

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, August 16, 2021

6:30 PM

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Due to expiration of the State of Emergency on July 1 by Gov. Tim Walz, the City is now complying with the State of Minnesota's "Open Meeting Law" in which in-person public meetings shall resume. The public will be allowed to participate in the meetings in person or remotely. This Planning Commission meeting is being conducted both in person and remotely. Members of the public may watch and listen to the meeting by logging into Zoom and entering Zoom Meeting ID 946 0119 5411 and Passcode 623332. The meeting will also be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/WCTV.



To provide comment during Public Forum and/or Public Hearing portions of the meeting, you can use the Zoom chat feature. When using chat, please indicate your full name, address, and your comment. All comments will go directly to a moderator and will be read during the meeting. All comments are read live and are not anonymous. 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).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Draft Meeting Minutes of August 2, 2021
 - b. Acknowledgement of Receipt of Application Withdrawal Letter for Planned Unit Development Concept Plan at 200 Lake Street East
 - c. Approval of Planning Commission Report and Recommendation of Approval for Planned Unit Development Amendment and Design Deviations at Moments of Wayzata at 163 Wayzata Boulevard West
 - d. Approval of Planning Commission Report and Recommendation of Approval for Fee In Lieu of Parking Conditional Use Permit for Ventana Apartments at 253 Lake Street East
5. **Public Hearing Items**
 - a. Consider Development Application for Conditional Use Permit for Good Clinic at 803 Lake Street East
 - b. Consider Development Application for Shoreland Setback Variance and Chimney Height Conditional Use Permit for Single Family Residence at 611 Bushaway Road
 - c. Consider Zoning Ordinance Amendment Allowing the Keeping of Chickens
 - d. Continue Public Hearing for Development Application for Planned Unit Development (PUD) Amendment for Rice Street Townhomes at 520, 524, 530, and 534 Rice Street
6. **Other Items**
 - a. Welcome Commissioner Schwalbe and Commissioner Severson!
 - b. Review of Development Activities
 - c. Planning Commission Meeting Schedule

7. Adjournment

Upcoming Meetings:
City Council - August 24, 2021
Planning Commission - September 1, 2021

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



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 4.a
TITLE: Approval of Draft Meeting Minutes of August 2, 2021	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

N/A

ACTION REQUESTED:

Staff recommends approval of the draft minutes for the August 2 Planning Commission meeting.

ATTACHMENTS:

1. Draft Planning Commission Meeting Minutes of August 2, 2021

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
AUGUST 2, 2021**

AGENDA ITEM 1. Call to Order

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

Vice-Chair Parkhill read the following prepared statement:

Due to expiration of the State of Emergency on July 1 by Gov. Tim Walz, the City is now, in compliance with the Open Meeting Law, resuming in-person public meetings effective with the July 7 Planning Commission meeting. The public will be allowed to participate in the meetings in-person or via 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 952 30475961 and Passcode 677955. The meeting will also be shown on Channel 8, WCTV, and streamed on the City's website at www.wayzata.org/WCTV. 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). 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

Vice-Chair Parkhill asked Director Goellner to take roll call.

Present at roll call were Commissioners: Douglas, Merriam, Parkhill, Stockton, and Sorenson. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Assistant Planner Nick Kieser, and City Attorney David Schelzel were also present.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Douglas made a motion, seconded by Commissioner Stockton, to approve the August 2, 2021 agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the July 7, 2021 Planning Commission Meeting Minutes

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

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

3
4 Commissioner Sorensen made a motion, seconded by Commissioner Douglas, to approve the
5 Consent Agenda as presented. The motion carried unanimously.

6
7 **AGENDA ITEM 5. Public Hearing Items**

8
9 **a) Development Application for Planned Unit Development Amendment and Design**
10 **Deviations for Moments of Wayzata at 163 Wayzata Blvd W**

11
12 Community Development Director Goellner gave an overview of the request for a Planned Unit
13 Development Amendment and Design Deviations for Moments of Wayzata at 163 Wayzata
14 Boulevard West.

15
16 Planning Consultant Eric Zweber reviewed some background of the facility, details of the
17 proposed project, the existing site compared to the site plan, floor plans, parking, and specifics of
18 the design deviations they are requesting. He reviewed the plan for tree removal, landscaping
19 plans, staffing, additional services, delivery schedules, and overall engineering comments.

20
21 Community Development Director Goellner explained that a neighborhood meeting was held on
22 July 8, 2021 where five community members attended to discuss their concerns. She noted that
23 the City also received several public comments that have been included in the meeting packets for
24 Commission consideration.

25
26 Commissioner Douglas asked about the 1.5 spaces per unit and noted that, in her knowledge,
27 nobody in memory care drives and asked if that calculation was to accommodate the visitors.

28
29 Community Development Director Goellner stated the parking ratio primarily accommodates the
30 employees as well as some visitor parking.

31
32 At the conclusion of staff's presentation, Vice-Chair Parkhill asked the Commissioners if they had
33 any questions for staff.

34
35 Commissioner Douglas asked about the design standard deviation for the façade. She stated that
36 there is a main building and then a step back for a few wings, and then there is another step back
37 and asked if that would qualify as a break in the façade.

38
39 Community Development Director Goellner stated that her understanding is that it does not quite
40 meet the standard as the amount of massing break is less than what is needed.

41
42 Planning Consultant Zweber confirmed that the new Design Standards state that there needs to be
43 a 25 foot break for every 150 feet of elevation. He stated that they are doing renovations to the
44 existing building, but are not doing significant modifications, so installing the 25 foot break would
45 be a significant change to the infrastructure of the existing building, which is the reason the
46 deviation is being requested.

1
2 Commissioner Merriam asked if they would need the design deviation if they were not doing the
3 addition.

4
5 Planning Consultant Zweber stated that the Design Standards are fairly new. He noted that he had
6 attended the Zoning Task Force meetings and does not recall that item coming up for discussion.
7 He stated that he does not think the Standards have a provision for how to treat a remodel that
8 crosses into the realm of needing a design review compared to a new building.

9
10 City Attorney Schelzel stated that if nothing were changing in the building, it could continue to
11 exist and as a legal, non-conforming use even if it didn't meet current design standards, and they
12 would not be forced to change that if they were not touching the façade. He noted that he believes
13 there was a similar situation with the Lexus dealership where there were some continuing non-
14 conformities on the site and the City only required the new things to comply with the Design
15 Standards.

16
17 Commissioner Merriam asked if the east entrance would have travel in both directions.

18
19 Planning Consultant Zweber stated that it is a double lane but are both ingress, and there will be
20 no exiting lane.

21
22 Commissioner Merriam asked about diagrams A203 and A204 in the materials which showed the
23 layouts of the addition. She stated that the print is so small that she cannot read what the rooms
24 are on the first and second level, and asked for a description.

25
26 Planning Consultant Zweber gave an overview of the room descriptions and layout of the addition.

27
28 Vice-Chair Parkhill stated that it appears that about 15% of the addition will be office spaces with
29 an average staff presence of 3-4 individuals. He stated that he also assumes that stucco on the
30 exterior of the building is allowed up to a certain percentage.

31
32 Planning Consultant Zweber explained that stucco is only allowed as an accent material on the
33 façade facing the right-of-way. He stated that he believes stucco is allowed on the other facades
34 as long as it is less than 50%.

35
36 Vice-Chair Parkhill stated that the exterior of trash enclosure looks like they are trying to replicate
37 windows, and asked if that was accurate.

38
39 Planning Consultant Zweber stated that they are not actual windows, but agreed that they are trying
40 to replicate and give the appearance of windows.

41
42 Vice-Chair Parkhill stated that he had a somewhat opened-ended question related to the
43 Comprehensive Plan, which talks about high density residential for this area, and asked what
44 aspects would be positive or negative under the Comp Plan for Moments of Wayzata's proposal.

1 Community Development Director Goellner stated that the property allows for high density
2 residential. She noted that the property is not surrounded by any other high density residential
3 parcels and was guided that way in the Comp Plan because of its existing use. She reviewed the
4 guided land use for the surrounding properties, which included residential and institutional.

5
6 Commissioner Douglas asked where the mechanicals would be located on the roof because the
7 roof is slanted.

8
9 Planning Consultant Zweber showed a picture of the existing structure and the renderings that
10 show that they are planning to screen the existing rooftop mechanicals and that there are no new
11 rooftop mechanicals.

12
13 Commissioner Douglas explained that she visited the property yesterday, and asked about the
14 mechanicals that are located behind the white fence.

15
16
17 Community Development Director Goellner suggested that the applicant could clarify that
18 information for the Commission.

19
20 Commissioner Merriam stated that when the existing PUD was requested in 1993, it was zoned R-
21 2 at that time. She asked if it was now considered R-4 or R-5 because of its existing use.

22
23 Community Development Director Goellner explained that it is and will remain zoned PUD,
24 meaning that it is limited to exactly what the Planned Unit Development plan and agreement says,
25 so it is not really an equivalent to and R-4 or R-5.

26
27 Commissioner Merriam stated that it is guided as high density residential and asked for
28 clarification that it would be somewhere in the R-4 to R-5 density range.

29
30 Community Development Director Goellner stated that this was correct and would generally be
31 the equivalent to those zones, but this property is zoned as PUD.

32
33 There being no further questions for staff, Vice-Chair Parkhill invited the Applicant to address the
34 Commisison.

35
36 Elizabeth Wright, 13564 Westernesse Road, Minnetonka, principal of the Applicant, thanked the
37 City for giving them the opportunity to present this project again. She stated that she believes that
38 they have been able to address the majority of the concerns that were brought by the neighbors
39 since the last time. She gave a brief overview of what the Moments of Wayzata is, how they serve
40 the dementia community, and how her family has been touched by dementia. She explained how
41 their business model differs from most because it is based on love, empathy, and care of these
42 vulnerable adults and their family members. She stated that they appreciated meeting with the
43 neighbors and having the opportunity to seek some improvement in the plan. She stated that one
44 thing that was not included in the packet was a spreadsheet that they put together that shows the
45 original design and what changes they have made in the interim. She stated that she really feels
46 like they have made the changes that were possible and met the neighbors where they wanted, for

1 example, to save some of the trees. She explained that the porte cochere is an important part of
2 their community and is a life safety thing. She stated that if there are residents getting in and out
3 of a car, they want to make sure that they are not stepping on ice or wet pavement and slipping and
4 falling and will be protected from the elements. She stated that they have shrunk the size of the
5 porte cochere from 24.7 feet to 15.8 feet but it will still accommodate North Memorial ambulance
6 services and the local fire marshal and has also been reduced down to one lane. She stated that the
7 renovations are necessary because there is mold and moisture underneath the siding. She stated
8 that she thinks the exterior will help bring the residential feel with stone and stucco and noted that
9 they understand that they cannot have the stucco on the front of the building. She stated that
10 headlights were one of the concerns raised at the last meeting and explained that she believes that
11 they have addressed those concerns in multiple ways, such as the addition of trees for screening
12 and a retaining wall that will also help block the headlights. She stated that they feel the adult
13 daycare is a need in the community. She shared examples of the situations where a caregiver may
14 need some respite in order to run to the grocery store when they cannot leave their loved one with
15 dementia at home. She stated that they did take into consideration the request to reduce the size
16 and scope of what they are calling the carriage house. She explained that they have lowered the
17 height of the building and moved the mechanicals from the upper level and added them to the
18 basement. She explained that their staff is very important to them because if they don't feel love,
19 they cannot share love with the residents. She stated that part of their staff retention is to have an
20 employee fitness room, a massage room for staff, and even a mother's room for mother's who may
21 need to go pump breast milk.

22
23 Matt Pavek, Civil Site Group, 224 Oak Wood Road, Hopkins, civil engineer for the Applicant's
24 team, gave an overview of the landscaping plan and noted that it has been upgraded since the
25 previous submittal and includes additional trees, as well as moving some trees in order to save
26 them. He stated that they have moved the parking lot back, which saved some additional trees
27 along the street. He stated that, overall, the landscaping is incredibly robust as compared to a
28 typical building such as this.

29
30 Commissioner Douglas stated that there were three green-ribboned trees on the site when she
31 visited it, and confirmed that the parking would be north of that location. She asked if the yellow-
32 ribboned trees were the ones that would be moved to a different location on the site.

33
34 Bert Elmer, 105 Pineview Lane N, Plymouth, architect for the Applicant's team, explained the
35 color coding for the tree tags are: red – removed; yellow – moved; and green – stay and confirmed
36 that the parking lot will be going north from those buildings.

37
38 Steve Oliver, Mohagen Hansen Architects, 1000 Twelve Oaks Center Drive, Applicant's architect,
39 noted that Commissioner Douglas had asked a question about the equipment that is in the yard and
40 explained that the existing equipment includes a generator, a chiller, and the electrical transformer
41 and related components. He explained that those are all elements that will be slid directly west
42 and will be contained within the screened area along with the trash collection.

43
44 Amit Sela, 4100 Excelsior Blvd, St. Louis Park, spouse of applicant, stated that he will be in charge
45 of the construction for this project. He stated that when the building was purchased, they found
46 there was mold in the rooms which would be dangerous in a living situation. He stated that they

1 are renovating the interior and are changing the entire HVAC system to have five air exchanges
2 an hour which will create a really healthy environment for the people who reside there. He stated
3 that they will also change the electrical, and the plumbing and the cosmetics of the site. He stated
4 that they will tear off all of the siding since they discovered mold. He described the various
5 activities they would do to treat for the mold and to bring the entire building up to code. He noted
6 that the retaining wall that was mentioned earlier is not just a regular retaining wall and has
7 beautiful stained blocks with arbor vitae in front of it to shield the building from the neighbors.
8 He stated that when this is completed, it will be a state of the art, brand new place with security.
9 He stated that when his wife finished the Moments of Lakeville, she was told by the people who
10 funded this project, that it was "one of the best places in the country". He stated that this is exactly
11 what they would like to bring to Wayzata, a beautiful, safe, great building, that will be a
12 complement to the neighborhood and be able to serve the needs of the residents and their families.
13

14 Ms. Wright stated that after reviewing the report from staff, they concur with everything that was
15 included. She thanked staff for their work and assistance in helping them with this project.
16

17 Vice-Chair Parkhill asked if the Commission had any questions for Staff or the applicant.
18

19 Commissioner Merriam asked about the trees that will be taken down and what they will be
20 replaced with.
21

22 Mr. Pavick explained that he is the Applicant's project engineer and does not have all the detail
23 that the landscape architect would have, but noted that it has been included in the packet.
24

25 Mr. Wright stated that all of the trees that will be planted there will be 10-12 feet tall and are
26 evergreens. He stated that all of the additional 100+ trees will be a minimum of 10 feet tall. He
27 stated that for the existing large trees, they will bring in a large excavator and have consulted with
28 a specialty tree company to find a way to preserve and move those trees to an appropriate place
29 elsewhere on the lot.
30

31 Commissioner Merriam asked if those trees were more shade or deciduous type trees.
32

33 Mr. Elmer stated that they are leaning more towards maple. He stated that many of the spruce
34 trees have been getting stressed and are more diseased. He stated that they are trying to keep this
35 in mind and bring trees in that will be appropriate for scale and are large product.
36

37 Commissioner Merriam stated that it appears that the entrance wraps closely around the heritage
38 tree at the east entrance and expressed concern for its roots.
39

40 Mr. Elmer stated that they will define the drop edge of that tree and use that to guide the actual
41 area so the roots will not be effective. He stated that they will barricade it off during construction
42 so there is not root compression where its vitality would be lost.
43

44 Commissioner Stockton asked if the photo of the retaining wall at their Lakeville location was
45 similar to what was being proposed in this location.
46

1 Mr. Wright stated that they sent pictures of two walls and the wall that they are proposing in front
2 will be on the berm and they have MnDOT blocks, which are concrete blocks that are stained. He
3 stated that they are beautiful, decorative blocks and noted that they will not be putting the rails
4 along the wall like they are in Lakeville. He stated that in front of the wall there will be arbor vitae
5 and vines growing on the wall and will shield the neighborhood from having lights.

6
7 Mr. Elmer explained that the reason for the railing in Lakeville was for fall protection but they do
8 not have that issue in Wayzata.

9
10 Commissioner Sorensen asked where the retaining wall would be located within the site plan. He
11 asked if the walls have been added since the last presentation.

12
13 Ms. Wright confirmed that they have been added.

14
15 Mr. Wright explained that this wall was not in the original design, but added after they met with
16 the neighbors who expressed one of their biggest issues was concern for the headlights shining
17 into their homes. He stated that the wall will be woven between the existing trees.

18
19 There being no additional questions from the Commission for the applicant, Vice-Chair Parkhill
20 opened the public hearing on the application at 7:39 pm.

21
22 David Kirkland, 176 Babcock Lane, stated that he has been a resident of the Highlands
23 neighborhood for 16 years. He stated that he has submitted a detailed comment letter listing many
24 of the neighborhood concerns that have not been adequately addressed by the applicant. He stated
25 that, to him, the most disturbing aspect of the Moments of Wayzata plan is the proposed destruction
26 of 59 significant hardwood shade trees and removal of the perennial gardens in the front eastern
27 side of the property. He stated that they are desirous of keeping the residential 'feeling' that is
28 hard to describe. He shared examples of areas throughout the City of the environmental tapestry
29 that illustrate the Wayzata residential feeling. He stated that in his opinion, the most important
30 thread of this natural fabric are the large, mature, hardwood trees. He shared that at the tree
31 preservation meeting the people there listed many of the benefits the trees provide such as shade,
32 natural air conditioning, erosion control, filtering water, cleaning air, habitat for wildlife, noise
33 reduction, and their beauty. He stated that it is the Commission's responsibility, as residents, to
34 protect, preserve and enhance through well-planned, thoughtful development. Homeowners rely
35 heavily on the Planning Commission and the City Council to lead that effort. He stated that for
36 this application, it means staying within the existing 75,000 square foot building, as well saving
37 the mature trees and the perennial gardens. He stated that he is convinced that by using a skilled
38 land planner and landscape designer implementing the high standards of site and building design
39 they can preserve and enhance the desirable site characteristics and natural topography that are
40 required in a PUD zone. He stated that if it is leavened with a cup of heart, Moments of Wayzata
41 will be able to transform the existing conditions into a memory care facility that fits in with the
42 neighborhood, be something the community needs and something they would welcome on this
43 property. He stated that the Moments plans that has been presented shows little respect or
44 consideration for the neighbors, the community, or the natural environment. He encouraged the
45 Planning Commission to deny the request for approval and instruct the applicant to focus their

1 efforts on renovation and enhancing the existing conditions. He stated that he would highly
2 recommend the applicant tour The Retreat just off Wayzata Boulevard, east of Colonial Square.

3
4 Daniel Drotning, 120 Westwood Lane, stated that he has lived at this location for 36 years and is
5 directly across the street from the proposed new addition. He stated that they are not against
6 Moments or against them helping people. He stated that they welcome them and concur with all
7 of the things they are going to try to do, but what he and his neighbors want is for them to just do
8 it inside the existing building. He stated that if they have to build more in order for their business
9 model to work, that is not good business. He stated that everything that they want to do that
10 negatively impacts the neighborhood is all because of the addition. He asked why they could not
11 utilize the garage area for additional parking since they are planning on taking those down
12 eventually. He stated that they would not have to create additional parking in the front that would
13 require taking down trees and the garden area. He stated that the neighbors spent time last weekend
14 circulating a petition throughout the neighborhood that now has 43 signatures. He read aloud the
15 petition language: "As residents of the Highland neighborhood, our concerns remain the following:
16 Meridian Manor was built and operated as a residential facility for senior care, the building
17 structure, materials and landscaping were designed to reflect residential and the facility fits the
18 neighborhood. Moments of Wayzata proposes to alter the fundamental nature of the facility by
19 introducing corporate offices, adult day care. The proposed addition of almost 14,000 square feet
20 to the property and the removal of 59 trees and expanding the parking lot in front of the building
21 significantly alters the residential feel of the institution which is not a fit for the Highlands." He
22 stated that all the negatives that are moving to the front lawn are being driven by the addition. He
23 said they already have 75,000 square feet and noted that the neighborhood feels that addition is
24 not needed.

25
26 There being no additional public comment on the application, Vice-Chair Parkhill closed the
27 public hearing at 7:50 pm.

28
29 Vice-Chair Parkhill asked for the Commission to share their questions and feedback on the
30 application.

31
32 An individual from the audience asked to have the opportunity to speak.

33
34 Vice-Chair Parkhill gave him permission.

35
36 Joe Vanloy, 136 Birch Lane West, stated that he applauds the applicant for what they are trying to
37 do and agrees that it is a need. He stated that he can also understand the view of the neighborhood
38 and what the addition would do. He stated that the original building does not meet the massing
39 requirements, and asked if there had been consideration given to not just completing any addition,
40 and also to grandfather it in for not meeting the massing requirements.

41
42 Commissioner Sorensen stated that Mr. Drotning hit the nail on the head for him because it seems
43 that since 1994, this facility has been accepted in the neighborhood and has a residential feel and
44 look. He stated that this proposal will have a higher use with the daycare and the office space,
45 which he believes is the heart of the issue. He stated that the design deviations that are being
46 requested, to him, seem relatively minor. He stated that regarding the no mass break-up deviation,

1 this is dealing with an existing building and it appears as though the addition has consistent
2 architecture with the existing building. He stated that he thinks the applicant and her team have
3 clearly been responsive as best as they can to the issues that have been brought up. He stated that
4 he thinks the question is, with this addition, can they continue to be a good neighbor. He stated
5 that he believes this use would be a very valuable asset to the City, and feels the deviation requests
6 are minor but necessary if the addition is put in. He stated that he has an opinion and belief that
7 this is an important asset for the community with an operator that the City can feel good about, so
8 he would be inclined to recommend approval of this request.

9
10 Commissioner Douglas stated that she comes at this proposal with mixed feelings. She stated that
11 she went through the gut-wrenching process with two close friends of finding memory care for
12 their husbands, one lived in Cape Coral and one lived in Wayzata. She stated that there was
13 nothing out there locally, and it was a real eye opener for her. She stated that she knows there is a
14 tremendous need for this type of facility. She stated that she likes Ms. Wright's philosophy, and
15 it is definitely different than what Meridian Manor was. She reminded the Commission that she
16 previously worked at Meridian Manor as the Assistant Manager and Marketing Director for three
17 years. She stated that she knows many of the neighbors and understands where they are coming
18 from with their concerns. She stated that she spent a lot of time on the property yesterday, and the
19 addition seems to be driving what is before the Commission. She stated that she appreciates what
20 the applicant has done in the latest proposal in an effort to accommodate the neighborhood
21 concerns. She stated that she is glad that they are planning to keep some of the trees because they
22 are beautiful. She stated that one of her main concerns was that Meridian Manor did fit in with
23 the residential feel with its red brick, but then she looked across the street and many of the homes
24 have changed since it was put in, and the neighborhood now includes new, more modern homes.
25 She stated that it looks like they are planning to keep a few of the screened porches and the
26 landscaping looks good. She stated that she has given this a lot of study and thought, and found
27 that there are things that add to the appeal of the structure and she is also leaning towards
28 recommending approval.

29
30 Commissioner Merriam stated that she can clearly see how it makes sense to convert Meridian
31 Manor into a memory care facility. She stated that she also likes the idea of adding an adult
32 daycare; however, in listening to the neighbors, she is having a difficult time with the size of the
33 expansion. She stated that she thinks there is a lot of excess space that is not needed and feels that
34 the garbage enclosure is unsightly. She stated that she would prefer to see the garbage enclosure
35 and mechanicals in the rear of the building, and not to add additional parking on the east side where
36 there is currently a perennial garden. She stated that if the size of the addition was reduced, there
37 could be additional parking on the west side and the enclosures for mechanicals and garbage
38 moved to the rear. She noted that when this went through in 1994, the property was zoned R-2,
39 medium density residential and was a farm house. She stated that Meridian Manor was large, but
40 they were good neighbors. She stated that to add to the space and take down trees, and many of
41 the plans, would be detrimental to the neighbors, and she would like to see the design revised. She
42 stated that she is fine with the porte cochere and some of the requested design deviations, but
43 cannot recommend approval of the overall design as presented.

44
45 Commissioner Stockton stated that she thinks the improvements to the plans from the previous
46 proposal, such as the porte cochere and the façade, are excellent. She noted that there has been a

1 lot of discussion surrounding how to shield some of the unfortunate aspects of the plan, such as
2 the rubbish enclosure, where the facilities are blocked, and the headlights. She stated that it is
3 unfortunate that the City cannot see in the plans presented how those things will actually be
4 shielded by the retaining wall. She noted that may dramatically change the rendering because it
5 focuses on a building that does not show any greenery, which can make it difficult to get an
6 appreciation for the changes that have been verbalized. She stated that what she heard described
7 by the applicant sounded appealing, but she cannot ascertain whether or not the wall that has been
8 described will be complementary to the design. She stated that she thinks the use of the facility is
9 excellent, needed, and appropriate. She stated that it is difficult to go back to a farmhouse memory
10 because that is so drastically different from where things are today. She stated it should be noted
11 that the addition is being added in depth rather than breadth and is moving backwards; so, the
12 façade will not necessarily have the full impact of the additional 13,000 square feet. She stated
13 that the concept of having staff that is cared for as well as the residents of the facility, is ideal in a
14 facility that is basically surrounding human care. She noted that she would highly recommend a
15 detailed plan supplement that is from eye level. She stated that this is a difficult situation, as it
16 always is when expansion and growth are being talked about.

17
18 Community Development Director Goellner displayed a rendering that showed more details of the
19 proposed landscaping.

20
21 Commissioner Stockton stated that this rendering was much more appealing to look at than the
22 rendering that just showed the building. She stated that the primary concern seems to be from
23 what the residents are seeing, and she feels some of these plantings are pretty significant. She
24 stated that she is leaning towards approval, with a recommendation for some further pictorial
25 representations so the community can become more comfortable with what is happening at the
26 façade. She stated that she was a member of the Design Standards Committee, and she agrees with
27 the comments that as the existing building stands, it would not make sense for the building façade
28 to have a full break in it.

29
30 Community Development Director Goellner showed another rendering of the view of the proposal
31 from the street.

