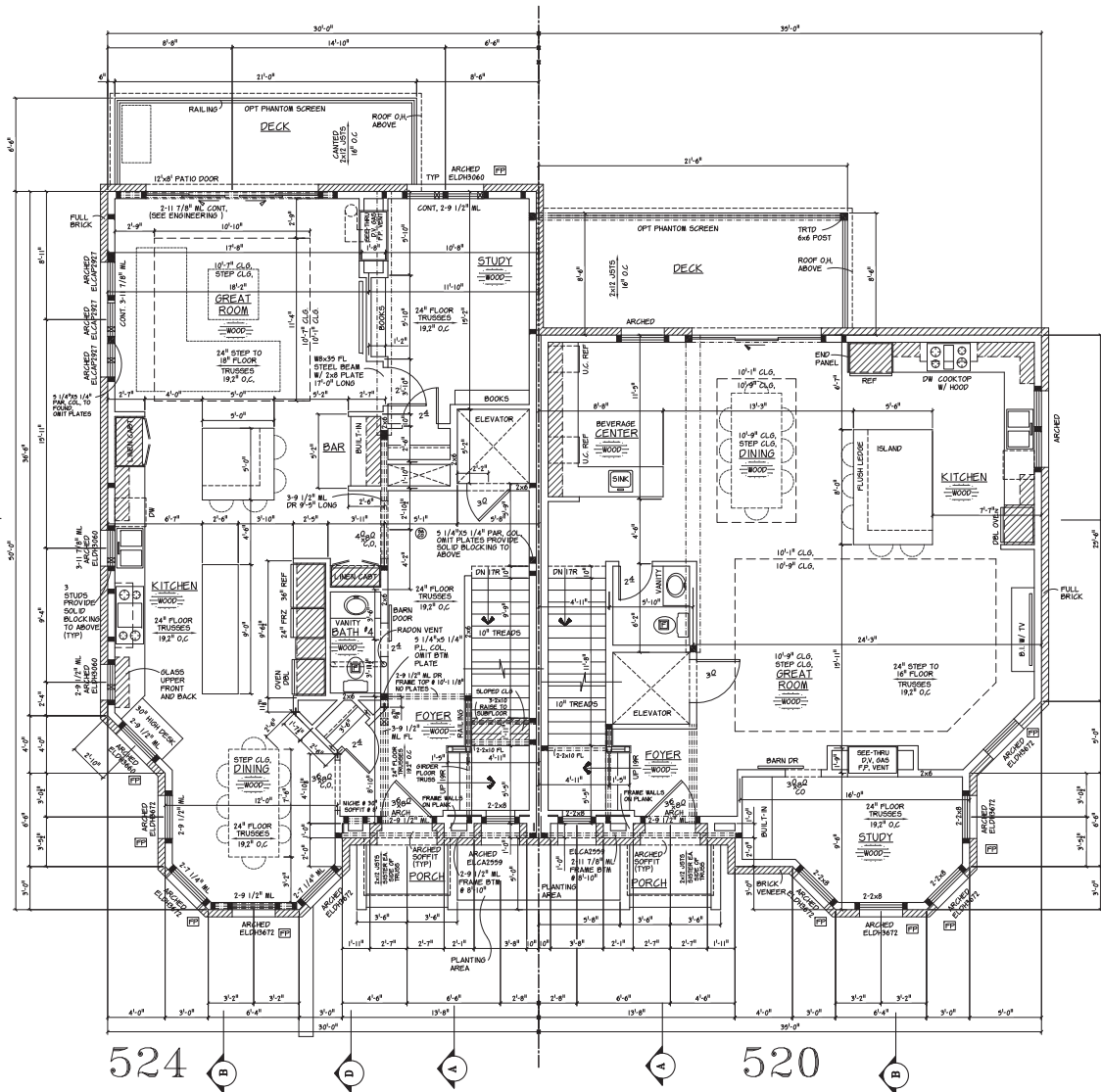
FRAMING NOTES

- 8'-9" 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS # POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, RIGIDOLARS, & ORDER TRUSSES TO FOUNDATION
- PROVIDE FIRE BLOCKING VERTICALLY @ CEILING & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES # SOFFITS, DROPPED CEILING, BETWEEN STAIR STRINGERS & BETWEEN STORIES)
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQFT.

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

SEE ENGINEERING PAGES 51-54



FIRST FLOOR PLAN

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

EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING

524 FIRST FLOOR FINISHED 1,343 SQ. FT.

520 FIRST FLOOR FINISHED 1,237 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CORE MAX U-VALUE = 0.32 MAX SHGC = 0.35
- ALL WINDOWS SET 8" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U-FACTOR, SHGC, & SIZING RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HPS, HPS, & PP - PROVIDE FALL PROTECTION & OPERATING WINDOWS

GUARDRAIL NOTES

- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 36" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FLOOR SYSTEM NOTES

- ALL FLOORS TO BE L/480
- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE, TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

FRAMING NOTES

- 10'-1" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, BUCKLINES, AND GROUND TRUSSES TO FOUNDATION
- PROVIDE FRAMING LOCKING VERTICALLY & HORIZONTALLY & INTERVALS NOT EXCEEDING 10'-0"
- (CONCEALED) SPACES & SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQFT, 18" AT SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" OTF. PD AT HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 14' HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS

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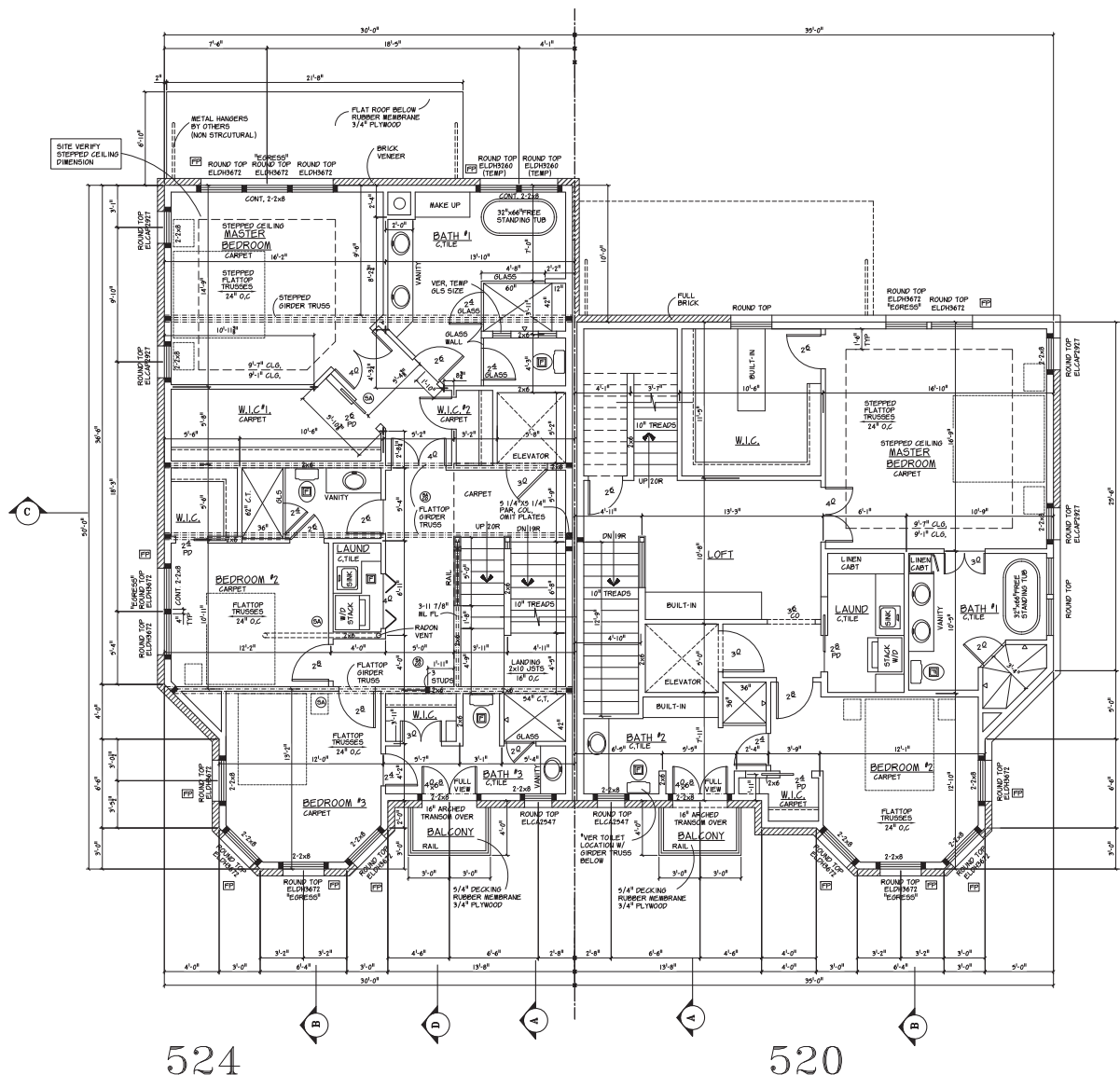
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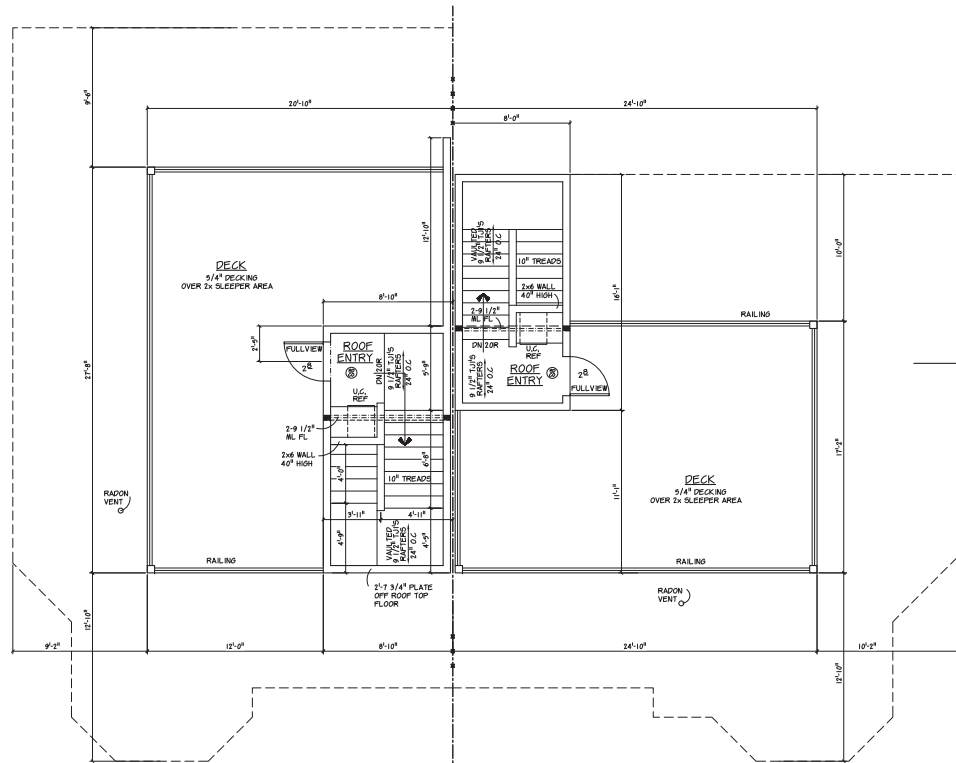
RICE STREET TOWN HOMES
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5-12-21

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ROOF TOP DECK	
SCALE: 1/4"=1'-0"	
EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING	
UNIT 524 ROOF TOP ENTRY	149 SQ. FT.
UNIT 524 DECK	429 SQ. FT.
UNIT 520 ROOF TOP ENTRY	128 SQ. FT.
UNIT 520 DECK	371 SQ. FT.
WINDOW & DOOR NOTES	
• BARVIN ELEVATE WINDOWS • CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35 • ALL WINDOWS SET 0-8" UNLESS NOTED OTHERWISE • BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR • BUILDER TO VERIFY ALL WINDOW DOOR & OPENING HUR, HTS. • PP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS	
GUARDRAIL NOTES	
• GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR • ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS	
FRAMING NOTES	
• 7'-0" PLATE HEIGHT UNLESS NOTED OTHERWISE • 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE • DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE • PROVIDE LVL/SLS. SOLD BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLANS. AND ORROR TRUSSES TO FOUNDATION • PROVIDE FIRE-LOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" • (CONCEALED BRACES & SPOUTS) DROPPED CEILING, BETWEEN STAIR STRINGERS & BETWEEN STORIES • PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQFT. • ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD AT HABITABLE AREAS	
SMOKE AND CARBON MONOXIDE ALARMS	
• PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24' HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOM. • PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS	

