

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Wednesday, September 1, 2021
6:30 PM



With the expiration of the State of Emergency that had been declared by Gov. Walz, in-person public meetings at the City of Wayzata have now resumed. Members of the public may attend this City Council meeting in person, provided they follow all City policies and protocols related to the pandemic, including wearing masks. Members of the public may also watch and listen remotely by logging into Zoom and entering Zoom Meeting ID 898 0274 6790 and Passcode 057046 (or clicking [HERE](#)), or by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV..

Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by using the Zoom chat feature. All comments must include your full name and address, and will be taken and/or read at the appropriate time during the meeting. 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 952-404-5312, 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 16, 2021
 - b. Consider Approval of Planning Commission Report and Recommendation of Approval of a Conditional Use Permit for Good Clinic at 803 Lake Street East
 - c. Consider Approval of Planning Commission Report and Recommendation of Approval for a Shoreland Setback Variance and a Chimney Height Conditional Use Permit for Single Family Residence at 611 Bushaway Road
 - d. Consider Adoption of Planning Commission Report and Recommendation of Approval of a Zoning Ordinance Amendment Allowing the Keeping of Chickens
5. **Old Business Items**
6. **Public Hearing Items**
 - a. Consider Development Application for a Variance to Allow an Impervious Surface at 1640 Holdridge Circle
 - b. Consider Development Application for a Planned Unit Development (PUD) Amendment at 520, 524, 530, and 534 Rice Street East
7. **Other Items**
 - a. Election of Officers of Planning Commission for Remainder of 2021 Calendar Year
 - b. Review of Development Activities
 - c. Planning Commission Meeting Schedule
8. **Adjournment**

Upcoming Meetings:
City Council - September 7, 2021
Planning Commission - September 20, 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: September 1, 2021	AGENDA ITEM: 4.a
TITLE: Approval of Draft Meeting Minutes of August 16, 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 16 Planning Commission meeting.

ATTACHMENTS:

1. PC.08.16.2021 Minutes - Draft

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
AUGUST 16, 2021**

AGENDA ITEM 1. Call to Order

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

Vice Chair Parkhill read a prepared statement related to the resumption of in-person public meetings.

AGENDA ITEM 2. Roll Call

Vice Chair Parkhill asked Director Goellner to take roll call.

Present at roll call were Commissioners: Douglas, Merriam, Parkhill, Schwalbe, Severson, Stockton, and Sorensen. Community Development Director Emily Goellner, Planning Consultant Eric Zweber, Parks 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, moving up Item 6. to follow Item 3.

Commissioner Douglas made a motion, seconded by Commissioner Stockton, to approve the August 16, 2021 agenda as amended. The motion carried unanimously.

AGENDA ITEM 6. Other Items:

a) Welcome Commissioner Schwalbe and Commissioner Severson

Newly appointed commissioners Schwalbe and Severson introduced themselves and shared that they were excited to join the Planning Commission.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the 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**

1
2 Vice Chair Parkhill read the items on the consent agenda and asked if any Commissioner wished
3 to pull an item for further discussion.

4
5 Commissioner Douglas commented on Item 4.c., and said she would like it if only Moments staff
6 could use the offices in the addition, and noted that the owner had promised to add more
7 landscaping around the garbage enclosure. She wondered about changing the entrance to two lanes
8 to reduce the impact on the large tree.

9
10 Vice Chair Parkhill asked for a motion to approve the Consent Agenda as presented in the agenda
11 packet.

12
13 Commissioner Merriam made a motion, seconded by Commissioner Sorensen, to approve the
14 Consent Agenda as presented. The motion carried unanimously.

15
16 **AGENDA ITEM 5. Public Hearing Items**

17
18 **a) Consider Development Application for Conditional Use Permit for Good Clinic at**
19 **803 Lake Street East**

20
21 Planning Consultant Zweber gave an overview of the Applicant's request for a Conditional Use
22 Permit (CUP) for a primary care wellness clinic on property within the Promenade Planned Unit
23 Development (PUD) District where only restaurant and retail are permitted uses. He discussed
24 surrounding neighborhood zoning, background information on the Promenade PUD, the
25 conditional and permitted uses within the PUD, lease floor plan, parking specifications, the
26 Applicant's request, questions for the Commission's consideration, and action steps.

27
28 At the conclusion of Planning Consultant Zweber's presentation, Vice Chair Parkhill asked if the
29 Commission had any questions for Staff.

30
31 Commissioner Merriam asked if Benedict's Restaurant would require a larger portion of the
32 parking during the same time period as the proposed use, given its daytime menu and hours.
33 Planning Consultant Zweber answered that the a joint parking plan was for any type of restaurant.

34
35 Vice Chair Parkhill asked what was in the two spaces within the PUD previously. Community
36 Development Director Goellner stated that it was a retail shop and a juice shop.

37
38 There being no further questions for staff, Vice Chair Parkhill invited the Applicant to address the
39 Commission.

40
41 Kimberly Yung, representative of The Good Clinic, talked about The Good Clinic and their
42 approach to wellness and care, the current proposal, associated retail, and anticipated other clinic
43 locations.

44
45 Vice Chair Parkhill asked if the Commission had any questions for Staff or the applicant.
46

1 Commissioner Stockton asked if the clinic would dispense prescription medications. Ms. Yung
2 said yes, the clinic would have an instant medication machine.

3
4 Michael Howe, CEO of the Applicant, said the machine was a very small formulary that contained
5 common generic medications, but no controlled substances.

6
7 Commissioner Schwalbe asked who they expected to be the primary users of the clinic. Mr. Howe
8 said acceptance was highest from young professionals and young families, all the way through
9 empty nesters. He added there was a significant educational component to their business, and that
10 they would hold classes and run events. Commissioner Schwalbe asked if there was an on-site
11 laboratory. Ms. Yung said there would be, but they would also use LabCorp.

12
13 Commissioner Severson asked if it was also a walk-in clinic. Ms. Yung said they were not a
14 Minute Clinic, but they would accept walk-ins. Commissioner Severson asked if well and sick
15 patients would be separated. Mr. Howe explained that they had the technology for virtual visits
16 and online check-in procedures. He explained that the plan was to have no more than one to two
17 clients in the reception area.

18
19 Commissioner Sorensen asked how much of their business model was retail. Mr. Howe answered
20 retail ran between 30-40% of their overall revenue.

21
22 Commissioner Schwalbe asked if the providers at the clinic had hospital privileges. Ms. Yung
23 said they do not, and they would utilize a hospitalist. Mr. Howe said it was driven by the payer.
24 Each client would be able to identify where they would like to be referred.

25
26 Commissioner Merriam said Lake Street was a very high visibility location. She asked why they
27 could not be located in an area of the PUD where medical clinics were permitted. Mr. Howe
28 answered they had found that their clients preferred more visible locations. Commissioner
29 Merriam asked if they accepted medical insurance. Mr. Howe said yes, they accepted all major
30 payers in Minnesota.

31
32 Commissioner Stockton asked if there would be any waste management practices the business
33 would need to participate in. Ms. Yung said the clinic would have biohazard waste which would
34 be handled by vendors.

35
36 Commissioner Merriam asked if the current shops in the proposed location were ending their
37 leases. Mr. Howe answered according to the broker, both businesses were leaving at the
38 conclusion of their leases.

39
40 Vice Chair Parkhill asked about their average patients per day. Ms. Yung said they do quality of
41 time over quantity of patients. She said the clinic's providers saw an average of 20 patients per
42 day.

43
44 Commissioner Severson asked about the number of people who would attend the community
45 events. Mr. Howe said three to six for something like a diabetes clinic, and 10-15 for something
46 like a healthy cooking class.