32
33 Commissioner Stockton stated that she likes how the traffic pattern is controlled, and coming in
34 one end and out the other. She stated that she thinks the thought behind the shielding for headlights
35 was considerate. She stated that she thinks the project is an improvement to the community and
36 thinks it is a reasonable use of the land as well as a necessary and needed facility. She stated that
37 she also does not like the trash enclosure in the front, but likes that there has been considerable
38 effort put into shielding it.

39
40 Vice-Chair Parkhill stated that he goes back to the recently adopted Comprehensive Plan, which
41 talks about density and public benefit. He stated that he has to lean on the fact that he really thinks
42 this is of strong public benefit to our community as it grows and expands. He stated that he has
43 mixed emotions related to the residents of the neighborhood's concerns, but does believe the
44 applicant has made significant accommodations. He stated that the 13,000 square feet of office
45 space is really half of that visually, because half of it is underground which makes it about the size

1 of a decent sized home. He stated that it also kind of looks like a home to him as well, and he is
2 inclined to recommend approval of the application.

3
4 There being no further discussion, Vice-Chair Parkhill asked for a motion on the application.

5
6 Commissioner Sorensen made a motion, seconded by Commissioner Stockton, to direct staff to
7 prepare a draft Planning Commission Report and Recommendation with appropriate findings,
8 reflecting a recommendation of approval of the requested PUD amendment and design deviations
9 for Moments of Wayzata at 163 Wayzata Boulevard W for review and adoption at the next
10 Planning Commission meeting.

11
12 Community Development Director Goellner completed a roll call vote on the motion.
13 Commissioners Douglas, Parkhill, Stockton, and Sorensen voted aye. Commissioner Merriam
14 voted nay.

15
16 The motion carried 4-1.

17
18 Commissioner Douglas asked that additional trees be planted near the trash enclosure.

19
20 Commissioner Sorensen asked that the trash enclosure be moved further back from its proposed
21 location.

22
23 Vice-Chair Parkhill recessed the meeting at 8:10 p.m. for a break, and reconvened the meeting at
24 8:19 p.m.

25
26 **b) Consider Development Application for Planned Unit Development Concept Plan**
27 **for 200 Lake Street East**
28

29 Community Development Director Goellner gave an overview of the Development Application
30 for a PUD Concept Plan for 200 Lake Street East.

31
32 Planning Consultant Eric Zweber showed renderings of the proposed site plan that outlined the
33 east core of Building A, the west core of Building A, Building B, East Park, West Park, and East
34 and West Plaza areas. He gave details of the number of units in each core/building, overall density,
35 the open space areas, refurbishing of the existing park areas. He explained the two requests for
36 deviations from the Design Standards and the expected future application requests if this Concept
37 Plan is approved. He explained that there was a neighborhood meeting held on June 30, 2021 with
38 43 people in attendance who shared concerns about parking, building materials, light trespass, and
39 devaluation of surrounding properties.

40
41 Community Development Director Goellner noted that the City also received 7 written comments
42 that shared concerns about density, traffic impacts, lack of small town feel, massing/scaling,
43 proximity to train, demolition of the existing building, and building height. She explained that all
44 comments were in opposition of the application.
45

1 At the conclusion of Staff's presentation, Vice-Chair Parkhill asked if the Commission had any
2 questions for Staff.

3
4 Commissioner Douglas asked about the photo on page 136 of the packet that shows, in the west
5 entrance, the driveway curving under the west plaza. She asked if there was not an entrance into
6 Building B for underground parking.

7
8 Planning Consultant Zweber stated that Building A has a parking level, and then a commercial
9 level, and then two residential levels. Building B has the lowest level as the parking level, and
10 then two residential levels.

11
12 Commissioner Douglas asked if there was a sidewalk in addition to the bike trail when you look
13 down the project at the sidewalk where the grass ends to the east.

14
15 Planning Consultant Zweber stated that the grading plans will show it, but the answer is yes. He
16 gave a description of the sidewalk location and noted that it is different than the bike trail, but does
17 not have as much separation as in other parts.

18
19 Commissioner Douglas stated that she was under the impression that there needed to be 6 feet,
20 plus another 6 feet of landscaping to equal the 12 foot requirement along Lake Street.

21
22 Community Development Director Goellner noted that page 143 of the packet shows details about
23 the sidewalk width which is about 16 feet.

24
25 Commissioner Douglas stated that is hard to see from the plans and asked because walkability is
26 a major concern on Lake Street, and she wants to make sure that is taken into consideration.

27
28 Planning Consultant Zweber reviewed the site plan that shows the width of the curb to their
29 building, and noted that if this moves forward they will get a lot more detail.

30
31 Commissioner Douglas asked if this was approved if one of the conditions be that it would meet
32 the sidewalk requirement.

33
34 Planning Consultant Zweber stated that they are not requesting a variation or deviation from that
35 requirement, so it would be expected for them to demonstrate that they are complying with the
36 requirement through more detailed plans.

37
38 Commissioner Douglas stated that she lives on Edgewood Court and coming out onto Lake Street
39 at that point is almost impossible and is very dangerous because you have to have the front end of
40 the car out into traffic in order to turn left. She stated that there has also been talk that the Burnett
41 building will be torn down and redeveloped, so this is a vital corner. If a traffic study was to be
42 ordered, she asked when it would be done and if the results would be reflected in the process for
43 this application.

44
45 Community Development Director Goellner stated that it would be appropriate to begin the traffic
46 study as soon as possible. She stated that the City Engineer notified her last week that it seems

1 appropriate given the impacts to the site and thinks the City can work with the applicant on moving
2 that forward as quickly as possible. She noted it would definitely affect the Commission's view
3 of the PUD Concept Plan. She stated that she thinks the City would still need to work within the
4 60 day rule in its review of this application, but try to get as much data as possible to keep moving
5 forward with the PUD Concept Plan decision.

6
7 Commissioner Stockton asked if the City knew what the percentage of business or restaurant use
8 is of the total building area, and if it includes a gym facility within the building. She asked if, for
9 a PUD, whether there was a different standard for impervious surface.

10
11 Assistant Planner Kieser stated that for impervious surface, the main thing to keep in mind is that
12 this is in the Shoreland Overlay District, so up to 75% impervious surface is permitted. If the
13 applicant requests more than 75% impervious surface, a CUP/Shoreland Impact Plan is required.
14 He stated that this usually comes with the PUD general plan stage, which is what the applicant is
15 proposing to do in this case since the plans show about 80% impervious surface coverage.

16
17 Planning Consultant Zweber stated that for commercial uses, the west core there would be a gross
18 leasable area of about 27,000 square feet of space, in addition to the event space. He stated that
19 in the east core, there is about 2,600 square feet, for a total between both spaces of about 30,000
20 square feet of commercial space. He explained that on the third level of the west core there is an
21 amenity space planned that would include a fitness space and also a deck for an outdoor space with
22 a pool.

23
24 Commissioner Merriam asked where the restaurant space was being proposed.

25
26 Planning Consultant Zweber stated that had not yet been determined, but most likely in either the
27 west end of the east core, the east end of the west core, or the west end of the west core. He
28 explained that it could also be along the rest of the commercial space in the west core, and they
29 are requesting that the boardwalk area behind the west core be private to able to provide outdoor
30 space adjacent to those units. He noted that they have included restaurant space in their parking
31 calculations but have not specifically identified where it will be located at this time.

32
33 Commissioner Merriam asked if there was any parking along Lake Street in front of the proposal,
34 or if it was just road. She stated that valet parking was mentioned in the staff report, and is curious
35 where that would be located.

36
37 Planning Consultant Zweber explained that on the parking level there would be tandem stalls, and
38 the way it is proposed is that the areas on the south of this parking level that are not used as a
39 tandem stalls, would be the spaces used by the residential tenants above. The tandem stalls would
40 be available for commercial/office/restaurant users, and the valet would be parking those stalls.
41 He stated that staff would also like to know where the valet station will be located.

42
43 Commissioner Merriam stated that the valet station could be located in the garage or the entrance,
44 but noted that she feels that could potentially cause a back-up out into the street.

1 Planning Consultant Zweber stated that is definitely an issue that staff would like to discuss further
2 because there are eight potential entrances that people would be attracted to, so this is staff's
3 question as well.

4
5 Commissioner Merriam asked Staff to confirm that there are only two entrances into the parking
6 garage in the proposed plans.

7
8 Community Development Director Goellner stated yes, and that there is no parking on the south
9 side of Lake Street for the majority of this parcel, but a few unrestricted parking spaces on the
10 north side, but that is under ten spaces overall.

11
12 Planning Consultant Zweber explained that the proposed 164 stalls that are proposed are all either
13 on the first level of Building B or the underground level beneath the east or west core.

14
15 Community Development Director Goellner stated that the function of the valet is very important
16 to the functioning of the underground lot.

17
18 Commissioner Douglas asked where something like the UPS truck, plumbers, electricians, and
19 other various service trucks would stop. She asked if that meant the parking area was not secure
20 for residents.

21
22 Planning Consultant Zweber noted that this is something that has been discussed with the
23 applicant, and thinks it is something that Staff and the Commission will need additional
24 information about. He stated that part of the reason why they are providing 164 stalls when only
25 158 are required, is because they know there will be services, food pick up and other uses needing
26 parking, so they identified some additional stalls. He stated that if this moves onto the general
27 development plan, they would flesh those details out. He stated that they have given it a concept
28 level consideration, but additional work will need to be done to provide those details.

29
30 There being no further questions of staff, Vice-chair Parkhill invited the Applicant to address the
31 Commission.

32
33 Curt Fretham, Lake West Development, 14525 Highway 7, Minnetonka, stated that they learned a
34 lot from their previous proposal for the site last year. He stated that they took good notes on what
35 the Planning Commission had to say at the time. He stated that they were a bit delayed in coming
36 back before the City with a new proposal largely due to the changes in the City's design standards.
37 He stated that they heard that the Commission wanted the proposal to reduce the mass, increase
38 the density to meet the Comprehensive Plan guidance, increase open space, incorporate small town
39 character and charm, and provide a higher standard of building site plan. He introduced Wayne
40 Chubb, from Hobbs and Black, their architect and his in-house planner, Steve Eggert.

41
42 Wayne Chubb, Hobbs and Black, 100 North State Street, Andover, MI, stated that this project has
43 a lot of pieces. He stated that staff has done an amazing job going through their plans, but noted
44 that he wanted to run through a few points before the Commission asked questions. He stated that
45 the reason for the massing breaks every 25 feet was in order for the public to view the lake from
46 the sidewalk as well as future access to the lake. He stated that they put together their proposal

1 after taking into consideration the limitations of the railroad tracks and the grading. He stated that
2 their open space is almost 47% of the area of the site. He reviewed an aerial rendering of the site
3 plan and explained how they attempted to articulate the architecture within the 80 foot depth while
4 still addressing the previous comments made by the Commission. He reviewed various rendering
5 views of the property and some of the features that they are hopeful can become community
6 amenities and of public benefit. He stated that they are very excited about the planned plaza pieces
7 and will be a benefit to the community as well as the residents.
8

9 Steven Eggert, Lake West Development, stated that he wanted to answer some of the questions
10 that Mr. Chubb had not yet answered. He referred the Commission to page 143 of the packet and
11 shared details of the entrances and access points. He stated that there was a question about the
12 width of the sidewalk and noted that also on page 143 is shows the width is 16 feet, 6 inches.
13 There was a question about the percentage of restaurant spaces and noted that they would like to
14 put in potential concessions on the west side of the core, and referred them to page 174 of the
15 packet and noted that the number of approximately 30,000 square feet mentioned by Planning
16 Consultant Zweber was correct. He stated that there was a question about parking on the north
17 side of Lake Street and the deliveries. He stated that they do not yet have that dialed in, but
18 suggested that the Commission may be familiar with the CoV drop offs just outside of the area and
19 explained that those would easily fit within the garage. He stated that they are currently in
20 discussions about potential parking devices that would allow a mechanical device to control the
21 parking. He stated that they are also considering solutions that would not require a valet.
22

23 Vice-Chair Parkhill asked what happened to the west park because he thought that was already an
24 easement and when Planning Consultant Zweber was reviewing it, it looked like it could be closed
25 down at times.
26

27 Mr. Fretham stated that he thinks there may have been some miscommunication but their intention
28 is for it to be a public park, and the east park was expanded in order to open up the view gap for
29 the property owners at Wayzata Blu.
30

31 Vice-Chair Parkhill asked if that would be closed on special occasions.
32

33 Mr. Fretham stated that he was not sure if it would be closed, but they may provide concessions
34 or special events. He stated that they have not yet fully gone through those plans yet.
35

36 Vice-Chair Parkhill asked if other than the blue areas on the plans, the remainder was basically a
37 mini-Panoway that people could come onto whenever they like.
38

39 Mr. Fretham stated that would be correct for most of the time. He stated that they are envisioning
40 occasional special events and planning for it to be finished at a higher level than a typical park
41 would, with the hope of providing a mechanism to generate income in order to help maintain it to
42 that high standard.
43

44 Commissioner Douglas asked if the City requires trees every 26 feet along Lake Street.
45

1 Planning Consultant Zweber stated that was correct, and noted that was not something that was
2 reviewed at the concept level, but would be later in the process. He stated that the applicant has
3 stated that they are not requesting a deviation from the landscaping standards.
4

5 Commissioner Douglas asked if the people responsible for the Three Rivers Park District trail have
6 been consulted regarding combining the sidewalk and having them adjacent to one another, or if
7 that was also something that will take place after the concept plan.
8

9 Community Development Director Goellner stated that at this stage, they have not yet consulted
10 with them, but would in the next stage.
11

12 There being no additional questions from the Commission for the applicant, Vice-Chair Parkhill
13 opened the public hearing on the application at 9:17 pm.
14

15 Assistant Planner Kieser noted that there had been one public comment submitted via Zoom, from
16 Cindy Lecy, 220 Barry Avenue, who asked: Will the bike path and sidewalk be open during
17 construction? How long will construction take? What type of sight lines will there be for cars
18 exiting the parking garages onto the sidewalks? Where will all the construction workers park
19 during the building process? I am very tired of them taking up all the on-street parking.
20

21 Kendra Lindahl, Landform Professional Services, 105 S. 5th Street, Minneapolis, stated that she is
22 here representing her clients, Brian and Sherry Heeb, 275 Lake Street. She stated that she would
23 ask the Planning Commission to recommend denial of the PUD concept plan being presented. She
24 stated that she believes that it offers some improvements over the previous iterations, but it still
25 does not comply with the Comprehensive Plan and the design guidelines. She stated that the letter
26 she submitted in advance of the meeting was included in the packet. She noticed that within the
27 packet, there was a new plan set and they had reviewed the July 9, 2021 plan set. She noted that
28 after reading staff's very thorough staff report, there are a few additional points that she would like
29 to highlight for Commission consideration. She said first that railroad safety is a real issue, as she
30 discussed in detail within her report. It is a health, safety, and public welfare issue and has not
31 been talked about much this evening. She stated that there are documented incidents with the train
32 here in the City. In 1989, the City felt it was an important issue on this site and required a
33 pedestrian tunnel easement, but she noted that that has been absent from this plan and should be
34 included. For the mixed of uses/densities, she said that the staff report indicates that it is 28.5%
35 commercial with the remainder residential, but the Comprehensive Plan says that the Central
36 Business District should be 60% commercial and 40% residential. She stated that she is not clear
37 why this proposal would not require a Comprehensive Plan amendment. She noted that Building
38 B of the proposal has no commercial space, and the Comprehensive Plan says that the first floor
39 should be commercial with residential above and feels that this is a PUD deviation that is not being
40 addressed in the plans. She said that in Building B, there are 4 extra parking spaces, but they are
41 not part of the valet area, and explained that she is not really sure how they would be used by a
42 commercial user or someone who did not live in the building. She said that parking is a real issue,
43 and that she is very concerned about the open space calculation because she does not think it is
44 true open space. She stated that it will be beautiful for the tenants and the customers that go to the
45 commercial space, but with the raised level and the hidden board walk behind the building next to
46 the railroad tracks, it does not feel like it is open to the general public in a truly accessible way.

1 She explained that she appreciates the attempt to provide the view shed, but it is not meeting the
2 letter of the law or the guidelines. She stated that they are asking for PUD flexibility from the
3 massing and the step backs, and they believe that there are a lot of issues that are significant and
4 can affect the design. She stated that they still do not think this is the right project on this site, the
5 applicant has not shown compliance with the PUD standards, do not believe it is consistent with
6 the Comprehensive Plan laid out, and do not believe it addresses the very real health, safety and
7 public welfare issues related to the railroad. She reiterated that they are urging the Commission to
8 recommend denial of the request.

9
10 Kathy Doerr, 112 Edgewood Court, asked about the access to the so called parking for tradespeople
11 and the commercial spaces. She stated that she understands the numbers are officially there but
12 would like to know how they would get in there. She stated that she would also question the
13 proposed success of the commercial spaces, and asked if the City even needs more. She stated
14 that given the enormous massing changes that are proposed, she questions why the City would
15 also allow setback requirement changes. If there is a public/private space usage, she would ask if
16 there is a precedent for that or a model. She asked how often the public space can be usurped by
17 private uses, and whether it would really be a park if its purpose is to raise revenue. She asked if
18 there is a public safety issue by not having a wide separation of bikes, pedestrians, and the narrow
19 roadway. She asked whose budget would maintain the no 'so called' parks and if the plan was in
20 keeping with already set City codes.

21
22 Barry Pettit, stated that he is also here representing Brian and Sherry Heeb, and asked about the
23 notion of 'charming' as reflected in the language of the Comprehensive Plan. He stated that there
24 were dozens of people involved in working on the Comprehensive Plan, and the core that came
25 out of it was a vision statement that says the challenge of the City is to make charm as utmost of a
26 priority not only in new developments, but in every aspect of the City's life cycle. He reiterated
27 that the core idea is 'charming, charming, charming'. He stated that there seems to be a notable
28 chasm between this proposal and the community's approved vision requiring charm to be the
29 design driver for everything. He presented various pictures of facades that may help bring to mind
30 charm. He noted that charm typically makes you think of little buildings, but those no longer
31 happen because that is not how the economics of construction works. He showed pictures of what
32 other neighboring cities have done to retain the charm, and showed various images of what would
33 be considered a charming street level experience. He showed images that compared two buildings
34 with identical functions and how different they can look based on design. He stated that, at the
35 very least, the TCF building should have provided a theme for this proposal. He referenced the
36 train wreck that occurred in Wayzata, and stated that life safety cannot be ignored. He stated that
37 charming does not scream for attention and is comfortable with being recessive and blending. He
38 stated that they believe the proposal has missed the intent that has been voiced by hundreds of
39 Wayzata citizens that participated in the visioning workshop who made "charming" their key
40 design objective for all future designs in the City.

41
42 Brian and Sherry Heeb, 275 Lake Street East introduced themselves. Ms. Heeb stated that one
43 thing she really feels is that she is not sure why they are unable to keep the TCF building, because
44 it is a historic landmark and is beautiful. She stated that she feels that once the massive density of
45 this new building is there, it will be there forever and sunlight will be lost and will bring traffic,
46 parking, and walkability problems. She stated that they oppose this proposal. She noted that they

1 have family and grandchildren there playing at the beach, and would love to have safety in the
2 neighborhood, and feels the proximity of the railroad tracks is a very big problem.

3
4 Robert Meller, 1800 Major Drive, Golden Valley, stated that he represents the Heebs as well as
5 other owners in the City. He stated that he would like to address the pedestrian and tunnel
6 easement which he thinks is perhaps the most important thing that should be looked at this evening.
7 He explained that in the 1989 PUD, there was a requirement for a pedestrian and tunnel easement
8 which at the time was a blanket easement. He quoted from the development agreement of record
9 that says the pedestrian easement 'shall' be provided and is mandatory. He stated that in 1997, in
10 order to make the title marketable, the parties agreed and executed an agreement redefining the
11 easement to 8 feet in width, and this is specifically located in the middle of three utility easements
12 which are on the plat. The middle utility easement is immediately to the west of the TCF structure,
13 and the applicant has completely ignored that easement. He stated that the easement is not simply
14 a recreational easement for families to get down to the beach in the summer but is a critical safety
15 easement, which was recognized and reflected the minutes from the time. He state that this
16 applicant has not even mentioned the easement even though it is of record and binding. His
17 concern is that if it is continued to be ignored, and if the proposed development is built over the
18 easement, another developer could say that the City has forever waived its rights because they
19 cannot reasonably expect them to remove a multi-million dollar building from an easement. He
20 stated that, at minimum, before anything happens, he thinks that the City Attorney should be tasked
21 with reviewing the easement and perhaps meeting with Burlington Northern.

22
23 Brad Hoyt, 326 Ferndale Road W, stated that he is developing at the Ventana project and besides
24 all the potential legal and planning obstacles already being discussed, his building would be
25 devastated in terms of the loss of everyone's views of the lake by this development. He stated that
26 Pat Hughes' development along with a portion of Wayzata Blu would also have that problem. He
27 stated that he thinks 'ambience' is a key word with regard to this development, and stated that it
28 will be a canyon, which he does not think the design guidelines are all about. He stated that
29 between Ventana, Pat Hughes, and Wayzata Blu projects across the street, they have invested
30 nearly \$80 million in reliance on the City's adherence to the integrity of its design guidelines along
31 with the familiarity, feel, and walkability of the neighborhood. He stated that he was just getting
32 to like the Panoway, and he feels this proposal would destroy it. He stated that he is opposed to
33 this proposal and agrees with Miss Lindahl's analysis that this project requires rezoning and a
34 Comprehensive Plan amendment.

35
36 Assistant Planner Kieser noted that he had one more comment submitted via Zoom. He stated that
37 it is from Kristiane Teeple, 275 Lake Street East, Unit #209, who stated: The developer said they
38 took into account Wayzata Blu views with east park. Based on the current staking of the lot, it
39 will completely obstruct my view of the lake. They did not take into account all views from
40 Wayzata Blu.

41
42 There being no additional public comment on the application, Vice-Chair Parkhill closed the
43 public hearing at 9:40 pm.

44
45 Vice-Chair Parkhill asked for the Commission to share their questions and feedback on the
46 application.

1
2 Commissioner Stockton stated that the first thing that comes to mind for her with the application,
3 is safety. She stated that she doesn't know what to say other than the railroad is there and people
4 are purchasing with the knowledge that the railroad is there. She stated that she does not know
5 how safety is considered but noted that there is a lot of glass on both sides and there has been a
6 derailment in the past. However, the City built Panoway and also has plans to do a boardwalk on
7 the opposite side of the railroad, which essentially brings the same question to mind and she does
8 not see a distinction between Panoway or this project with respect to safety. She stated that she is
9 not familiar with the easement. She noted that she also served on the Design Standards panel and
10 her initial reaction to the open spaces which calculate at 47% according the applicant, was that it
11 was considerate of the lot because this is a very unique piece of land. She stated that she believes
12 the eastern most building is where the math was deducted for how to calculate the setback which
13 was then extended across the remainder of the site. She stated that what she initially sees is that
14 the idea of combining some of the mass to afford larger, more workable spaces is a success of the
15 design commission in that otherwise they would have a continuous mass along. She stated that
16 the majority of the mass sites where the existing TCF building stands and thinks extending the
17 setback across the whole complex makes sense to her. She noted that the buildings directly across
18 the street from the main massing are currently commercial which she likes. She stated that it will
19 be very difficult to add density to the City at the Comprehensive Plan's rate on this site without
20 some of the very complex thought that has gone into this building work. She stated that she thinks
21 there is a lot of transparency in the building with windows which makes it seem less mass. She
22 stated that felt that from a design perspective, she thought it was thoughtful and dealing with views
23 will never be easy. She explained that she comes from a background where reusing existing
24 structures is important and it always raises concerns for her when they are not looking thoughtfully
25 or intimately as to how to reuse an existing building. The information she read was that it would
26 not be financially possible to reuse the existing building. She noted that there would be more
27 parking above ground if the existing building would be used. She stated that she thinks the
28 proposed parking is clever even though the details are not yet understood regarding the tandem
29 and compact car parking would work. This parcel is very challenging and she was impressed with
30 the thought process that went into the complexity of the proposal. She noted that she is unsure if
31 there is a requirement for the applicant to make these spaces public, but it is nice to see the green
32 in there. She explained that she is concerned about safety and traffic flow. She noted that the
33 tunnel would be nice if the City is going to be adding population to help them get to the other side
34 which falls under the easement and noted that she needs further clarity on the easement. She stated
35 that it appears as though there is a 25% use of commercial and the Comprehensive Plan suggests
36 60%, so she thinks there would be deviation, but given the size and nature of this parcel, and there
37 is existing commercial space that is vacant, she wonders if it may be appropriate to reduce the
38 commercial use in this case.

39
40 Commissioner Merriam stated that what has been presented tonight is much better than past
41 proposals for the site. She stated that she likes that the Commission is not just looking at vertical
42 and horizontal lines but some peaked roofs and some interesting architectural details along with
43 plazas and open spaces. She stated that she goes back to the question, 'Is this a more desirable
44 and creative environment than what could be achieved by adhering to the standards today?' She
45 stated that would be the TCF building and noted that when it was proposed, it was also proposed
46 as a PUD and the zoning was C-4A which allows a height of 30 feet or two stories. She explained

1 that when this building was proposed, the height is obviously much more than 30 feet and thinks
2 that it was probably through a lot of negotiation that they were able to get the height because they
3 put in a building that has a lot of character, quality, looks good, and has withstood the test of time.
4 She stated that there is a lot of architectural character to the building and there is a lot of open
5 space on either side. She stated that she does not see the current proposal as something better than
6 what could be achieved. She thinks the tunnel easement should be protected. She has concerns
7 about the proximity to the railroad tracks and because there are still buildings at the end of Lake
8 Street that are still under construction and the City doesn't know the impact those buildings will
9 have on the traffic and infrastructure yet. Parking and traffic are an issue and the parking situation
10 for this proposal seems impractical with the valet, tight spaces, and tandem parking. She stated
11 that she has a lot of concerns and would not feel comfortable recommending approval.