524

520

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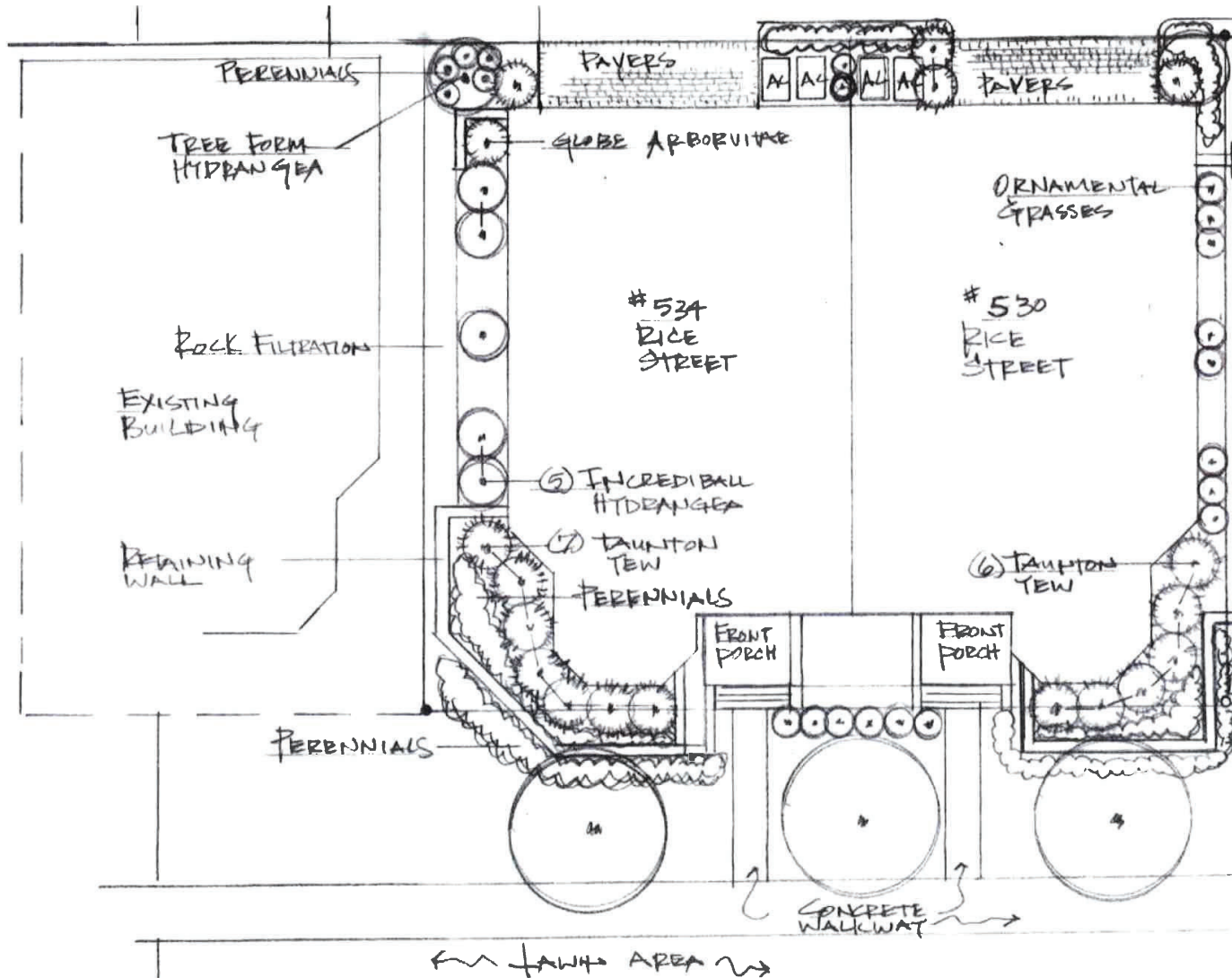
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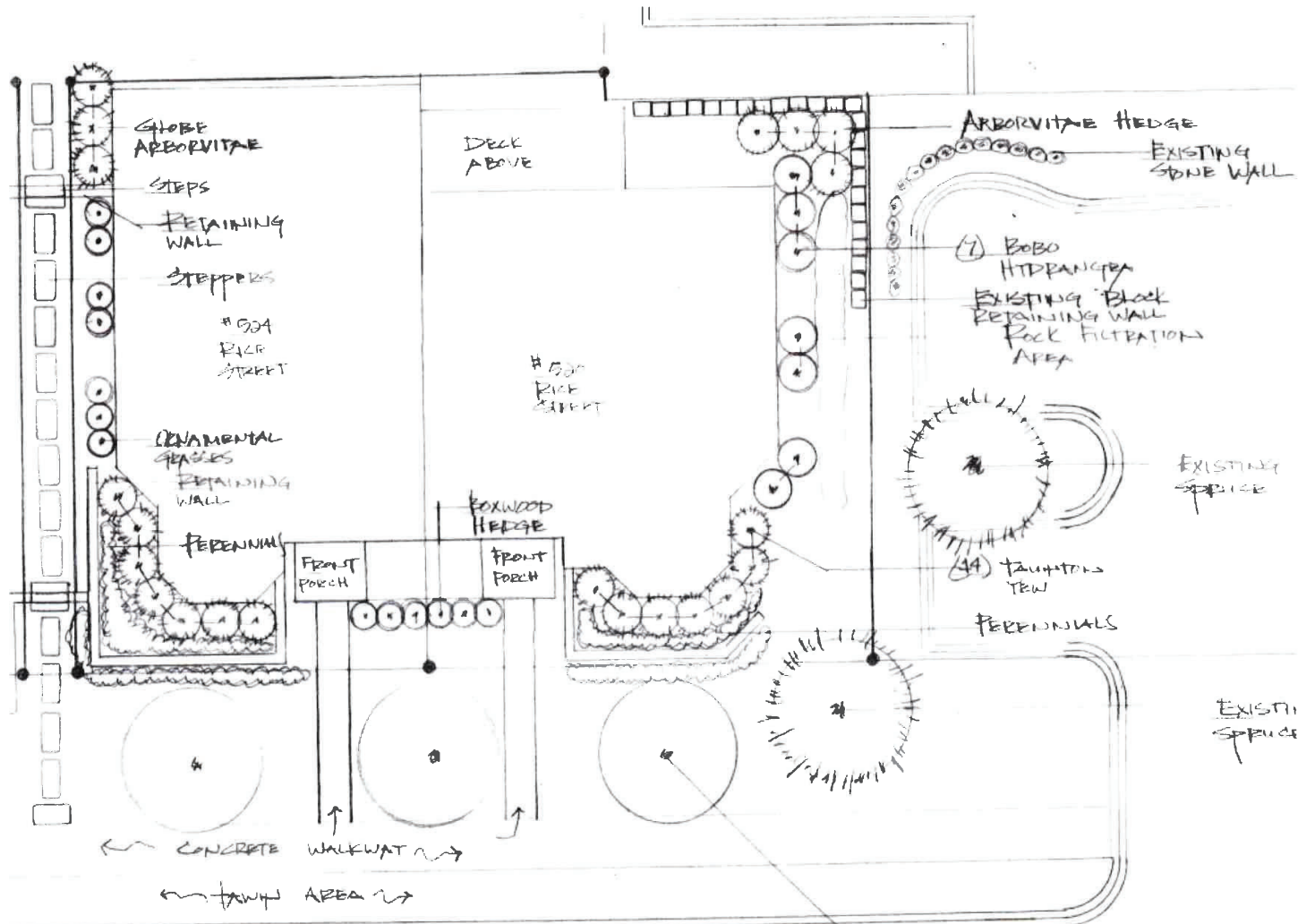
534/530 Rice Street
Building Two
Landscaping Plan



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1700 Niagara Lane
Plymouth, MN 55447
763-475-1700
www.pillarhomes.com



524/520 Rice Street Building Three Landscaping Plan



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The attached data was gathered to verify height using survey data of the existing four townhomes (two completed at 544/540 Rice St. and two under construction at 534/530 Rice St.). This data confirms and verifies that the grade elevations and roof top elevations of the buildings step down in height difference.

Since 2005 – a new height formula is enforced to determine height of a building. This formula is calculated by determining average grade around the future/new home. From this average grade height up, we must stay below the 35 feet height requirement.

Both buildings two and three are below the 35 foot height requirement.

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763-475-1700
www.pillarhomes.com**

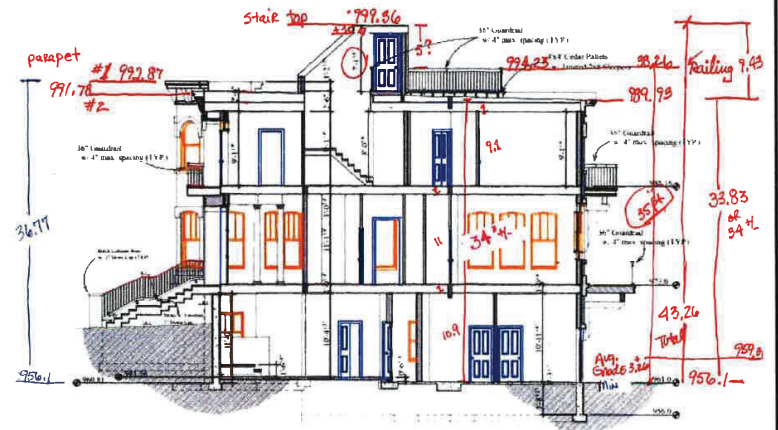
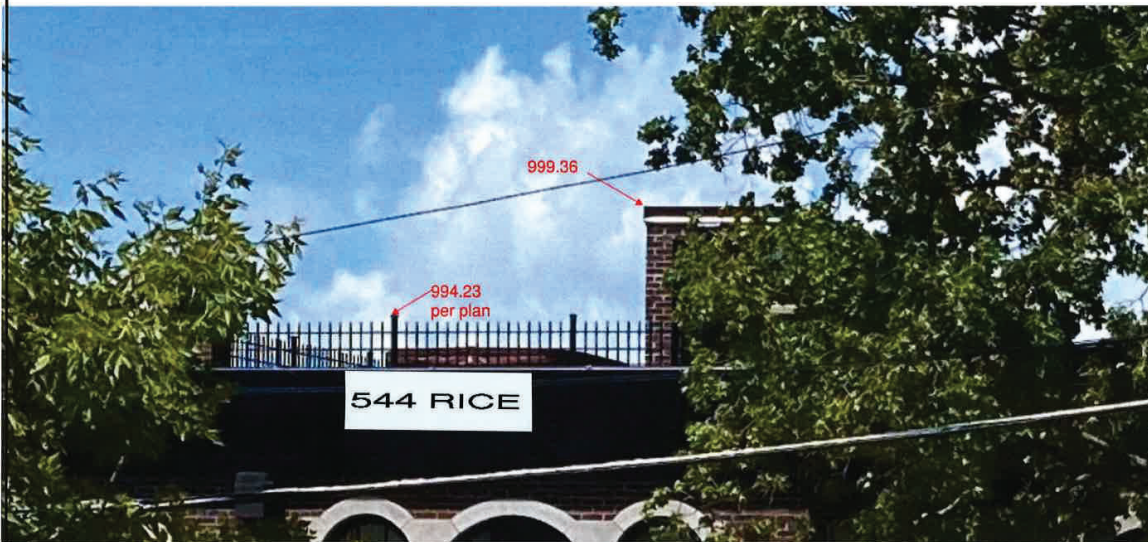


PILLAR HOMES PARTNER

Rice Street Townhomes
Height Comparison
Confirmation and verification that new building heights match existing
buildings at 544/540 Rice Street

	Height at Top of Black Parapet on roof of building	Height at Top of Stair Enclosure on roof of building
544 Rice Street Existing Townhome	992.87	999.36
No Average Grade Required	Step down between 2 units in building one 540 Rice is 2.02 ft. lower than 544 Rice	2 ft.
540 Rice Street Existing Townhome	990.85	997.36 est.
No Average Grade Required	Step down between building 1 and building 2 Building Two (534/530 Rice) is 2.35 ft. lower than Building One (544/540 Rice)	
534 Rice Street New Townhome under construction with Pillar Homes Elevation set using Using average grade is required in 2020 to compute height Average Grade 954.80	Building Two	988.50
530 Rice Street New Townhome under construction with Pillar Homes Elevation set using Using average grade is required in 2020 to compute height Average Grade 954.80		988.50
	Step down between building 2 and building 3 Building Three (524/520 Rice) is 3.20 ft. lower than Building Two (534/530 Rice)	
524 Rice Street New Townhome under construction with Pillar Homes Elevation set using Using average grade is required in 2020 to compute height Average Grade 952.10	Building Three	985.30
520 Rice Street New Townhome under construction with Pillar Homes Elevation set using Using average grade is required in 2020 to compute height Average Grade 952.10		985.30

Height Verification provided by Sathre-Bergquist, Inc.



544 Rice Street—Concept Plans
Provided by Jon Monson 11-12-2005

FIELD CREW	NO.	BY	DATE	REVISION
CL				
DRAWN				
JJA				
CHECKED				
DP				
DATE				
12.02.15				

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 2nd day of June, 2021:
Donald L. Schmidt
Donald L. Schmidt, L.S.
Minnesota License No. 26147
schmidt@sathre.com



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN 55391 (651) 476-6000

TWP 117, RGE 22, SEC 06
Project City, Wayzata
Hennepin County

AS-BUILT HEIGHTS
SPRING 2021
PREPARED FOR:
PILLAR HOMES

FILE NO 7056-075
1
1



#1118

Doc No 8833637 07/24/2006 10:05 AM
Certified filed and or recorded on above date:
Office of the County Recorder
Hennepin County, Minnesota
Michael H. Cunniff, County Recorder
TransID 240321

Deputy 58
Fees
\$35.50 DOC
\$10.50 SUR
\$46.00 Total

**DEVELOPMENT AGREEMENT
BETWEEN
CITY OF WAYZATA
AND
RICE STREET BROWNSTONES, LLC**

Box 218
Burnet Title 6-22639 402465

THIS DEVELOPMENT AGREEMENT ("Agreement"), made this ____ day of July, 2006, by and between the City of Wayzata, a Minnesota municipal corporation ("City") and Rice Street Brownstones, LLC, a Minnesota limited liability company ("Developer") regarding that property located at 520 Rice Street, 206 Minnetonka Avenue and 207 Walker Avenue, Wayzata, Minnesota (the "Property"). In consideration of One dollar and other good and valuable consideration, including the terms set forth herein, and pursuant to Resolution No. 2887 and Ordinance No. 662 adopted by the Wayzata City Council on the 22nd day of August and the 6th day of September, 2005, respectively (collectively, the "City Resolutions"), the parties agree as follows:

1. **Terms.**

- A. **The Property.** The Property is located at 520 Rice Street (p.i.d. # 06-117-22-24-0036), 206 Minnetonka Avenue (p.i.d. # 06-117-22-24-0037) and 207 Walker Avenue (p.i.d. # 06-117-22-24-0034), Wayzata, Hennepin County, Minnesota, and is legally described on attached Exhibit A (the "Property").
- B. **The Project.** The Project includes an approved Planned Unit Development (the "Project") as well as a rezoning of the Property to a Planned Unit Development District both as approved subject to the conditions of Wayzata City Council Resolution numbered 2887, dated the 22nd day of August, 2005, and Ordinance numbered 662, dated the 6th day of September, 2005.