1
2 There being no additional questions from the Commission for the applicant, Vice Chair Parkhill
3 opened the public hearing on the application at 7:10 pm.
4

5 Parks Planner Kieser stated there were no people that called in to the meeting via Zoom that have
6 asked to speak at the public hearing.
7

8 There being no one wishing to comment on the application in person or via Zoom, Vice Chair
9 Parkhill closed the public hearing at 7:11 pm.
10

11 Vice Chair Parkhill asked for the Commission to share their thoughts and feedback on the
12 application.
13

14 Commissioner Douglas said she read the article in the Star Tribune about The Good Clinic. She
15 thought it was nice that it would bring some traffic to the Promenade. She said the wellness aspect
16 would fit nicely in the area.
17

18 Commissioner Sorensen liked the use of the space and the wellness approach. He said he thought
19 it would fit Wayzata well.
20

21 Commissioner Merriam said she was having a difficult time with the proposal. She said the area
22 of the PUD was supposed to be only retail and restaurants originally. In October 2020, more uses
23 were added with the stipulation that Lake Street frontage would still be retail and restaurant. She
24 wanted to see the space reserved for true retail or a restaurant.
25

26 Commissioner Stockton said she thought the business would serve the community well, and that
27 it was market driven. However, she agreed with Commissioner Merriam and preferred to see retail
28 and restaurants in this space.
29

30 Commissioner Severson said she liked the idea of the wellness space and the community aspect
31 like group classes. She thought people might go for a visit and then stay in town to dine at a
32 restaurant.
33

34 Commissioner Schwalbe said her only reservation was that the clinic was a fairly new concept,
35 but she thought it was a good idea for the community.
36

37 Vice Chair Parkhill said he liked the plan. He said several true retails had failed in this space, and
38 he thought this was an appropriate exception.
39

40 There being no further discussion, Vice Chair Parkhill asked for a motion on the application.
41

42 Commissioner Douglas made a motion, seconded by Commissioner Severson, to direct staff to
43 prepare a draft Planning Commission Report and Recommendation with appropriate findings
44 reflecting a recommendation of approval for Conditional Use Permit for a primary care wellness
45 clinic on property that is specifically permitted for only restaurant and retail uses within the
46 Promenade Planned Unit Development (PUD) District at 803 Lake Street East for review and

1 adoption at the next Planning Commission meeting. Director Goellner completed a roll call vote
2 on the motion. The motion carried 6 ayes, 1 nay (Merriam).
3
4

5 **b) Consider Development Application for Shoreland Setback Variance and Chimney**
6 **Height Conditional Use Permit for Single Family Residence at 611 Bushaway**
7 **Road**
8

9 Planning Consultant Zweber gave an overview of the Applicant's request for a Shoreland Setback
10 Variance and chimney height Conditional Use Permit for two chimneys to allow for the
11 construction of a new single-family residence at 611 Bushaway Road. He discussed the
12 surrounding neighborhood zoning, existing site plan and setback, proposed site plan, lakeshore
13 setback requirements, proposed chimney height and applicable standard, the Applicant's requests
14 and questions for the Commission to consider and action steps.
15

16 At the conclusion of Planning Consultant Zweber's presentation, Vice Chair Parkhill asked if the
17 Commission had any questions for Staff.
18

19 Commissioner Stockton asked about the red dashed line on the map in the presentation. Planning
20 Consultant Zweber explained the line was the straight line drawn between the two closest riparian
21 principal structures which was the applicable setback.
22

23 Commissioner Schwalbe said this was directly across from Carpenter's Point, and asked if there
24 was any concern from that area. Director Goellner said she had not heard any concerns from the
25 current Carpenter's Point area.
26

27 There being no further questions for Staff, Vice Chair Parkhill invited the Applicant to address the
28 Commission.
29

30 Dan Demeules, Murphy & Co., architect for the Applicant, said the home would be a traditional
31 shingle style home. He noted that the home would be pulled back slightly from the water compared
32 to the location of the current home, but that they sought to mainly use the existing footprint. He
33 said maintaining the footprint would preserve the current topography and a lot of the mature trees.
34 Mr. Demeules discussed the reasoning for the proposed chimney heights.
35

36 Vice Chair Parkhill asked if the Commission had any questions for Staff or the Applicant
37

38 Commissioner Douglas asked about the location of the fourth chimney. Mr. Demeules said it was
39 on the southside on the four-season porch.
40

41 Commissioner Severson asked about the height of the current home. Mr. Demeules said he was
42 not sure. Commissioner Severson asked about the landscape changes. Planning Consultant
43 Zweber displayed page 103 of the Commission's packet with a summary of tree removal plan. Mr.
44 Demeules said the goal was to keep the mature trees along the water and Bushaway Road.
45

1 There being no additional questions from the Commission for the Applicant, Vice Chair Parkhill
2 opened the public hearing on the application at 7:37 pm.

3
4 Parks Planner Kieser stated there were no people that called in to the meeting via Zoom that have
5 asked to speak at the public hearing.

6
7 Peter Pflaum, 630 Bushaway Road, said he had known the Whitings since they purchased the
8 property next door, and that he was supportive of the proposal.

9
10 Mark Morris, 620 Bushaway Road, stated that he was also in favor of the proposal.

11
12 There being no one else wishing to comment on the application in person or via Zoom, Vice Chair
13 Parkhill closed the public hearing at 7:39 pm.

14
15 Vice Chair Parkhill asked for the Commission to share their thoughts and feedback on the
16 application.

17
18 Commissioner Sorenson said he lived pretty close to the area and drove through today. He thought
19 it was a very private, mature, and wooded lot. He liked that there had been consideration in the
20 proposal for minimal disturbance to the topography and trees, and said he did not think it would
21 alter the character of the neighborhood. As far as the chimneys, he thought they gave proportion
22 to the elevation of the home.

23
24 Commissioner Douglas agreed. She said she was okay with the proposed setback because moving
25 the home further back on the lot would cause loss of trees. She thought it was a beautiful home
26 and great addition.

27
28 Commissioner Merriam agreed. She said the chimneys had no detrimental impact and were in
29 keeping with the character of the home.

30
31 Commissioner Stockton agreed and was supportive.

32
33 Commissioner Schwalbe agreed and was supportive.

34
35 Commissioner Severson made no additional comments.

36
37 Vice Chair Parkhill made no additional comments.

38
39 There being no further discussion, Vice Chair Parkhill asked for a motion on the application.

40
41 Commissioner Sorenson made a motion, seconded by Commissioner Merriam, to direct staff to
42 prepare a draft Planning Commission Report and Recommendation with appropriate findings
43 reflecting a recommendation of approval for a Shoreland Setback Variance and chimney height
44 Conditional Use Permit for two chimneys to allow for the construction of a single-family residence
45 at 611 Bushaway Road for review and adoption at the next Planning Commission meeting.
46 Director Goellner completed a roll call vote on the motion. The motion carried unanimously.

c) Consider Zoning Ordinance Amendment Allowing the Keeping of Chickens

Community Development Director Goellner gave an overview of the proposed draft ordinance prepared by Staff at City Council's request that would allow the keeping of chickens on larger lots in Wayzata in the R-1, R-1A zoning districts, and any PUD zoned single-family home that is over 40,000 sq. ft. in area.

Parks Planner Kieser discussed the proposed properties that would be eligible to keep chickens, proposed requirements and regulations, and action steps for the Commission.

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

Commissioner Merriam asked if chicken coops would be allowed in front yards. Planner Kieser said no, accessory structures were not allowed in front yards under the Zoning Ordinance. Commissioner Merriam asked about the height limits. Planner Kieser said it would fall under accessory structure standards which was a 25 foot limit. He said staff could go back and add a condition that chicken coops have a lower height limitation than that. Commissioner Merriam asked if there would be a cost for the permit. Planner Kieser said yes, other communities averaged a \$75 fee for an initial permit and \$25 for renewals. He said the City would do something similar. Commissioner Merriam asked about Chapter 930.01 A.4. in the City's Code that referred to institutional docent programs. Planner Kieser said that provision has been in the Code for a while. He was unsure of the history, but imagined it was for research purposes.

Commissioner Douglas asked if an inspection would be required for annual renewal. Planner Kieser said that detail was still to be worked out. It would depend on how many permits there were. Commissioner Douglas asked what would happen if chickens were let out. Planner Kieser said staff would talk to the permit holder. If it continued to happen, the permit could be revoked.

Commissioner Merriam said it was typical for people to let the chickens out for exercise. Planner Kieser said the ordinance as drafted required the animals to stay within the coop or a run.

Commissioner Schwalbe asked how many permits were expected. Planner Kieser said he had received two to three requests over the past two years, but there could be more if it was allowed.

Commissioner Severson asked if there was anything to consider regarding garbage or waste. Planner Kieser said there was an all-encompassing statement in the proposed ordinance that the coop needed to be kept in a clean and healthy state.

Commissioner Severson asked if permit holders could sell eggs. Planner Kieser said the language in the ordinance and goal was to have that not happen.

Vice Chair Parkhill asked about the no butchering statement in the proposed ordinance. Planner Kieser said the intention was that permit holders could use the chickens just for eggs.