12
13 Commissioner Douglas stated that everyone knows something will be done on this site and is
14 something that is needed. She stated that she believes the applicant has brought forward a better
15 proposal than last time. She stated that there are things she likes about it such as the parks and the
16 public space. She stated that she thinks the design could be a bit more simple. She stated that she
17 served on the Design Standards Task Force and read aloud the intent of the Design Standards from
18 the manual. She stated that she thinks the design that has been presented has a few 'busy' things
19 about it and she feels simple is better. She is very concerned about the traffic situation and there
20 has been a huge change on Lake Street since the change was made to narrow the street. She stated
21 that she was in a car with a friend who ended up going onto the bike trail coming out of the
22 neighborhood and she believes those are things that the City has to figure out. She shared some
23 other examples of issues in the area and believes the traffic study needs to be done quickly. She
24 stated that she is also really concerned about parking and has had people say to her 8 years after
25 the promenade has been open that they do not know where to park when they go to the promenade.
26 She stated that she tells them that there is public parking inside the buildings and people just don't
27 know that. She stated that she cannot imagine how delivery trucks such as Amazon and FedEx
28 will be able to get in this area with this proposal and asked if the plan would be for them to just
29 pull up on Lake Street and quickly run the package in the door. She stated that she knows this is
30 a concept plan and the answer has been to work those things out later, but she thinks it is a lot to
31 figure out before things get to that point. For a PUD, it requires a strong public asset and she does
32 feel the proposed public space meets some of that but she thinks the challenges counteract some
33 of the benefit. She stated that she doesn't think the plans are quite there yet and expressed her
34 concern about the tunnel effect on that street. She asked if she was correct that commercial is
35 required on the first floor east of Barry Avenue, but not to the west.

36
37 Community Development Director Goellner stated that is correct and explained that commercial
38 is not required on the first floor west of Barry which relates to the Comprehensive Plan that the
39 60/40 split of residential/commercial was for the entire district, and not each individual parcel.

40
41 Commissioner Douglas stated that she believes the Three Rivers Park District needs to be
42 consulted on this plan and be aware of the application. She stated that she would like to see
43 something get done but hates to see the beautiful existing TCF building torn down. She stated that
44 she understands the reasoning behind it and just hopes that the City can get to a point where it can
45 get this done.

1 Commissioner Sorensen stated that there are a lot of moving parts here. He stated that
2 Commissioner Stockton outlined many of the positive things with this proposal and noted that
3 when he first saw it, he was very impressed. He stated that the applicant has been very responsive
4 to the issues and the feedback they received from the City. He stated that there is a lot about this
5 the applicant should be commended for. He stated that while this is not the major issue for him,
6 he feels like it is just the next one in line with its neutral colors, stone, cast stone, metal panels,
7 composite and wood. One of the comments he has heard frequently from the community is the
8 question about why the City doesn't have more of a look that incorporates the nautical environment
9 or the New England-ish or CoV look. He stated that is not a major issue, but just a comment he
10 wanted to make about the plans. There are, in his mind, a few major issues with the proposal such
11 as the Design Standard deviation of the 450 foot long building in the middle because it does create
12 a bit of a tunnel environment. He stated that as Commissioner Douglas noted, there are still a lot
13 of unknowns with this proposal with questions about traffic, parking, deliveries, and non-public
14 walkways behind the building. He stated that perhaps because this is the concept phase the
15 Commission is supposed to just somehow swallow those things and deal with them later, but it is
16 unsettling to think that the Commission may approve something with those unknowns. He stated
17 that the other thing that has been mentioned that has only had a small amount of comments tonight
18 is the essence of what exists now with the TCF building because it is a charming landmark that
19 supports the small town character and feel. He asked if it would be better off to knock that down
20 and make the most of something like this or would be it better to push for a proposal that would
21 leave the TCF building and build around it in a more respectful way. He stated that if you look 10
22 or 20 years down the road, he wonders if the City would feel better because about keeping the
23 building and working around it rather than tearing it down. He stated that as that issue is evaluated
24 it leads to some of the purpose of the PUD and reviewed some of the questions staff encouraged
25 the Commission to consider. He stated that he would like to have more information before making
26 a decision.

27
28 Commissioner Stockton stated that if something of this nature were to go through a building like
29 this may need to have a porter station where deliveries would all be pointed towards rather than an
30 individual one to each resident. She stated that she doesn't know how the Commission or the City
31 responds to preserving landmarks.

32
33 Vice-Chair Parkhill asked if the TCF building was considered a landmark.

34
35 Community Development Director Goellner stated that it is not formally designated as a landmark;
36 however, there is a compelling argument that Commissioner Stockton has about the reuse of
37 buildings and the environmental impacts that can be had some saving buildings.

38
39 Vice-Chair Parkhill stated that he likes the use of the open space and the longer building does not
40 bother him. He stated that he thinks many strides have been made in the right direction with the
41 new proposal. He stated that the thing that jumps out at him is congestion. He stated that the he
42 does not think it is possible for him to do anything moving forward without information on the
43 safety with the tunnel and the traffic/parking study. He stated that he does not see how they can
44 have commercial and restaurant deliveries along with tradespeople and UPS as well. He stated
45 that he understands that this is the concept plan, but all he can think about are the practical
46 difficulties with it. He stated that he drives down this street every single day and fears that he will

1 have a beer truck forcing him to go around because there is no place for them to make deliveries
2 and feels there needs to be provisions made for that situation. He stated that the applicant has
3 shown incredible creativity here and is good with the design issues, but wonders if the density
4 needs to be decreased a bit to be able to accomplish this practicality thing and ensure that it is only
5 valet parking in the tandem spots. He stated that he appreciates angle views even though they are
6 not perfect for everybody. He worries about the ability to lease that much commercial space, but
7 would love to have a few restaurants and a gym in this location, is possible. He stated that he goes
8 back to the congestion issue and feels like it will be a bottle neck right there and thinks if that could
9 be solved it would be a much better plan. He stated that he also feels like there could be a way to
10 put a bit of 'charming' into the aesthetics.

11
12 Commissioner Merriam asked about the density issue and the targets that the City is looking for
13 in this area. She asked if the calculations were only based on the residential portion or whether it
14 included something for the commercial portions.

15
16 Planning Consultant Zweber explained that there are two different ways to measure density,
17 residential densities are done in a dwelling unit/acre basis and the commercial density is measured
18 on a floor area ratio basis. With a mixed use development, they pro-rate the area so there was
19 about 28% commercial and 72% residential, so they only took 72% of the lot area for the area to
20 calculate the residential density.

21
22 Vice-Chair Parkhill asked if the City knew these numbers yet.

23
24 Planning Consultant Zweber stated that it is on page 120-121 of the packet and reviewed the
25 calculations for the pro-rated lot area.

26
27 Vice-Chair Parkhill stated that he still thinks it is congested.

28
29 Commissioner Sorensen stated that he thinks the entire Commission wants more information in
30 order to make a decision, and asked City Attorney Schelzel if there was a way that could be done.

31
32 City Attorney Schelzel reviewed the options available to the Commission and explained that one
33 of the options is to table action on the application and ask the applicant to come back with more
34 information about the key issues that have been raised by the Commission. He stated that it may
35 not be possible to get a traffic study completed that quickly, but the Commission or the applicant
36 can ask for more time to supplement the application with additional information. He stated that
37 the other option is to take action on the concept plan and if it is recommended for approval it could
38 be conditioned upon getting this information between now and the general plan stage. He stated
39 that if the Commissions feels that they don't have enough information now to make a
40 recommendation on the concept plan, then the first option may make sense.

41
42 Community Development Director Goellner stated that if the Commission chooses to table action,
43 the best practice is to table to a specific meeting so there is clarity around the public process and
44 also provides the best transparency. She stated that tabling does not offer the best transparency
45 because technically the public hearing has already happened for this application, so additional
46 information that is brought forward would require members of the public to be following this

1 process closely on their own. She stated she is not sure when a traffic study could be completed.
2 The 60 day deadline for City action on the application can be extended to 120 days, which means
3 extending to the month of November for the Council to make a decision. She stated that based on
4 the nature of some of the comments brought up by the Commission, if the applicant works through
5 those, she would suspect that the concept plan would be changed enough that the Commission
6 would want to see new plan drawings. She stated that it can be difficult to incorporate new plan
7 drawings into the process without submitting a new application. She stated that this was the
8 practice that with the application for The Boatworks and Moments of Wayzata projects followed,
9 which offered transparency for the public.

10
11 Commissioner Merriam stated that one of her biggest concerns is the impact of the buildings in
12 the area that are already under construction with regard to traffic, parking, and congestion. She
13 stated that the City will not be able to know this information until the buildings are complete. She
14 stated that she thinks enough things have been brought up, that she would recommend a motion to
15 recommend denial.

16
17 Commissioner Douglas stated that she would agree, but asked what had happened when the
18 Commission recently recommended denial of the Moments of Wayzata after their first proposal.

19
20 Community Development Director Goellner stated that after the Commission recommended
21 denial, the applicant chose to withdraw the application and submit a new, revised application. She
22 stated that if the Commission recommends denial in this case, the applicant could still choose to
23 move onto the City Council and wouldn't have to withdraw the application.

24
25 Commissioner Douglas stated that she likes the concept of denial and then the applicant has the
26 choice of pulling the application and coming back to answer some of the questions or move onto
27 the Council.

28
29 City Attorney Schelzel gave an overview of the two step process with concept and general plan,
30 and the options open to the Commission for taking action on the application.

31
32 Commissioner Douglas stated that she thinks of this as the third biggest project in the City behind
33 the Bay Center and The Boatworks and feels the City has to get it right.

34
35 There being no further discussion, Vice-Chair Parkhill asked for a motion on the application.

36
37 Commissioner Merriam made a motion to direct staff to prepare a draft Planning Commission
38 Report and Recommendation with appropriate findings reflecting a recommendation of denial for
39 a PUD Concept Plan at 200 Lake Street East for review and adoption at the next Planning
40 Commission meeting.

41
42 Vice-Chair Parkhill suggested a friendly amendment to the motion to address the easement issue
43 and conduct a study to determine if it is necessary, and a traffic study that takes in account the
44 Melvin's 235 and Ventana information.

1 City Attorney Schelzel stated that if the motion is to deny the request, he does not think those
2 studies would be needed in connection with the application. He stated that he thinks the record
3 reflects that the Commission needs more information on those things, and noted that he can add
4 that to the draft report.

5
6 Vice-Chair Parkhill withdrew his friendly amendment.
7

8 Community Development Director Goellner asked if Commissioner Merriam's motion included
9 denial of the design deviation requests as well.

10
11 Commissioner Merriam stated that her motion was intended to include all three requests from the
12 applicant.

13
14 Commissioner Douglas seconded the motion.

15
16 Community Development Director Goellner completed a roll call vote on the motion. The motion
17 carried unanimously.

18
19 City Attorney Schelzel noted that the draft report and recommendation will be on the Consent
20 Agenda at the next Planning Commission meeting.

21
22 **c) Consider Development Application for Development Application for Fee in Lieu**
23 **of Parking (FILOP) Conditional Use Permit (CUP) for Ventana Apartments at**
24 **253 Lake Street East**
25

26 Community Development Director Goellner gave an overview of the request for a CUP under the
27 City's FILOP policy for the Ventana Apartments.

28
29 Vice-Chair Parkhill asked if the Commission had any questions for Staff.

30
31 Vice-Chair Parkhill asked what the fee is for FILOP.

32
33 Community Development Director Goellner stated that it is determined by the City Council
34 through an official policy and the adopted policy is \$10,000/parking stall.

35
36 Vice-Chair Parkhill asked if there were any concessions made for 50 stalls that were approved.

37
38 Community Development Director Goellner explained that 50 was the original amount required
39 and no concessions were made during the entitlement process.

40
41 Commissioner Douglas asked how many one-bedroom units were in the building.

42
43 Mr. Hoyt answered that there will be nine one-bedroom units.

44
45 Commissioner Stockton asked to what extent non-compact cars are allowed to park in compact car
46 spaces and whether it was penalized in any way.

1
2 Planning Consultant Zweber stated that a typical stall is 9 x 18 and a compact stall is 8.5 x 16.

3
4 City Attorney Schelzel asked if Commissioner's Stockton's question was about enforcement.

5
6 Commissioner Stockton stated that out of practicality, if the City is allowing parking spaces to be
7 compact, which is what has been seen on the last two developments, she would like to know if
8 people would be able to use them if they had a large car.

9
10 City Attorney Schelzel stated that unless a development agreement specified otherwise, the City
11 likely would not get into enforcing parking rules in a private development, but also doesn't know
12 if the City does that in any of the public parking areas. He stated that he doubts that they issue
13 citations for that, but staff can look into that and get back to the Commission.

14
15 There being no questions from the Commission for the applicant, Vice-Chair Parkhill opened the
16 public hearing on the application at 10:33 pm.

17
18 There being no one wishing to comment on the application, Vice-Chair Parkhill closed the public
19 hearing at 10:34 pm.

20
21 Vice-Chair Parkhill asked for the Commission to share their questions and feedback on the
22 application.

23
24 Commissioner Merriam confirmed that for a 25 unit apartment building the City requires two
25 spaces per unit and the way they are given out is up to the management of the building. She asked
26 if she understood that nine of the units were be occupied by individuals and the rest would require
27 two cars. She asked where guest parking would be accommodated in the building.

28
29 Community Development Director Goellner stated that visitor parking is informally provided
30 within the parking ramp.

31
32 Commissioner Merriam stated that this is the second request the City has had for FILOP and
33 questions whether the City will get more of those and asked if there was a point when the City
34 would have to draw a line.

35
36 Community Development Director Goellner stated that the will definitely a point where the City
37 will have to draw a line, but in their analysis at this point, there is still capacity for these three
38 spaces.

39
40 Commissioner Merriam stated that she just does not want to keep seeing this kind of request and
41 isn't sure she knows how she wants to react to this request tonight.

42
43 Planning Consultant Zweber asked Community Development Director Goellner if the Council
44 voted to put in the foundation that could allow for a second level to be constructed in the future.

1 Community Development Director Goellner explained that the Council did not choose to install
2 the foundation that would allow for a potential second floor because of cost and environmental
3 implications, so this lot is planned as a 153 space lot. She stated that the City just conducted
4 parking counts last month and is in the process of updating the parking study for the Council to
5 review.

6
7 There being no further discussion, Vice-Chair Parkhill asked for a motion on the application.
8

9 Commissioner Sorensen made a motion, seconded by Commissioner Stockton, to direct staff to
10 prepare a draft Planning Commission Report and Recommendation with appropriate findings
11 reflecting a recommendation of approval of the CUP permit for the requested additional parking
12 under the FILOP policy for property at 253 Lake Street East for review and adoption at the next
13 Planning Commission meeting, subject to the established fee being paid prior to issuance of a
14 Certificate of Occupancy and execution of a Parking Agreement prior to a Certificate of
15 Occupancy being granted.
16

17 Community Development Director Goellner completed a roll call vote on the motion. The motion
18 carried unanimously.
19

20 Vice-Chair Parkhill noted that this item will be on the Consent Agenda at the next meeting.
21

22 **AGENDA ITEM 6. Other Items:**
23

24 **a) Review of Development Activities**
25

26 Community Development Director Goellner reviewed the three agenda items scheduled for the
27 August 16, 2021 Planning Commission in addition to discussion of a proposed ordinance change
28 to allow chickens on the City's largest residential lots.
29

30 **b) Update on Appointment of Vacant Commission Seats and Upcoming Election of**
31 **Officers**
32

33 Community Development Director Goellner noted that there are two vacant Commission seats,
34 and there have been six applications received and interviews are being conducted later this week.
35 The Council is hoping to make appointments to those two seats at their August 10, 2021 meeting.
36 She stated that she would recommend the Commission consider holding elections for chair and
37 vice-chair in September.
38

39 **c) Planning Commission Meeting Schedule**
40

41 **AGENDA ITEM 7. Adjournment.**
42

43 There being no further business on the agenda, Vice-Chair Parkhill asked for a motion to adjourn.
44

45 Commissioner Douglas made a motion, seconded by Commissioner Merriam, to adjourn the
46 Planning Commission meeting. The motion carried unanimously.

1
2 The Planning Commission meeting was adjourned at 11:12 p.m.
3
4 Respectfully submitted,
5 Kayla Atkins Rokosz
6 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 4.b
TITLE: Acknowledgement of Receipt of Application Withdrawal Letter for Planned Unit Development Concept Plan at 200 Lake Street East	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

On Wednesday, August 11, the applicant withdrew their current application.

ACTION REQUESTED:

No action required.

ATTACHMENTS:

1. 200 Lake St - Development Application Withdrawal Letter

From: [Steve Eggert](#)
To: [Emily Goellner](#); [Nick Kieser](#); [Planning](#)
Cc: [Curt Fretham](#); [Wayne Chubb](#)
Subject: 200 Lake St - Council Withdrawal
Date: Wednesday, August 11, 2021 9:50:43 AM
Attachments: [image001.png](#)

Hi Emily,

This is our formal notification of withdrawal of the PUD Concept Plan application, and we intend to submit a new application in the near future.

Thank you,



Steven Eggert

Planner

○ 952.653.1346

■ 651.206.4310

SteveEggert@lwestdev.com

www.lakewestdevelopment.com



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 4.c
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Planned Unit Development Amendment and Design Deviations at Moments of Wayzata at 163 Wayzata Boulevard West	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY:	
60 DAY DEADLINE: August 29, 2021	

BACKGROUND:

Burt Elmer, on behalf of TMSC of Wayzata LLC, has submitted a development application requesting approval of a Planned Unit Development (PUD) Amendment and Design Deviations for a building renovation and addition of a Senior Living & Memory Care facility for the property located at 163 Wayzata Blvd W. An initial application was presented at the June 21, 2021 Planning Commission meeting which the applicant subsequently withdrew to revise the proposed plans based on feedback received from the public and Commission. The current application includes a PUD Amendment for a building and parking lot renovation, along with a building addition and supportive site elements. The applicant was originally requesting deviations from the Design Standards for parking in front of the building, significant massing break of the front façade at the public street, and for building materials within the Bluff District. The updated proposal in the current application requests deviations from the Design Standards only for the significant massing break of the front façade at the public street and for parking in front of the building; the previously requested third deviation for building materials has been addressed in the current plan and the standard is met.

ACTION REQUESTED:

The Planning Commission should consider adoption of Planning Commission Report and Recommendation of Approval of PUD Amendments and Design Deviations for Moments of Wayzata at 163 Wayzata Blvd W.

ATTACHMENTS:

1. PC Report and Recommendation



WAYZATA PLANNING COMMISSION

August 16, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF PUD AMENDMENT AND DESIGN DEVIATIONS FOR MOMENTS OF WAYZATA AT 163 WAYZATA BLVD W

DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval*** of PUD Amendment
 2. **Approval*** of Design Deviations
- * with certain conditions listed at the end of this Report
-

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Application. Burt Elmer, on behalf of the property owner, TMSC of Wayzata LLC, (the "Applicant") has submitted an application for a building renovation and addition to the site previously operated as "Meridian Manor" at 163 Wayzata Boulevard West (the "Property"). Meridian Manor was a senior care alternative facility that ceased operations in 2020, and which had a PUD and development agreement approved in 1993 (the "Existing PUD"). The Applicant proposes to renovate and expand the existing building on the Property to house up to 88 residents, within 84 units; add adult day facilities and services for up to 20 guests per day; and add offices for administrative and activities staff (the "Project"). A previous application for the Property was reviewed at the June 21, 2021 Planning Commission meeting, which the Applicant subsequently withdrew to revise the proposed plans based on feedback received from the public and Commission.
- 1.2 PUD Amendment and Design Deviations Requested. The Application includes the requests for approval of (i) a Planned Unit Development (PUD) Amendment to the Existing PUD to incorporate the plans shown on Attachment A (the "Amended PUD Plan" or "PUD Amendment"); and (ii) Deviations from the from the following Design Standards (the "Design Deviations"):

- A. A deviation from parking area location design standard (Sec. 909.19.A) to allow parking in front of the building.
 - B. A deviation from the massing break design standard (Sec. 909.07.A.1) to allow for no massing break of the front façade at the public street.
- 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
Overlay Districts:	None
Design District:	Bluff District

- 1.5 Notice, Neighborhood Meeting, and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on July 22, 2021 and mailed to all property owners located within 500 feet of the Property on July 22, 2021. The Applicant hosted a neighborhood meeting on July 8, 2021 via the audio/video conferencing platform Zoom. The public hearing on the Application was held at the August 2, 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 Design Standards Deviations.

- A. Development with a nonresidential and/or multifamily component that includes modifications involving 50 percent or more of an existing building's exterior façade and site alterations that changes 50 percent of

more of the existing site in the City must comply with the Wayzata Design Standards found in Chapter 909 of the Zoning Ordinance.

- B. Significant Deviations from the Design Standards are defined as deviations that amount to a significant departure from the Standards and do not qualify as Minor Deviations, that are defined in Sec. 909.29.B and may be approved by City Staff. Approval of a Significant Deviation requires a finding by the City Council (after considering the Planning Commission's recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:
1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
 2. The extent to which the project successfully implements the guidance of the Design Standards Guide.
 3. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
 4. The positive effect of the project on the area in which the project is proposed.
 5. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
 6. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
 7. The project involves a national, state or local historic designation.
 8. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

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 would be consistent with the intent and purpose of the Existing PUD.
- B. Intent and Purpose of PUDs. The Amended PUD would encourage the following:
1. Innovations in development to the end that the growing demands for all styles of economic expansion, including the need for high quality senior, memory care, and adult day care services, in a new, well-designed facility and property.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers, as reflected in the PUD Amendment.
 3. The preservation and enhancement of desirable site characteristics, including pedestrian walkways, natural trails, additional landscaping, and tree plans.
 4. A creative use of land and related physical development which as reflected in the PUD Amendment.
 5. An efficient use of land and the existing building on the Property, resulting lower development costs and public investments.
 6. A development that is in harmony with the objectives of the Wayzata Comprehensive Plan including the for additional housing and services options to create a multi-generational community.
- 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 meet as they are within the Existing PUD. The PUD Amendment will mainly allow for an updated building design and expansion, needed renovations, and enhanced common private open space that are consistent with the uses of the Existing PUD, previous development of the site, and current market demands. The PUD Amendment would not include any other significant changes (other than those reflected in the PUD Amendment) to the Existing PUD.

3.2 Design Standards Deviations.

- A. The Project meets all of the applicable provisions of the Design Standards as reflected in the Design Report except for the Deviations.
- B. The Commission finds that there would be a positive effect on the area where the Project is proposed by allowing the Deviations, in that the Deviations will allow the Project to match the current architectural style and design of the existing building.
- C. To the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:
 - 1. The positive effect of the Project on the area in which the project is proposed, in that it would renovate and improve the Existing PUD and provide needed senior and memory care services to the community.
 - 2. The project is largely the remodeling of, and necessary updates to, an existing building which largely otherwise conforms to the Design Standards.

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 Design Deviations, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction of the Amended PUD Plan, 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 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, 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 16th day of August 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

Address	PID	Owner	Abstract or Torrens?
163 Wayzata Blvd W Wayzata, MN 55391	0111723110002	TMSC of Wayzata, LLC	Both
			Certificate No.
			1520074
Legal Description			
<u>Parcel 1:</u> That part of the West 150 feet of Lot 58, Auditor’s Subdivision No. 184, Hennepin County, Minnesota, lying Southeasterly of the Southeasterly right of way line of State Highway No. 12 as shown by that certain Final Certificate filed June 8, 1973, as Document No. 1073214 in favor of the State of Minnesota. Hennepin County, Minnesota Torrens Property – Certificate of Title No. 1520074 <u>Parcel 2:</u> That part of Lot 58, Auditor’s Subdivision No. 184 described as follows: Commencing at a point in the North line of Section 1, Township 117 North, Range 23 West, distant 840.00 feet West from the Northeast corner thereof; thence East 488.0 feet; thence Southerly 660.00 feet at an angle of 87 degrees 37 minutes to the right; thence Southwesterly 151.30 feet at an angle of 30 degrees 17 minutes to the right to a point in the Northerly line of Wayzata Boulevard (formerly U.S. Highway no. 12) as now laid out and travelled, distant 448.50 feet Northwesterly from its intersection with the East line of said Section 1; thence Northwesterly along said boulevard line to a point in a line running Southerly from the point of beginning at an angle of 89 degrees 35 minutes to the left from said North line of said Section 1; thence Northerly to the point of beginning. Except that part lying Northwesterly of the Southeasterly right-of-way line of S.T.H. No. 12 as shown by Document No. 4194553. Hennepin County, Minnesota			



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 4.d
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Fee In Lieu of Parking Conditional Use Permit for Ventana Apartments at 253 Lake Street East	
PREPARED BY:	
REVIEWED BY:	
60 DAY DEADLINE: August 21, 2021	

BACKGROUND:

Brad Hoyt, on behalf of Ventana LLC and Berry and Company Inc, has submitted a Development Application requesting approval of a Conditional Use Permit (CUP) for additional parking under the City of Wayzata Fee-In-Lieu of Parking (FILOP) Policy for the property at 253 Lake Street E. The 25 unit apartment building recently completed on the subject property received zoning approvals in June 2020. Construction commenced in fall 2020. The applicant is requesting to remove three (3) tandem parking stalls and reduce the size of three (3) tandem parking stalls for compact cars in order to accommodate the addition of a small gym/workout facility in the southwest corner of the underground parking garage.

ACTION REQUESTED:

The Planning Commission should consider adoption of Planning Commission Report and Recommendation of Approval of Fee in Lieu of Parking (FILOP) Conditional Use Permit (CUP) for Ventana Apartments at 253 Lake Street East.

ATTACHMENTS:

1. PC Report and Recommendation



WAYZATA PLANNING COMMISSION

AUGUST 16, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF FEE IN LIEU OF PARKING (FILOP) CONDITIONAL USE PERMIT (CUP) FOR VENTANA APARTMENTS AT 253 LAKE STREET EAST

SUMMARY OF RECOMMENDATION

1. **Approval*** of FILOP CUP for parking requirement deficit of 3 parking spaces

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

REPORT

Section 1. BACKGROUND

- 1.1 **Project.** Brad Hoyt, on behalf of Ventana LLC and Property owner, Berry & Co., Inc. (collectively, the “Applicant”) has submitted an application (the “Application”) requesting approval of a Conditional Use Permit (CUP) under the City’s Fee-In-Lieu of Parking (FILOP) Policy for a parking shortfall of 3 spaces in the residential PUD project at 253 Lake Street East that was approved by City Council Resolution 27-2020 (the “Project”). The FILOP CUP would allow for the inclusion of a small gym/workout facility in the southwest corner of the underground parking level of the residential building (the “Modification”).
- 1.2 **Approval Requested.** The Application requests approval of a FILOP CUP for a required parking space shortfall of three (3) spaces (the “FILOP CUP”).
- 1.3 **Property.** The address, property identification numbers and owner of the subject property (the “Property”) are as follows:

Address	PID	Owner
253 Lake St E	0611722230384	Berry & Co., Inc.