2. **PUD General Plan Approval.**

A. **Grant of PUD.** The City, pursuant to City Code Zoning Ordinance Section 33 and City Code Zoning Ordinance Section 801.33.2.A, approves the PUD General Plan subject to the conditions set forth in this Agreement and the conditions in the City Resolutions. The Property shall be developed, and all improvements installed and maintained, in accordance with the Plans listed below (the "Plans") which, subject to the additional or varying requirements stipulated in this Agreement, satisfy the requirements of the Zoning Ordinance of the City and other applicable ordinances, except as may otherwise be set forth in this Agreement. The Property, developed in accordance with the Plans and this Agreement, shall be referred to as the "Project." Reduced copies of these Plans are attached to this Agreement with large-scale copies of the Plans, which are or will be on file with the City, and are incorporated into this Agreement by reference. The Plans, as specified below, may be amended or prepared, subject to City approval, after entering this Agreement, but shall be filed by Developer with the City and must be approved by the City before issuance of building permits. The recorded copy of this Agreement, as required below, shall be considered amended by the Plans as submitted to the City. To the extent required by the City, the parties shall execute an agreement acknowledging any amendment to this Agreement or documents referenced by this Agreement and record the same with the appropriate Hennepin County land records for the Property. If, during the course or after completion of the Project, the City determines that any of the new improvements are not adequate to serve the Project, or do not satisfy the performance standards of the City or other governmental agency, then the City may require modifications in such Plans and the improvements shown thereon to correct such deficiencies, and the City shall not be estopped from making such requirements notwithstanding its approval of the original Plans. If the Plans vary from the written terms of this Agreement, the written terms shall control. The Plans are as follows:

Utility Plan, dated February 14, 2006
Survey by Advance Surveying & Engineering Co., dated June 20, 2005
Storm Water Storage Area Detail
Renderings (two pages), dated June 10, 2005
Site Plan (three pages), dated June 10, 2005
Grading and Drainage Plan, dated June 10, 2005
Rendering (seven pages), dated June 10, 2005
Floor Plans (four pages), dated June 10, 2005

B. **Conditions.** The preliminary/final PUD approval is based upon and subject to the following conditions:

1. Developer must obtain approval of a preliminary and final plat (for Lot 2, John Adams Addition of the plat of Rice Street Brownstones Addition) pursuant to the Wayzata Subdivision Ordinance in accordance with the plans submitted with the PUD General Plan ("PUD").
2. The impervious surface coverage of the PUD shall not exceed 75% of the replated property compromising the PUD. Developer shall install a state of the art underground water collector system to minimize water run off that meets with the approval of the City Engineer.
3. No buildings associated with the PUD shall exceed the maximum height allowed for under the Zoning Ordinance for a PUD District. No elevator access to the roof and no rooftop equipment is permitted. Rooftop enclosed stairways shall maintain a 10-foot setback from the closest setback to the main building front of each unit. No rooftop privacy wall shall be permitted unless not visible from the pedestrian level of Rice Street and Minnetonka Avenue.
4. The ornamental iron gates, or any other gating structure, that surrounds each building of the PUD must never be locked, and the buildings of the PUD must be accessible at all times to guests.
5. Steps, fencing, retainer walls or other aspects of the PUD shall not encroach on to any City right-of-way, unless the Developer, or if not Developer, then any subsequent owners of the units within the PUD, first enters into an agreement with the City, in the form of the Public Right-of-Way Encroachment Agreement attached hereto as Exhibit B.
6. A Restrictive Covenant Agreement, in the form of the attached Exhibit C, encumbering the parcel containing the existing small house that is to remain on the Property (the "Blue House"), such parcel being Lot 1, Block 1, John Adams Addition, and will be executed by the Developer and recorded with the Hennepin County property records.
7. The set-back requirements shall be as designated in the new PUD District.
8. The impervious surface coverage for the replated residential lot containing the Blue House must not exceed that shown on the approved Site Plan.

9. The grading, drainage, sewer, utility and water plans for the PUD must be reviewed and approved by the City Engineer in accordance with the Zoning Ordinance and all other relevant standards. All utilities associated with the PUD shall be installed underground and meet utility connection requirements of City ordinances.
10. A tree inventory and preservation plan must be submitted to, and reviewed and approved by, the City Forester.
11. A landscape plan must be reviewed and approved by City Staff and City Council, and all landscaping in the PUD shall be installed and maintained consistent with such plan.
12. A sidewalk must be put in place along Walker Avenue, at Developer's sole expense, the plans for which must be reviewed and approved by City staff. Continuous sidewalks at least 5 feet in width shall be provided along all public street frontages.
13. All buildings and new construction in the PUD must conform to the findings herein with respect to the City of Wayzata Design Standards and maintain compliance at all times with all relevant City of Wayzata Design Standards.

3. **Rezoning from C-1 Office and Limited Commercial District to PUD/Design Approval.** The rezoning of the Property from C-1 Office and Limited Commercial District to PUD is approved, subject to the conditions set forth in Section 2 (B) above, the City Resolutions and other conditions set forth within this Agreement. The Property shall be limited to residential use except that the Blue House use shall be as provided in the City Resolutions. In addition, the Project is approved as meeting the Wayzata Design Standards as set forth in Wayzata City Code Section 801.09, subject to the conditions set forth in Section 2 (B) above.

4. **Water and Sewer Charges.** The Developer shall pay any sanitary sewer and water connection charges based on the Metropolitan Council Environmental Services ("MCES") SAC Units as determined by the MCES. The Developer shall be responsible for any increase in the fees due at the time of paying the fees to the City and the MCES, and the fees may change to reflect the City and MCES rates in effect at the time the building permit is issued and the fee paid. The fees are calculated as follows, based upon existing rates:

<u>To City:</u>		
Water:	\$1,600.00	Per Sewer Availability Charge Unit
Sanitary Sewer:	\$ 400.00	Per Sewer Availability Charge Unit
<u>To MCES:</u>		
SAC Charge:	\$1,550.00	Per Sewer Availability Charge Unit

The number of sewer availability charge units in the Project shall be determined pursuant to regulations and procedures of the MCES. Any SAC unit credits provided to the Developer by MCES will also be credited in calculating the City's SAC charges.

5. **Maintenance Costs.** The Developer, and, following conveyance by the Developer, all succeeding owners of the Property, shall be liable for the cost of maintaining the improvements installed by the Developer.

6. **Responsibility for Cost of Improvements.** The City shall not install or pay for any of the improvements associated with the Project. The Developer shall, at its cost, install, in accordance with the Plans and in accordance with all applicable City ordinances and standards, all the improvements set forth in the Plans.

7. **Erosion Control.** After the site is rough graded, but before any utility or building construction is commenced, erosion control measures shall be immediately implemented, inspected and approved by the City. The City may impose additional erosion control requirements. All areas disturbed by the excavation and backfilling operations, with the exception of those areas to be covered by an impervious surface or built upon, shall be reseeded (weather permitting) immediately after the completion of the work in that area. Except as otherwise provided in the erosion control plan, seed shall be rye grass or other fast growing seed suitable to the existing soil to provide a temporary ground cover as rapidly as possible. All seeded areas shall be mulched and disc anchored as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion. If the Project does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may cause its agents to enter the Property and take appropriate erosion control actions, at Developer's expense. Except in emergency situations, the City shall notify Developer in advance of taking any such action and shall provide the Developer a reasonable opportunity to cure its default, not to exceed thirty (30) days. If the Developer does not reimburse the City for any cost the City incurred for such work within thirty (30) days. No development will be allowed and no building or occupancy permits will be issued unless the development is in full compliance with the erosion control requirements.

8. **Clean Up.** Prior to issuance of any certificate of occupancy, the Developer shall remove from that portion of the Property covered by the certificate of occupancy any excess soil, earth or debris resulting from construction work by the Developer as directed by the City.

9. **Hazardous Waste.** Developer agrees that prior to or during site redevelopment work, it shall completely remove any hazardous waste, and any contaminated soil and ground water from the Property, if any is discovered, to the extent required by the Minnesota Pollution Control Agency and shall furnish the City with documented approval by such Agency of project completion prior to the issuance of any certificate of occupancy.

10. **Warranty.** The Developer warrants all work required to be performed by it pursuant to this Agreement against poor material and faulty workmanship for a period of one (1) year after substantial completion is certified by the Developer's architect. Any repairs or replacements shall be warranted for twelve (12) months from the time of construction or installation. All trees, grass, sod or ornamentals shall be warranted to be alive, of good quality, and disease free for twenty-four (24) months after planting. Developer further warrants that no changes in the structure or form of the improvements to the Property shown on the Plans shall be made unless this Agreement is amended by both parties.

11. **Security.** The Developer shall furnish the City with an irrevocable letter of credit or payment and performance bond for \$125,000.00 (125 percent of estimated costs) due at the

time of issuance of the building permit, allocated as follows: \$45,000.00 for landscaping and sidewalks, \$26,000.00 for driveway, parking and paving, \$54,000.00 for storm water improvements. The amount of security shall include, but not be limited to, the costs, as estimated by City staff, of all improvements listed under Sections 2.b.9, 10, 11, 12 and 14 of this Agreement. The amount of security shall be subject to approval by the City Manager at the time of issuance of the building permit and will be adjusted to reflect project costs at that time. The bank and form of the letter of credit or payment and performance bond shall be subject to the approval of the City Manager. The letter of credit or payment and performance bond shall be in force until all objectives under this Agreement have been satisfied. The letter of credit or payment and performance bond may be for a one year term provided it is automatically renewable for successive one year periods from the present or any future expiration dates, unless sixty (60) days prior to an expiration date, the bank notifies the City that it elects not to renew for an additional period. The letter of credit or payment and performance bond shall secure compliance with the terms of this Agreement and all financial obligations of the Developer under it. The City may draw down the letter of credit or payment and performance bond, with five (5) business days notice to Developer, for any violation of the terms of this Agreement, or to reimburse itself for costs incurred in performing obligations Developer has defaulted on, or to pay outstanding, past due costs Developer has incurred under this Agreement, provided however, that the City shall not call such letter or other security, if within such notice period, Developer commences and diligently pursues to completion such cure in a manner satisfactory to the City. The City shall not call the letter of credit or payment and performance bond to pay past due costs incurred by the Developer under this Agreement if Developer posts adequate additional security and diligently contests the claims represented by such past due costs. With City approval, the letter of credit or payment and performance bond may be reduced from time to time as obligations of Developer under this Agreement secured by such letter of credit or payment and performance bond are satisfied, provided that the improvements completed have received final approval from the City. The amount of such reduction shall equal the lesser of the cost or value of the obligation satisfied, provided, however, that the remaining amount after any such reductions shall be sufficient to fund the improvements yet to be completed by the Developer. If a contractor of the Developer provides a payment and performance bond for 125% of the estimated cost of the improvements, which said bond names the City as an obligee and otherwise conforms to the bond requirements set forth herein and said bond is approved by the City Manager, then security required from Developer under this Section shall be reduced by an amount corresponding with the estimated amount of the improvements.

12. **License.** The Developer hereby grants the City, its agents, employees, officers and contractors a license to enter the Property to perform all necessary work and/or inspections deemed appropriate by the City, provided that the City shall take no action on the Property to cure Developer's default without first providing the notice and cure rights provided under this Agreement. The license shall expire after all the improvements required by this Agreement have been inspected and accepted by the City.

13. **Snow Removal.** The Developer shall arrange for, and the City shall not be responsible for the plowing and removal of snow from the parking areas and/or driveways within the Property and all associated costs. Snow piles shall not be allowed to occupy parking spaces, in order to ensure that the required number of spaces are available at all times during the year. Excess snow will be promptly removed from the Property or stored in locations on the Property previously approved by City staff so that snow or snow piles do not constitute an obstruction to

emergency service vehicles. "Promptly" shall mean no later than twenty-four (24) hours after the end of the last snowfall.

14. **Construction Deadline.**

A. The Developer shall begin actual construction of the improvements shown on the Plans according to plans approved by City staff, on or before six months from the date that this Agreement is signed by the City. To satisfy this requirement, the Developer must have obtained a building permit and commenced construction of the improvements associated with the Project.

B. The Developer shall complete construction of the improvements specified in the plans referenced in paragraph 2 (A) hereof as follows:

1. Phase 1 improvements to be completed by October 1, 2006 (unless otherwise set forth):

- first (of three) building [exterior by October 1, 2006 and interior by March 1, 2007]
- driveway (paved for first building, with base course for asphalt elsewhere sufficient to protect installed storm sewer system)
- storm sewer system
- sidewalk along Walker Avenue
- landscaping in front and side yards (first building only and ground cover on the Rice Street side of Phase I will be acceptable until the location of any Rice Street widening is determined by the City).

2. Phase 2 improvements to be completed (or a building by building basis) three months after implementation of Rice Street widening improvements and/or prior to the issuance of certificate of occupancy for second and third buildings, whichever comes later:

- Rice Street landscaping plan
- sidewalk along Rice Street

Phase 2 improvements include the Rice Street landscaping plan which is to be completed after the implementation of Rice Street widening and sidewalk improvements. Because building construction may be completed at different times, the respective portion of the landscaping plan adjacent to each building (not impacted by the Rice Street widening and sidewalk improvements) shall be installed as buildings are completed and prior to Certificates of Occupancy.

3. Developer shall complete and obtain certificates of occupancy for the second building by October 1, 2008 and the third building by October 1, 2010.