1 There being no additional questions from the Commission for Staff, Vice Chair Parkhill opened
2 the public hearing on the application at 7:59 pm.

3
4 Planner Kieser stated there were no people that called in to the meeting that have asked to speak
5 at the public hearing.

6
7 There being no one wishing to comment on the application in person or via Zoom, Vice Chair
8 Parkhill closed the public hearing at 7:59 pm.

9
10 Vice Chair Parkhill asked for the Commission to share their thoughts and feedback on the
11 application.

12
13 Commissioner Sorensen reiterated that there had only been a couple of requests for keeping of
14 chickens. Planner Kieser clarified that those were the only requests he had received, but he could
15 not speak for others.

16
17 Commissioner Douglas asked what was driving the Council to request this proposed ordinance.
18 Planner Kieser said some of the Council members had discussions with residents who did want to
19 keep chickens. He said this draft ordinance was created through the process of a Council workshop
20 and direction.

21
22 Commissioner Schwalbe asked if the City would advertise the new permits or just have this ready
23 if a resident asked. Planner Kieser said the permits would be handled administratively. Director
24 Goellner explained the process would be the same if driven by a resident's request. Staff would
25 prefer to have a method and fair process for everyone where permits could be issued after review,
26 and could also revoked if needed.

27
28 Commissioner Douglas asked if residents could ask for a variance if they fell short of the property
29 requirements. Director Goellner said the suggested process would be to request to have the
30 ordinance changed to allow for smaller properties. Then the City could analyze whether all similar
31 sized properties should be allowed.

32
33 Commissioner Stockton was generally in favor. She noted that she had some hesitation about the
34 inconvenience to neighbors, but thought there were ample measures in place to address concerns.

35
36 Commissioner Merriam was also supportive. She thought the proposed ordinance was pretty
37 restrictive and covered potential issues.

38
39 Commissioner Sorensen agreed and thought the City needed something like this.

40
41 Commissioner Douglas shared a concern that residents who lived in these districts were not aware
42 and had not had a chance to provide input.

43
44 Commissioner Severson said personally, she was delighted. She would have chickens, but her
45 property was not big enough. She was in favor of gathering more community input to make sure
46 it was done right.

1
2 Commissioner Schwalbe also had concerns about changing a City code that was not well
3 publicized.
4

5 Commissioner Merriam asked if the proposal had been noted in the Wayzata Portal. Director
6 Goellner said it was in the Wayzata Weekly E-newsletter.
7

8 Vice Chair Parkhill said he did not have a problem giving it a try, but he was unsure of who wanted
9 it. He asked if the Council was required to hold a Public Hearing. Director Goellner said they
10 were not; the Council was required to have two readings of the ordinance before it became
11 effective. Vice Chair Parkhill said he did not think it was a bad thing and was supportive. City
12 Attorney Schelzel noted that the legally-required Public Hearing was held by the Commission
13 tonight; however, the Council typically allowed additional public comment at their meetings. He
14 recommended adding a note could be added to the Commission's recommendation to try to
15 publicize this proposal more.
16

17 Commissioner Douglas said the City sent out letters to residents within a certain area of projects.
18 She felt like people needed to know.
19

20 Vice Chair Parkhill asked if the Planning Commission could table this item, publicize this more,
21 and hold another public hearing. City Attorney Schelzel said, from a legal perspective, the required
22 public hearing had been opened and closed. Director Goellner said direct mailing was quite
23 expensive. The general feedback she had heard from the Commission were questions about
24 smaller lots in the future, adequate enforcement and revocation, institutional docent clause, height
25 requirement, and waste removal. She said staff could recommend updated language and get the
26 word out more. Vice Chair Parkhill asked about the best way for residents to submit feedback.
27 Director Goellner said letters or comments through the general feedback form on the City's
28 website. City Attorney Schelzel suggested that the Commission could either table the item to make
29 the suggested changes to the draft ordinance and taking public comment at the next meeting; or
30 move the item on to the Council with the recommendations on potential changes and additional
31 public input. Director Goellner agreed. She recommended bringing it forward to the Council with
32 the Commission's input. She said the Planning Commission was focused on actual code language
33 and impacts from a zoning perspective, where the Council was focused on a matter of policy.
34

35 There being no further discussion, Vice Chair Parkhill asked for a motion on the application.
36

37 Commissioner Stockton made a motion, seconded by Commissioner Douglas, to direct staff to
38 prepare a draft Planning Commission Report and Recommendation with appropriate findings
39 reflecting a recommendation of approval for a draft ordinance that allows the keeping of chickens
40 on larger lots in Wayzata in the R-1, R-1A zoning districts, and any PUD zoned single-family
41 home that is over 40,000 sq. ft. in area, with a recommendation to solicit more community
42 feedback, for review and adoption at the next Planning Commission meeting. Director Goellner
43 completed a roll call vote on the motion. The motion carried unanimously.
44

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

Community Development Director Goellner explained the applicant has requested to postpone the review of the development application that was submitted to the City to allow time to make a slight modification to their proposal. She said the Planning Commission should open the public hearing that had been noticed, provide an opportunity for any public comment and then continue the public hearing to the September 1, 2021 Planning Commission meeting.

City Attorney Schelzel recommended that the Vice Chair ask for a motion to continue the public hearing after he opened the hearing and gave the public opportunity to comment.

Vice Chair Parkhill opened the public hearing on the application at 8:21 pm.

Parks Planner Kieser stated there were no people that called in to the meeting via Zoom that have asked to speak at the public hearing.

There being no further discussion, Vice Chair Parkhill asked for a motion to continue the public hearing.

Commissioner Douglas made a motion, seconded by Commissioner Sorensen, to continue the public hearing to the September 1, 2021 Planning Commission meeting. The motion carried unanimously.

AGENDA ITEM 6. (Continued) Other Items:

~~a) Welcome Commissioner Schwalbe and Commissioner Severson~~

This item was considered after Item 3.

b) Review of Development Activities

Director Goellner provided a brief update on upcoming development activity in the City.

c) Planning Commission Meeting Schedule

Director Goellner noted the next Planning Commission meeting was Wednesday, September 1, 2021.

Vice Chair Parkhill asked if it was appropriate for more than three Commissioners to attend a City Council meeting. City Attorney Schelzel said there was no concern if the Commissioners were present to observe.

Commissioner Merriam asked when the second September meeting was. Director Goellner answered Monday, September 20, 2021.

1
2 Commissioner Sorensen said he would not be present at the September 20th meeting, and he was
3 designated as the Council representative. Director Goellner recommended that he swap meetings
4 with another Commissioner.
5

6 **d) Planning Commissioner Liaison from the August 24, 2021 City Council Meeting**
7

8 It was noted that Commissioner Douglas will be present at the August 24, 2021 City Council
9 meeting.
10

11 **AGENDA ITEM 7. Adjournment.**
12

13 There being no further business on the agenda, Vice Chair Parkhill asked for a motion to adjourn.
14

15 Commissioner Merriam made a motion, seconded by Commissioner Sorensen to adjourn the
16 Planning Commission meeting. Upon a vote, the motion carried unanimously.
17

18 The Planning Commission meeting was adjourned at 8:28 p.m.
19

20 Respectfully submitted,
21

21 Sarah Peterson

22 *TimeSaver Off Site Secretarial, Inc.*



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 4.b
TITLE: Consider Approval of Planning Commission Report and Recommendation of Approval of a Conditional Use Permit for Good Clinic at 803 Lake Street East	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY:	
60 DAY DEADLINE: September 21, 2021	

BACKGROUND:

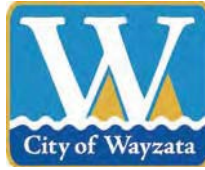
Michael Howe, on behalf of The Good Clinic LLC, has submitted a Development Application requesting approval of a Conditional Use Permit (CUP) for a primary care wellness clinic on a property that is specifically permitted for only restaurant and retail uses within the Promenade Planned Unit Development (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:

The Planning Commission should consider adoption of Planning Commission Report and Recommendation of Approval of a Conditional Use Permit for Good Clinic at 803 Lake Street East.