The legal description of the Property is attached to this Report as Attachment A.

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

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

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on July 22, 2021. A copy of the notice was mailed to all property owners located with 350 feet of the Property on July 22 2021. The public hearing on the Application was held at the August 2, 2021 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Parking Requirements. The Zoning Ordinance requires a minimum of two (2) fee-free parking spaces for each living unit in a residential building, one of which must be enclosed. Sec. 920.11.
- 2.2 FILOP CUP. Any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in the City's FILOP Policy; and (2) a Conditional Use Permit is approved based upon the criteria of the FILOP Policy, which are:
- A. The Project is located within the "Mobility District" as established by City Council.
 - B. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
 - C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.
 - D. The requirements of section 904.2.F of the Zoning Ordinance for a conditional use permit, which require City Council to consider possible adverse effects of the proposed conditional use. Council's judgment shall be based upon (but not limited to) the following factors:
 - 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

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

Section 3. FINDINGS

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

- 3.1 Parking Requirements. Based on the approved PUD General Plan, and the parking requirements of the Zoning Ordinance, the Project requires fifty (50) parking spaces, half of which must be enclosed. The Project with the modifications requested includes forty-seven (47) enclosed parking spaces within an underground garage on the Property, and thus an additional three (3) spaces are needed, for which a CUP has been requested under the City's FILOP Policy.
- 3.2 FILOP CUP.
 - A. The Project is located within the "Mobility District" as established by City Council.
 - B. The Project would support the accessibility, functionality, density and vitality of the Downtown Business District. The proposed fitness center would enhance the wellness of their residents.
 - C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities when factoring in the new public parking adjacent to the Project.

- C. The provisions of Section 904.2.F of the Zoning Ordinance have been considered and are all satisfactorily met. The Project with the proposed Modification for a gym/workout area (the “Proposed Use”) would have not have adverse effects on the surrounding area based upon the following:
1. The Proposed Use is not inconsistent with any policies or provisions of the official City Comprehensive Plan. Staff finds that the proposed use supports the Comprehensive Plan’s Goal of City Nodes with Greater Housing Diversity. Higher density housing combined with pointed efforts to make Wayzata walkable, multi-generational, and connected could bring liveliness to nodes within the City.
 2. The Proposed Use is compatible with present and future uses of the area.
 3. The Proposed Use conforms with all relevant performance standards contained in the Zoning Ordinance.
 4. The Proposed Use will not have a material effect on the area in which it is proposed in that it is a small part of a larger development for the Property.
 5. The Proposed Use will not have a material impact upon property values in the area in that it is a small part of a larger development for the Property.
 6. The Proposed Use will not generate additional traffic.
 7. The Proposed Use will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City’s service capacity.

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 FILOP CUP, subject to the following conditions:

- A. The Development Agreement between the Applicant and the City for the Project, required by previous approvals, must be amended or supplemented to incorporate the requirements of the FILOP CUP, including the amount and timing of payment of the fees required under the FILOP policy, with terms and in a form acceptable to the City Attorney. The agreement must also state that the Applicant must comply with all current and future parking requirements for

uses associated with the Project, and any change in use or to the Project for which the Zoning Ordinance requires additional parking will require an amendment to the agreement.

- B. 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 16th day of August 2021.

Attachments:

Attachment A

Property Information and Legal Description

Attachment A

Legal Description and Information of Property

Address	253 Lake Street East, Wayzata MN 55391
PID	0611722230384
Legal Description	Lot 1, Block 1, Ventana 2nd Addition
Abstract or Torrens?	Torrens
Certificate No.	1509805



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 5.a
TITLE: Consider Development Application for Conditional Use Permit for Good Clinic at 803 Lake Street East	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: September 21, 2021	

BACKGROUND:

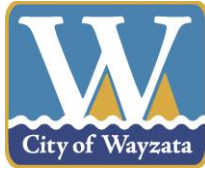
Michael Howe, on behalf of The Good Clinic LLC, has submitted a Development Application requesting approval of a Conditional Use Permit (CUP) for a primary care wellness clinic on a property that is specifically permitted for only restaurant and retail uses within the Promenade Planned Unit Development (PUD) District. According to the applicant, the Good Clinic will enhance the quality of life for the residents in the area including the residents in the assisted living facilities nearby and will drive pedestrian traffic in the area in a similar fashion to retail or restaurants.

ACTION REQUESTED:

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. Staff Report with Attachments - Good Clinic



**Staff Report
August 16, 2021**

Project Name: The Good Clinic
Conditional Use Permit to Allow a Medical Clinic Fronting Lake Street East

Applicant: The Good Clinic, LLC

Addresses of Request: 803 Lake Street East

Prepared by: Eric Zweber, Consultant Planner
Emily Goellner, Community Development Director

“60 Day” Deadline: August 21, 2021

Development Application

Introduction

Michael Howe, on behalf of The Good Clinic LLC, has submitted a Development Application requesting approval of a Conditional Use Permit (CUP) for a primary care wellness clinic on a property that is specifically permitted for only restaurant and retail uses within the Promenade Planned Unit Development (PUD) District. According to the applicant, the Good Clinic will enhance the quality of life for the residents in the area including the residents in the assisted living facilities nearby and will drive pedestrian traffic in the area in a similar fashion to retail or restaurants.

Staff has reviewed the proposed site plan and notes that although the Good Clinic is not a restaurant or retail use, the clinic will support pedestrian activity, which is compatible with the general intended use of the area.

Property Information

Address	PID	Owner
803 Lake Street East	06-117-22-42-0100	Wayzata Bay West Retail LLC

The current zoning and Comprehensive Plan land use designation for the property are as follows:

Zoning District:	PUD/Planned Unit Development
2040 Comp Plan Designation:	Downtown Mixed-Use District

Overlay Districts:	S/Shoreland Overlay District W/Wetland Overlay District Lake Street Design District
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Project Location

The property is located within the West Block of the Promenade located at the northeast corner of Lake Street East and Superior Boulevard. The Good Clinic is proposed to be located on the ground floor of the West Block facing Lake Street East about 200 feet east of Superior Boulevard.

Map 1: Project Location:



Application Requests

The applicant is requesting approval of:

Conditional Use Permit (CUP): Resolution 46-2020 allows for the approval of a CUP to allow for a non-retail and non-restaurant business within the ground floor of a building facing Lake Street East that has a high level of pedestrian activity.

Comprehensive Plan

The Mixed-Use Downtown District is specifically created for the Promenade development area to reflect the environmental conditions, parcel arrangement, proximity to adjacent uses, and resulting redevelopment challenges. The site incorporates vertically mixed-use buildings of predominately retail commercial and retail uses, with options for offices uses.

Adjacent Land Uses and Zoning

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	The Promenade	PUD/Planned Unit Development	Downtown Mixed-Use District

East	The Promenade	PUD/Planned Unit Development	Downtown Mixed-Use District
South	The Shoppes	C-2 Shopping Center Business District	Central Business District
West	The Muni	Institutional	Central Business District
	Crisp and Green	C-4B Central Business District	

Public Hearing Notice

The public hearing notice for the application was published in the *Sun Sailor* on August 5, 2021 and mailed to all property owners located within 500 feet of the subject property on August 5, 2021. On August 6, the applicant mailing a neighborhood notification to the owners within 500 feet of the proposed location.

Neighborhood Notification

In accordance with the City's Neighborhood Notification and Meeting Policy, the applicant sent a letter to properties within 500 feet of this application. The letter included a description of the project, a site plan, and contact information for the applicant. The applicant has stated that they have not received and comments or responses from their neighborhood notification.

Summary and Analysis of Application

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

Background

The building owner, Wayzata Bay Senior Housing, Inc., had submitted an application in 2020 for approval of an amendment to the Promenade of Wayzata Planned Unit Development (PUD) Plan and PUD District within the 6 block Promenade development located at the northeast corner of Lake Street East and Superior Boulevard. The Applicant received approvals to clarify and expand the permitted and conditional uses within the PUD.

The Wayzata City Council adopted Resolution 46-2020 on October 20, 2020, which included the following zoning approvals for the Project:

Lake St. and Superior Blvd. Uses Limited to Retail and Restaurant. *The area of the ground floor of a building that fronts Lake Street or Superior Boulevard, as shown on the PUD District Map, are limited to retail and restaurant uses, and other uses (i) that the City Council finds support a high level of pedestrian activity and are compatible; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance.*

The current applicant proposes a new primary care clinic of less than 3,000 square feet within the area limited to retail and restaurant use fronting Lake Street. The applicant is

requesting a CUP to allow the primary care clinic to be located on the ground floor because they believe it will produce a high level of pedestrian activity.

The clinic would be located within an existing structure. Any changes to the structure will be cosmetic and internal only, except for exterior signage. The total lease area is approximately 2,743 square feet, of which 542 square feet is dedicated towards reception/retail space. Within the 542 square foot reception/retail area, the retail activity consists of about 12 linear feet of shelf space for retail display, 16 square feet designated to INSTY-MED medication dispensers, and a bookshelf.

Signage

The Good Clinic is required to submit a sign permit application prior to the installation of any signage. Compliance with City Code will be reviewed administratively.

Parking

The proposal complies with the minimum parking requirement. The applicant will have 9 parking spaces within the 206-stall parking lot within the center of the building. The Good Clinic anticipates that they will need 9 parking spots available for employee and client use. The City Code establishes the minimum number of parking spaces and off-street loading spaces for medical clinic uses. For each doctor in the clinic, the code requires a minimum of 6 spaces. The Good Clinic has stated that they will have 2 nurse practitioners on duty during the largest shift, which would generate a need of 12 parking spaces.

Off-Street Parking Requirements				
City Code Requirement	Proposed Number of Doctors	# of Parking Spaces Required	Proposed	Surplus/Deficiency
6 spaces per doctor	2	12	9	-3 (addressed with Joint Parking Facility)

To be compliant with the City Code, the Good Clinic would need 3 additional parking spots if it operated as a standalone business with its own parking lot. However, the proposed use is within a joint use parking facility. At the peak time of the clinic/office space, the restaurant and retail uses will not be at their peak parking demand. Additionally, at the peak time for the restaurant and retail uses, the clinic/office use will not be at its peak parking demand. Therefore, the 206 spaces available will support the peak demand for the proposed office use.

Joint Parking Facility			
Land Use	Weekday		
	Midnight – 7 am	7 am – 6 pm	6 pm - Midnight
Office	5%	100%	5%
Restaurant	10%	70%	100%
Retail	0%	90%	60%

Staff is not aware of any issue with the parking provided within the West Block parking lot. The joint parking facility table shows that different commercial uses have different parking demands at different times. When the parking demand for the medical office is at its peak (7am to 6pm), restaurant uses will only be using 70% of it's peak parking demand and retail uses will only be using 90% of it's peak parking demand. This difference in peak demands allows a joint parking facility to accommodate a mix of uses sharing the same parking facility with less parking stalls then if each use had it's own parking facility.

Primary Issues to Consider

1. CUP for The Good Clinic:

- a. Would the Project produce a high level of pedestrian activity within the Downtown Business District?
- b. Does the proposed use of a primary clinic relate to specific policies and provisions of the official City Comprehensive Plan?
- c. Is the proposed use of the Good Clinic hindering opportunities for present and future retail and restaurant uses of the area?
- d. What effect does the proposed use of the Good Clinic have on the area?

Action Steps

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

Attachments

Applicant's Narratives (9 pages)
Building Site Plan (4 pages)
Clinic Site Plan and Space Allocation Table(5 pages)
Photographs of an existing The Good Clinic (10 pages)
Resolution 46-2020 (22 pages)

Applicable Code Provisions for Review

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

Promenade PUD District Uses (Resolution 27-2020)

Conditional Uses: Subject to applicable provisions of the Zoning Ordinance, the following are conditional uses within the PUD District provided (i) they are located on the ground floor of a building; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance:

- A. Any single tenant permitted use that exceeds 6,000 square feet in size
- B. Multi-family Residential on the East Block, as shown in the PUD District Map
- C. Childcare
- D. Micro-Production Facilities as regulated under the standards of the C-4A District
- E. Drive-in facilities for banks or savings and loan associations
- F. Fitness Establishments
- G. Residential on the ground floor of the East Block fronting Lake Street
- H. Any other use that the City Council finds is compatible with the other current uses in the PUD District

3. Lake St. and Superior Blvd. Uses Limited to Retail and Restaurant. The area of the ground floor of a building that fronts Lake Street or Superior Boulevard, as shown on the PUD District Map, are limited to retail and restaurant uses, and **other uses (i) that the City Council finds support a high level of pedestrian activity and are compatible; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance.**

Conditional Use Permit (§ 904.02.F)

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

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

PUD Conditional Use Application: West Block of the Promenade of Wayzata Shopping Center, as shown on Exhibit A.

Applicant: The Good Clinic, LLC (who will have right of use to the property pursuant to a 7-year lease with Owner)

Owner: Wayzata Bay West Retail, LLC

Project and Background: The Good Clinic

This application for PUD Conditional Use is being submitted by the Good Clinic, LLC (“TGC”) requesting approval to operate a primary care medical clinic on the property located at the West Block of the Promenade of Wayzata Shopping Center, shown on Exhibit A, which is owned by Wayzata Bay West Retail, LLC (“Owner”).

Permitted Uses in the PUD district includes “any permitted use in the C-4 District,” provided such use is located on the ground floor of a building and does not exceed 6,000 square feet in size for any single tenant or commercial use. As The Good Clinic will be located on the ground floor of the Promenade of Wayzata Shopping Center and will only take less than 3,000 square feet, we request approval for the clinic use as a “Medical clinic” which is allowed pursuant to Section 978.02, EE of the Ordinance.

At TGC, our goal is to redefine and enhance primary care. We believe that innovation in primary care can lower costs, increase access, and improve our clients’ quality of life. Our aim is to shift the focus from sick-care to well-care and from treatment to partnership. Our elegant, bright, and welcoming clinics are staffed by experienced, caring doctors of nursing practice for a convenient, personalized, whole-person healthcare and disease prevention experience. The Good Clinic primary care clinics are designed to be retail healthcare locations, which in addition to providing healthcare also focuses on selling healthcare products such as supplements, over the counter products, and wellness focused books that complement and enhance the effectiveness of our services. The Good Clinic on the Promenade of Wayzata Shopping Center would enhance the quality of life for the residents in the area including the residents in the assisted living facilities nearby, and would drive pedestrian traffic in the area in a similar fashion to retail or restaurants.

Once building permit is granted and TGC has access to the property, TGC is able to capitalize on its connections and prior experience in the industry and can build out a clinic in as little as 10-12 weeks. The clinic will offer and provide much needed primary care and wellness services to the residents of Wayzata.

Project Data Summary:

The proposed Conditional Use application relates to an existing structure, and any changes to the structure will be cosmetic and internal only, except for exterior signage, as shown in Exhibit B.

Total Building Area: Approximately 2743 square feet on the ground floor of the West Block of the Promenade of Wayzata Shopping Center, shown on Exhibit A.

The project will support a high level of pedestrian activity and is compatible with the general intended use of the area.

Additionally, the proposed project is in harmony with the general purposes and intent of this Ordinance. The project will accommodate the retail, service and office functions which are characteristic to a downtown area and will allow the present downtown area to expand, develop and redevelop. The proposed project will be in keeping with those principles.

As Medical Clinic is allowed in the C-4 District pursuant to the Ordinance, and the project meets all other requirements, TGC hereby requests approval to proceed with the project.

DocuSigned by:
michael howe
24A0BC2A723C4D5...

6/29/2021

michael howe

CEO

The Good Clinic, LLC

michael.howe@thegoodclinic.com

PUD Supplement to Conditional Use Application: West Block of the Promenade of Wayzata Shopping Center, as shown on Exhibit A.

Applicant: The Good Clinic, LLC (who will have right of use to the property pursuant to a 7-year lease with Owner)

Owner: Wayzata Bay West Retail, LLC

Project and Background: The Good Clinic

Original Submission Date: June 30, 2021

Supplemental Submission Date: July 22, 2021

This supplement to the application for PUD Conditional Use is submitted by the Good Clinic, LLC (“TGC”), requesting approval to operate a primary care medical clinic on the property located at the West Block of the Promenade of Wayzata Shopping Center, originally submitted on June 30, 2021.

Activity and Walkability:

The Good Clinic concept is community-based and designed to serve residents of the local community. The TGC is growing and opening clinics in many local communities to increase convenience and access to primary care. Because of the national shortage of primary care providers, the addition of The Good Clinic in a community will shorten wait times, simplify scheduling, and eliminate the need to travel to access primary care. Each The Good Clinic location will serve its local community. The Good Clinic in Wayzata is to be located in the West Block of the Promenade of Wayzata Shopping Center. It will offer walk-in and same-day clinic appointments. Clients may also schedule appointments and are encouraged to do so for routine care. The retail portion of the clinic is located in the welcome area of the clinic. Clients and general visitors in the area may browse and purchase nutritional supplements, selected books, essential oils, and other wellness products. Some of the clients will be arriving by foot from neighboring housing and others will arrive by car from the local community.

Hours of Operation:

Clinic hours will be Monday through Friday, from 8am to 5pm but may be extended to provide some open hours on certain weeknights as well as potentially adding Saturday hours (during regular business hours).

Parking:

The proposed The Good Clinic on the West Block of the Promenade of Wayzata Shopping Center will have four consultation rooms, allowing approximately four clients per hour once we reach full capacity. It is typical that there will be five employees and four clients at each point in time, excluding additional retail walk-in clients. We anticipate that we will need nine parking spots available for employee and client use.

Deliveries:

After the initial build-out, there will be a low-volume of deliveries of office and small medical supplies to the clinic. Most of the supplies will be delivered via UPS/FedEx delivery. These deliveries can easily be accommodated through the front entrance to our Welcome Area just like any other retail concept.

In conclusion, the proposed use meets the Conditional Use Permit requirements (outlined in 904.02F) as TGC will provide useful, stylish, and timely amenities for the local residents in the area supporting the pedestrian-oriented environment that extends the traditional patterns of downtown across this site. The proposed use will provide a minimal increase in traffic or need for additional parking. It will not disrupt the community with loading, deliveries, or noise. On the contrary, given the lack of access to primary care and current focus on wellness in living, we anticipate that the addition of TGC to the West Promenade will have a positive impact on the health and wellness of the residents as well as the property values in the area. Research has proven that for every \$1 spent on primary care saves \$13 in other health care expenditures enabling people to choose to spend those savings on other local businesses.

PUD Supplement to Conditional Use Application: West Block of the Promenade of Wayzata Shopping Center.

Applicant: The Good Clinic, LLC (who will have right of use to the property pursuant to a 7-year lease with Owner)

Owner: Wayzata Bay West Retail, LLC

Project and Background: The Good Clinic

Original Submission Date: June 30, 2021

Supplemental Submission Date: July 22, 2021

Second Supplemental Submission Date: July 29, 2021

This supplement to the application for PUD Conditional Use is submitted by the Good Clinic, LLC (“TGC”), requesting approval to operate a primary care medical clinic on the property located at the West Block of the Promenade of Wayzata Shopping Center, originally submitted on June 30, 2021, with supplemental submission on July 22, 2021.

The Proposed Use subject to this application meets the Conditional Use Permit requirements (904.02F).

1. 904.02F(1) It Aligns with the Policies and Provisions of the Official City Comprehensive Plan

The proposed use of The Good Clinic on the Promenade of Wayzata Shopping Center aligns with and furthers the goals of the policies and provisions of the official city comprehensive plan.

Some of the key goals of the Wayzata official comprehensive plan is a walkable and pedestrian friendly environment; the promotion of healthy, engaged and active citizens; and a vibrant multi-generational Wayzata. The plan states that “[a] walkable and pedestrian friendly environment leads to a greater vibrancy in the community, reduces social isolation, and leads to healthier and happier communities . . . The argument for a more pedestrian oriented community goes beyond the social and health benefits it provides – walkable communities also lead to increased economic activity.”

The concept of The Good Clinic perfectly aligns with and supports this goal, as healthy citizens are active and engaged. The Good Clinic is shifting the focus from sick-care to well-care and from treatment to partnership. The Good Clinic will help the Wayzata residents focus on their wellness and assisting them in leading healthier and happier lives, at all ages. The Good Clinic’s primary care clinics are designed to be retail healthcare locations, inviting pedestrians into the elegant retail space where in addition to providing healthcare The Good Clinic also focuses on selling healthcare products such as vitamins, supplements, over the counter products, and wellness focused books.

The Good Clinic also offers community education programs where residents and pedestrians in the area are invited into the retail area of the clinic to attend sessions/programs aimed at furthering their health and wellness. The Good Clinic will provide educational sessions based on local needs and requests and the offerings will change throughout the year and based on local demand. These programs are open for pre-registration as well as for walk-ins.

The Good Clinic on the Promenade of Wayzata Shopping Center will enhance the quality of life for the residents in the area including the residents in the assisted living facilities nearby, and will drive pedestrian traffic in the area in a similar fashion to retail or restaurants, which ultimately will further the goals of the Wayzata comprehensive city plan.

The storefront of The Good Clinic is bright and inviting and intended to bring in the community to the retail space (not just for clients of the primary care clinic). There will be signage aimed at inviting passing-by walkers and the general population, *see* Exhibit A. Attached as Exhibit B is the break-down of the squarefootage of the retail and clinic space, and Exhibit C shows the fit-plan for the proposed clinic.

The concept of The Good Clinic on the Promenade of Wayzata Shopping Center further specifically addresses several of the key drivers enumerated in the official city plan as shaping the future of Wayzata.

a) High cost of living

High cost of living is a growing problem for all individuals. Research has proven that for every \$1 spent on primary care saves \$13 in other health care expenditures. Saving on health care costs will provide residents of Wayzata more available funds to address the problem of high cost of living.

b) Loss of younger population

Today's younger population is very health conscious. Providing a wellness focused primary care offering will be a great amenity which will appeal to this segment of the population. Research shows that the younger population do not engage well with authority driven health care. The Good Clinic model focuses on creating a partnership where the client works with the clinician in developing its health and wellness plan. The look and feel – sleek and modern – is designed to appeal to style conscious customers, and will appeal to the younger population. This will further drive pedestrian traffic into the retail space. This is perfectly suited to engage the younger population and will assist in driving the goal of keeping younger population in Wayzata.

c) Infrastructure for aging demographic

The Good Clinic concept is community-based and designed to serve residents of the local community. The Good Clinic is growing and opening clinics in many local communities to increase convenience and access to primary care. Because of the national shortage of primary care providers, the addition of The Good Clinic in a community will shorten wait times, simplify scheduling, and eliminate the need to travel to access primary care. The convenience and

accessibility of The Good Clinic is particularly important for the aging population and will help drive the goal of assisting this segment of the population. The ability to provide educational and retail offerings specifically tailored to the local population will benefit this group and will further drive pedestrian traffic from this group.

d) Appeal to younger families

See above under (a).

e) Ability to engage

The of The Good Clinic perfectly aligns with and supports this goal, as healthy citizens are active and engaged. The inviting retail and education offerings will bring together the citizens of Wayzata and will provide an opportunity to connect and engage in their wellbeing.

2. 904.02F(2) It is Compatible with Present and Future Uses of the Area

The Good Clinic on the Promenade of Wayzata Shopping Center will enhance the quality of life for the residents in the area including the residents in the assisted living facilities nearby, and will drive pedestrian traffic in the area in a similar fashion to retail or restaurants.

Clinic hours will initially be Monday through Friday, from 8am to 5pm but may be extended to provide open hours on certain weeknights and weekends Saturday hours depending on local demand. The clinic is designed to be an amenity to the local residents and as such opening hours will be adjusted to best serve the local community. The retail and educational portion of the clinic is intended to be open during the same hours as the rest of the retail community in order to further enhance connection and engagement in the area.

Based on the concept of community health and education with a vibrant retail space, The Good Clinic will support a high level of pedestrian activity which is highly compatible with the general intended use of the area.

Additionally, the proposed project is in harmony with the general purposes and intent of this Ordinance. The project will accommodate the retail, service and office functions which are characteristic to a downtown area and will allow the present downtown area to expand, develop and redevelop. The proposed project will be in keeping with those principles.

3. 904.02F(3) It Conforms With all Performance Standards Required for Conditional Use (parking, loading, noise, etc)

For the retail and educational area of the clinic, we anticipate many clients arriving by foot. The The Good Clinic on the West Block of the Promenade of Wayzata Shopping Center will have four consultation rooms, allowing approximately four clients per hour once we reach full capacity. It is typical that there will be five employees and four clients at each point in time, excluding additional retail walk-in clients. We anticipate that we will need nine parking spots available for employee and client use. This volume of parking is well within existing capacity of

parking in the area and will not add any burden on the city or other residents, tenants, or business owners.

After the initial build-out, there will be a low-volume of deliveries of office and small medical supplies to the clinic. Most of the supplies will be delivered via UPS/FedEx delivery. These deliveries can easily be accommodated through the front entrance to our Welcome Area just like any other retail concept. Because of the anticipated low volume of deliveries we do not anticipate *any* impact on traffic or noise levels in the area.

The proposed use as a primary care medical/wellness clinic is not anticipated to cause any disruption via traffic, deliveries or noise to the surrounding area.

4. 904.02F(4) It Positively Effects the Area

Because of the national shortage of primary care providers, the addition of The Good Clinic in a community will shorten wait times, simplify scheduling, and eliminate the need to travel to access primary care. Each The Good Clinic location will serve its local community. The Good Clinic in Wayzata is to be located in the West Block of the Promenade of Wayzata Shopping Center. It will offer walk-in and same-day clinic appointments. Clients may also schedule appointments and are encouraged to do so for routine care.

Some of the key goals of the Wayzata official comprehensive plan is a walkable and pedestrian friendly environment; the promotion of healthy, engaged and active citizens; and a vibrant multi-generational Wayzata. The retail and educational parts of the clinic will invite pedestrians into the warm and welcoming space where they can browse current wellbeing offerings and engage in educational programs tailored for the local residents.