4. For any building lots not under construction within three months of the date hereof, Developer shall remove all debris and excess soil, and install erosion control measures, including rapid growth vegetation as required by the Minnehaha Creek Watershed District and City.
- C. If the Developer fails for any reason to satisfy one or more of the deadlines provided for by this Section, then such failure shall constitute an "Event of Default" hereunder, and, in addition to any other remedies provided for in this Agreement, the City may cancel the Planned Unit Development - Conditional Use Permit granted pursuant to this Agreement. Neither party expects nor shall be entitled to any extensions or delays in the deadlines stipulated by this Section, other than those granted strictly in accordance with the terms hereof.
15. **Responsibility for Costs.**
 - A. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development itself, including but not limited to legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the development, the preparation of this Agreement and all costs and expenses incurred by the City in monitoring and inspecting the progress of the project.
 - B. The Developer shall hold the City and its officers, employees and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from development approval, construction and operation, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement by the City. Except as limited by the preceding sentence, the Developer shall indemnify the City and its officers and employees for all costs, damages or expenses which the City may pay or incur in consequence of such claims, including attorney and other consulting fees.
 - C. The Developer shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering, building official, planning and attorney's fees.
 - D. The Developer shall pay in full all bills submitted to it by the City for obligations properly incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all development work and construction until the bills are paid in full, and may draw on any collateral that might be provided by Developer to the City to discharge such obligations. Bills not paid within thirty (30) days shall accrue interest at the rate of eight percent (8.00%) per annum.
16. **Events of Default.**
 - A. **Events of Default Defined.** The following shall be considered "Events of Default" under this Agreement:

- (1) Failure by the Developer to pay when due amounts required to be paid under any provision of this Agreement.
- (2) Failure by the Developer to observe and substantially perform any covenant, condition or obligation on its part to be observed or performed hereunder.

B. **Remedies of Default.** Whenever any Event of Default occurs and the Developer fails to cure such default within (i) five (5) days after notice of a monetary default by the City; or (ii) thirty (30) days after notice by the City of a non-monetary default (or such longer period as is reasonable, not to exceed 90 days, provided Developer promptly initiates and consistently prosecutes the cure of such default); or (iii) in the case of an emergency, such shorter period of time as may be reasonable under all of the circumstances, then the City may, in addition to any other remedies or rights available to the City at law or equity and those specifically given the City under this Agreement or its ordinances, take any one or more of the following actions:

- (1) Perform or hire a third party to perform for the account of the Developer any obligation of the Developer. The Developer shall promptly reimburse the City for any expense incurred by the City. This Agreement is a license for the City to act, and it shall not be necessary for the City to seek a Court order for permission to enter the Property or act in accordance with this Agreement. When the City does any work, the City may, in addition to its other remedies, assess the cost in whole or in part against the Property and the Property shall be deemed to have benefited from the work in the amount expended by the City to perform such work.
- (2) Withhold approval of any permit with respect to the Property, including building permits for the Property.
- (3) Draw on any collateral (such as a letter of credit, or payment and performance bond) deposited with the City to pay for the cure of the default.
- (4) Require the Developer to discontinue work on the Property until such time as the Event of Default has been cured.
- (5) Assess against the Property any costs incurred by the City and not theretofore reimbursed by the Developer and the Property shall be deemed to have benefited in the amount and to the extent of such costs.
- (6) Cancel and terminate any Conditional Use Permit granted to the Developer pursuant to this Agreement (except for any portion of the Project for which a certificate of occupancy has been issued and which is not then in default under this Agreement).

17. **Conformance with Laws.** The Developer shall comply with the terms of this Agreement and all local, state, and federal laws and regulations applicable to the development and Property. The Developer represents to the City that to the best of its knowledge that the development is not of "metropolitan significance," and that an environmental impact statement is not required. If the City or another governmental entity or agency determines that such a review is needed, however, the Developer shall prepare it in compliance with legal requirements so issued from said agency. The Developer shall reimburse the City for all expenses, including

staff time and attorney's fees, that the City necessarily incurs in assisting in the preparation of the review.

18. **Miscellaneous.**

- A. The Developer represents to the City that, to the best of Developer's knowledge, the Project complies with all county, metropolitan, state and federal laws and regulations, and that Developer has no knowledge of any violations by the Project or Developer of City Subdivision Ordinances, City Zoning Ordinances, and environmental regulations. If the City determines that the Project does not comply, the City may, at its option, refuse to allow construction or preliminary work in the Project until the Developer does comply. Upon the City's demand, the Developer shall cease work until there is compliance.
- B. Only the Developer shall have recourse against the City under this Agreement.
- C. If any portion, section, sub-section, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Agreement.
- D. The action or inaction of the City shall not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers shall be in writing, signed by the parties and approved by written resolution of the City Council. No building permit or certificate of occupancy shall be issued which conflicts with the requirements of this Agreement. The City's failure to promptly take legal action to enforce this Agreement shall not be a waiver or release.
- E. Developer and its successors and assignees are liable under this Agreement. The Developer may not assign this Agreement without written consent of the City Council prior to issuance of the Certificate of Completion described below. This Agreement, and any amendments thereto, shall run with the land and shall be recorded against the title to the Property by the City at the expense of the Developer. No building, grading, filling or utility permits shall be issued until evidence of such recording acceptable to the City has been provided by the Developer. Third parties not signatories to this Agreement are not intended to be, and shall not be beneficiaries of this Agreement or entitled to enforce the terms thereof.
- F. After the Developer has completed the work required of it under this Agreement, at the Developer's request, the City will execute and deliver to the Developer a Certificate of Completion ("Certificate") in recordable form evidencing performance by Developer of its obligations hereunder, subject to:
 - (1) Any representation or warranties which may be in effect subsequent to the date of completion, and
 - (2) The Developer's obligations to retain the improvements in the form described by the Plans referenced herein,

- (3) Any other obligations that are not specifically identified in such Certificate as having been performed.

Any obligations imposed by this Agreement not certified as having been satisfied in such Certificate, and all warranties and representations of the Developer, shall remain the ongoing obligation of the Developer and Developer's successors and assigns. Any owner of the Property shall be subject to all the restrictions and obligations contained herein to the extent that such restrictions and obligations have not been satisfied by the Certificate. As appropriate, the City shall issue partial Certificates as particular portions of the Property are completed.

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

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

21. **Notices.** Required notices to the Developer shall be in writing, and shall be either hand delivered to the Developer, its employees or agents, or mailed to the Developer by certified or registered mail at the following address:

Rice Street Brownstones, LLC
Attn: John Adams
c/o Coldwell Banker Burnet
201 East Lake Street
Wayzata, Minnesota 55391

Notices to the City shall be in writing and shall be either hand delivered to the City Manager, or mailed to the City by registered or certified mail in care of the City Manager at the following address: Wayzata City Hall, 600 East Rice Street, Wayzata, Minnesota, 55391.

22. **Blue House.** Provisions in this Agreement relating to the construction of improvements on, or serving, the row houses intended to be constructed on Lot 2, Block 1, John Adams Addition, shall not be applicable to Lot 1, Block 1, John Adams Addition, the site of the Blue House.

[NEXT PAGE IS THE SIGNATURE PAGE]

CITY OF WAYZATA,
a Minnesota Municipal Corporation

By: Andrew Humphrey, Mayor

By: Allan Orsen, City Manager

RICE STREET BROWNSTONES, LLC,
a Minnesota limited liability company

By: John Adams

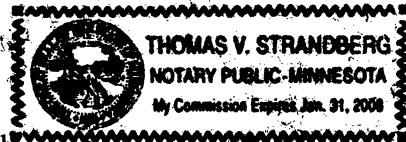
Its: Chief Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 10th day of July, 2006 by Andrew Humphrey, Mayor of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Thomas V Strandberg
Notary Public

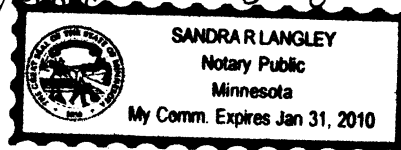
STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)



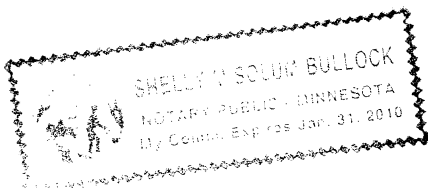
The foregoing instrument was acknowledged before me this 12 day of July, 2006 by Allan Orsen, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Sandra R Langley
Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)



The foregoing instrument was acknowledged before me this 12 day of July, 2006, by John Adams, the Chief Manager of Rice Street Brownstones, LLC, a Minnesota limited liability company, on behalf of the company.



[Signature]
Notary Public

THIS INSTRUMENT DRAFTED BY:

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

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Lots 1 and 2, Block 1, John Adams Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

EXHIBIT B

Public Right-of-Way Encroachment Agreement

Rice Street Brownstones, LLC (the "Property Owner") at 520 Rice Street (PID #06-117-22-24-0036) and 207 Walker Avenue (PID #06-117-22-24-0034) (the "Property") is hereby granted a license to install and maintain on the City Right-of-Way adjacent to the Property (which is legally described on the attached Exhibit A), the materials identified on Exhibit B (the "Permitted Encroachment Materials").

In consideration of this license, the Property Owner agrees to the following:

Any and all costs associated with the initial installation and maintenance of the Permitted Encroachment Materials will be borne exclusively by the Property Owner.

If at any time the city of Wayzata, for itself or on behalf of Public utility companies who have permission to have their utilities within the City Right-of-Way, requires temporary or permanent modification or removal of any or all of the Permitted Encroachment Materials for maintenance of existing public improvements or the installation of any other public improvements, or because of the need to use the City Right-of-Way in such a manner that requires removal of the Permitted Encroachment Materials, such removal or modification will be done by the City of Wayzata, provided that the City first informs the Property Owner of its intentions, explains to the Property Owner the need to access the City Right-of-Way, and does all such removal or modification in such a way so as to minimize the impact to the Permitted Encroachment Materials, to the extent reasonably possible without significant delay or cost, or if approved by the City, such removal or modification may be done by the Property Owner.

If there is an emergency situation requiring full or partial removal of any or all of the Permitted Encroachment Materials and the City, for itself or on behalf of Public utility companies, is unable to contact the Property Owner within a reasonable time, the City will engage in such removal of the Permitted Encroachment Materials as deemed necessary to perform the emergency repairs.

Replacement of the Permitted Encroachment Materials will be at the discretion of the City, shall not interfere with the operation of any improvements constructed by the City in the City Right-of-Way, and the cost thereof shall be paid by the Property Owner.

The Property Owner agrees to indemnify the City from any claim made against the City for any damage or injury caused by the locating of the Permitted Encroachment Materials in the City Right-of-Way. Upon conveyance of fee title to the Property, the grantee, by accepting such conveyance, will thereby become the "Property Owner" and a new party to, and be bound by, this Agreement, and the conveying owner will be released from any and all liability under this Agreement for any obligation to be performed or breach of this Agreement occurring thereafter. The City shall not be responsible for any damage to the Permitted Encroachment Materials except as specifically set forth in this Agreement.

This Agreement is executed as of the 12 day of July, 2006.

CITY OF WAYZATA

By: _____
Its: _____

PROPERTY OWNER(S)

Rice Street Brownstones, LLC

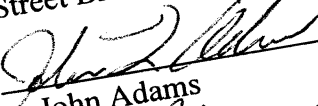
By:  (Print Name)
John Adams
Its: 

EXHIBIT A
City Right-of-Way Legal Description
Lot 2, Block 1, John Adams Addition

EXHIBIT B
Permitted Encroachment Materials

1. Stairs and sidewalks on Rice Street side of 207 Walker Street and 520 Rice Street properties.
2. Wrought iron fence structure on Rice Street side of 207 Walker and 520 Rice Street properties.

EXHIBIT C

RESTRICTIVE COVENANT AGREEMENT

This Restrictive Covenant Agreement (the "Agreement") is made this 12 day of July, 2006 by Rice Street Brownstones, LLC, a Minnesota limited liability company ("Owner") for the benefit of the City of Wayzata, a body corporate and politic under the laws of Minnesota ("City").

WHEREAS, Owner is the owner of property located at 206 Minnetonka Avenue, Wayzata, Minnesota, which said property is legally described as Lot 1, Block 1, John Adams Addition, Hennepin County, Minnesota (the "Property"); and

WHEREAS, Owner has received from the City a PUD General Plan and Design Standards approval for a project that includes the Property pursuant to City of Wayzata Resolution No. 2887 ("City Approval"); and.

WHEREAS, one of the requirements under the City Approval was the requirement that certain restrictions be placed upon the Property and Owner desires to meet that obligation;

NOW, THEREFORE, Owner hereby declares that the Property is subject to the following restrictive covenant (the "Covenants"):

- 1) The existing home structure located on the Property (the "Home") shall remain located on the Property.
- 2) The Owner shall restore, paint, re-roof, replace damaged wood and generally renovate the exterior of the Home on or before the 22nd day of August, 2006 in a manner that complies with the Wayzata Design Standards. The Owner shall have the right to make any improvements or changes from time-to-time on the interior of the Home, or on the grounds surrounding the Home.
- 3) The Home shall not be demolished and shall remain in perpetuity as a single family home with its current square footage, with no material structural renovations or additions to the exterior of the Home that substantially change the Dutch Colonial architecture of the Home as it exists on the date of this Agreement; it being acknowledged that commercial uses of the single-family home shall be permitted as and to the extent permitted under applicable zoning as contemplated by Section 4 below.
- 4) The Home shall continue to be regulated by the City's C-1A Neighborhood Office and Limited Commercial District zoning classification.