ATTACHMENTS:

1. Draft PC Report and Recommendation - Good Clinic



WAYZATA PLANNING COMMISSION

September 1, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF FOR CONDITIONAL USE PERMIT FOR GOOD CLINIC AT 803 LAKE STREET EAST DRAFT

SUMMARY OF RECOMMENDATION

Approval* of CUP for primary care medical and wellness clinic

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Proposed Land Use. Michael Howe, on behalf of The Good Clinic LLC, (the “Applicant”) has submitted an application (the “Application”) for approval of Conditional Use Permit (CUP) for a primary care wellness clinic (the “Clinic”) in a leased area of 803 Lake Street East (the “Property”) that is part of the Promenade Planned Unit Development (PUD) District.
- 1.2 Approval Requested. Conditional Use Permit (CUP) in the Promenade PUD District for a primary care wellness clinic within the ground floor of a building facing Lake Street East that has a high level of pedestrian activity (the “Clinic CUP”). City Council Ordinance No. 803 (2020).
- 1.3 Property. The address, property identification number, and owner of the Property are:

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

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

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

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on August 5, 2021 and mailed to all property owners located within 500 feet of the Property on August 5, 2021. The public hearing on the Application was held at the August 16, 2021 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Conditional Uses in the Promenade PUD District. The areas of the ground floor of a building that fronts Lake Street or Superior Boulevard within the Promenade PUD District, 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 Council Ordinance No. 803 (2020). Section 904.2.F of the Zoning Ordinance requires 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 OF FACT

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

3.1 Conditional Uses in the Promenade PUD District.

- A. The Clinic would support a high level of pedestrian activity, appropriate for the area fronting Lake Street.
- B. The Clinic would be compatible with surrounding uses, which are a mixture of retail, restaurant, fitness services, personal and professional services, offices, hotel and multiple-family residential.
- C. The provisions of Section 801.04.2.F of the Zoning Ordinance have been considered and are all satisfactorily met. The Clinic (the "Proposed Use") would have not had 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, which call for a mixture of uses within the District.
 - 2. The Proposed Use is not incompatible with present and future uses of the area, as noted in this Report.
 - 3. The Proposed Use conforms with all relevant performance standards contained in the Zoning Ordinance.
 - 4. The Proposed Use will not have a negative effect on the area in which it is proposed as noted in this Report, and should add an attractive medical care, wellness and health services amenity to the residents of downtown and the City generally.
 - 5. The Proposed Use will not have a material impact upon property values in the area.
 - 6. The Proposed Use will not generate traffic beyond the capabilities of streets serving the Property.
 - 7. The Proposed Use will not have a negative impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of

this Report, the Planning Commission recommends **APPROVAL** of the Fence CUP, subject to the following conditions:

- A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.
- B. The Applicant must build and operate the Project, in all material respects, within the parameters of use (including hours of operation and types of services and products offered) and within the leased areas of the Property specified in the Application.
- C. The applicant's total operation shall not exceed 2,743 square feet.
- D. The reception/retail space of the operation shall be at least 542 square feet and located fronting Lake Street East.
- E. The windows fronting Lake Street East shall remain 100% transparent. The windows fronting Lake Street East may not include shades, spandrel, or other method that would create any level of opacity.
- F. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 1st day of September 2021.

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 4.c
TITLE: Consider Approval of Planning Commission Report and Recommendation of Approval for a Shoreland Setback Variance and a Chimney Height Conditional Use Permit for Single Family Residence at 611 Bushaway Road	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY:	
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:

The Planning Commission should consider adoption of Planning Commission Report and Recommendation of Approval for a Shoreland Setback Variance and a Chimney Height Conditional Use Permit for Single Family Residence at 611 Bushaway Road.

ATTACHMENTS:

1. PC Report - Shoreland Setback Variance and Chimney Height CUP for new residence at 611 Bushaway Rd (final draft)



WAYZATA PLANNING COMMISSION

September 1, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF SHORELAND SETBACK VARIANCE AND CONDITIONAL USE PERMIT FOR CHIMNEY HEIGHT FOR NEW RESIDENCE AT 611 BUSHAWAY ROAD

DRAFT

SUMMARY OF RECOMMENDATION

1. Approval* of Variance from Shoreland Setback Requirement
2. Approval* of Conditional Use Permit for Height of Chimney

** subject to certain conditions noted in Section 4 of this Report*

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. The applicants and property owners, David & Cathy Whiting (collectively, the "Applicant") have submitted a development application (the "Application") requesting approval of Shoreland setback variance and a conditional use permit (CUP) for the height of two chimneys, both in connection with the construction of a new house (the "Project") on the property located at 611 Bushaway Road (the "Property").
- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following:
 - A. Shoreland Setback Variance: A variance from the Shoreland setback requirement of the Shoreland Overlay District to allow for a 154.4 foot minimum setback from Lake Minnetonka, a 49 foot variance from the applicable setback (the "Shoreland Setback Variance").

- B. Conditional Use Permit for Chimney Height: A conditional use permit for two chimney heights, at 44 feet 11 inches and 43 feet 3 inches respectively, on the proposed home that would exceed the applicable height limit of 40 feet (the "Height CUP").
- 1.3 Property. The street address, property identification number and owner of the Property are:
- | | | |
|-----------------|-------------------|---------------------------|
| 611 Bushaway Rd | 08-117-22-23-0003 | D W Whiting & C A Whiting |
|-----------------|-------------------|---------------------------|
- 1.4 Land Use. The Property is zoned and guided as follows:
- | | |
|--------------------|--|
| Zoning: | R-1A / Low Density Single Family Estate District |
| Comp Plan: | Estate Single Family |
| Overlay Districts: | S / Shoreland Overlay District |
- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on August 5, 2021 and mailed to all property owners located within 500 feet of the Property on August 4, 2021. The public hearing on the Application was held at the August 16, 2021 Planning Commission meeting, where there was no public comment on the Application.

Section 2. STANDARDS

- 2.1 Shoreland Setback Variance. The Shoreland Overlay District's lakeshore setback is the greatest of three different setback measurements. Sec. 991.09.D.2. Staff has calculated that for this Property, the greatest setback measurement would be a line drawn between the two closest riparian principal structures, resulting in a setback of approximately 154.4 feet. Variances from the standards of the Shoreland Overlay District may be granted by the City Council in accordance with Section 905 of the Zoning Ordinance in extraordinary cases, but only when the proposed use is determined to be in the public interest. The following additional limitation criteria shall apply within shoreland areas (some of which are superseded by applicable provisions of state law and City Code):
- 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 “practical difficulties” as defined in Section 905 of the Zoning Ordinance.
- F. No permit or variance shall be issued unless the applicant has submitted a Shoreland Impact Plan as required and set forth in the Zoning Ordinance. In granting any variance, the City Council may attach such conditions as they deem necessary to insure compliance with the purpose and intent of this Section.

City Code Sec. 991.20.

2.2 Conditional Use Permit for Chimney Height. In the R-1A District, no structural element of a building 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. Sec. 919.02.B. To grant a CUP, the provisions of Section 904.02.F of the Zoning Ordinance must be considered and satisfactorily met.

- A. 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.

Section 3. FINDINGS

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

- 3.1 Shoreland Setback Variance. The Shoreland Setback Variance requested from the requirements of the R-1A District is in harmony with the general purposes and intent of the Zoning Ordinance and is consistent with the Comprehensive Plan. The following conditions are met for the setback requested in the Shoreland Setback Variance (the "Setback"):
- A. The conditions of Section 991.20 of the Zoning Ordinance are satisfactorily met:
 - 1. This is an extraordinary case and in the public interest, given the location and unique layout on the edge of Lake Minnetonka.
 - 2. The Setback will not adversely impact views of the shoreline or lake for adjacent neighboring principal structures.
 - 3. The Setback is based upon a specific need or circumstance which is unique to the Property in question and will not set a precedent which is contrary to the intent of the Zoning Ordinance.
 - B. The following conditions of Section 905 of the Zoning Ordinance have been satisfactorily met:
 - 1. The Property's unique shape, topography, proximity to adjacent lake and bluff area, all create practical difficulties in complying with the Shoreland Setback coverage limits.
 - 2. The Shoreland Setback Variance requested is reasonable, due to circumstances driven by the unique shape, topography and position of the lot layout, and a desire to preserve and significantly enhance the existing character of the Property, and if granted would not alter the essential character of the locality, given the footprint of the previous home on the Property.
 - 3. The practical difficulties necessitating the Shoreland Setback Variance are not economic in nature. The unique shape, topography and position of the lot layout, and a desire to preserve and significantly enhance the existing character of the Property, are all significant factors in the practical difficulty with meeting the ordinance requirements.