5. 904.02F(5) It Positively Impacts Property Values in the Area

Our research shows that The Good Clinic is seen as a valuable amenity to residents of all ages and stages in life, and we anticipate that the addition of The Good Clinic to the West Promenade will have a positive impact on the property values in the area.

6. 904.02F(6) It has Only Minimal Impact on Traffic

See (3.) above.

7. 904.02F(7) It's Aligns with Existing Public Services and Facilities and Enhances their Use

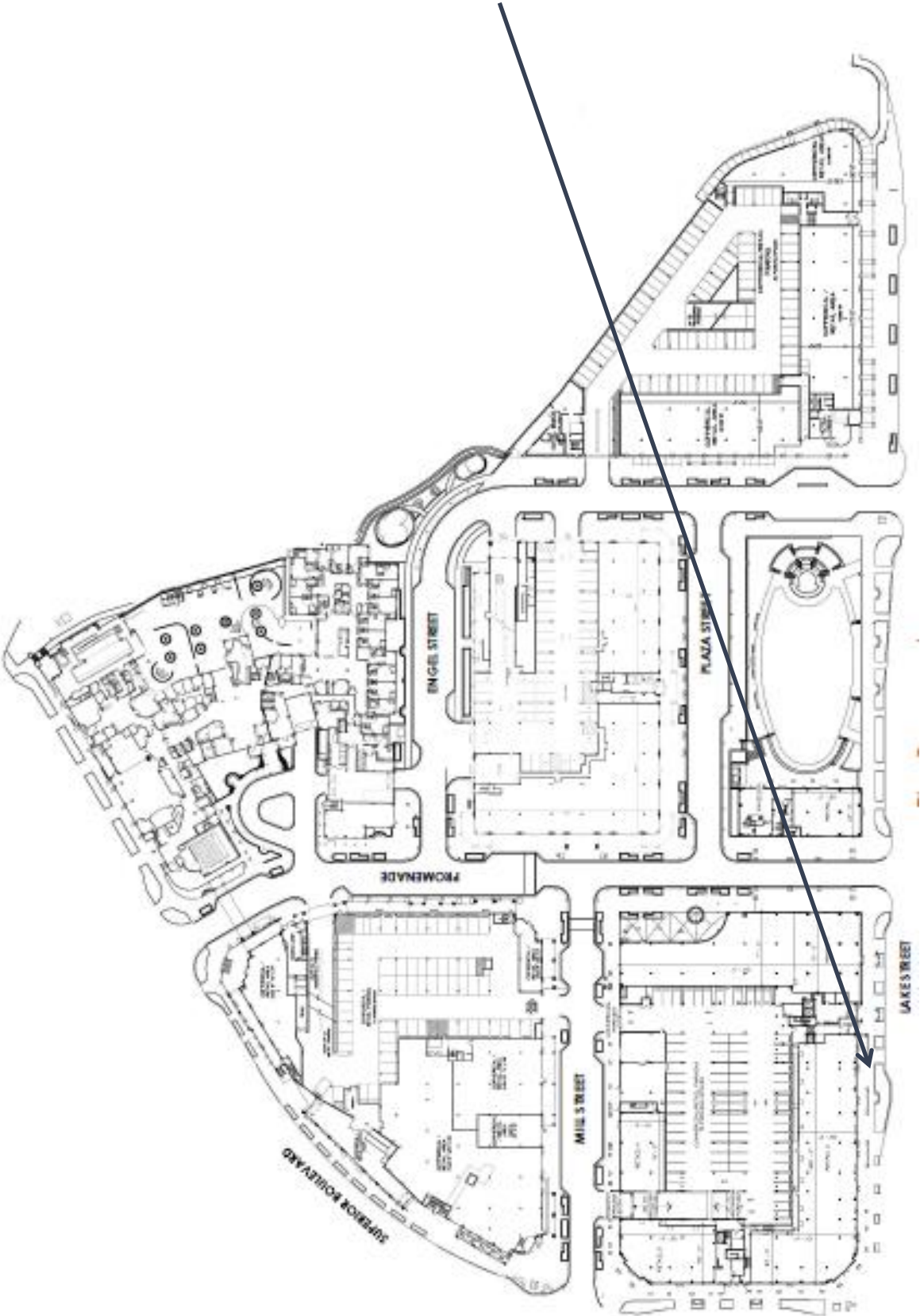
The Good Clinic perfectly aligns with and supports existing public services and facilities as it integrates and further supports the wellness concept necessary to enjoy the diverse park and recreational opportunities offered in Wayzata. Healthy and engaged citizens are active and connected. The retail and educational offerings of The Good Clinic complements current retail offerings for pedestrians in downtown Wayzata.

In conclusion, permitted Uses in the PUD district includes “any permitted use in the C-4 District,” provided such use is located on the ground floor of a building and does not exceed 6,000 square feet in size for any single tenant or commercial use. As The Good Clinic will be located on the ground floor of the Promenade of Wayzata Shopping Center and will only take less than 3,000 square feet, we request approval for the clinic use as a “Medical clinic” which is allowed pursuant to Section 978.02, EE of the Ordinance.

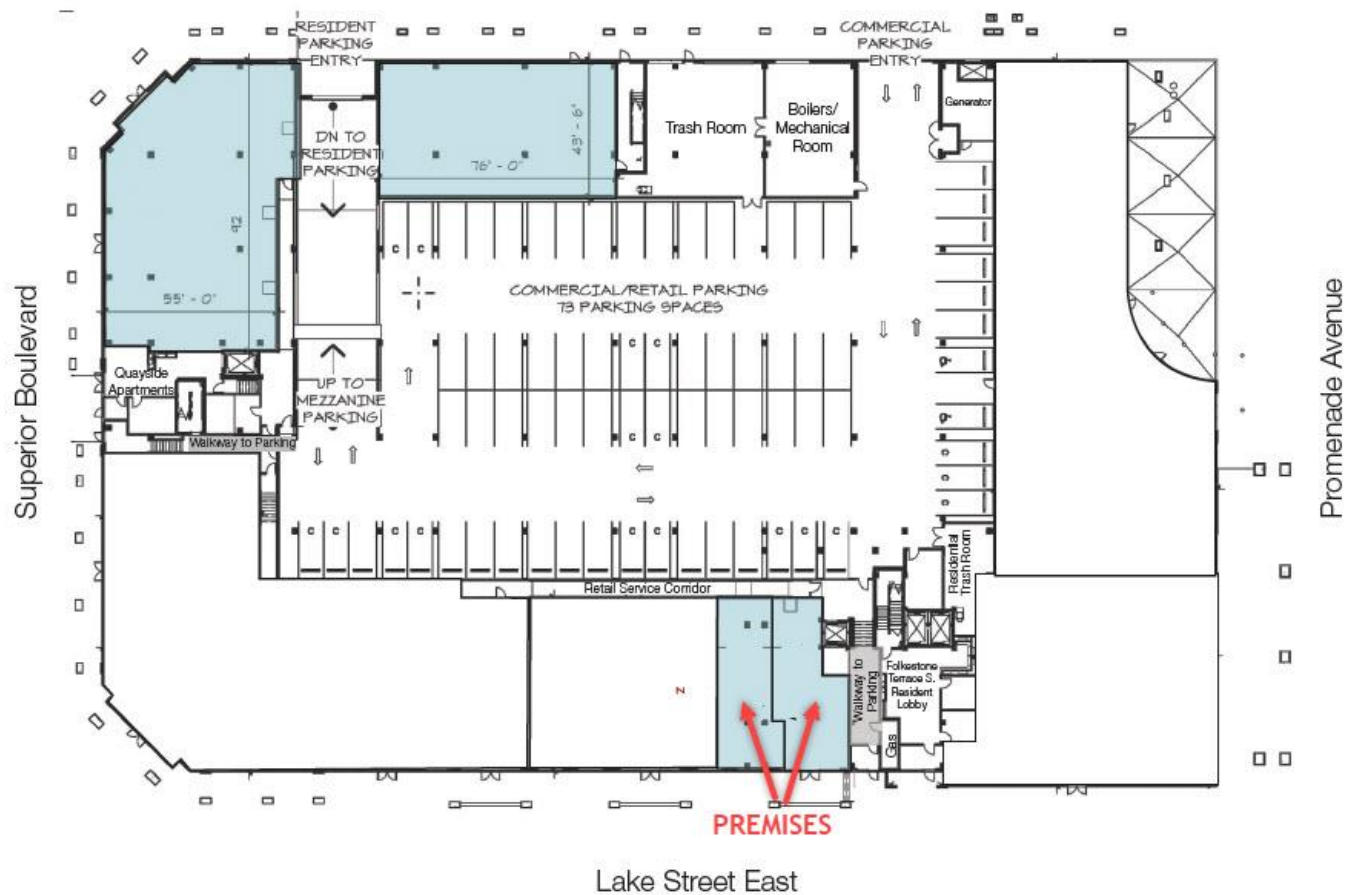
The Good Clinic perfectly aligns with the key goals of the Wayzata official comprehensive plan of providing a walkable and pedestrian friendly environment; the promotion of healthy, engaged and active citizens; and a vibrant multi-generational Wayzata. The Good Clinic will help the Wayzata residents focus on their wellness and assisting them in leading healthier and happier lives, at all ages. Finally, the inviting storefront and attractive retail and educational offerings of The Good Clinic will allow pedestrians in the area to browse and shop at their leisure.



EXHIBIT "A-1"
SITE PLAN



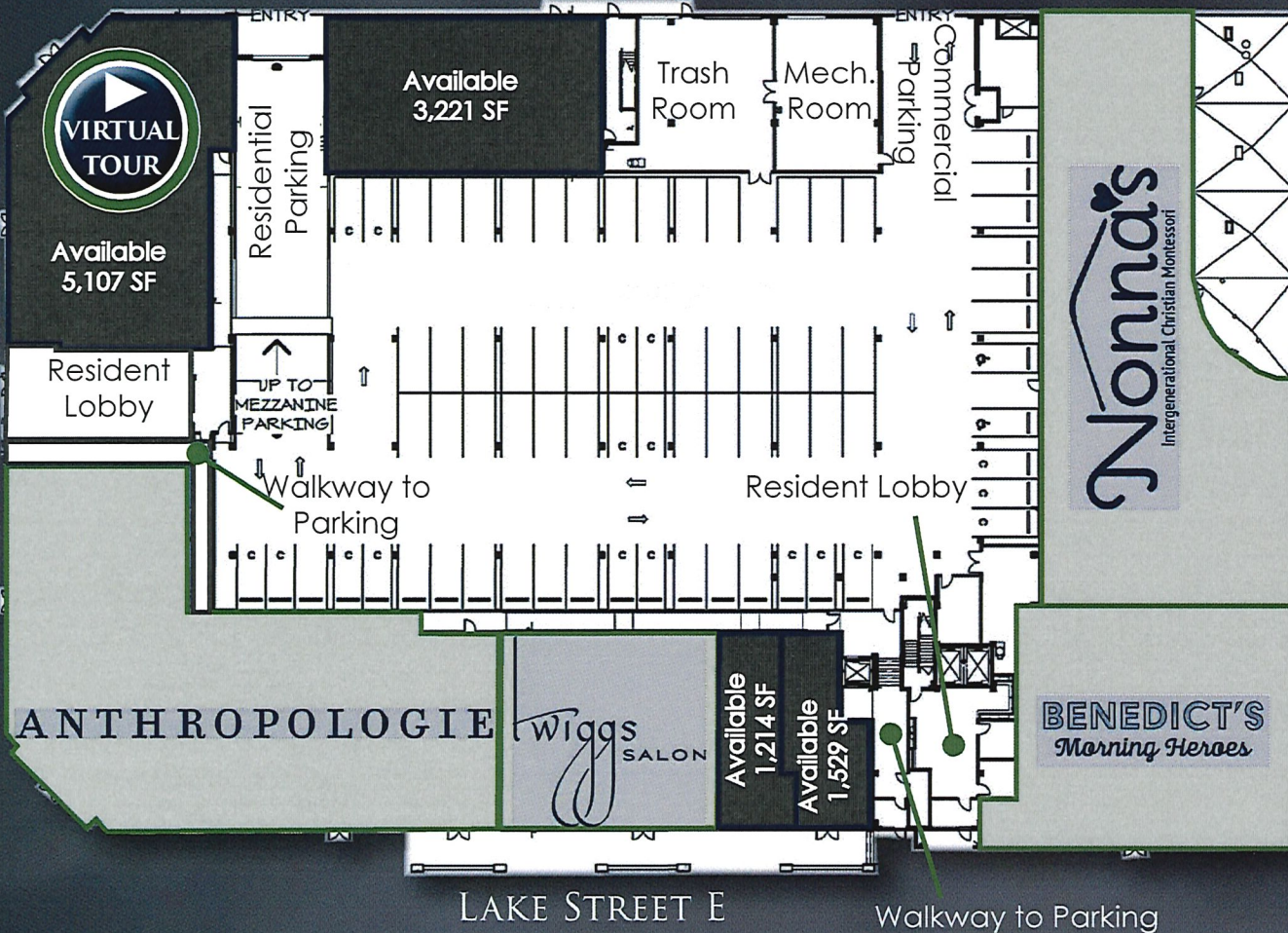
Mill Street



MILL STREET

SUPERIOR BOULEVARD

PROMENADE AVENUE



LAKE STREET E

Walkway to Parking

WEST BLOCK

FEATURES

11,071 SF Available

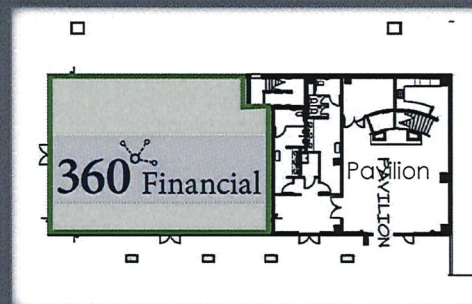
26 Luxury Conventional
Residential Apartment Units

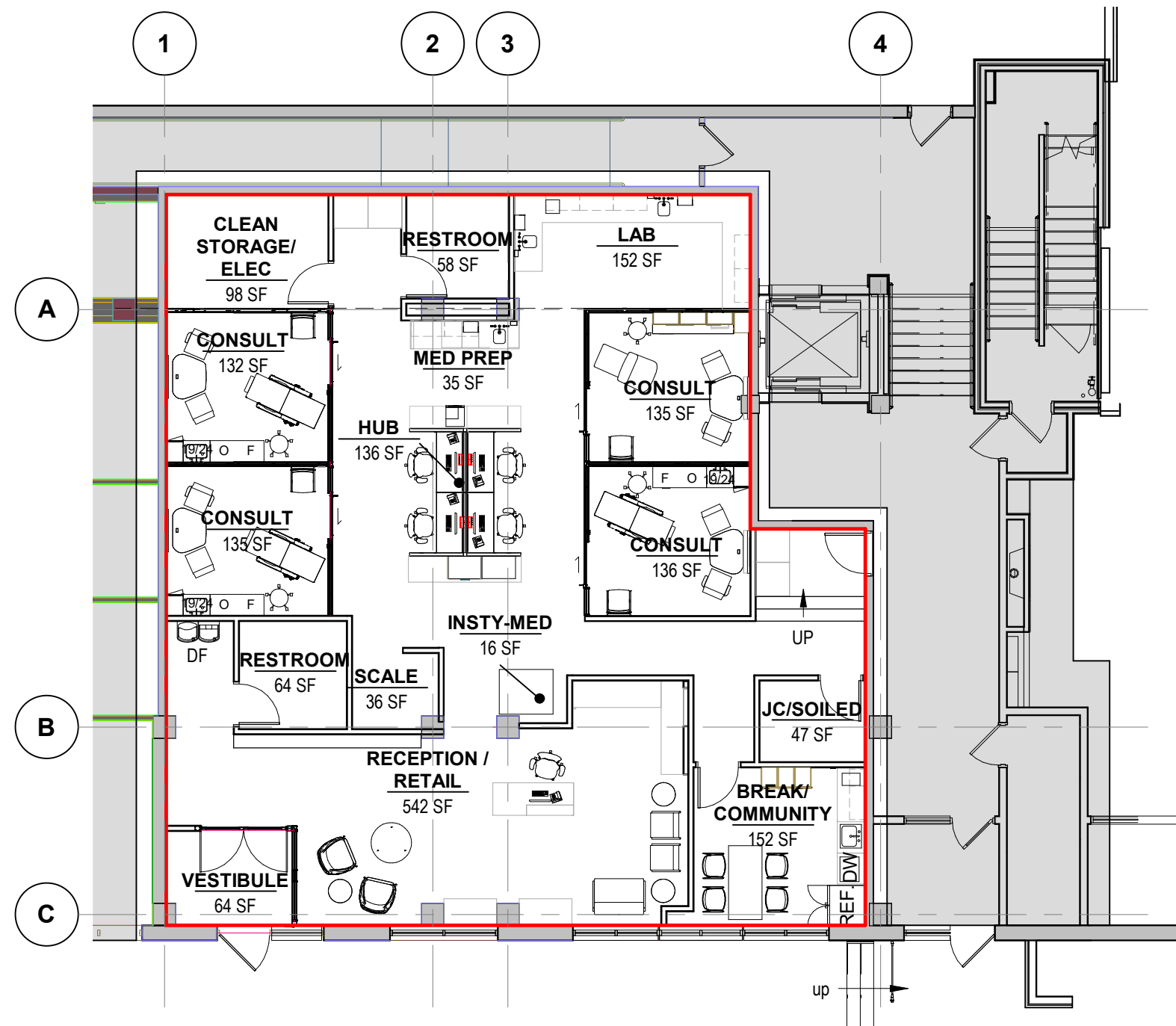
73 Independent 55+ Apartments

Hard Corner on Lake Street E and
Superior Blvd

206 Parking Stalls
Over Two Levels

Separate Below Grade
Residential Parking





2,600 SQUARE FEET AS MEASURED TO INSIDE FACE OF PERIMETER WALLS AS INDICATED WITH RED LINE.

- 4 CONSULTATION ROOMS
- 4 TEAM WORK STATIONS (HUB)
- 0 TELEHEALTH/ MOTHER'S ROOM
- SMALLER DME (2 TALL CABINETS)
- SMALLER RECEPTION/ WAITING/ RETAIL/ WELCOME AMENITY
- SMALLER STORAGE / ELEC
- SMALLER JANITOR CLOSET

The Good Clinic - Wayzata Promenade
Space Program
7/29/2021

Space Needs		Programmed Total Spaces	Programmed NSF Each	Programmed Total NSF
RECEPTION AND WAITING (WELCOME)				
1.1	VESTIBULE	1	64	64
1.2	RECEPTION / RETAIL	1	542	542
1.3	INSTY-MED (medication dispenser system)	1	16	16
1.4	RESTROOM	1	64	64

EDUCATIONAL GROUP VISIT				
2.1	EDUCATION / STAFF BREAK ROOM	1	152	152

PATIENT CARE				
3.1	SCALE ALCOVE	1	36	36
3.2	EXAM ROOM (CONSULT)	4	135	540
3.3	RESTROOM (WITH PASS-THROUGH TO LAB)	1	64	64

CLINIC SUPPORT / STAFF WORK				
4.1	CLEAN STORAGE / ELECTRICAL	1	98	98
4.2	MED PREP	1	35	35
4.3	LAB	1	152	152
4.4	HUB (4 STAFF WORKSTATIONS AND PRINTER AREA)	1	136	136
4.5	JANIOR CLOSET / SOILED HOLDING	1	47	47

The Good Clinic - Wayzata Promenade
Space Program
7/29/2021

Space Needs	Programmed Total Spaces	Programmed NSF Each	Programmed Total NSF
	Total NET SF		1,946
	NET TO GROSS AND CIRCULATION		x 1.34
	Total SF -		2,600

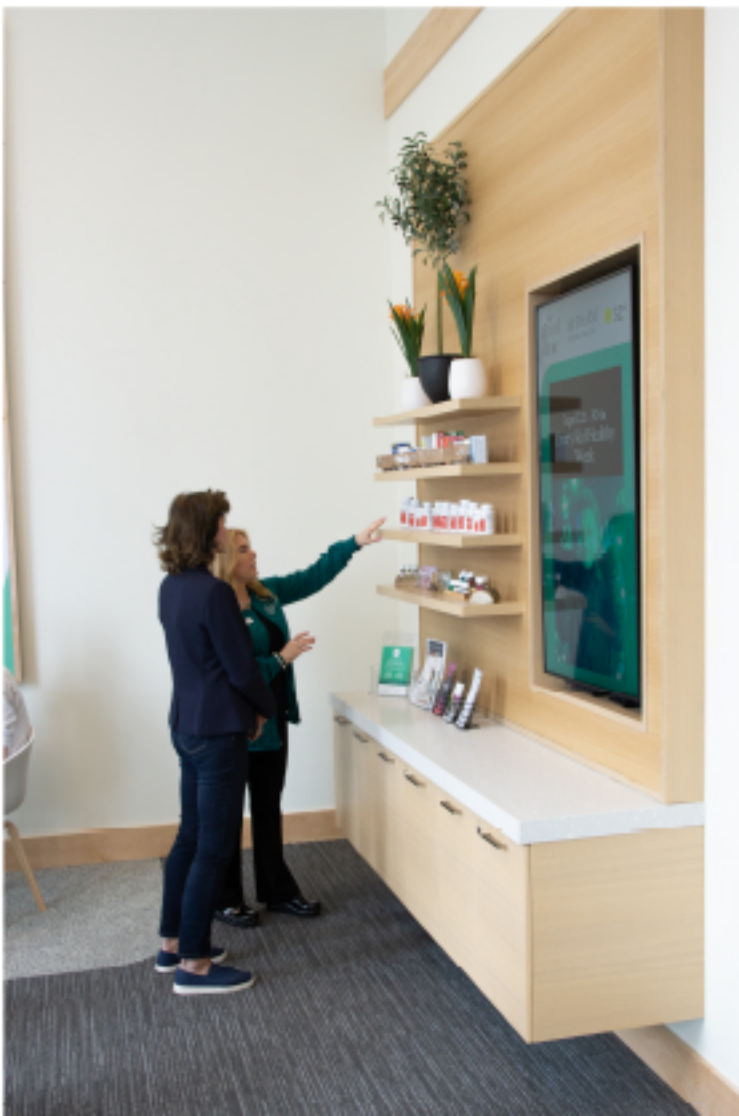


Exterior Photography





Interior Photography















RESOLUTION NO. 46-2020**RESOLUTION APPROVING AMENDMENT
TO THE PROMENADE OF WAYZATA PUD AT 801 LAKE STREET EAST**

WHEREAS, applicant and property owner, Wayzata Bay Senior Housing, Inc., (the "Applicant") has submitted an application (the "Application") for approval of an amendment to the Promenade of Wayzata Planned Unit Development (PUD) Plan and PUD District at Superior Boulevard and Lake Street that encompasses the area depicted and described on Attachment A (the "Property", the "PUD" and the "PUD District") to clarify and expand the permitted and conditional uses within the PUD; and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on September 8, 2020, and adopted a Report and Recommendation to the City Council on October 5, 2020 to approve the Application, with certain modifications to the requested PUD amendment as specified in the PC Report and Recommendation (as so modified, the "PUD Amendment"), a copy of which is attached to this Resolution as Attachment B (the "PC Report and Recommendation").

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

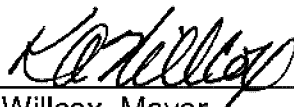
A. Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, the standards of the Wayzata Zoning Ordinance, and the findings and recommendations of the PC Report and Recommendation, all of which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

B. Based on the foregoing, the (i) Zoning District Amendment, and (ii) the PUD Amendment, as set forth in the PC Report and Recommendation are hereby **APPROVED**, subject to the following conditions of approval:

1. The Applicant must enter into an amendment to the existing 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, and maintains all conditions of previous approvals for the existing PUD that are not superseded by the approvals this Resolution.

2. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 20th day of October 2020.



Ken Willcox, Mayor

ATTEST:

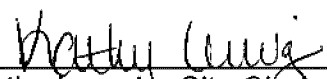


Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

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

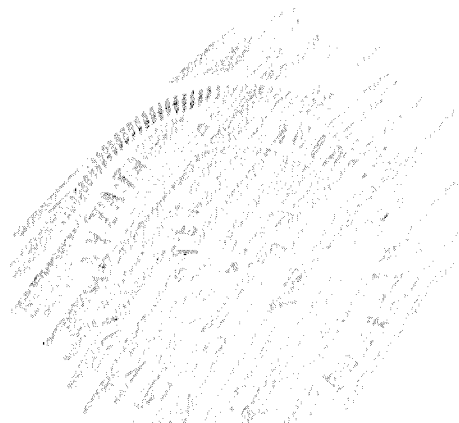
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on October 20, 2020.



Kathy Leervig, City Clerk
SEAL

Attachment A
Legal Description of Property

Attachment B
PC Report and Recommendation



Attachment A:
PUD Amendment

1. Permitted Uses: Subject to applicable provisions of the Zoning Ordinance, and in addition to the uses permitted in the Existing PUD, any permitted use in the C-4 District is also a permitted use within the PUD District (other than adult uses and pawn shops), provided such use (i) is located on the ground floor of a building; and (ii) does not exceed 6,000 square feet in size for any single tenant or commercial use.
2. Conditional Uses: Subject to applicable provisions of the Zoning Ordinance, the following are conditional uses within the PUD District provided (i) they are located on the ground floor of a building; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance:
 - A. Any single tenant permitted use that exceeds 6,000 square feet in size
 - B. Multi-family Residential on the East Block, as shown in the PUD District Map
 - C. Childcare
 - D. Micro-Production Facilities as regulated under the standards of the C-4A District
 - E. Drive-in facilities for banks or savings and loan associations
 - F. Fitness Establishments
 - G. Theaters, excluding drive-ins
 - H. Residential on the ground floor of the East Block fronting Lake Street
 - I. Any other use that the City Council finds is compatible with the other current uses in the PUD District
3. Lake St. and Superior Blvd. Uses Limited to Retail and Restaurant. The area of the ground floor of a building that fronts Lake Street or Superior Boulevard, as shown on the PUD District Map, are limited to retail and restaurant uses, and other uses (i) that the City Council finds support a high level of pedestrian activity and are compatible; and (ii) a conditional use permit is issued for such use, based upon standards and procedures set forth in Chapter 904 of the Zoning Ordinance.