The terms of this Agreement shall run with the Property, shall apply to and bind each and every successor in interest thereof; and is imposed upon the Property as a servitude in favor of the City. Upon conveyance of fee title to the Property, the grantee, by accepting such conveyance, will thereby become the "Owner" and a new party to, and be bound by, this Agreement, and the conveying owner will be released from any and all liability under this Agreement for any breach of this Agreement occurring thereafter; provided, however, that Rice Street Brownstones, LLC shall not be released from its obligation to the City for the performance

of the covenant set forth in the first sentence of Section 2 above, notwithstanding that Rice Street Brownstones, LLC may convey title to the Property or that Rice Street Brownstones, LLC's grantee may assume responsibility for performance of such covenant vis-à-vis Rice Street Brownstones, LLC.

The terms of this Agreement are for the benefit of the City, and the power and privilege of enforcement thereof against any party or parties who shall violate or attempt to violate the same by appropriate proceedings at law or in equity are granted to the City, and as part of such an enforcement proceeding, the City shall have the right to collect reasonable attorneys fees and costs. Failure of the City to enforce any part of this Agreement upon its violation shall in no event be deemed to be a waiver of the right to do so as to any subsequent violation.

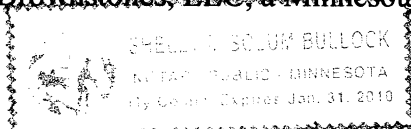
The terms of this Agreement shall terminate in the event that the Home is destroyed or substantially damaged by fire, wind, or other casualty and not rebuilt. In such event, a termination of this Agreement, executed by the City and the Owner (or its successors or assigns) shall be executed and recorded and this Agreement shall terminate upon the recording of such agreement.

Rice Street Brownstones, LLC, a Minnesota limited liability company

By: [Signature]
Its: Chief Manager

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 12 day of July, 2006, by John F. Adams, the Chief Manager of Rice Street Brownstones, LLC, a Minnesota limited liability company, on behalf of the company.

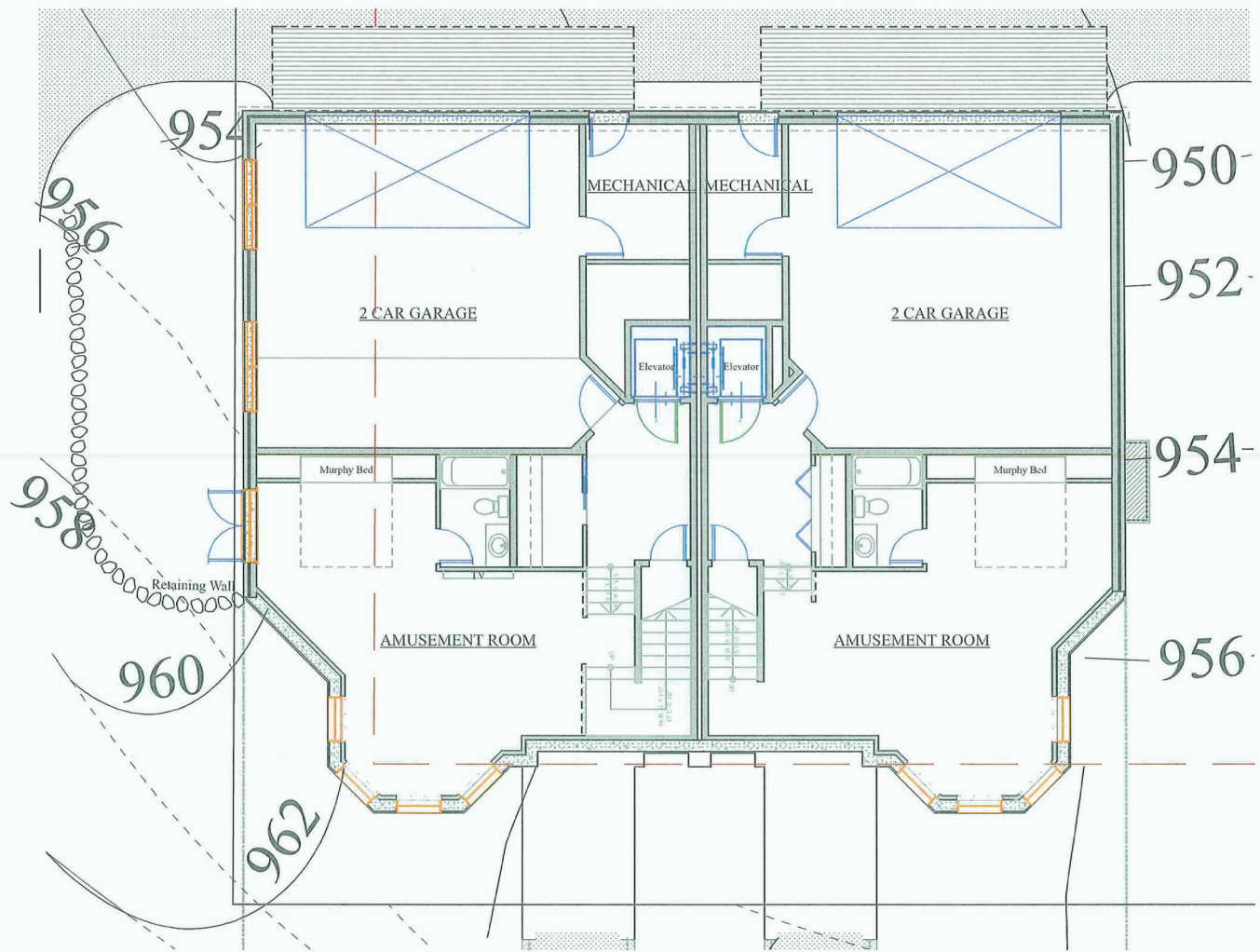


[Signature]
Notary Public

THIS INSTRUMENT DRAFTED BY:
Paul E. Kaminski
BEST & FLANAGAN LLP
225 South Sixth Street, #4000
Minneapolis, Minnesota 55402

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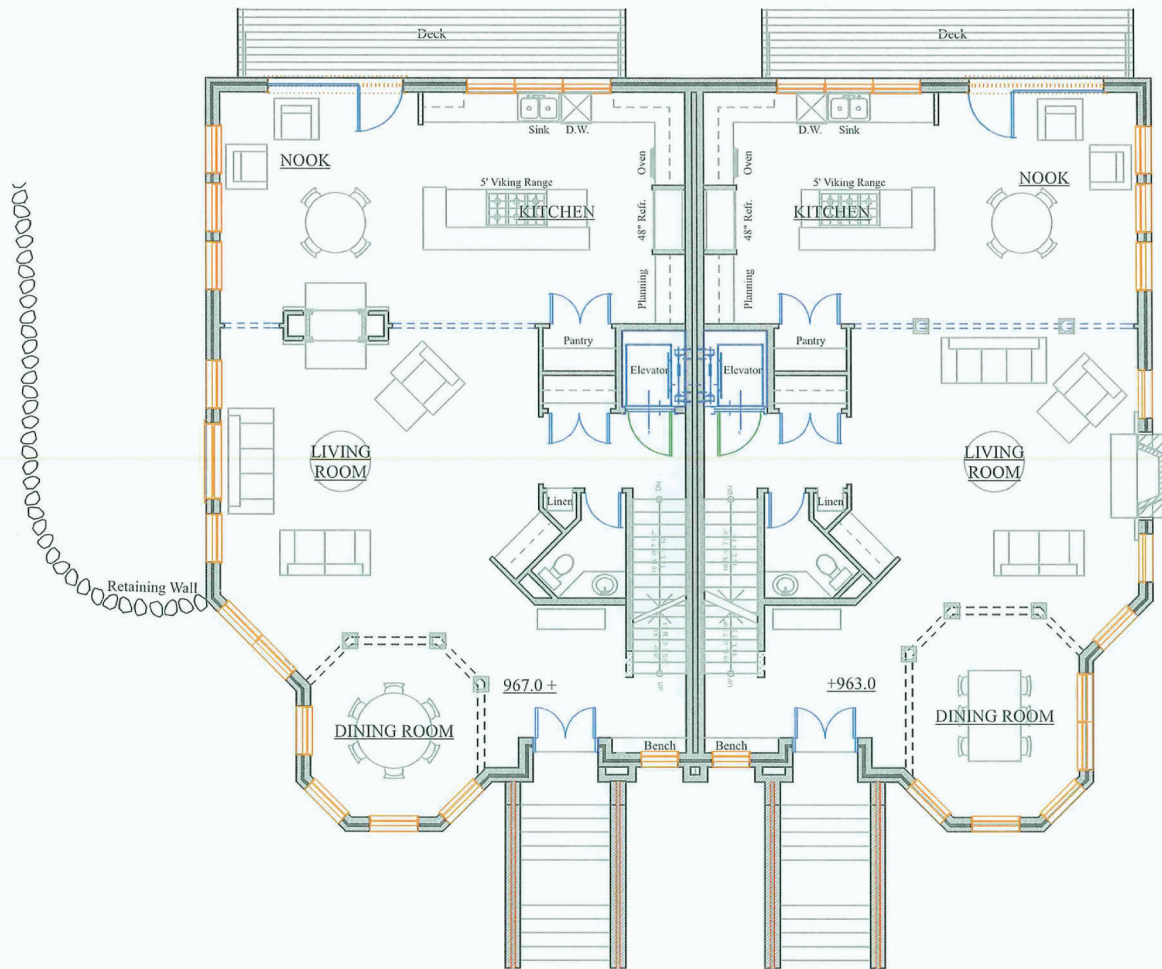
16 LOWER LEVEL PLAN 750 SF
1/8"=1'-0"

LOWER LEVEL PLAN 722 SF
1/8"=1'-0"

PROJECT		DATE	
Rice Street Rowhouses 520 Rice Street East Wayzata, MN		6/10/2005	

Plans are copyrighted and are subject to protection under Section 102 of the Copyright Act, 17 U.S.C., as amended December 1, 1990, known as the Architectural Works Copyright Protection Act of 1990. Protection includes but is not limited to extend from as well as the arrangement of space and details of the design. Under such protection, unauthorized use of these plans, or words appearing thereon, can result in the termination and loss of such construction as well as damages up to \$100,000 per offense.

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17 MAIN LEVEL PLAN
1/8"=1'-0"

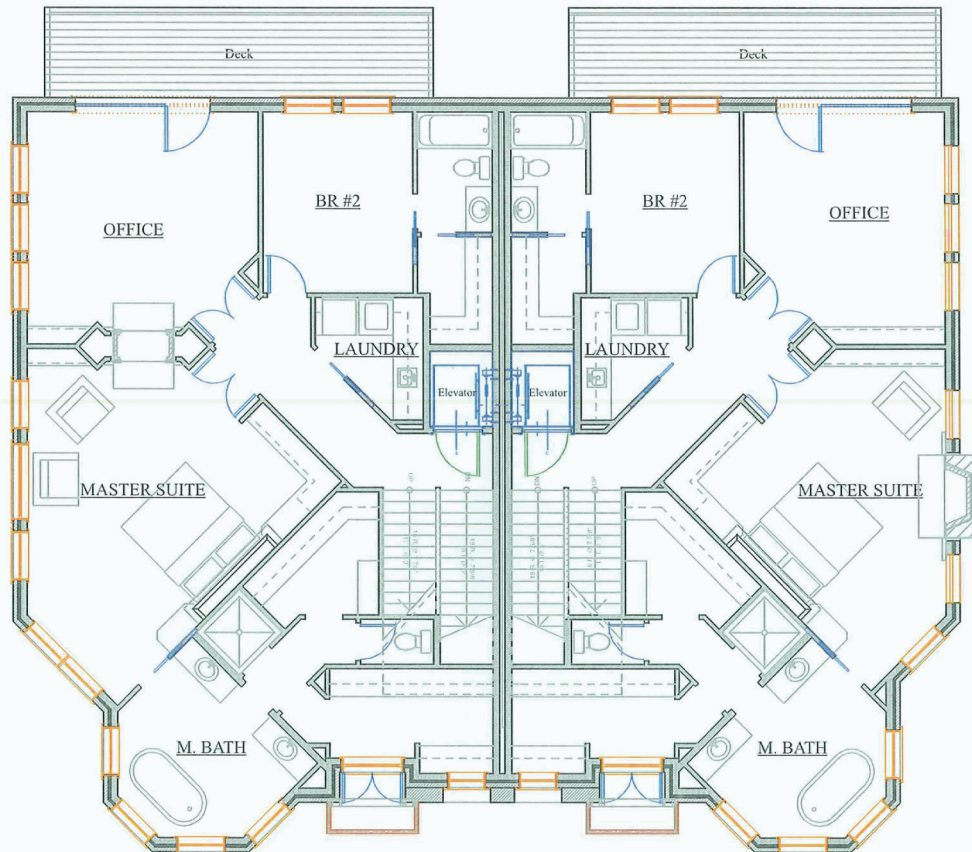
UPPER 1,500 SF
MAIN 1,500 SF
LOWER 750 SF
TOTAL 3,750 SF

MAIN LEVEL PLAN
1/8"=1'-0"