4. The proposed uses for the Property are permitted within the R-1A District.
5. The Applicant has provided the reasons that the Shoreland Setback Variances are justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

3.2 Conditional Use Permit for Chimney Height. The provisions of Section 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met with respect to the requested Height CUP.

- A. The Project is compatible with the specific policies and provisions of the official City Comprehensive Plan.
- B. The Project is compatible with present and future uses of the area, which are Low Density Single Family Estate District uses and include larger homes with similar architectural features to the proposed home.
- C. The Project conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and a CUP are requested.
- D. The Project and associated uses will not have a negative effect upon the surrounding area, in that the proposed chimneys fit with the design and architecture of the proposed new home and the single family estate district homes in the surrounding area.
- E. The Project and associated uses will not have a negative impact upon surrounding property values.
- F. The Project and associated uses will not increase traffic.
- G. The Project and associated uses will not negatively impact 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 (i) Shoreland Setback Variance, and (ii) Height CUP as listed in Section 1.2 of this Report, subject to the following conditions:

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

building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.

- B. The Applicant must maintain the principal structure footprint size and location as depicted in the Application.
- C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 1st day of September 2021.

DRAFT



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 4.d
TITLE: Consider Adoption of Planning Commission Report and Recommendation of Approval of a 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.

At the August 16 Planning Commission meeting, the Commission directed staff to prepare a Report and Recommendation of Approval. The Commission wanted to bring this forward to Council, but with the recommendation that the Council get more community feedback on the proposed Ordinance before a final decision is made. More confirmation was recommended by the Commission to ensure that the community is aware of the proposed Ordinance and that there is support for the proposed changes.

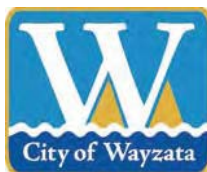
One public comment was received since the public hearing and it is attached.

ACTION REQUESTED:

On August 16, the Planning Commission directed staff to prepare a Planning Commission Report and Recommendation of Approval, with appropriate findings and all relevant feedback incorporated, of the proposed Zoning Ordinance Amendment. Staff is recommending adoption of this Report with its attachments.

ATTACHMENTS:

1. Draft Planning Commission Report and Recommendation - Chickens
2. Public Comment



WAYZATA PLANNING COMMISSION

September 1, 2021

REPORT AND RECOMMENDATION OF APPROVAL OF ZONING ORDINANCE AMENDMENT ALLOWING THE KEEPING OF CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of Zoning Ordinance Amendment to Allow Keeping of Chickens

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Amendment to Allow Keeping of Chickens. After holding a City Council workshop on the topic of keeping chickens on residential properties for non-commercial uses on May 4, 2021, Council directed staff to prepare a draft ordinance for consideration that would allow but regulate the keeping of chickens in Wayzata on larger residential lots in the City. A draft amendment to Ch. 930 of the Zoning Ordinance (Animals) has been prepared by City Staff and is attached to this Report as Attachment A (the "Zoning Ordinance Amendment").
- 1.2 Notice and Public Hearing. Notice of the public hearing on the Zoning Ordinance Amendment was published in the *Sun Sailor* on August 5, 2021 and on the City's website. The public hearing on the Zoning Ordinance Amendment was held at the August 16, 2021 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Zoning Ordinance Amendment. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or

Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

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

Section 3. FINDINGS OF FACT

Based on the materials submitted by City Staff, the Staff report, 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 Zoning Ordinance Amendment. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the proposed Zoning Ordinance Amendment would provide for well-regulated keeping of Chickens, and would not have an adverse effect on affected properties in the City and the City overall. The Zoning Ordinance Amendment meets the applicable standards for a zoning ordinance amendment in that:

- A. The limited and well-regulated keeping of Chickens does not contravene the specific policies and provisions of the official City Comprehensive Plan.
- B. The limited and well-regulated keeping of Chickens would be compatible with the permitted land uses of the larger residential lots of the City.

- C. The limited and well-regulated keeping of Chickens would conform with all performance standards contained in the Zoning Ordinance.
- D. The limited and well-regulated keeping of Chickens would not have a negative effect on the area in which it is proposed, provided the proposed regulations are adhered to by the permit holders.
- E. The impact of limited and well-regulated keeping of Chickens upon property values in the area in which it is proposed would be negligible.
- F. There would be no additional traffic generation by limited and well-regulated keeping of Chickens in relation to capabilities of streets serving the properties eligible for permits.
- G. The limited and well-regulated keeping of Chickens impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity would be negligible.

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 Zoning Ordinance Amendment, with an additional recommendation that the City solicit more community feedback on the proposed changes and the keeping of Chickens on residential properties in general.

Adopted by the Wayzata Planning Commission this 1st day of September 2021.

Attachments:

Attachment A: Zoning Ordinance Amendment

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
ORDINANCE NO. 808**

**AN ORDINANCE AMENDING CHAPTER 930 – ANIMALS
OF
WAYZATA CITY CODE**

Whereas, pursuant to Resolution No. 37-2021 the City has approved a Zoning Ordinance amendment to allow but regulate the keeping of chickens in Wayzata on certain larger residential lots in the City.

Now Therefore,

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Chapter 930. Chapter 930 of the Wayzata City Code (Animals) is hereby amended as follows (~~struck~~ language deleted; underlined language added; double underlined language moved from other sections of Chapter 930):

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:

1A. Domestic animals, which are allowed in all zoning districts. ~~H. Dog kennels require a conditional use permit pursuant to Chapter 904 of this Ordinance.~~

2B. 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.

4D. ~~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.~~

5F. ~~Animals may only be kept for commercial purposes if authorized~~ allowed in the zoning district where the animals are located.

~~BC. Any animals not allowed under Sec. 930.01.A of this Chapter. Farm animals are may not allowed be kept in the City.~~

~~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.~~

~~CG. Animals of any kind 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 are allowed outside the chicken coop and run only under direct supervision of the property owner. All other times the chickens must be maintained in a coop and/or fenced chicken run.
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. Chicken coops may not be higher than one story or 10 feet in height.
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:

Nick Kieser

From: Anders Seeland
Sent: Wednesday, August 25, 2021 5:34 PM
To: Peggy Douglas; Laura Merriam; Jeffrey Parkhill; Bonnie Schwalbe; Jennifer Severson; Ken Sorensen; Larissa Stockton; Nick Kieser
Cc: Alex Plechash; Johanna Mouton; Jeffrey Buchanan; Cathy Iverson; Molly MacDonald
Subject: Wayzata Chickens

Follow Up Flag: Follow up
Flag Status: Flagged

Good Evening,

My name is Anders Seeland. I reside at 635 Rosswood Lane, Wayzata. Along with being a resident of Wayzata, I also work for the city of Wayzata. I am sorry I was not able to make the last Planning Commission meeting and am unsure if I will be able to attend the next. For that reason, I am writing this email.

My wife and I have two young boys who are thrilled at the idea of being able to raise chickens. In addition to our family, there are many other children (and their parents) in the neighborhood who would also love the opportunity.

I imagine at this point, the Commission has done their research regarding other Hennepin County cities and the regulations they have put in place with the keeping of chickens. As expected, most cities have a limit on the number of hens allowed, no roosters are allowed, and the coops must be kept clean.

A concern I have heard come up most often is the sounds and smells that may come from a coop. If you look at the calls for service in the other cities, dogs are more of a problem than chickens. There are rarely any complaints on chickens regarding the numbers, smell or noise from having them in the area. In addition, I have yet to find a city that has a lot size restriction as high as the one the Commission has proposed at 40,000 square feet. This seems unnecessary to me. It will prevent the vast majority of Wayzata residents from raising chickens here in Wayzata. I hope that this square footage can be reconsidered so this plan is not so divisive of our community.

I have a larger city lot at just over 15,000 square feet. In addition, I own the home behind mine (636 Harmony Circle) which is also just over 15,000 square feet. If I were to combine the two I would still fall short of the 40,000 square feet you have in mind. At this point, you have essentially limited the homes to those west of Ferndale Road- many of which will have zero interest in the keeping of chickens. This will exclude most residents and those of us who wish to teach our children many useful things that could come from raising chickens. It seems unfair to essentially restrict the keeping of chickens based on socioeconomic status. I am hopeful you will reconsider the conditions that have been placed on this proposal and consider what other cities have successfully done.