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 5.b
TITLE: Consider Development Application for Shoreland Setback Variance and Chimney Height Conditional Use Permit for Single Family Residence at 611 Bushaway Road	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: September 13, 2021	

BACKGROUND:

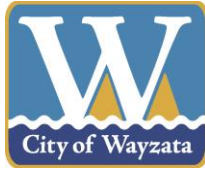
The applicants and property owners, David & Cathy Whiting, have submitted a development application requesting approval of a variance from the Shoreland Setback requirement (§ 991.09 D. 2.) and a Conditional Use Permit (CUP) for the height of two chimneys (§ 919.02 B. 2.) to allow for the construction of a new home on the property at 611 Bushaway Road.

ACTION REQUESTED:

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. Staff Report and Attachments - 611 Bushaway Rd



**Staff Report
Wayzata Planning Commission
August 16, 2021**

Project Name: 611 Bushaway Road "Whiting Residence"
Requests: Variance for Shoreland Setback
Conditional Use Permit for Chimney Height
Applicant: David & Cathy Whiting
Addresses of Request: 611 Bushaway Rd
Prepared by: Eric Zweber, Consulting Planner
Emily Goellner, Community Development Director
"60 Day" Deadline: September 13, 2021

Development Application Introduction

The applicants and property owners, David & Cathy Whiting, have submitted a development application requesting approval of a variance from the Shoreland Setback requirement (§ 991.09 D. 2.) and a Conditional Use Permit (CUP) for the height of two chimneys (§ 919.02 B. 2.) to allow for the construction of a new home on the property at 611 Bushaway Road.

Property Information

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

Address	PID	Owner
611 Bushaway Rd	08-117-22-23-0003	David & Cathy Whiting

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

	611 Bushaway Rd
Current Zoning:	R-1A / Low Density Single Family Estate District
Comprehensive Plan Designation:	Estate Single Family District
Overlay Districts:	S / Shoreland Overlay District

Project Location

The property is located on the west side of Bushaway Road near the Gray's Bay Causeway:

Map 1: Project Location



Application Requests

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

- A. Shoreland Setback Variance (§ 991.09 D): The applicant has submitted an application to construct a new house in the general location of the existing

house. City Code § 991.09 D. states that the principal structure setback from the lakeshore shall be the greater of:

- a) Seventy-five feet;
- b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;
- c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or
- d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

The greatest of these setbacks would be b) a line drawn between the two adjacent homes. The applicant has provided a survey with this line and the setback measurement, which is attached to this staff report. The line drawn between the two homes, which is shown as A.L.S #1, would be located about 154.4 feet from the lake. The proposed house would be located 105.4 feet from the lake at its closet point. A 49-foot variance to the 154.4 setback requirement is requested. The applicant has provided their explanation of the practical difficulties associated with this request in the narrative attached to this staff report.

- B. Conditional Use Permit for Chimney Height (§ 919.02 B): The applicant has proposed to build a house with four chimneys. The two primary chimneys (sheet A6 attached) exceed the chimney height maximum of 40 feet. City Code § 919.02 B states which structural elements such as chimney or flues that exceed the building height maximum are permitted through a conditional use permit. The primary chimney is proposed to be 44 feet 11 inches and the secondary chimney is proposed to be 43 feet 3 inches. The applicant has provided their justification for the conditional use permit in the narrative attached to the staff report.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on August 5, 2021. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on August 4, 2021.

Neighborhood Notification

In accordance with the City's Neighborhood Notification and Meeting Policy, the applicant sent a letter to properties within 500 feet of this application. The letter included a description of the project, a site plan, and contact information for the applicant. The applicant has stated that they have not received and comments or responses from their neighborhood notification. The City received one letter supporting the proposal from the neighbor to the north (see attached).

Existing Conditions

The existing 2.35-acre site has a two-story house with a basement constructed in 1966 overlooking Lake Minnetonka. The site and neighborhood are heavily wooded. The site changes about 13 feet in elevation with the entry elevation of the existing house at 947.1 feet and the driveway access along Bushaway Road at 934.1 feet. The driveway runs roughly east to west from Bushaway Road to the house. The site slopes up approximately 20 feet to the north (940 foot elevation at the driveway and 962 foot elevation at the north property line). The site slopes down southeast of the driveway approximately 12 feet from an elevation of 944 feet near the house to 932 feet at the property line.

Proposed Changes

The proposed changes to the property include demolishing the existing house with the attached garage and a portion of the driveway next to the house. The bulk of the driveway leading to Bushaway Road and the gazebo near the lake would remain in place.

The new house will be a two-story “L-shaped” home with a walk-out basement. The home will be oriented northwest facing the lake and an attached garage facing northeast. The home will include a deck, in-ground pool, and a pool terrace. The house will be built in the general placement of the existing house. A new circular driveway will replace the current driveway apron near the house and connect with the rest of the existing driveway leading to Bushaway Road. Stone retaining walls are proposed to the north along the curve of the driveway and along the pool terrace to work with existing topography.

Analysis of Application

City staff has reviewed the pertinent information and City Code requirements for the proposed project, and provides the following analysis and information:

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Estate Single Family. Estate residential neighborhoods are generally older neighborhoods removed from the historic community core. Lot sizes should be a minimum of 2 acres.

Zoning

The property is zoned R-1A and is located within the Shoreland Overlay District. The following table outlines the standards compared with the proposal:

Regulation	R-1A District	Shoreland Overlay District	Proposed
Building Height (max.)	3 stories and 40 feet, whichever is lesser	35 feet	2 story 34 feet, 11 ¾ inches
Chimney Height	40 feet	40 feet	<u>Primary</u> - 44 feet, 11 inches (CUP) <u>Secondary</u> - 43 feet, 3 inches (CUP)

Regulation	R-1A District	Shoreland Overlay District	Proposed
			Two other chimneys are under 40 feet
Lot Coverage	10%	N/A	9.17%
Impervious Surface (max.)	20%	25% (or 75%with stormwater management)	18.98%
Setbacks (min.)	Front: 50 ft Rear: 10 ft Side: 10 ft	Lake Shore (West) 154.4 ft: A line which is drawn between the two closest riparian principal structures on either side of a proposed building site	North (side): 27.7 ft. East (front): 229.7 ft. South (side): 32.3 ft. West (rear, lake shore): 105.4 ft.(variance)
Lot Area (min.)	80,000 sq. ft.	20,000 sq. ft.	103,613 sq. ft.
Lot Width	200 ft	75 ft	~200 ft
Lot Depth	200 ft	N/A	~478 ft

Building Height

The proposed two-story house with basement will be 34 feet and 11 ¾ inches tall, which is just under the 35-foot maximum in the Shoreland Overlay district.

Lot Coverage

The current house and gazebo have a total lot coverage of 6,082 square feet which is 5.9 of the total lot area. The applicant has proposed an increase in lot coverage to 9,498 square feet or 9.17 percent lot coverage from the new house, front stoop, deck, and current gazebo. The proposed lot coverage of 9.17 percent meets the 10 percent maximum per code.

Impervious Surface

The existing impervious surface is 15,942 square feet which is 15.4 percent of the total lot area. The applicant has proposed a redevelopment that would create an increase in impervious surface to a total of 19,669 square feet or 18.98 percent of the total lot area. This impervious surface area meets the 20 percent R-1A impervious requirement and the 25 percent impervious surface requirement for the Shoreland Overlay District.

Setbacks

The proposal complies with the minimum setback requirements for the R-1A Zoning District. However, the shoreland setback requirement is not met. For this property, which has shoreline on Lake Minnetonka, the greatest setback would be a straight line drawn between the two closest riparian principal structures which would require a setback of 154.4 feet from the ordinary high-water line. The applicant is requesting a lake shore

setback of 105.4 feet which needs a 49-foot variance. The proposed home would be a 1.2-foot increase in setback from the existing home which has a 104.2-foot setback.

The applicant has supplied the justification for their variance request, which is attached to this staff report. The narrative states that the adjacent properties have considerably greater setbacks from the typical 75-foot OHWL and in turn dictates the setback of their property. The applicant also states that building the home similar to the existing footprint works best with existing topography on the site.

This lake shore setback is a requirement of the Shoreland Overlay District and therefore must be evaluated as a part of the variance standards of the Shoreland Overlay District § 991.20.

Chimney Height

The applicant has requested a CUP for two of the chimneys that are proposed to exceed the building height. The primary chimney exceeds the 40-foot maximum for chimneys by 4 feet, 11 inches. The secondary chimney is proposed at 3 feet, 3 inches over the 40-foot maximum.

The applicant has supplied justification for their CUP request, which is attached to this staff report. The narrative states the chimney heights will create a hierarchy that is more proportional and accurate to traditional architecture by giving them more prominence. The applicant states the chimneys will not impact neighboring lake views as the property is very wooded.

The CUP for chimney heights over 40 feet must be evaluated as part of the CUP Standards in City Code § 904.02.

Standards of Planning Commission Review of Application Requests

The variance and conditional use permit requests are a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the shoreland setback request by the applicant if the Commission determines that they meet all the Shoreland Overlay District variance requirements in City Code § 991.20 (see following page)

The Planning Commission should recommend approval of the conditional use permit for the height of two chimneys requested by the applicant if the Commission determines that it meets all of the Conditional Use Permit standards and requirements in City Codes § 904.02 and § 919.02 (see following page).

Primary Questions to Consider

- Is there a practical difficulty with this variance request?
- Does this use and variance request preserve the natural forms of this area?

- Will this variance request alter the essential locality of the locality?
- Will the CUP have an effect on the area in which the project is proposed?
- Will the CUP have an impact upon property values in the area in which it is developed?

Action Steps

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *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

Application Dated July 16, 2021

Applicant's Narrative Dated July 16, 2021

Existing Survey with existing trees

Proposed Conditions Survey and Tree Preservation Plan

Site Layout Plan (A1)

Lower-Level Plan (A2)

Main Level Plan (A3)

Upper-Level Plan (A4)

Attic Level Plan (A5)

Exterior Elevations (A6-A10)

Public Comment

Applicable Code Provisions for Review

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

Shoreland Overlay District Variances (§ 991.20) (Applicable to lake shore setback)

Variances may be granted by the City Council in accordance with Chapter 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 Chapter 905 of this Ordinance. Note: This section of Code was not updated to change the “hardship” criteria to the new “practical difficulty” criteria:**
 - “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.**
- 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 ensure compliance with the purpose and intent of this Section.

Conditional Use Permit Standards (§ 904.02) (Applicable for chimneys over maximum building height)

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

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

MURPHY & CO

— DISTINCTIVE RESIDENTIAL ARCHITECTURE —

Date: July 16, 2021
Project: Whiting Residence
Project Address: 611 Bushaway Road, Wayzata MN 55391
Re: City of Wayzata Land Use Development Application
(Supplemental Legal Description)

PARCEL LEGAL DESCRIPTION

Parcel Identification

0811722230003

Legal Description

(Per Doc. No. 7680383)

All that part of Lot C, Carpenters Point, Hennepin County, Minnesota, described as commencing at the intersection of the Southwesterly line of said Lot C with the Northwesterly line of State Trunk Highway No. 101; thence Northeasterly along said Northwesterly highway line to its intersection with a line parallel with and 197.8 feet Northeasterly, as measured at right angles, to the Southwesterly line of said Lot C; thence Northwesterly parallel with the Southwesterly line of said Lot C a distance of 331.37 feet; thence Northeasterly deflecting to the right an angle of 96 degrees 17' a distance of 57.4 feet; thence Northwesterly deflecting to the left an angle of 87 degrees 25' a distance of 131 feet, more or less, to the shore line of Lake Minnetonka; thence Southwesterly along said shore line to the Southwesterly line of said Lot C a distance of 478.15 feet; more or less, to the point of beginning.

Date: July 16, 2021
Project: Whiting Residence
Project Address: 611 Bushaway Road, Wayzata MN 55391
Re: City of Wayzata Land Use Development Application

VARIANCE / CONDITIONAL USE PERMIT SUMMARY

Project Summary

The proposed project is for a new single-family home on an existing conforming lot on Lake Minnetonka. An older existing two-story structure, with a basement will be removed from the site. This site's existing principal structure is non-conforming, as it resides within the average setback of the two adjacent principal structures.

The goal of the homeowners and project team is to create a new principal structure in the general placement of the existing structure (slightly improving on the existing average setback). Placement of the proposed home in the same location of the existing structure's location, did several things; It allowed the use of most of the existing driveway, as well as minimized the site disturbance and allowed for the retention of as many trees as possible.

The proposed design and site plan meet the intent of the ordinances, as the site demonstrates some existing practical challenges in moving the intended house location. Minimizing site disturbance has always been a priority for the owners and team.

Requested Variances and Conditional Use Permits

Variance 1: Request for a variance to the Shoreland Overlay minimum setback requirement as related to the lakeshore setback.

Conditional Use Permit 1: Request for an increase in height to the chimney structures within the Shoreland Overlay to exceed the five-foot maximum allowed over the building height.

Date: July 16, 2021
Project: Whiting Residence
Project Address: 611 Bushaway Road, Wayzata MN
Re: City of Wayzata Land Use Development Application

VARIANCE / CONDITIONAL USE PERMIT REQUESTS

Property Zoning District(s)

R-1A Low-Density Single-Family Estate
Shoreland Overlay

Variance Request 1:

Request for a variance to the Shoreland Overlay minimum setback requirement as related to average setback of the two adjacent principal structures.

Per Wayzata's Code of Ordinances, Chapter 991.09 {Shoreland Overlay, Minimum Setback Requirements}, Sub-Section D-2, Lake Shore Setbacks, *no principal structure or building addition other than a water-oriented accessory structure as specified above shall be located closer to the ordinary high-water mark than the greater of:*

- a) *Seventy-five feet;*
- b) *A line which is drawn between the two closest riparian principal structures on either side of a building site;*
- c) *The average setback of the two closest riparian principal structures on either side of a proposed building site; or*
- d) *The average setback line shall be measured parallel to the ordinary high-water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high-water level to that part of the said principal structure that is closest to the lake.*

Although all three methods are illustrated on the proposed survey, the line drawn between the two closest structures ea. side of the building site (b), is the most restrictive in this case (154.4'). The intent was to position the home in the same/similar location as the existing home (for reasons as listed below). The closest point of the existing home was located 104.2' from OHWL, while the proposed home is to be located 105.4' from OHWL (set back an additional 1.2' from OHWL) - see proposed survey.

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

The proposed location of the new principal structure keeps in harmony with the general purpose and intent of this ordinance by bettering (increasing) the setback from the OHWL as compared to that of the existing structure on the property.

The proposed project is consistent with the Comprehensive Plan:

The proposed project is consistent with the Comprehensive Plan as the proposed structure continues to maintain and enhance the character, diversity, and livability of the R1-A district and the Bushaway Road neighborhood. Positioning the new home in the same location as the existing

home helps to most efficiently blends it with the existing site and neighborhood features. The house location on this very wooded lot continues to not impact lake views for neighboring parcels in any way.

The proposed project is a reasonable use of this property:

This proposed project is a reasonable use of the property as it simply replaces an outdated existing single-family home with another single-family home. Placement of the proposed footprint over the existing house footprint works best with the existing topography and site features of the existing site.

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

The practical difficulty in complying with the average setback regulations is due to the existing (and proposed) house location/orientation as compared to the adjacent parcel's structures. The existing house location and existing surrounding topography really dictate the only "natural" proposed house location (on top of existing house footprint). This combined with both adjacent neighboring structures being set back considerably further than the typical 75' OHWL. In this case, over double on the south side. Again, this is a very wooded lot, with house position not impacting neighboring lake views.

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

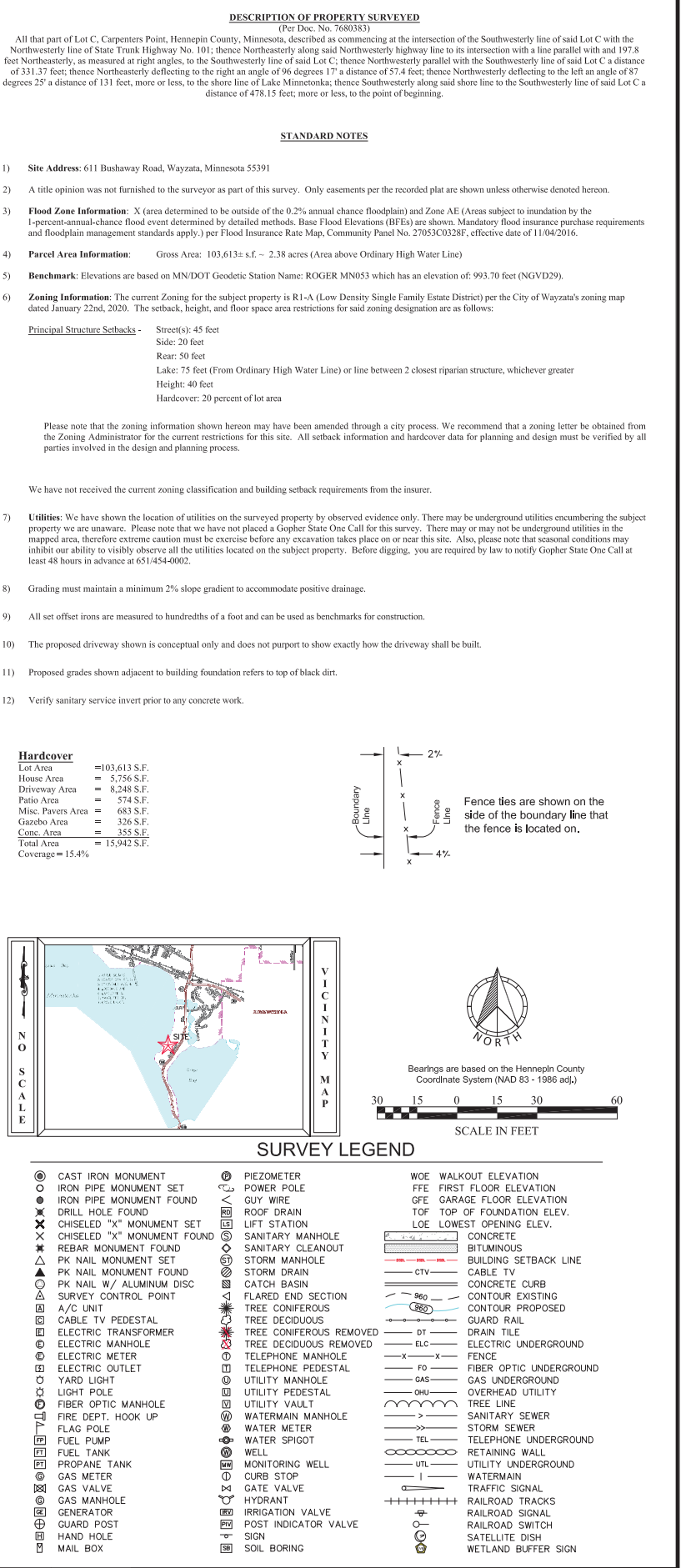
The proposed footprint of the new home would be similar (slightly better) to the setbacks already set forth by the existing home on the site.

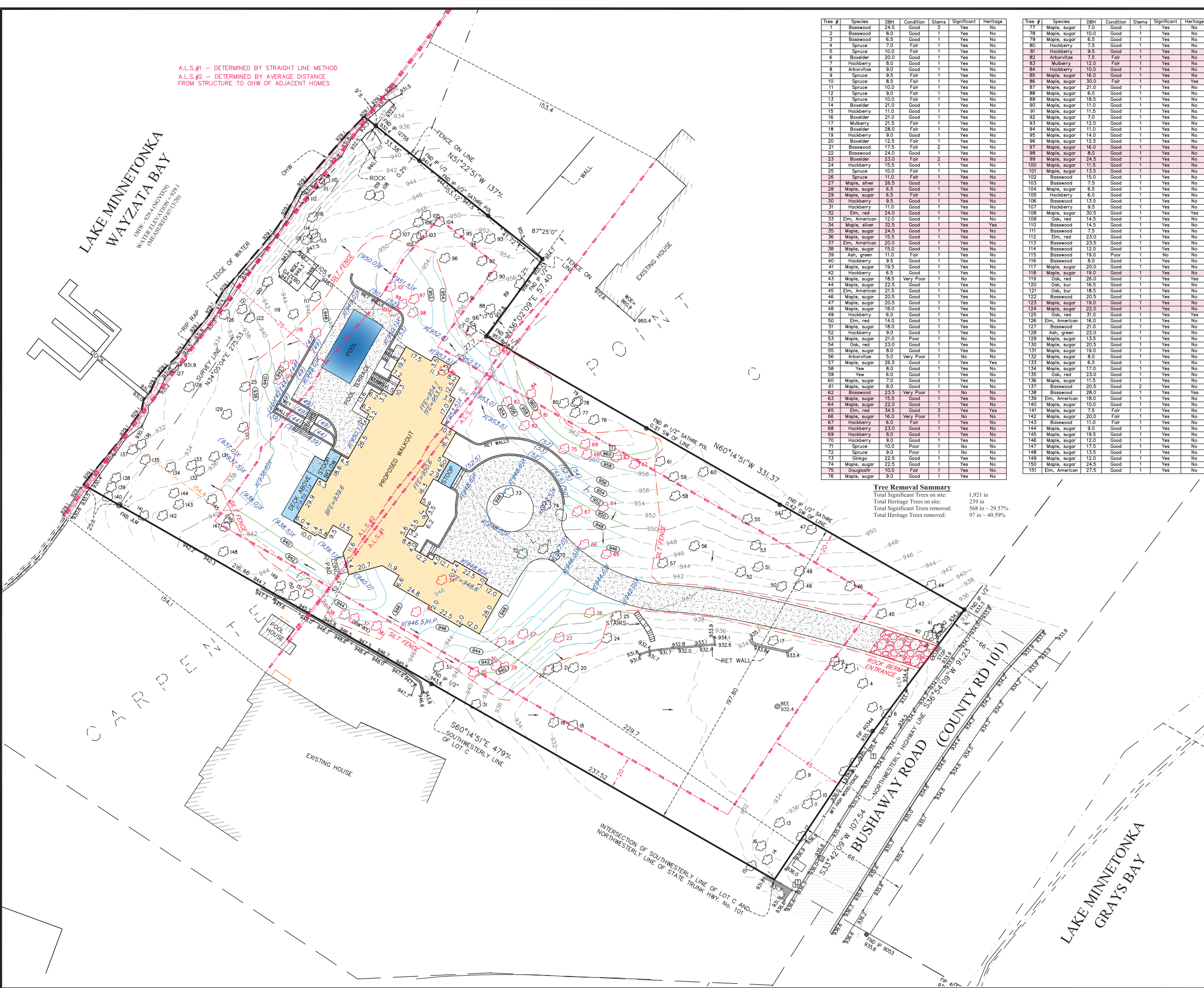
Conditional Use Permit Request 1:

Request for an increase in height to the chimney structures within the Shoreland Overlay to exceed the five-foot maximum allowance over the building height.

Per Wayzata's Code of Ordinances, Chapter 919 {General Yard, Lot Area, and Building Requirements}, Sub-Section 919.02, Height Requirements, B *The building height limits established in each zoning district shall not apply to the following list of items, except that no such structural element may exceed 40 feet in total height or exceed the maximum height of the building by more than five feet, whichever is greater, except by conditional use permit: 2. Chimneys or flues*

Additional height is requested for the two primary chimney structures attached to the principal dwelling. The zoning ordinance for the R-1a district allows chimney heights up to 40 feet {5 feet above the maximum building height of 35 feet}. We are requesting an increase of 4'-11" (total height of 44'-11") for the primary/central chimney, and requesting an increase of 3'-3" (total height of 43'-3") for the secondary chimney. The request comes about for two reasons: create a chimney height and hierarchy that is more proportional and accurate to traditional architecture in giving the chimney structures more prominence. Again, this is a very wooded lot, with house position and slight increase in chimneys not impacting neighboring lake views.