UPPER 1,420 SF
MAIN 1,420 SF
LOWER 722 SF
TOTAL 3,562 SF

PROJECT
Rice Street Rowhouses
520 Rice Street East
Wayzata, MN
DATE
6/10/2005
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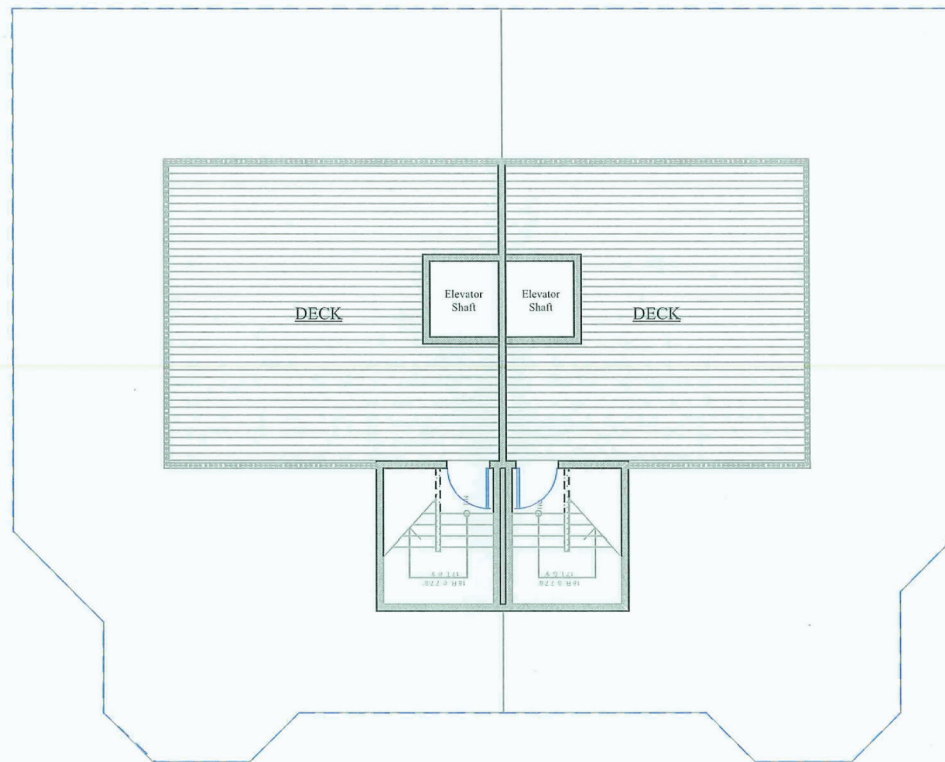
18 SECOND LEVEL PLAN 1,500 SF
1/8"=1'-0"

SECOND LEVEL PLAN 1,420 SF
1/8"=1'-0"

PROJECT		DATE	
Rice Street Rowhouses		6/10/2005	
520 Rice Street East			
Wayzata, MN			

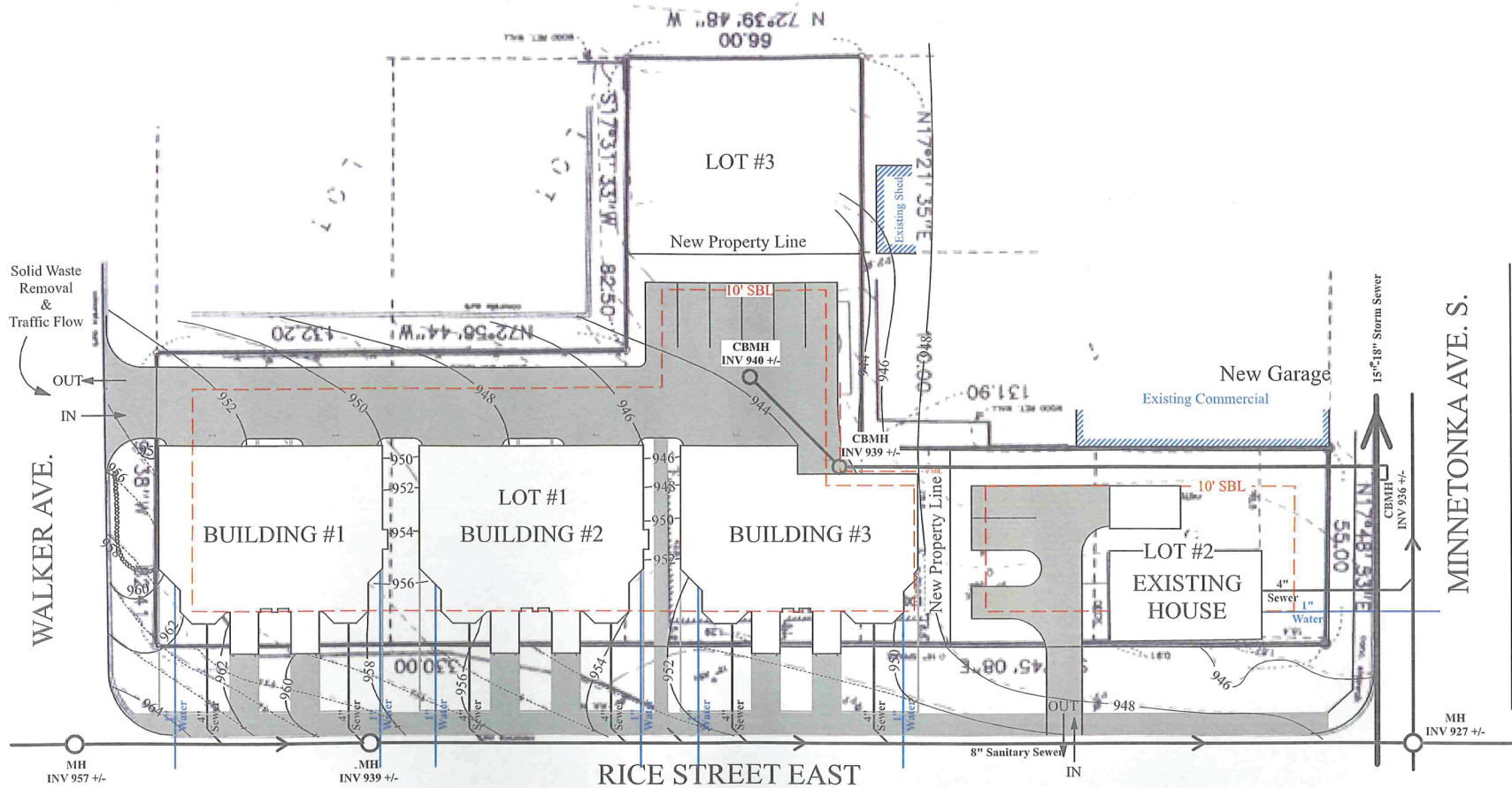
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19 ROOF TOP GARDEN PLAN
1/8"=1'-0"

P R O J E C T Rice Street Rowhouses 520 Rice Street East Wayzata, MN		DATE 6/10/2005
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8 GRADING & DRAINAGE PLAN 1"=30'-0"
ROWHOUSE SCHEME

PROJECT	
Rice Street Rowhouses	
520 Rice Street East	
Wayzata, MN	DATE 6/10/2005
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○ RICE STREET ELEVATION
1/16"=1'-0"



9 RICE STREET ELEVATION
1/16"=1'-0"

P R O J E C T	
Rice Street Rowhouses	
520 Rice Street East	
Wayzata, MN	
DATE	6/10/2005
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INDIAN MOUND ST. E. ELEVATION
1/16"=1'-0"



10 INDIAN MOUND ST. E. ELEVATION
1/16"=1'-0"

PROJECT		DATE	
Rice Street Rowhouses 520 Rice Street East Wayzata, MN		6/10/2005	
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○ WALKER STREET ELEVATION
1/16"=1'-0"



○ MINNETONKA AVE. ELEVATION
1/16"=1'-0"



11 WALKER STREET ELEVATION
1/16"=1'-0"



○ MINNETONKA AVE. ELEVATION
1/16"=1'-0"

PROJECT	
Rice Street Rowhouses	DATE
520 Rice Street East	6/10/2005
Wayzata, MN	

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○ BUILDING HEIGHT
BUILDING #1 1/16"=1'-0"



○ BUILDING HEIGHT
BUILDING #2 1/16"=1'-0"



12 ○ BUILDING HEIGHT
BUILDING #3 1/16"=1'-0"

P R O J E C T	
Rice Street Rowhouses	
520 Rice Street East	DATE
Wayzata, MN	6/10/2005

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712 RICE STREET
EXISTING STRUCTURE

30'-0"
AVERAGE HEIGHT
(Average grade to highest roof)



520 RICE STREET
ROWHOUSE PROPOSAL

HEIGHT COMPARISON
RICE STREET ELEVATION 1/16"=1'-0"



520 RICE STREET
ROWHOUSE PROPOSAL

33'-4"
APPROXIMATE AVERAGE HEIGHT
(Average grade to mid-point of highest roof)



706 RICE STREET
EXISTING STRUCTURE

13 HEIGHT COMPARISON
RICE STREET ELEVATION 1/16"=1'-0"

P R O J E C T	
Rice Street Rowhouses	
520 Rice Street East	
Wayzata, MN	
DATE	6/10/2005
Plans are copyrighted and are subject to protection under Section 102 of the Copyright Act, 17 U.S.C., as amended December 1, 1990, known as the Architectural Works Copyright Protection Act of 1990. Permission is hereby granted to view these plans as well as the arrangement of spaces and details of the design. Under such permission, unauthorized use of these plans, or parts thereof, without the written consent of the architect, is prohibited. Any such use, in whole or in part, without the written consent of the architect, is prohibited. Any such use, in whole or in part, without the written consent of the architect, is prohibited.	

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14 RENDERING RICE AND MINNETONKA
ROWHOUSE SCHEME

P R O J E C T		© 2005
Rice Street Rowhouses		 Landschute 500 Lake Street #110 Excelsior, MN 55331 (952) 470-7416
520 Rice Street East		
Wayzata, MN		
DATE	6/10/2005	
Plans are copyrighted and are subject to protection under Section 102 of the Copyright Act, 17 U.S.C., as amended December 1, 1990. Violation of the Architectural Works Copyright Protection Act of 1990. Permission is granted but is not limited to overall form as well as the arrangement of spaces and details of the design. Under such protection, substantial use of these plans, or works resulting from these plans, can result in the termination and loss of such construction as well as fines up to \$100,000 per offense.		



15 RENDERING PARKING
ROWHOUSE SCHEME

P R O J E C T	
Rice Street Rowhouses 520 Rice Street East Wayzata, MN	DATE 6/10/2005
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3

RENDERING FROM WALKER & RICE ST. ROWHOUSE SCHEME

P R O J E C T	
Rice Street Rowhouses 520 Rice Street East Wayzata, MN	
DATE	6/10/2005
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4 RENDERING OF RICE STREET
ROWHOUSE SCHEME

P R O J E C T
Rice Street Rowhouses
520 Rice Street East
Wayzata, MN

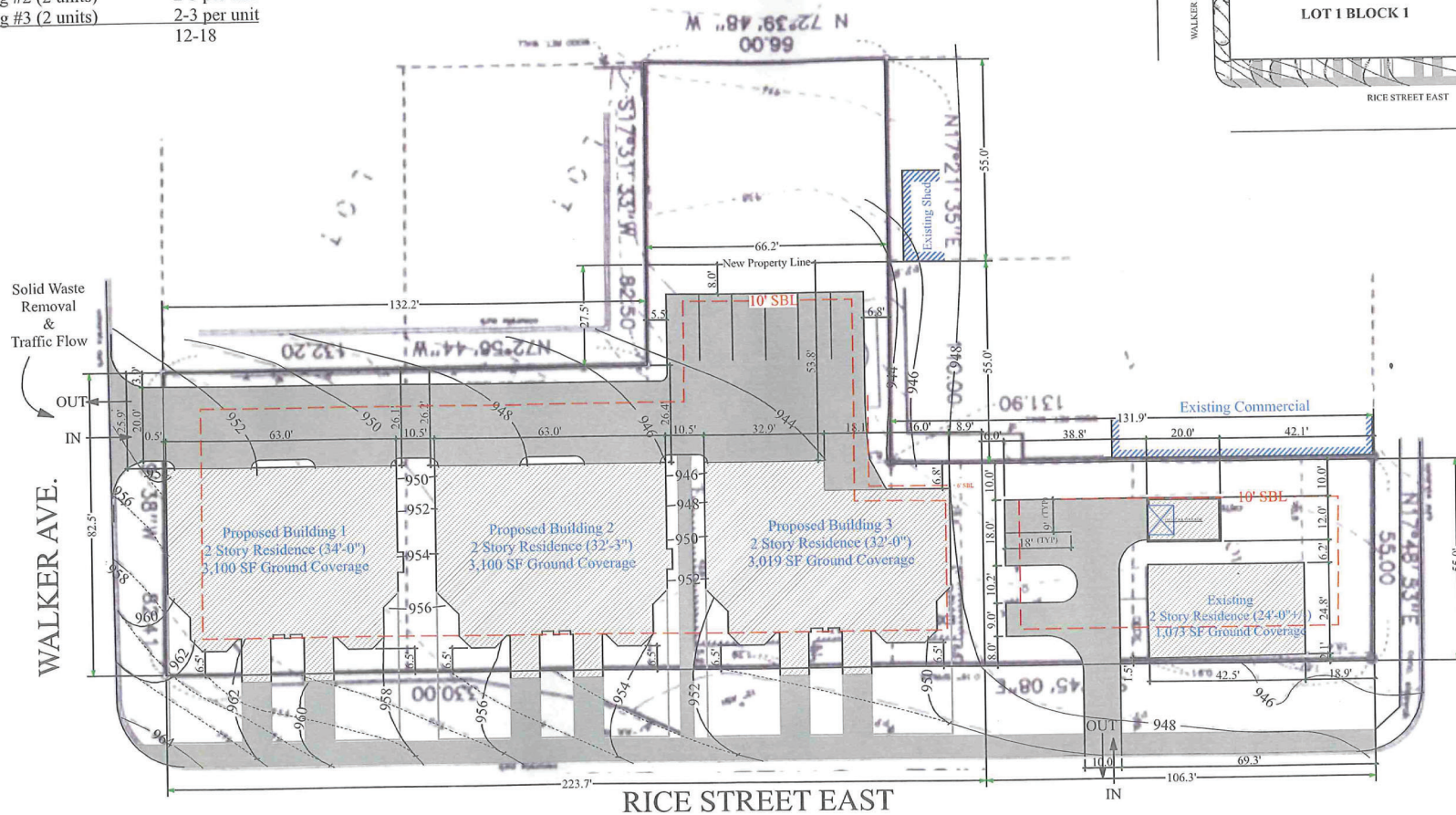
DATE
6/10/2005

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12-18

The Northerly 1/2 of lots 1 & 2, all of lot 3, the NorthEasterly 55' of lots 4 & 5, all in Block 5, Wayzata, Hennepin County, Minnesota.