With all the restrictions the Commission is putting in place at this point (only 4 hens, permit fee, coop size requirements) I feel the lot size restriction should be removed entirely. Most families in surrounding communities do not have lots even close to 40,000 square feet and are able to raise chickens without issue.

I have attached a link with additional information I hope you take the time to review.

<https://chng.it/8wgGTc7k>

Thank you for taking the time to read this email. Our family is hopeful and we look forward to the opportunity to have the option to raise chickens with our two boys!

Regards,

Officer Anders Seeland

Wayzata Police Department
600 Rice St. E.
Wayzata, MN 55391

Direct 952.404.5351
Office 952.404.5340



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 6.a
TITLE: Consider Development Application for a Variance to Allow an Impervious Surface at 1640 Holdridge Circle	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY:	
60 DAY DEADLINE: September 26, 2021	

BACKGROUND:

The applicant and property owner, Reed Lewis, has submitted a development application requesting approval of a variance from the maximum impervious surface requirement of 25% within the R-1 District to allow for the paving of a driveway on the property located at 1640 Holdridge Circle.

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. PC Staff Report and Attachments_1640 Holdridge Circle Variance Submission



**Staff Report
Wayzata Planning Commission
September 1, 2021**

Project Name: 1640 Holdridge Circle
Requests: Variance for Impervious Surface over 25%
Applicant/Owner: Reed Lewis
Addresses of Request: 1640 Holdridge Circle
Prepared by: Eric Zweber, Consulting Planner
“60 Day” Deadline: September 26, 2021

Development Application

Introduction

The applicant and property owner, Reed Lewis, has submitted a development application requesting approval of a variance from the impervious surface requirement within the R-1 District (§ 952.07 A.), to allow for the paving of a driveway on the property located at 1640 Holdridge Circle.

Property Information

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

Address	PID	Owner
1640 Holdridge Circle	05-117-22-42-0028	Reed Lewis

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

	639 Bushaway Rd
Current Zoning:	R-1/Low Density Single Family Residential District
Comprehensive Plan Designation:	One Acre Single Family

Project Location

The property is located on the south side of Holdridge Circle:

Map 1: Project Location



Application Requests

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

- A. Impervious Surface Variance: City Code § 952.07 A. states that the impervious surface of developments within the R-1 Zoning District shall not exceed 25% of the lot area. The existing property contains 24.56% impervious surface. The house, proposed driveway surfacing, and other impervious surfaces would total 26.69%, which is a 2.13% increase from the existing development. The applicant has provided their practical difficulty and other variance justification in the narrative attached to this staff report.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Lakeshore Weekly News* on August 19, 2021. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on August 19, 2021.

Background Information

The existing house at 1640 Holdridge Circle was constructed in 2011. The property shares a driveway with the neighbor to the west (1630 Holdridge Circle). The subject property had a circular driveway connection constructed originally of grass, that was then reconstructed with pervious pavement at a later date. The applicant is proposing to resurface this driveway connection area with bituminous pavement.

The existing site contains a single-family home with an attached garage, pool, hot tub, retaining walls, and a paved patio. The site is 42,567 square feet in area, allowing for 10,641 square feet of impervious surface coverage where there is currently 10,453 square feet existing.

Proposed Changes to 1640 Holdridge Circle

The proposed changes to the property include resurfacing the existing circular driveway extension with bituminous pavement. The proposed pavement is 906 square feet in area, which increases the total site impervious surface to 11,359 square feet, which is 712 square feet (1.69%) over the allowable 25%.

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 One Acre Single Family (0.5 to 1 unit per acre). The Comprehensive Plan includes the following description for the One Acre Single Family designation: One Acre Single Family represents residential development on lot sizes of 1 to 2 acres. This designation is located near the Estate Single Family uses, removed from the historic community core. Single-family homes are the primary use within this category, however, accessory dwelling units are also allowed.

Zoning

The property is zoned R-1 District. The following table outlines the Zoning Ordinance standards:

Regulation	R-1 District	Existing	Proposed
Lot Coverage	15 %	8.93 %	8.93 %
Impervious Surface (max.)	25 %	24.56 %	26.69 %

Regulation	R-1 District	Existing	Proposed
Principle Structure Setbacks (min.)	Front: 45 ft Rear: 50 ft Side: 20 ft		Front: 45.0 ft Rear: 73.5 ft Side: 59.1 ft
Lot Area (min.)	40,000 sq. ft.		42,567 sq. ft.
Lot Width	150 ft		226.82 ft
Lot Depth	150 ft		180.99 ft

Impervious Surface

The applicant has supplied the justification for their variance request which is attached to this staff report. The narrative includes that the shared driveway with the neighbor to the west accommodates for much of the properties impervious surface coverage. The area of the shared driveway connecting 1630 Holdridge Circle with the Holdridge Circle right-of-way is about 1,800 square feet, which pro-rates to about 900 square feet for each lot.

Standards of Planning Commission Review of Application Requests

The variance request is 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 impervious surface requests by the applicant if the Commission determines that they meet all of the Zoning Ordinance requirements in City Code § 905.01 C (see following page).

Primary Questions to Consider

- Is there a practical difficulty unique to the property with this variance request?
- Are there practical alternative options available that prevent or decrease the extent of the variance request?
- Will this variance request alter the essential locality of the locality?

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 (4 pages)
Applicant's Narrative (2 pages)
As Built Survey (1 page)
Proposed Survey (1 page)
Shared Driveway Diagram (1 page)

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.

Zoning Ordinance Variances (§ 905.01 C.) (Applicable to impervious surface over 25%)

The criteria for granting a variance includes the following conditions governing considerations of variance requests.

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

Reed and Jacki Lewis

1640 Holdridge Circle
Wayzata, MN 55391

July 28, 2021

City of Wayzata
Community Development Department
Planner – Eric Zweber, AICP
600 Rice Street E
Wayzata, MN 55391

Re: Variance Request for Hardcover Calculation and Small Driveway Pavement

Dear Eric,

The driveway to our house is a shared driveway with the adjacent property. Without a variance, 100 percent of the shared driveway is included in our hardcover calculation for my property.

The current material for our driveway is bituminous up to the garage with an additional small driveway of pervious payment to the side of the house. The purpose of this small driveway is to provide better access to the front entrance door and to make it easier to exit the property. The small driveway and the shared driveway are highlighted on the attached survey.

The small driveway was originally made with grass (per the attached 2011 Grading As-Built), then pervious pavement to keep the hardcover percentage below the maximum requirement of 25 percent. The existing hardcover percent is 24.56% as shown on the attached 2021 Survey with 100 percent of the shared driveway used in the calculation. The property was surveyed by Westwood Professional Services this July.

This variance request is to pave the small driveway with regular bituminous payment. The proposed area to be paved is 906 square feet. This changes the site hardcover percent to 26.69%, slightly over the maximum 25 percent, again using 100 percent of the shared driveway in the calculation.

We are making this variance request because we have a shared driveway with our neighbor. We feel that the hard cover percentage for the shared driveway should be split and not completely allocated to our property. An extra 1.69% for the small driveway is significantly less half of the shared driveway area.

The practical difficulty reason for this request is because the existing pervious pavement has not held up structurally. It is falling apart which creates a tripping hazard, it cannot be used during the winter months because it cannot be plowed, and it is messy. This small driveway needs to be replaced and we want to match it to the existing driveway bituminous material. Regular bituminous will last much longer, allow for year-round use, and be easier to maintain.

Based on the grades shown in the 2011 Survey, water drains to the south and east away from the street (Holdridge Circle). There are plantings and a drain on the southwest side of the property. The adjacent properties are forest covered as shown on the attached Hennepin County Map. Our property is not adjacent to a lake or wetland that would be immediately impacted by the minimal increase in hardcover. Flat areas between the driveways act like a rain garden that allows surface water to slow down and infiltrate. There are drainage and utility easements around the property plus additional land between the property boundary and Holdridge Circle that provide additional pervious surfaces for stormwater infiltration.

In conclusion, we ask the City of Wayzata to grant us this variance for 1.69% over the maximum allowable percentage of 25% due to the fact that we have a shared driveway. We want to complete this project as soon as possible before the cold weather season starts.