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Tree #	Species	DBH	Condition	Stems	Significant	Heritage
77	Maple, sugar	7.0	Good	Yes	Yes	No
78	Maple, sugar	10.0	Good	Yes	Yes	No
79	Maple, sugar	6.5	Good	Yes	Yes	No
80	Hackberry	7.5	Good	Yes	Yes	No
81	Hackberry	8.5	Good	Yes	Yes	No
82	Aronia/vib	7.5	Fair	Yes	Yes	No
83	Mulberry	12.0	Fair	Good	Yes	No
84	Hackberry	16.0	Good	Yes	Yes	No
85	Maple, sugar	30.0	Fair	Good	Yes	No
86	Maple, sugar	16.0	Good	Yes	Yes	Yes
87	Maple, sugar	21.0	Good	Yes	Yes	No
88	Maple, sugar	6.0	Good	Yes	Yes	No
89	Maple, sugar	11.5	Good	Yes	Yes	No
90	Maple, sugar	11.0	Good	Yes	Yes	No
91	Maple, sugar	11.5	Good	Yes	Yes	No
92	Maple, sugar	7.0	Good	Yes	Yes	No
93	Maple, sugar	12.0	Good	Yes	Yes	No
94	Maple, sugar	11.0	Good	Yes	Yes	No
95	Maple, sugar	14.0	Good	Yes	Yes	No
96	Maple, sugar	12.5	Good	Yes	Yes	No
97	Maple, sugar	11.0	Good	Yes	Yes	No
98	Maple, sugar	8.0	Good	Yes	Yes	No
99	Maple, sugar	24.5	Good	Yes	Yes	No
100	Maple, sugar	16.0	Good	Yes	Yes	No
101	Maple, sugar	13.5	Good	Yes	Yes	No
102	Basswood	15.0	Good	Yes	Yes	No
103	Basswood	7.5	Good	Yes	Yes	No
104	Maple, sugar	6.5	Good	Yes	Yes	No
105	Hackberry	6.0	Good	Yes	Yes	No
106	Basswood	13.5	Good	Yes	Yes	No
107	Hackberry	9.5	Good	Yes	Yes	No
108	Maple, sugar	30.5	Good	Yes	Yes	Yes
109	Oak, red	14.5	Good	Yes	Yes	No
110	Basswood	14.5	Good	Yes	Yes	No
111	Basswood	7.5	Good	Yes	Yes	No
112	elm, red	23.0	Good	Yes	Yes	No
113	Basswood	23.5	Good	Yes	Yes	No
114	Basswood	12.0	Good	Yes	Yes	No
115	Basswood	15.0	Good	Yes	Yes	No
116	Basswood	8.0	Good	Yes	Yes	No
117	Maple, sugar	20.0	Good	Yes	Yes	No
118	Maple, sugar	19.0	Good	Yes	Yes	No
119	Oak, red	26.0	Good	Yes	Yes	Yes
120	Oak, bur	16.5	Good	Yes	Yes	No
121	Oak, bur	23.0	Good	Yes	Yes	No
122	Basswood	20.5	Good	Yes	Yes	No
123	Maple, sugar	19.0	Good	Yes	Yes	No
124	Maple, sugar	22.0	Good	Yes	Yes	No
125	Oak, red	31.0	Good	Yes	Yes	Yes
126	elm, American	16.0	Good	Yes	Yes	No
127	Basswood	21.0	Good	Yes	Yes	No
128	Ash, green	22.0	Good	Yes	Yes	No
129	Maple, sugar	13.5	Good	Yes	Yes	No
130	Maple, sugar	13.5	Good	Yes	Yes	No
131	Maple, sugar	19.0	Good	Yes	Yes	No
132	Maple, sugar	8.0	Good	Yes	Yes	No
133	Maple, sugar	6.5	Good	Yes	Yes	No
134	Maple, sugar	17.0	Good	Yes	Yes	No
135	Oak, red	23.0	Good	Yes	Yes	No
136	Maple, sugar	13.5	Good	Yes	Yes	No
137	Basswood	20.5	Good	2	Yes	No
138	Basswood	28.0	Good	Yes	Yes	Yes
139	Maple, sugar	20.0	Good	Yes	Yes	No
140	Maple, sugar	10.0	Good	Yes	Yes	No
141	Maple, sugar	7.5	Fair	Yes	Yes	No
142	Maple, sugar	20.0	Good	Yes	Yes	No
143	Basswood	11.0	Fair	Yes	Yes	No
144	Maple, sugar	9.0	Good	Yes	Yes	No
145	Maple, sugar	19.5	Good	Yes	Yes	No
146	Maple, sugar	12.0	Good	Yes	Yes	No
147	Maple, sugar	17.5	Good	Yes	Yes	No
148	Maple, sugar	13.5	Good	Yes	Yes	No
149	Maple, sugar	12.0	Good	Yes	Yes	No
150	Maple, sugar	24.5	Good	Yes	Yes	No
151	elm, American	27.5	Good	Yes	Yes	No

DESCRIPTION OF PROPERTY SURVEYED
(Per Doc. No. 7680383)

All that part of Lot C, Carpenters Point, Hennepin County, Minnesota, described as commencing at the intersection of the Southwesterly line of said Lot C with the Northwesterly line of State Trunk Highway No. 101, thence Northwesterly along said Northwesterly highway line to its intersection with a line parallel with and 1973.8 feet Northwesterly from the Northwesterly line of said Lot C, thence Northwesterly parallel with the Southwesterly line of said Lot C a distance of 331.37 feet; thence Northeasterly deflecting to the right an angle of 96 degrees 17' a distance of 57.4 feet; thence Northwesterly deflecting to the left an angle of 87 degrees 25' a distance of 131 feet, more or less, to the shore line of Lake Minnetonka; thence Southwesterly along said shore line to the Southwesterly line of said Lot C a distance of 478.15 feet; more or less, to the point of beginning.

STANDARD NOTES

Site Address: 611 Bushaway Road, Wayzata, Minnesota 55391

A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.

Flood Zone Information: X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 270553C0328F, effective date of 11/04/2016.

Parcel Area Information: Gross Area: 103.613± s.f. = 2.38 acres (Area above Ordinary High Water Line)

Benchmark: Elevations are based on MN/DOT Geodetic Station Name: ROGER MN053 which has an elevation of: 993.70 feet (NGVD29).

Zoning Information: The current Zoning for the subject property is R1-A (Low Density Single Family Estate District) per the City of Wayzata's zoning map dated January 22nd, 2020. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks -

Streets': 45 feet
Side: 20 feet
Rear: 50 feet
Lake: 75 feet (From Ordinary High Water Line) or line between 2 closest riparian structure, whichever greater
Height: 40 feet
Hardcover: 20 percent of lot area

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

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

Grading must maintain a minimum 2% slope gradient to accommodate positive drainage.

All set offset irons are measured to hundredths of a foot and can be used as benchmarks for construction.

The proposed driveway shown is conceptual only and does not purport to show exactly how the driveway shall be built.

Proposed grades shown adjacent to building foundation refers to top of black dirt.

Verify sanitary service invert prior to any concrete work.

Existing Elevations		Proposed Elevations	
Garage Floor Elevation	= 947.0	Proposed Garage Floor Elevation	= 948.6 (To be verified with house plans)
First Floor Elevation	= 948.5	Proposed Top of Foundation Elevation	= Varies (To be verified with house plans)
Basement Floor Elevation	= 939.6	Proposed First Floor Elevation	= 950.6 (To be verified with house plans)
		Proposed Basement Floor Elevation	= 939.6

VICINITY MAP

The vicinity map shows the project location (SITE) marked with a red star on the western shore of Lake Superior. The map includes the following details:

- Scale:** 1" = 1/4" Mile
- North Arrow:** Indicated by a stylized arrow pointing upwards.
- Geographic Labels:** Lake Superior, Ontonagon, Ontonagon Harbor, and Ontonagon State Park.
- Infrastructure:** Highway 100 and Highway 100A are shown.
- Legend:**
 - Red Star: SITE
 - Blue Line: Lake Superior
 - Black Line: Highway
 - Green Line: Road
 - Yellow Line: Boundary
 - Red Line: Fence

Survey Legend

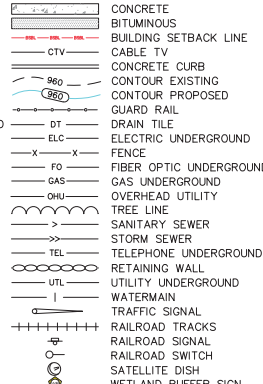
The survey legend defines the symbols used in the map:

- Boundary Line:** A solid black line.
- Fence Line:** A dashed line with 'x' marks.
- North Arrow:** A circular arrow pointing upwards, labeled "NORTH".
- Bearings:** Based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.).
- Scale:** A graphic scale bar showing distances in feet: 30, 15, 0, 15, 30, 60.

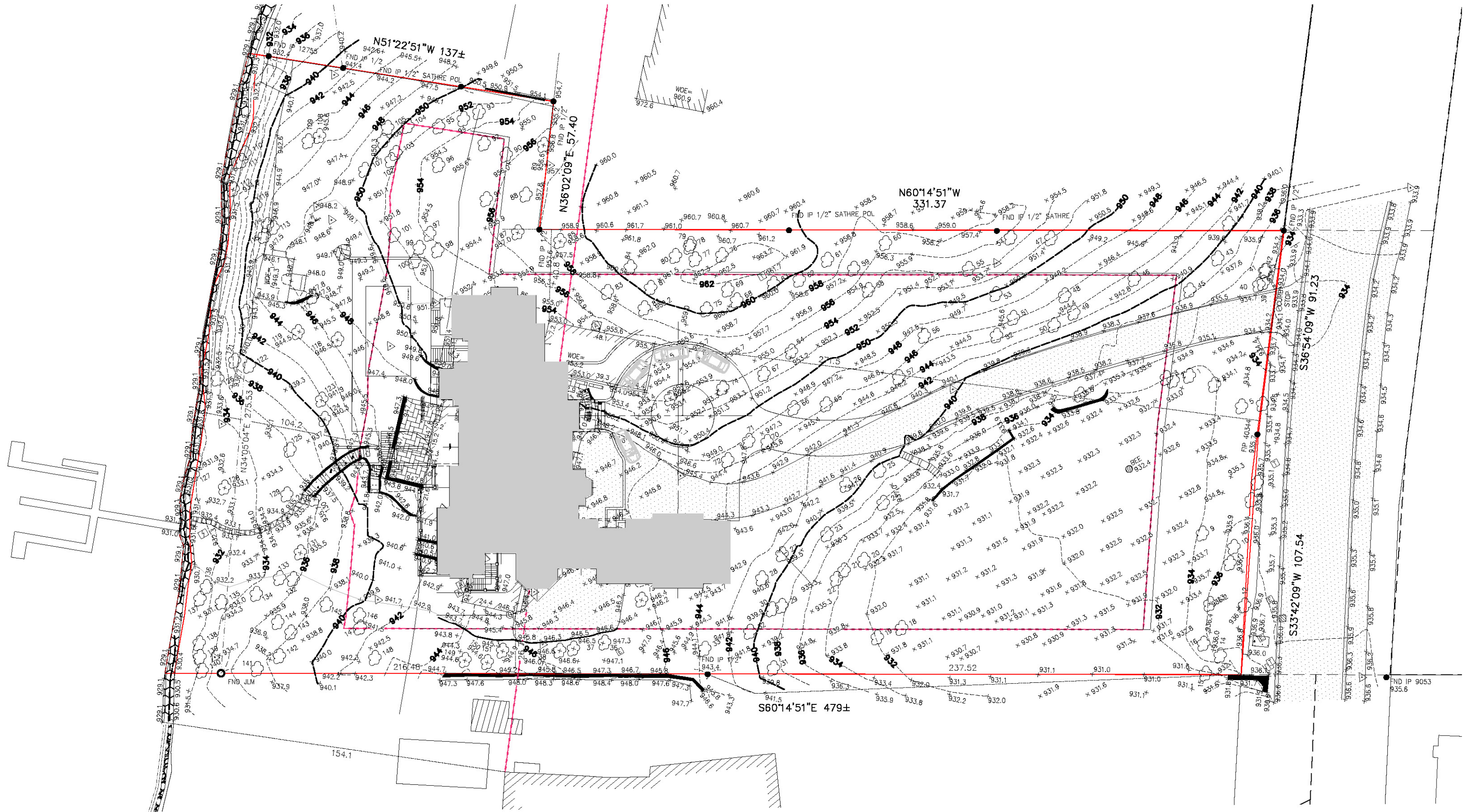
Additional Notes:

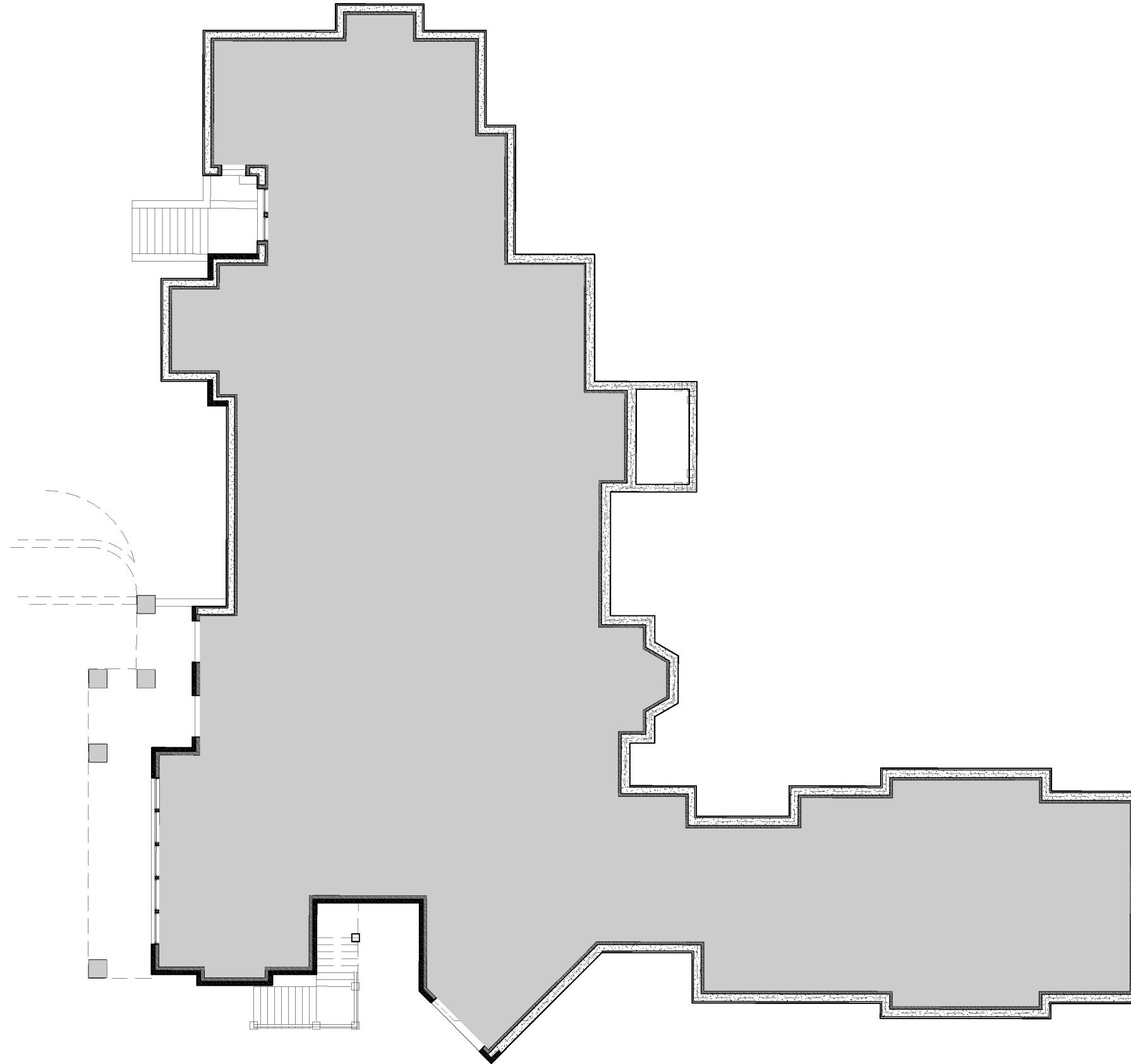
- Fence ties are shown on the side of the boundary line that the fence is located on.
- 4% slope is indicated on the boundary line.

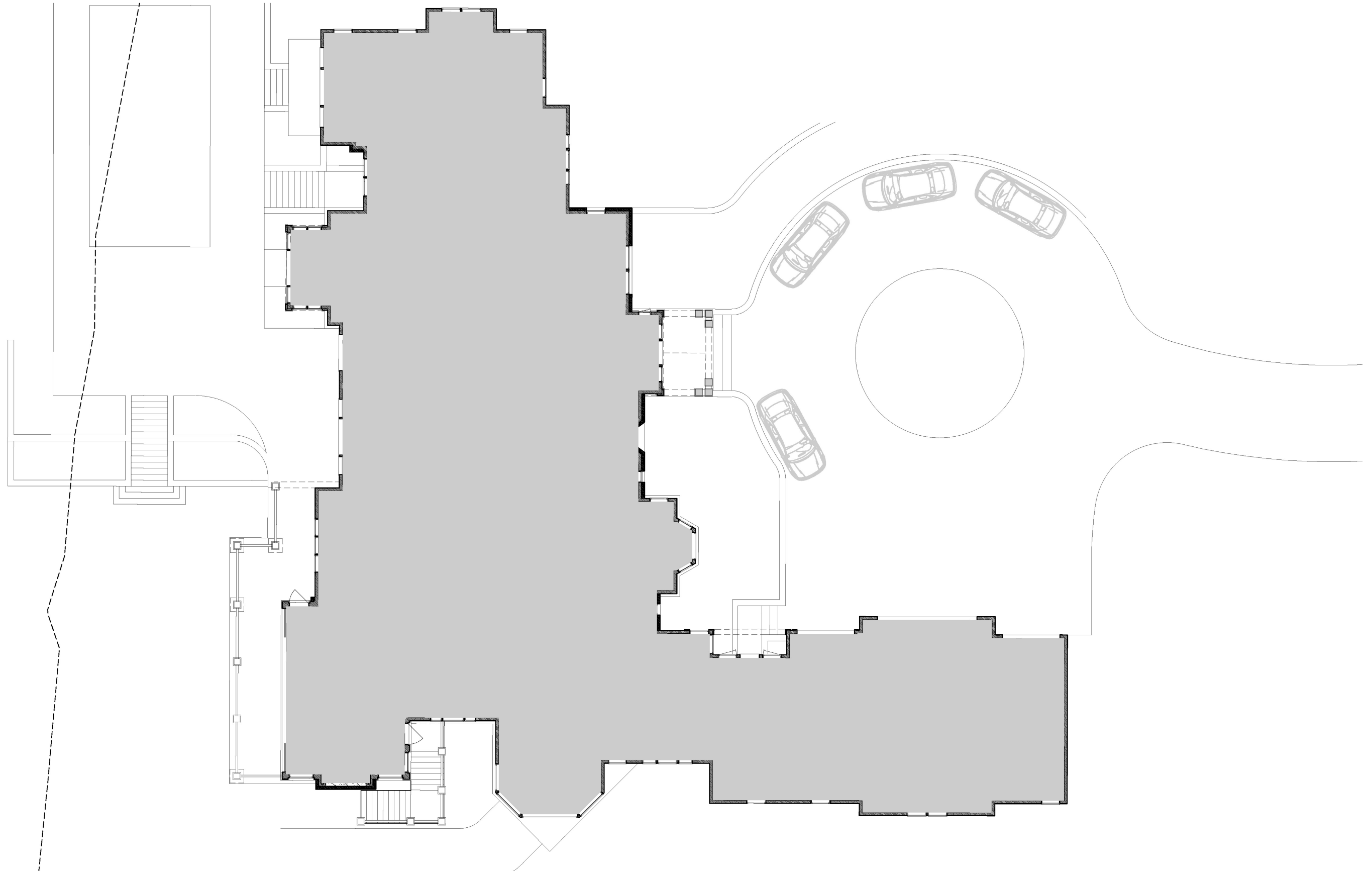
○	CAST IRON MONUMENT	⊗	PIEZOMETER	W	WALKOUT ELEVATION
○	IRON PIPE MONUMENT SET	⊗	POWER POLE	FF	FIRST FLOOR ELEVATION
○	IRON PIPE MONUMENT FOUND	⊗	GUY WIRE	GF	GARAGE FLOOR ELEVATION
⊗	DRILL HOLE FOUND	⊗	ROOF DRAIN	T	TOP OF FOUNDATION ELEV.
⊗	CHSELED "X" MONUMENT SET	⊗	LIFT STATION	LOE	LOWEST OPENING ELEV.
⊗	CHSELED "X" MONUMENT FOUND	⊗	SANITARY MANHOLE		
⊗	IRON MONUMENT FOUND	⊗	SANITARY CLEANOUT		
⊗	PK NAIL MONUMENT SET	⊗	STORM MANHOLE		
⊗	PK NAIL MONUMENT FOUND	⊗	STORM DRAIN		
⊗	PK NAIL W/ ALUMINUM DISC	⊗	CATCH BASIN		
⊗	SURVEY CONTROL POINT	⊗	FLARED END SECTION		
⊗	A/C UNIT	⊗	TREE CONIFEROUS		
⊗	CABLE TV PEDESTAL	⊗	TREE DECIDUOUS		
⊗	ELECTRIC TRANSFORMER	⊗	TREE CONIFEROUS REMOVED		
⊗	ELECTRIC MANHOLE	⊗	TREE DECIDUOUS REMOVED		
⊗	ELECTRIC METER	⊗	TELEPHONE MANHOLE		
⊗	ELECTRIC OUTLET	⊗	TELEPHONE PEDESTAL		
⊗	YARD LIGHT	⊗	UTILITY MANHOLE		
⊗	LIGHT POLE	⊗	UTILITY PEDESTAL		
⊗	FIBER OPTIC MANHOLE	⊗	UTILITY VAULT		
⊗	DEPT. HOOK UP	⊗	WATERMAIN MANHOLE		
⊗	FLAG POLE	⊗	WATER METER		
⊗	FUEL PUMP	⊗	WATER SPIGOT		
⊗	FUEL TANK	⊗	WELL		
⊗	PROPANE TANK	⊗	MONITORING WELL		
⊗	GAS METER	⊗	CURB STOP		
⊗	GAS VALVE	⊗	GATE VALVE		
⊗	GAS MANHOLE	⊗	HYDRANT		
⊗	GENERATOR	⊗	IRRIGATION VALVE		
⊗	GUARD POST	⊗	POST INDICATOR VALVE		
⊗	HAND HOLE	⊗	SIGN		
⊗	MAIL BOX	⊗	SOIL BORING		

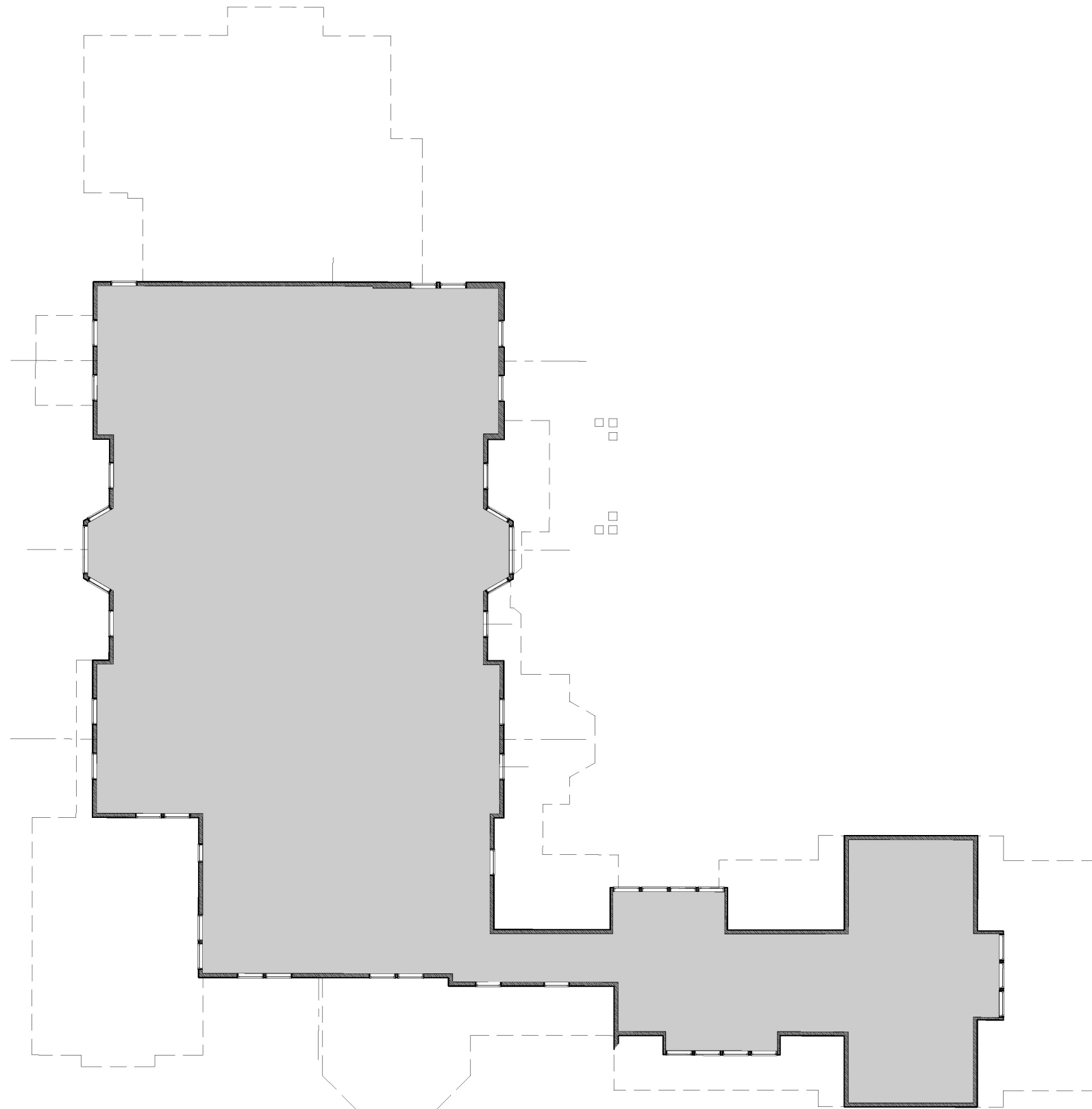


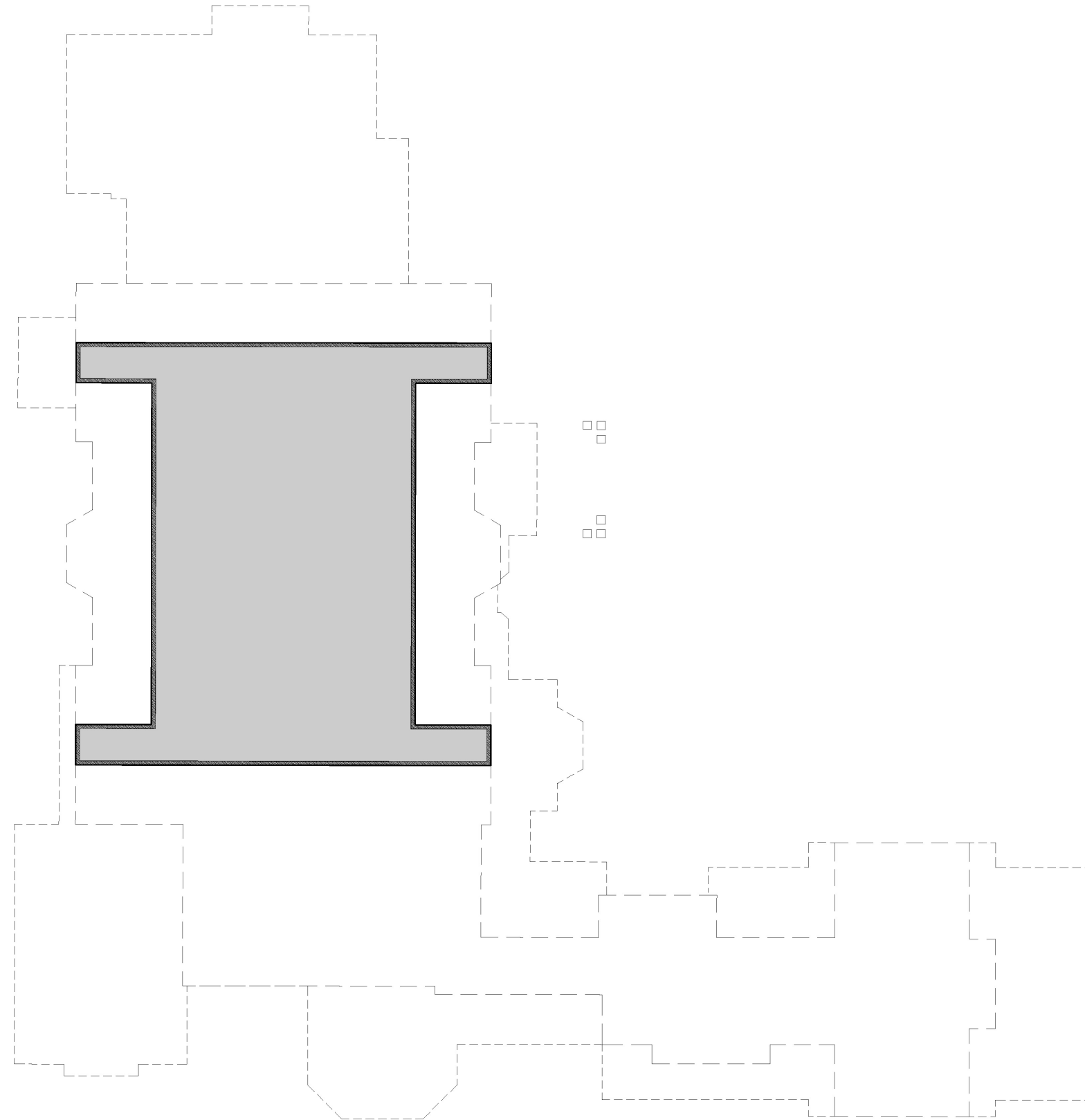
FIELD CREW	NO.	BY	DATE	REVISION	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, 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 28th day of June, 2021. <i>Daniel L. Schmidt</i> Daniel L. Schmidt, PLS schmidt@sathre.com Minnesota License No. 26147	 SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000 WWW.SATHRE.COM	TWP:117-RGE,22-SEC.08 Hennepin County WAYZATA, MINNESOTA	CERTIFICATE OF SURVEY PROPOSED CONDITIONS TREE PRESERVATION PLAN PREPARED FOR: DAVID & CATHY WHITING	FILE NO. 95468-001 REF: 87910-007 1 Page 103 of 144
DM AK	1	EMW	7/1/2021	PROPOSED CONDITIONS					
DRAWN	2	EMW	7/20/2021	CITY COMMENTS - WALL HEIGHTS					
SDR	3	EMW	7/23/2021	ASHP1 DIMENSION					
CHECKED									
JJA									
DATE									
07/20/2020									





















WHITING RESIDENCE

611 BUSHAWAY ROAD

WAYZATA, MN 55391

OPTION #2

MURPHY & CO

— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —





MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —







MURPHY & CO
— DISTINCTIVE RESIDENTIAL ARCHITECTURE —



Emily Goellner

From: David.Juran@colliers.com
Sent: Thursday, August 12, 2021 9:59 PM
To: Emily Goellner
Subject: 611 Bushaway Road Application

Ms Goellner;

My name is David Juran. My wife Sheila and I live at 601 Bushaway and are neighbors with David and Kathy Whiting. We met with the Whitings and reviewed their application, their site plan and their architectural plans and we are in support of their plan to tear down their existing residence and build the new residence shown in their application. The Whitings are good neighbors and we have every confidence that they will build a high quality residence that will fit with the neighborhood and that if needed they will replace or plant additional trees for screening between our homes. Please let me know if you have questions.