LOT 3
BLOCK 1

LOT 1 BLOCK 1

LOT 2
BLOCK 1

Survey Control

WALKER AVE

RICE STREET EAST

MINNETONKA AVE. S.

7

GENERAL SITE PLAN ROWHOUSE SCHEME

$$1'' = 30' - 0''$$

P	R	O	J	E	C	T
Rice Street Rowhouses						DATE
520 Rice Street East						6/10/2005
Wayzata, MN						

Plans are copyrighted and are subject to protection under Section 10 of the Copyright Act, 17 U.S.C., as amended December 1, 1990, known as the Architectural Works Copyright Protection Act of 1990. Protection includes but is not limited to overall form as well as the arrangement of spaces and details of the design. Under such protection, unauthorized use of these plans, or works resulting from these plans, can result in the termination and loss of such construction as well as fines up to \$100,000 per offense.

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EXISTING HARDCOVER CALCULATIONS

Old Lot #1 (Walker & Rice)		Old Lot #2 (Rice)	
Description	Area	Description	Area
Shed	48 SF	House & Decks	2,956 SF
Sub-Total	48 SF	Sub-Total	2,956 SF
Total Lot Area	10,939 SF	Total Lot Area	10,943 SF
Percent Hardcover	0.44%	Percent Hardcover	27.01%

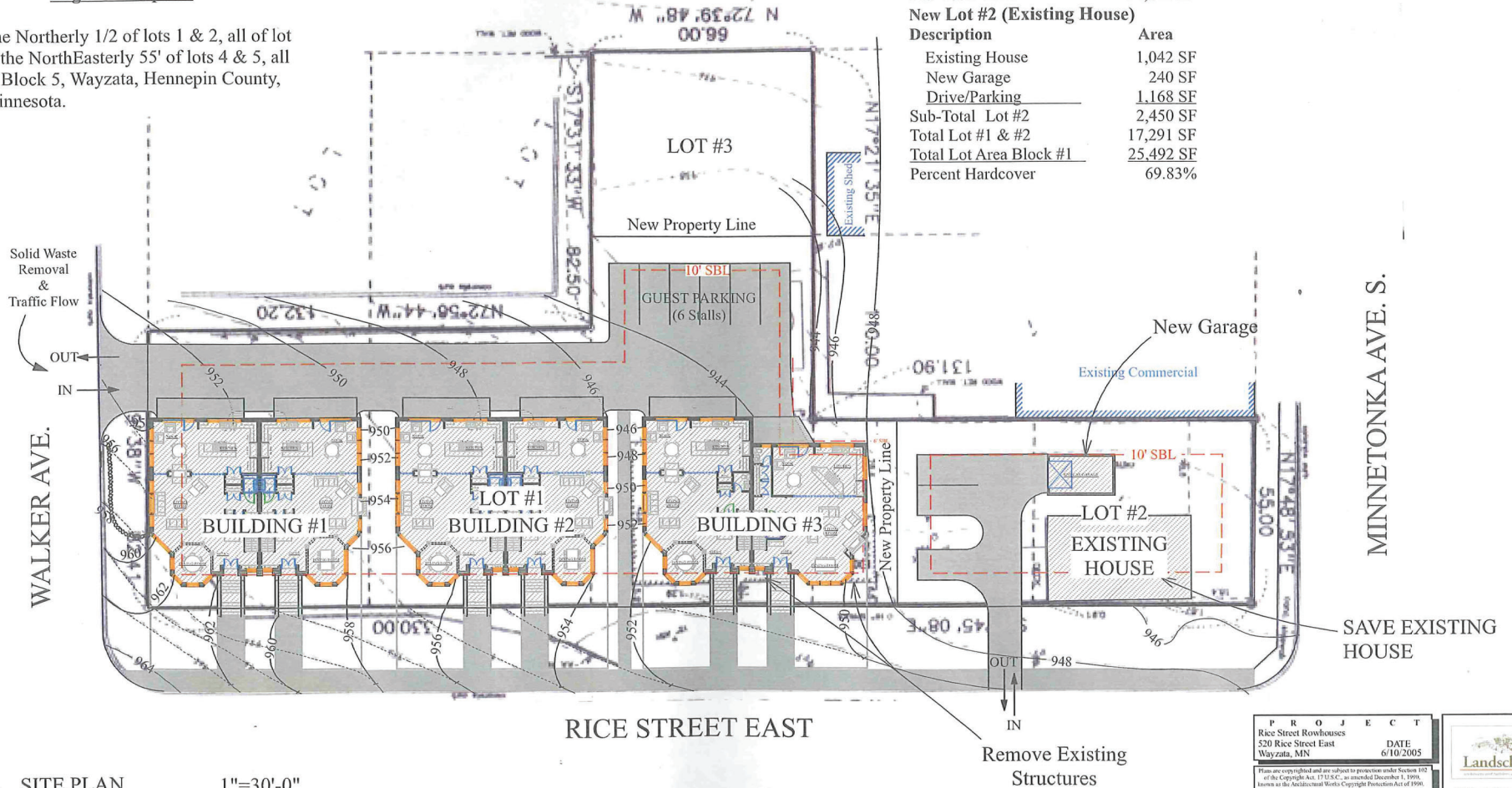
Legal Description

The Northerly 1/2 of lots 1 & 2, all of lot 3, the NorthEasterly 55' of lots 4 & 5, all in Block 5, Wayzata, Hennepin County, Minnesota.

Old Lot #3 (Minnetonka & Rice)	
Description	Area
Garage	372 SF
House & Decks	1,156 SF
Sub-Total	1,528 SF
Total Lot Area	7,240 SF
Percent Hardcover	21.10%

PROPOSED HARDCOVER CALCULATIONS

BLOCK #1		New Lot #3	
New Lot #1 (Rowhouses)		Description	Area
Description	Area	No Hardcover	0 SF
Building #1	2,900 SF	Sub-Total	0 SF
Building #2	2,900 SF	Total Lot Area	3,630 SF
Building #3	2,829 SF	Percent Hardcover	0.0%
Front Steps	697 SF		
Drive/Parking	5,515 SF		
Sub-Total Lot #1	14,841 SF		
New Lot #2 (Existing House)			
Description	Area		
Existing House	1,042 SF		
New Garage	240 SF		
Drive/Parking	1,168 SF		
Sub-Total Lot #2	2,450 SF		
Total Lot #1 & #2	17,291 SF		
Total Lot Area Block #1	25,492 SF		
Percent Hardcover	69.83%		



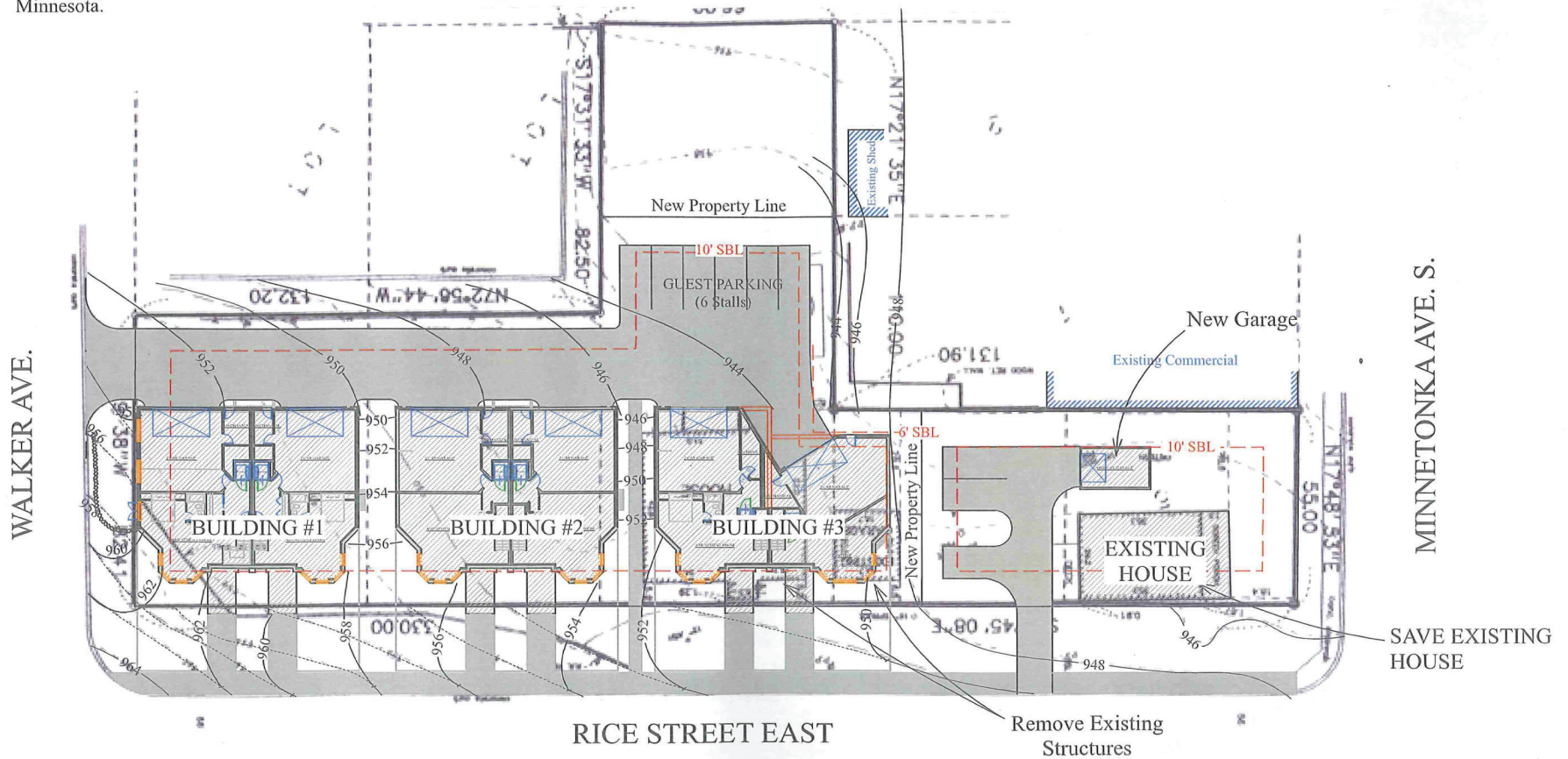
5 SITE PLAN
ROWHOUSE SCHEME 1"=30'-0"

PROJECT
Rice Street Rowhouses
520 Rice Street East
Wayzata, MN
DATE
6/10/2005

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Legal Description

The Northerly 1/2 of lots 1 & 2, all of lot 3, the NorthEasterly 55' of lots 4 & 5, all in Block 5, Wayzata, Hennepin County, Minnesota.



6 SITE PLAN
ROWHOUSE SCHEME
1"=30'-0"
Parking Level

PROJECT		DATE	
Rice Street Rowhouses 520 Rice Street East Wayzata, MN		6/10/2005	
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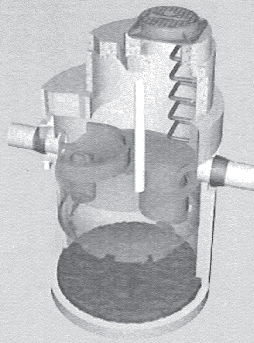
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Single Inline Unit



Here you can view the flow of runoff through the various sections of this unit.

The animation controls below will toggle the sequence on and off.

➔ Shows Primary Flows / By-Pass Flows

[Profile Description](#)
[Normal Operating Conditions](#)
[By-Pass Operating Conditions](#)
[Point Summary](#)

[Play Animation](#)
☐ [Stop Animation](#)

In-Line Stormceptor® Profile

The In-Line Stormceptor® is a stormwater separator that efficiently removes grit, fine sediment and free oil from stormwater. These pollutants are stored inside a treatment chamber for safe and easy removal. Stormceptor® protects lakes, rivers, streams and coastal areas from hazardous material spills and daily stormwater runoff pollution. The In-line Stormceptor® is a unique solution because of its patented internal by-pass. This prevents the re-suspension and scouring of trapped pollutants during infrequent high flow periods.

[Top](#)

Design and Operation

A fiberglass insert separates a by-pass chamber and treatment chamber. In areas where oil or chemical spills accumulate prior to cleaning, the fiberglass insert provides dual wall containment of floating oils and chemicals inside the treatment chamber. This makes the In-Line Stormceptor® ideal of industrial properties, gas stations and parking lots where there is a potential for oil or chemical spills.

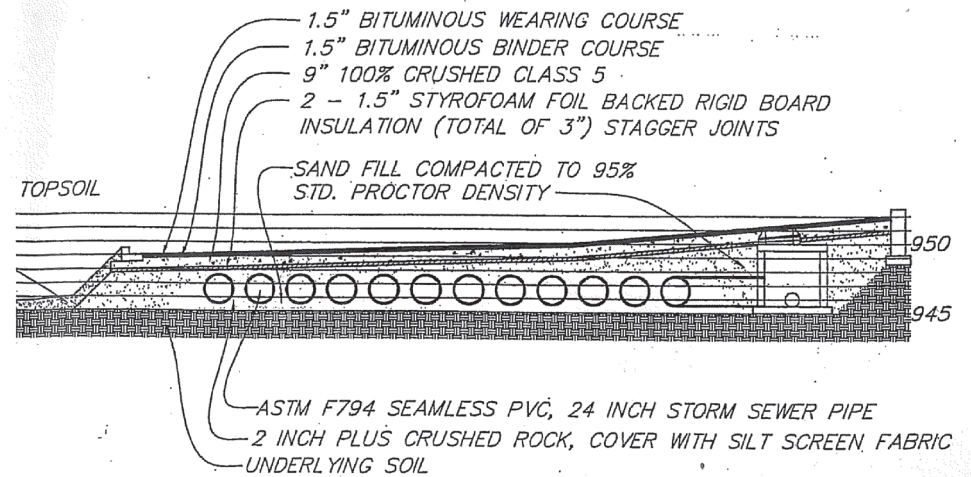
[Top](#)

By-Pass Operating Conditions

During high flow periods (about 10% of the annual runoff), water flows over the fiberglass weir into the downstream sewer preventing previously trapped oil, grit and sediment from being scoured out.