Sincerely,



Reed W. Lewis
Wayzata Homeowner

Attachments

1. 2021 Development Application – signed 07-28-2021
2. Hennepin County Property Map
3. July 2011 Grading As-Built – Carlson Professional Services
4. July 2021 Survey with hardcover calculations – Westwood Professional Services
5. Survey with Small Driveway and Shared Driveway Highlighted

GRADING AS-BUILT

Lot 1, Block 1, HOLDRIDGE WOODS

RB Bendickson, LLC
13700 Reimer Drive, Suite 250
Maple Grove, MN 55311

REVISIONS

1.	Revised Trees & Silt Fence 7/18/11
2.	Revised Driveway & Silt Fence 7/26/11
3.	House Dimensions and Stake House - 8/01/11
4.	
5.	
DRAWN BY:	JTR
DESIGNED BY:	JTR
ISSUE DATE:	07/13/11

I hereby certify to RB Bendickson, LLC that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor in the laws of the State of Minnesota.

Name: Thomas R. Balluf, L.S.

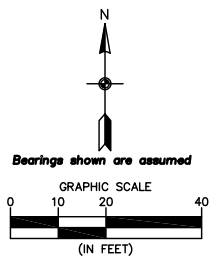
Signature:

Date: 7/13/11 Reg. No.: 40361

1

of

1



Bearings shown are assumed

LEGEND

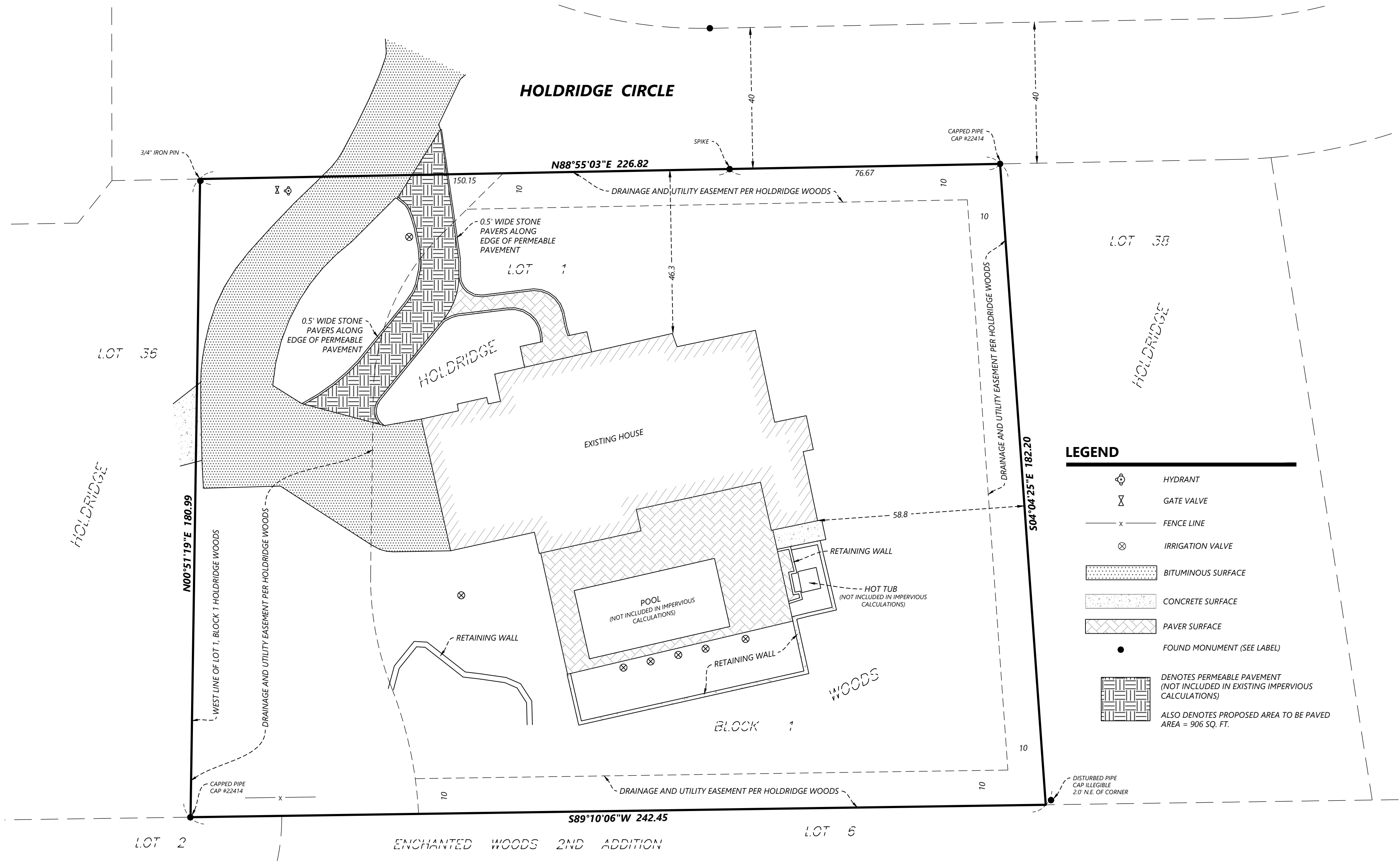
DRAINAGE AND UTILITY EASEMENT LINE	---
PER RECORD PLAT	---
EXISTING 10' CONTOUR	---
EXISTING 2' CONTOUR	---
EXISTING SPOT ELEVATION	x 000.0
EXISTING SANITARY SEWER	---
EXISTING WATER MAIN	---
EXISTING TREE	TRO12 - 12" Oak TRM12 - 12" Maple TRA12 - 12" Ash TRE12 - 12" Elm TRCW12 - 12" Cotton Wood TRBE12 - 12" Box Elder
DRAINAGE ARROW	---

LEGAL DESCRIPTION:

Lot 1, Block 1, HOLDRIDGE WOODS
Hennepin County, Minnesota

AS-BUILT BUILDING ELEVATIONS

Walkout at Equipment Room Elevations: ~~988.3~~ 988.9
Lowest Floor Elevations: ~~987.3~~ N/A
Top of Foundation Elevations: ~~987.3~~ 987.6
Garage Slab Elevation (at door): ~~987.1~~ 987.4



LEGEND

- HYDRANT
- GATE VALVE
- FENCE LINE
- IRRIGATION VALVE
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- PAVER SURFACE
- FOUND MONUMENT (SEE LABEL)
- DENOTES PERMEABLE PAVEMENT (NOT INCLUDED IN EXISTING IMPERVIOUS CALCULATIONS)
- ALSO DENOTES PROPOSED AREA TO BE PAVED AREA = 906 SQ. FT.

LEGAL DESCRIPTION

Lot 1, Block 1, HOLDRIDGE WOODS, Hennepin County, Minnesota.

- GENERAL NOTES**
- This Survey was performed without the benefit of a title commitment. No search for easement of restrictions recorded or unrecorded, if any, was made by the Surveyor.
 - Subject property contains 42,567± Sq. Ft. or 0.977 acres.
 - The west line of Lot 1, Block 1, HOLDRIDGE WOODS is assumed to bear N00°51'19"E.

EXISTING IMPERVIOUS CALCULATIONS

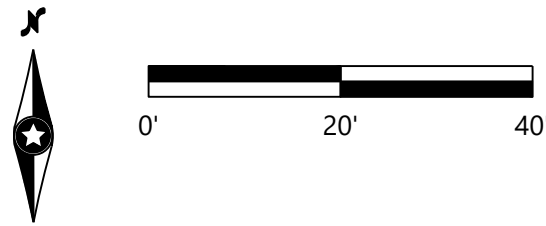
HOUSE/GARAGE = 4,769 SQ. FT.
CONCRETE = 109 SQ. FT.
PAVERS = 2,054 SQ. FT.
BITUMINOUS = 3,521 SQ. FT.

EXISTING IMPERVIOUS = 10,453 SQ. FT.
TOTAL PARCEL AREA = 42,567 SQ. FT.
PERCENT IMPERVIOUS = 24.56%

PROPOSED IMPERVIOUS CALCULATIONS

HOUSE/GARAGE = 4,769 SQ. FT.
CONCRETE = 109 SQ. FT.
PAVERS = 2,054 SQ. FT.
BITUMINOUS = 3,521 SQ. FT.
PROPOSED PAVEMENT = 906 SQ. FT.