David Juran
612-240-6266 (cell)

Sent from my iPhone

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City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 5.c
TITLE: Consider Zoning Ordinance Amendment Allowing the Keeping of Chickens	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Staff has received inquiries and comments regarding the keeping of chickens over the years and, recently, the City Council has directed staff to prepare a draft Ordinance for consideration that allows the keeping of chickens in Wayzata. Currently, Section 930.01.C states that farm animals are not allowed within the City which would include chickens.

The draft Ordinance proposes to allow chickens on the larger lots in Wayzata, specifically, the R-1, R-1A Zoning Districts, and any PUD zoned single-family home that is over 40,000 square feet in area. The 40,000 sq. ft. area is the minimum lot size for the R-1 District, so the PUD properties over that lot area would generally be the same size as the R-1 zoned properties. A map of these properties is attached to the agenda packet.

A list of requirements is also included in the draft Ordinance that limits the number of chickens (4 hens) and the size of the chicken run/coop. The chicken coop and run must also meet the applicable zoning district accessory structure setback requirements. Additional requirements are listed to ensure that the chicken coop is maintained in a healthy and sanitary manner so no noxious odors or unsanitary drainage negatively impacts neighboring properties.

A permit application and fee system would also be created if chickens are allowed on any property with the Ordinance. Any chicken coop would be required to meet all of the additional zoning district standards such as; impervious surface, lot coverage, height, setbacks, etc. A sample Chicken Keeping Permit application is also attached from the City of St. Louis Park. If at any time the owner fails to comply with the applicable requirements the Chicken Keeping Permit can be revoked which would require the owner to remove the chickens and chicken coop from the property.

ACTION REQUESTED:

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 proposed Ordinance for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. Sample Chicken Keeping Permit - St. Louis Park
2. Map of Proposed Properties Allowed to Keep Chickens
3. Draft Ordinance with Underline/Overstruck Language
4. Draft Ordinance



Application for Chicken Permit

This application must be completed and returned to the Inspections Department along with a completed Site Plan for approval. An inspection will occur prior to any approval given by the Inspections Department.

General Information

*Property Owner: _____ Property Address: _____

Phone Number: _____ Cell Number: _____ Email: _____

***If the applicant is not the owner; a letter of permission from the property owner is required as part of the application.**

Detail Information

Number of hens: _____ (limit four, no roosters)

Chicken Coop		Chicken Run	
1) Distance from side and rear lot lines		1) Distance from side and rear lot lines	
2) Dimensions of coop		2) Dimensions of run	
3) Height of coop		3) Height of run	
4) Building materials		4) Building materials	

☐ I have enclosed a site plan showing dimensions of the property, existing structures, proposed structures, and all rear and side yard setbacks; and a coop and/or chicken run construction plan.

☐ I understand that if approved will be for two years only and required to be reviewed at that time.

The undersigned acknowledges that this application has been read and that the above is correct and agrees to comply with all the ordinances and laws of the City of St. Louis Park.

Applicant's Signature _____ Date _____

NOTE: Upon review of the application and/or site inspection Zoning or Building Application for the coop and/or chicken run may be required.

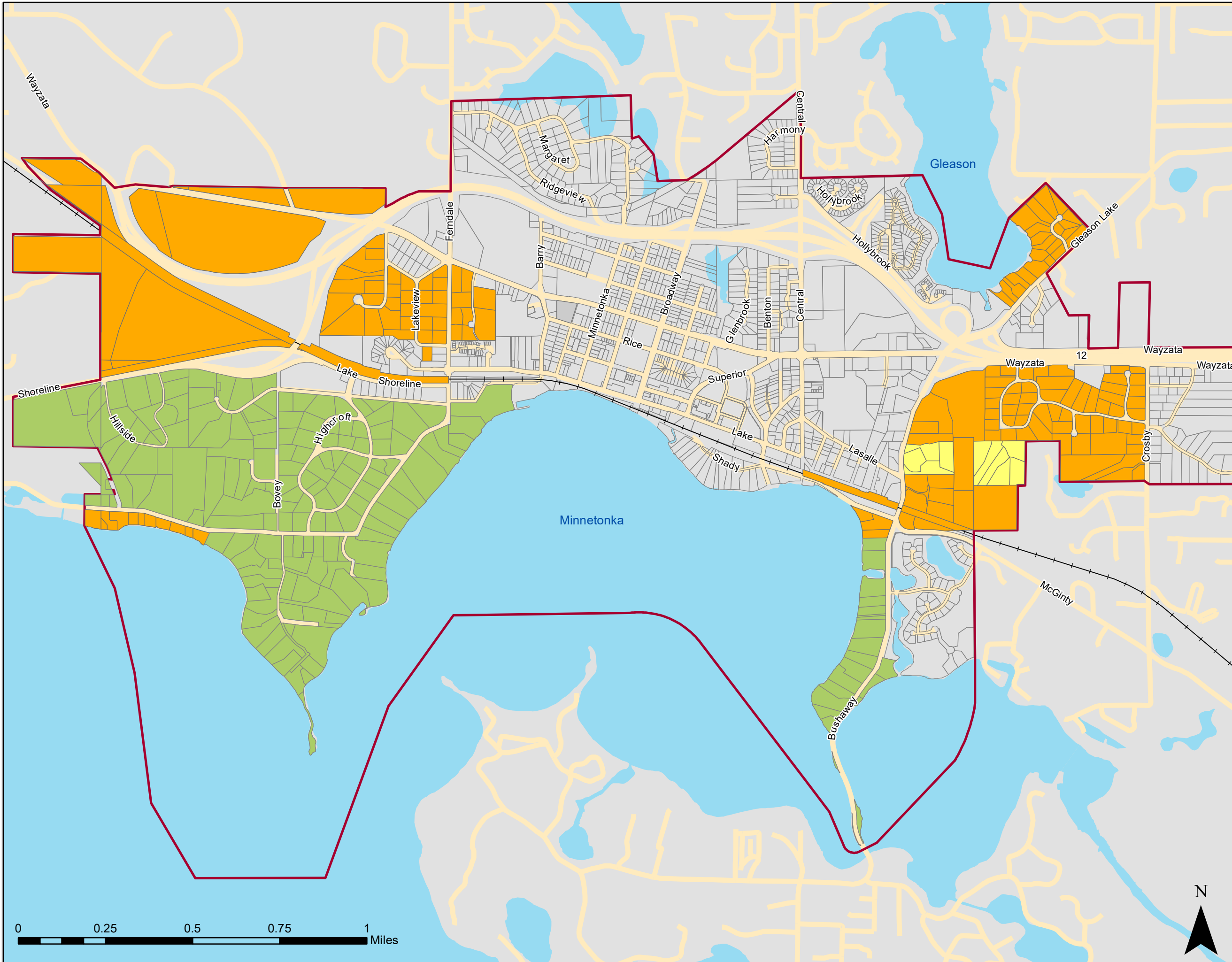
For Office Use Only

Inspector/Date _____ / _____ Comments: _____

Approval/Date: _____ / _____ Comments: _____

Zoning Designation

-  R-1 Low Density Single Family Residential District
-  R-1A Low Density Single Family Estate District
-  Single-Family PUD Zoned Properties over 40,000 Square Feet in Area



CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. ____

AN ORDINANCE AMENDING WAYZATA CITY CODE

CHAPTER 930 - ANIMALS

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 930. Chapter 930 of the Wayzata City Code (Animals) is hereby amended and restated in its entirety as follows:

CHAPTER 930 – ANIMALS

930.01 – Keeping Animals

- A. The following animals may be kept in the City, subject to the regulations of this Chapter and other sections of City Code:
- A1. Domestic animals, which are ~~allowed~~ permitted in all zoning districts. Dog kennels require a conditional use permit pursuant to Chapter 904 of this Ordinance.
 - B2. Horses, but only as ~~are~~ an allowed accessory use per district regulations.
 - 3. Chickens, but only as a permitted use provided for in this Chapter.
 - 4. Animals being kept as part of the Minnesota Zoological Gardens, St. Paul Como Zoo, or similar institutional docent programs ~~are an allowed use in all zoning districts~~. Before such animals are allowed, however, the participant in the program must notify the City Manager in writing of their participation in the program and identify the animal being kept.
 - 5. Animals ~~may only be~~ kept for commercial purposes if authorized in the zoning district where the animals are located.
- EB. Any animals not permitted under Sec. 930.01. A. of this Chapter ~~Farm animals~~ are not allowed to be kept in the City. ~~With the exception of animals allowed by subsections A, B, C and D above, no other animals are allowed except by Conditional Use Permit.~~

- ~~D. Animals being kept as part of the Minnesota Zoological Gardens, St. Paul Como Zoo, or similar institutional docent programs. Before such animals are allowed, however, the participant in the program must notify the City Manager in writing of their participation in the program and identify the animal being kept.~~
- ~~E. With the exception of animals allowed by subsections A, B, C and D above, no other animals are allowed except by Conditional Use Permit.~~
- ~~F. Animals may only be kept for commercial purposes if authorized in the zoning district where the animals are located.~~
- C. Animals may not be kept if, in the judgment of the City Manager, they cause a nuisance or endanger the health or safety of the community.
- ~~H. Dog kennels shall require a Conditional Use Permit pursuant to Chapter 904 of this Ordinance and shall be subject to other applicable sections of the City Code.~~
- D. Chickens are allowed on single family residential properties over 40,000 square feet in area, in the R-1, R-1A, and PUD Zoning Districts, subject to the following requirements:
1. A Chicken Keeping Permit must be applied for and approved by the City prior to allowing any chickens on the property.
 2. A site plan, including plans for construction of the coop and/or chicken run must be submitted with the permit application, and comply with City Building Code if applicable.
 3. No more than 4 hens may be kept on a property; no roosters may be kept.
 4. Chickens must be maintained in a coop and/or fenced chicken run at all times.
 5. All chicken feed must be placed in a pest and rodent free container.
 6. Chicken coops may not exceed 40 square feet, and the chicken run size may not exceed 80 square feet.
 7. Chicken coops and fenced chicken runs must be located outside the accessory structure setback of the applicable zoning district.
 8. The coop and chicken run must be kept in a healthy and sanitary condition, and in such way that no noxious odors or unsanitary drainage impact adjacent public or private property.
 9. Chicken(s) may be kept for personal use only; no butchering or sale of eggs or chicken(s) are allowed on the property.
 10. Property owners and applicants must provide access to their property for a pre-inspection at the time of the permit request, and at any time thereafter requested by the City, to verify compliance with the conditions of this Chapter, or in response to a complaint.
 11. A Chicken Keeping Permit may be revoked by the City at any time if the owner fails to comply with all the conditions specified in this Chapter, the Chicken Keeping Permit and application, or if the chickens create a

- nuisance situation, objectionable odors, unsanitary conditions, or there are other City Code violations on the property.
12. A Permit holder or Owner must remove the chicken coop and/or run if a permit is revoked or expires, or if there are no longer chickens on the property.

Section 2. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2021.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. ____

AN ORDINANCE AMENDING WAYZATA CITY CODE

CHAPTER 930 - ANIMALS

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 2. Horses, but only as an allowed accessory use per district regulations.
 3. Chickens, but only as a permitted use provided for in this Chapter.
 4. Animals being kept as part of the Minnesota Zoological Gardens, St. Paul Como Zoo, or similar institutional docent programs. Before such animals are allowed, however, the participant in the program must notify the City Manager in writing of their participation in the program and identify the animal being kept.
 5. Animals kept for commercial purposes if authorized in the zoning district where the animals are located.
- B. Any animals not permitted under Sec. 930.01. A. of this Chapter are not allowed to be kept in the City.

- C. Animals may not be kept if, in the judgment of the City Manager, they cause a nuisance or endanger the health or safety of the community.
- D. Chickens are allowed on single family residential properties over 40,000 square feet in area, in the R-1, R-1A, and PUD Zoning Districts, subject to the following requirements:
1. A Chicken Keeping Permit must be applied for and approved by the City prior to allowing any chickens on the property.
 2. A site plan, including plans for construction of the coop and/or chicken run must be submitted with the permit application, and comply with City Building Code if applicable.
 3. No more than 4 hens may be kept on a property; no roosters may be kept.
 4. Chickens must be maintained in a coop and/or fenced chicken run at all times.
 5. All chicken feed must be placed in a pest and rodent free container.
 6. Chicken coops may not exceed 40 square feet, and the chicken run size may not exceed 80 square feet.
 7. Chicken coops and fenced chicken runs must be located outside the accessory structure setback of the applicable zoning district.
 8. The coop and chicken run must be kept in a healthy and sanitary condition, and in such way that no noxious odors or unsanitary drainage impact adjacent public or private property.
 9. Chicken(s) may be kept for personal use only; no butchering or sale of eggs or chicken(s) are allowed on the property.
 10. Property owners and applicants must provide access to their property for a pre-inspection at the time of the permit request, and at any time thereafter requested by the City, to verify compliance with the conditions of this Chapter, or in response to a complaint.
 11. A Chicken Keeping Permit may be revoked by the City at any time if the owner fails to comply with all the conditions specified in this Chapter, the Chicken Keeping Permit and application, or if the chickens create a nuisance situation, objectionable odors, unsanitary conditions, or there are other City Code violations on the property.
 12. A Permit holder or Owner must remove the chicken coop and/or run if a permit is revoked or expires, or if there are no longer chickens on the property.

Section 2. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____, 2021.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 5.d
TITLE: Continue Public Hearing for Development Application for Planned Unit Development (PUD) Amendment for Rice Street Townhomes at 520, 524, 530, and 534 Rice Street	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: September 25, 2021	

BACKGROUND:

The applicant has requested to postpone the review of the development application to make slight modification to their application as provided for within City Code Section 933.05.C.13.c. On Monday, August 16, there will be no staff presentation of the application request, but the Planning Commission will open the public hearing, provide an opportunity for residents to provide testimony, and the Planning Commission will continue the public hearing until the Wednesday, September 1 Planning Commission meeting. On September 1, staff will provide a presentation regarding the modified application and the Planning Commission consider the application and any public testimony provided. Following the submittal of the modifications by the applicant, the plans will be posted on the City's website.

ACTION REQUESTED:

Open public hearing and continue public hearing until September 1, 2021.

ATTACHMENTS:

1. Taft Comment



2200 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Tel: 612.977.8400 | Fax: 612.977.8650
taftlaw.com

Affirmative Action, Equal Opportunity Employer

Justin P. Weinberg
612.977.8780
JWeinberg@Taftlaw.com

August 11, 2021

VIA EMAIL ONLY

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peggydouglas@wayzata.org

gregoryflannigan@wayzata.org

lauramerriam@wayzata.org

jeffreyparkhill@wayzata.org

christineplantan@wayzata.org

Olarissa@larissastockton.com

egoellner@wayzata.org

nkieser@wayzata.org

johannamccarthy@wayzata.org

Re: 534, 530, 524 and 520 Rice Street East (“Rice Street Townhomes”)

Honorable Mayor Mouton, Planning Commissioners and Staff:

Our office represents the following Wayzata citizens:

Anne LaFrance and Dr. Bruce Merry, 216 Minnetonka Ave. S., Wayzata
Kathleen Nash & Robert Kinghorn, 507 Rice St. E., Wayzata
Rod and Denica Fraser, 517 Rice St. E., Wayzata
Thomas Robbins, 523 Rice St. E., Wayzata
Marlene and Anthony Straszewski, 527 Rice St. E., Wayzata
Dr. Deneen and Dr. Christopher Vojta, 125 Walker Ave. S., Wayzata
Deborah and Thomas Vanderheyden, 105 Walker Ave. N., Wayzata.

My clients are greatly concerned with the Applicant’s (defined below) blatant disregard for the approved PUD for Rice Street Townhomes; and the City of Wayzata’s zoning code. In the end, my clients’ only objective is for the City of Wayzata to follow the approved PUD and Zoning Code – as is the expectation for any developer.

As you know, the PUD for Rice Street Townhomes was approved in 2005 and is governed, in part, by that certain Development Agreement between the City of Wayzata

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christineplantan@wayzata.org
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egoellner@wayzata.org
nkieser@wayzata.org
johannamccarthy@wayzata.org
August 11, 2021
Page 2

and Rice Street Brownstones, LLC, dated July 2006, and recorded with the Hennepin County Recorder on July 24, 2006, as Document No. 8833637 (the "Development Agreement"). The Development Agreement has been submitted as part of the current Rice Street Townhomes PUD Amendment Application Submission – July 2021 (the "Application") submitted by Pillar Homes Partner, Inc. (the "Applicant"). In addition, the approved PUD is subject to the conditions of the Wayzata City Council Resolution No. 2887, dated August 22, 2005; and, Ordinance No. 662, dated September 6, 2005.

The Application references several plans, dated July 23 & 26, 2021. However, nowhere in the Application, or the 2021 plans that have been submitted, are the Plans (as defined by the Development Agreement) addressed.

Section 2, PUD General Plan Approval, Subpart A, Grant of PUD, of the Development Agreement provides, in relevant part:

The Property shall be developed, and all improvements installed and maintained, in accordance with the Plans listed below * * * which, subject to the * * * requirements of the Zoning Ordinance of the City * * * 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.

The Plans, as defined and enumerated by the Development Agreement, are as follows:

Utility Plan, dated February 14, 2006
Survey by Advance Surveying & Engineering Co., dated June 20, 2005
Storm Water Storage Area Detail
Rendering (two pages), dated June 10, 2005
Site Plan (three pages), dated June 10, 2005

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August 11, 2021
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Grading and Drainage Plan, dated June 10, 2005
Rendering (seven pages), dated June 10, 2005
Floor Plans (four pages), dated June 10, 2005

Per the express terms of the Development Agreement, Plan would also include any drawings or plans submitted to the City that were reviewed and approved for the issuance of the building permit.

The City Zoning Code, Section 933.09, governs amendments of a PUD and provides, in relevant part:

A. Application Procedures. * * * An application for amendment of the original PUD permit specifying the proposed variance or alteration shall be submitted to the City * * * The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's Concept Plan, as outlined in Section 933.05.

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

The Application does not even attempt to specify the proposed variance or alteration from the Plans. From a reading of the paltry submission in the Application, it can be reasonably inferred that the Applicant seeks to amend the Utility Plan, both Renderings, the Grading and Drainage Plan, the Site Plan and the Floor Plans. But, that is just an inference due to the Applicant's failure to specify "the proposed variance or alteration" required by Section 933.09.A of the Zoning Code.

My clients were alarmed by the City Attorney's comment in a meeting on August 5, 2021, wherein he stated that the "final permitted plan are not relevant." However, as is clearly expressed in both the Development Agreement, and the Zoning Code, the Plans are not only relevant, the Plans become the final governing record of any

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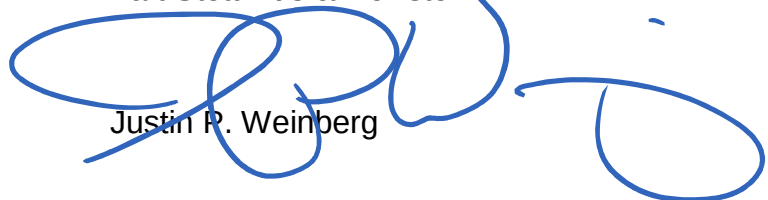
PUD. The City Attorney has also asserted that because the Plans were not recorded in the Hennepin County land records that they are not part of the Development Agreement. That position is contrary to the Development Agreement, which states that the Development Agreement is considered amended by the filing of the Plans with the City – not the Hennepin County land records. Indeed, the Development Agreement expressly states that it is amended when the Plans are filed – again, no reference to recording in the Hennepin County land records.

In that same meeting, City Administrator Dahl stated that the City may have lost the Plans. This, however, is no reason to ignore the clear process when the Applicant's contractor has a set of the Plans; and, when the original developer, John Adams, has a full set and is willing to make a copy for the City.

The Application must be denied due simply to its non-compliance with the amendment procedures set forth in Section 933.09. The City of Wayzata has the legal obligation to adhere to the approved PUD and its Zoning Code, which includes recognition that the Plans are not only relevant, but govern any proposed alteration to the existing improvements.

Sincerely,

Taft Stettinius & Hollister LLP



Justin P. Weinberg

JPW:jnf



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 6.a
TITLE: Welcome Commissioner Schwalbe and Commissioner Severson!	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

At the August 10 meeting, the City Council adopted a Resolution appointing two new Planning Commissioners: Bonnie Schwalbe for a term ending 12/31/2022 and Jennifer Severson for a term ending 12/31/2023. At the meeting, the newly appointed Commissioners will introduce themselves.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 6.b
TITLE: Review of Development Activities	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

Staff will provide an update at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: August 16, 2021	AGENDA ITEM: 6.c
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

City meetings have now returned to City Hall. The next Planning Commission meeting is scheduled for Wednesday, September 1 (on a Wednesday due to Labor Day). The Planning Commission liaison schedule has been updated.

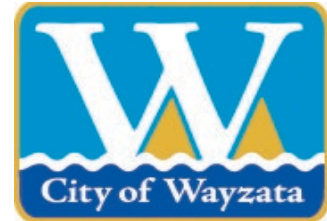
ACTION REQUESTED:

N/A

ATTACHMENTS:

1. 2021 Wayzata Calendar
2. PC 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
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31						

February 2021						
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28						

March 2021						
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April 2021						
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May 2021						
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30	31					

June 2021						
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July 2021						
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August 2021						
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September 2021						
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October 2021						
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November 2021						
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December 2021						
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- 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	Tuesday, January 5, 2021	Christine Plantan
Tuesday	Thursday, January 21, 2021	Jeff Parkhill
Tuesday	Tuesday, February 2, 2021	Peggy Douglas
Tuesday	Tuesday, February 16, 2021	Gregory Flannigan
Tuesday	Tuesday, March 2, 2021	Larissa Stockton
Tuesday	Tuesday, March 16, 2021	Laura Merriam
Tuesday	Tuesday, April 6, 2021	Lindsay Bashioum
Tuesday	Tuesday, April 20, 2021	Christine Plantan
Tuesday	Tuesday, May 4, 2021	Jeff Parkhill
Tuesday	Tuesday, May 18, 2021	Peggy Douglas
Tuesday	Tuesday, June 1, 2021	Ken Sorenson
Tuesday	Tuesday, June 15, 2021	Larissa Stockton
Tuesday	Tuesday, July 6, 2021	Laura Merriam
Tuesday	Tuesday, July 20, 2021	N/A
Tuesday	Tuesday, August 10, 2021	N/A
Tuesday	Tuesday, August 24, 2021	Jeff Parkhill
Tuesday	Tuesday, September 7, 2021	Peggy Douglas
Tuesday	Tuesday, September 21, 2021	Ken Sorensen
Tuesday	Tuesday, October 5, 2021	Larissa Stockton
Tuesday	Tuesday, October 19, 2021	Laura Merriam
Wednesday	Wednesday, November 3, 2021	Bonnie Schwalbe
Tuesday	Tuesday, November 16, 2021	Jennifer Severson
Tuesday	Tuesday, December 7, 2021	Jeff Parkhill
Tuesday	Tuesday, December 21, 2021	Peggy Douglas

last updated August 12, 2021