[Top](#)

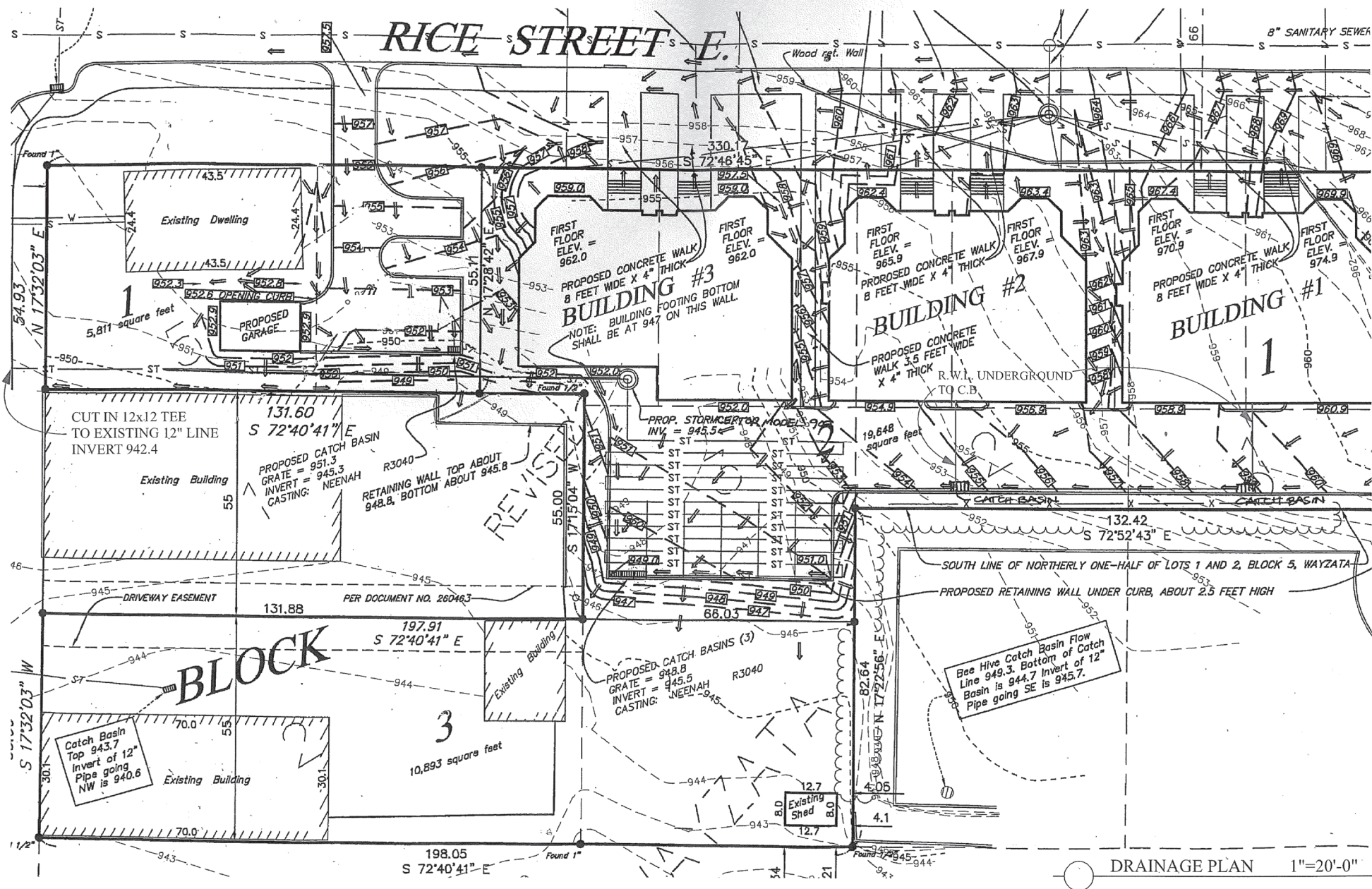
Storm water storage area detail



Summary

- Stormwater flows into the upper by-pass chamber via the storm sewer pipe.
- Low flows are diverted into the lower treatment chamber by a weir and drop tee/orifice assembly.
- The drop tee/orifice assembly will discharge water parallel to the lower treatment chamber wall.
- Flows in excess of the drop tee/orifice assembly capacity will flow over the weir and into the downstream sewer.
- Surcharged water will create a backwater effect on the riser pipe and the head differential between the drop tee/orifice assembly and outlet riser pipe will decrease.
- This prevents large flows entering the treatment chamber and scouring any trapped pollutants.
- Oils and other liquids with a specific gravity less than water will be trapped underneath the fiberglass insert.
- Sediment will settle to the bottom of the chamber by gravitational forces.
- The circular design of the treatment chamber is designed to prevent turbulent eddy currents and to promote settling.
- The riser pipe is downstream of the by-pass chamber and is connected to the downstream sewer pipe.
- Water flows up through the riser pipe based on the head at the inlet weir.

[Top](#)



ADVANCE SURVEYING & ENGINEERING CO.

5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474-7964 Fax (952) 474-8267

SURVEY FOR: LANDSCHUTE

SURVEYED: June, 2005

DRAFTED: June 20, 2005

LEGAL DESCRIPTION:

Lot 3, Block 5, WAYZATA, Hennepin County, Minnesota

PROPOSED AREAS:

PROPOSED AREAS:	SQ. FT.	ACRES	C	CxACRES
BUILDINGS	8,675	0.199	0.95	0.189
DRIVE AND PARKING	8,024	0.184	0.95	0.175
WALKS	2,652	0.061	0.95	0.058
GRASS & PLANTING	10,569	0.243	0.35	0.085

TOTAL 29,920 0.687 **0.74** 0.507

$L = 312$ FEET (LENGTH FLOW TRAVEL TO MOST REMOTE CORNER WATERSHED)

$s = 6.9\%$ (AVERAGE SLOPE FROM MOST REMOTE POINT TO OUTLET POINT)

$n = .19$ (30% over sodded lawn ($n = .4$) and 70% over conc. curb ($n = .1$))

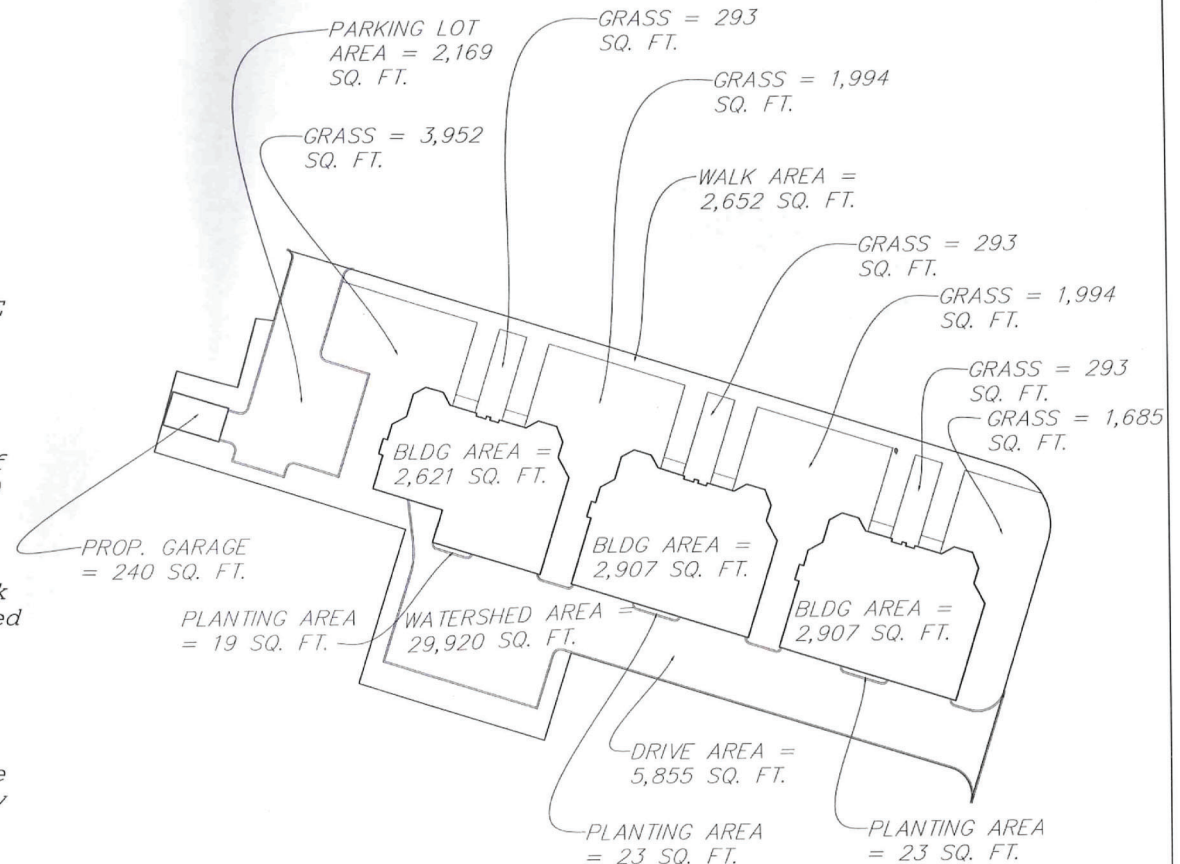
$t_c = 10$ minutes (time required for all parts of watershed to be contributing to outflow volume)

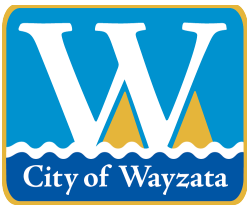
$i(100) = 8$ inch/hour (rainfall intensity during 100 year event)

$Q(100) = CiA = .74 \times 8 \times .687 = 4.07$ cfs (Peak flow during 100 year event from entire watershed after proposed project complete)

To keep the peak flow from the 100 year event the same as the existing site requires a 51.4% reduction in the 4.07 cfs flow, 51.4% of 8 in/hr = 4.1 in/hr. It takes 27 minutes for the 100 year event to abate to a rainfall intensity of 4.1 inches/hour.

During that 27 minutes the average flow from the watershed is $(8 + 4.1)/2 = 6.05$ inches/hour. The storage required is the excess flow of 1.95 inches/hour $(6.05 - 4.1) \times 29,920$ sq. ft. in the watershed $\times 27$ min $\times 1$ hr/60 min $\times 1$ foot/12 inches = 2,188 cubic feet.





City of Wayzata Planning Commission Agenda Report

MEETING DATE: June 7, 2021	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:

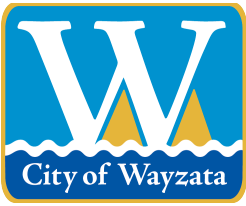
Staff will give a verbal update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: June 7, 2021	AGENDA ITEM: 6.b
TITLE: Planning Commissioner Liaison Schedule and City 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 for Monday, June 21, 2021. Commissioner Stockton is scheduled for the June 15, 2021 City Council meeting.

Public meetings will continue to be held remotely through the end of July for the Planning Commission. Staff is working on a plan to incorporate new technology into the Community Room to accommodate a hybrid meeting format in the future. The first in-person public meeting at City Hall is expected to take place at the July 20 City Council meeting. The first in-person Planning Commission meeting is expected to take place on August 2 pending successful implementation of hybrid meeting technology.

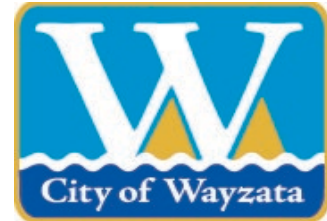
ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2021 Wayzata Calendar
2. Planning Commission assignments at Council meetings 2021

City of Wayzata 2021 Meeting Calendar



January 2021						
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 2021						
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						

March 2021						
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 2021						
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 2021						
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 2021						
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 2021						
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 2021						
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 2021						
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 2021						
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 2021						
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 2021						
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

Precinct Caucuses -

Primary Election -

General Election - School Board Election

2021
Planning Commission assignments at Council meetings

<u>Meeting Date</u>		<u>Commission Representative</u>
Tuesday	January 5, 2021	Christine Plantan
Tuesday	January 19, 2021	Jeff Parkhill
Tuesday	February 2, 2021	Peggy Douglas
Tuesday	February 16, 2021	Gregory Flannigan
Tuesday	March 2, 2021	Larissa Stockton
Tuesday	March 16, 2021	Laura Merriam
Tuesday	April 6, 2021	Lindsay Bashioum
Tuesday	April 20, 2021	Christine Plantan
Tuesday	May 4, 2021	Jeff Parkhill
Tuesday	May 18, 2021	Peggy Douglas
Tuesday	June 1, 2021	Ken Sorensen
Tuesday	June 15, 2021	Larissa Stockton
Tuesday	July 6, 2021	Laura Merriam
Tuesday	July 20, 2021	Lindsay Bashioum
Tuesday	August 10, 2021	Christine Plantan
Tuesday	August 24, 2021	Jeff Parkhill
Tuesday	September 7, 2021	Peggy Douglas
Tuesday	September 21, 2021	Ken Sorensen
Tuesday	October 5, 2021	Larissa Stockton
Tuesday	October 19, 2021	Laura Merriam
Wednesday	November 3, 2021	Lindsay Bashioum
Tuesday	November 16, 2021	Christine Plantan
Tuesday	December 7, 2021	Jeff Parkhill
Tuesday	December 21, 2021	Peggy Douglas

Last Updated: February 18, 2021