PROPOSED TOTAL IMPERVIOUS = 11,359 SQ. FT.
TOTAL PARCEL AREA = 42,567 SQ. FT.
PERCENT IMPERVIOUS = 26.69%



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

Christopher R. Foley

Christopher R. Foley
DATE: 7/19/21 LICENSE NO. 55343

DESIGNED:	7/19/2021
CHECKED:	CRF
DRAWN:	NAS
FIELD CREW:	
FIELD WORK DATE:	

INITIAL ISSUE:	7/19/2021
REVISIONS:	
7/19/2021 - CLIENT COMMENTS (NAS)	
7/23/2021 - SIGN SURVEY (NAS)	

PREPARED FOR:

Reed and Jacki Lewis

1640 Holdridge Circle
Wayzata, MN

Westwood

Phone (320) 253-9495 3701 12th Street North, Suite 206
Fax (320) 358-2001 St. Cloud, MN 56303
Toll Free (800) 270-9495 westwoodps.com
Westwood Professional Services, Inc.

**Certificate
of Survey**

PROJECT NUMBER: 0032856.00

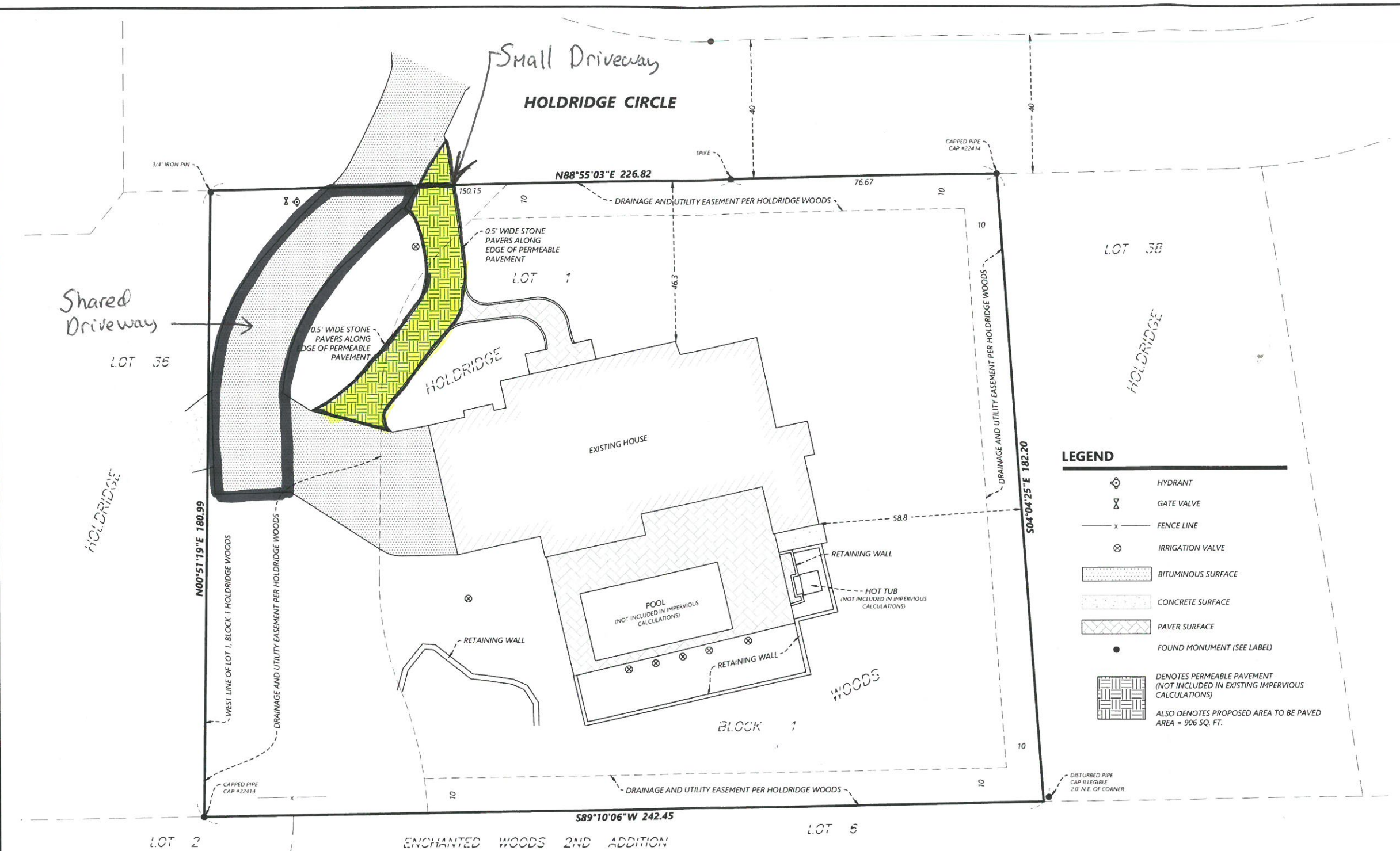
SHEET NUMBER:

1

OF

1

DATE: 7/19/2021



LEGAL DESCRIPTION

Lot 1, Block 1, HOLDRIDGE WOODS, Hennepin County, Minnesota.

GENERAL NOTES

1. This Survey was performed without the benefit of a title commitment. No search for easement of restrictions recorded or unrecorded, if any, was made by the Surveyor.
2. Subject property contains 42,567± Sq. Ft. or 0.977 acres.
3. The west line of Lot 1, Block 1, HOLDRIDGE WOODS is assumed to bear N00°51'19"E.

EXISTING IMPERVIOUS CALCULATIONS

HOUSE/GARAGE = 4,769 SQ. FT.
CONCRETE = 109 SQ. FT.
PAVERS = 2,054 SQ. FT.
BITUMINOUS = 3,521 SQ. FT.
EXISTING IMPERVIOUS = 10,453 SQ. FT.
TOTAL PARCEL AREA = 42,567 SQ. FT.
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PROPOSED IMPERVIOUS CALCULATIONS

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CONCRETE = 109 SQ. FT.
PAVERS = 2,054 SQ. FT.
BITUMINOUS = 3,521 SQ. FT.
PROPOSED PAVEMENT = 906 SQ. FT.
PROPOSED TOTAL IMPERVIOUS = 11,359 SQ. FT.
TOTAL PARCEL AREA = 42,567 SQ. FT.
PERCENT IMPERVIOUS = 26.69%

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Christopher R. Foley
Christopher R. Foley
DATE: 7/19/21 LICENSE NO. 55343

DESIGNED:	INITIAL ISSUE: 7/19/2021
CHECKED: CRF	REVISIONS:
DRAWN: NAS	7/19/2021 - CLIENT COMMENTS (NAS)
FIELD CREW:	7/23/2021 - SIGN SURVEY (NAS)
FIELD WORK DATE:	

PREPARED FOR:

Reed and Jacki Lewis

1640 Holdridge Circle
Wayzata, MN

Westwood

Phone (320) 253-9495 3701 12th Street North, Suite 206
Fax (320) 358-2001 St. Cloud, MN 56305
Toll Free (800) 270-9495 westwoodps.com
Westwood Professional Services, Inc.

Certificate
of Survey

PROJECT NUMBER: 0032856.00

SHEET NUMBER:
1 OF 1
DATE: 7/19/2021

Shared Driveway
+
Small Driveway
Locations



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 6.b
TITLE: Consider Development Application for a Planned Unit Development (PUD) Amendment at 520, 524, 530, and 534 Rice Street East	
PREPARED BY: Eric Zweber, Planning Consultant	
REVIEWED BY:	
60 DAY DEADLINE: October 17, 2021	

BACKGROUND:

The property owner and applicant, Pillar Homes Partner Inc., has submitted a development application for completion of the development of the Rice Street Townhomes on 520, 524, 530, and 534 Rice Street East. The project would construct two new townhome buildings, with two units in each building. The properties are part of a three townhome building Planned Unit Development (PUD) that was originally approved in 2006, and in which one of the three planned townhome buildings has been constructed (540 & 544 Rice Street East).

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_Rice Street Townhomes_Submission_Final



**Planning Report
Wayzata Planning Commission
September 1, 2021**

Project Name: Rice Street Townhomes
Applicant Pillar Homes Partner, Inc. – KC Chermak
Addresses of Request: 520, 524, 530, and 534 Rice Street East
Request: PUD Amendment
Prepared by: Eric Zweber, Consulting Planner
Emily Goellner, Community Development Director
“60 Day” Deadline: October 17, 2021

Development Application

Introduction

The property owner and applicant, Pillar Homes Partner Inc., has submitted a development application for completion of the Rice Street Townhomes PUD development at 520, 524, 530, and 534 Rice Street East. The project would involve constructing two new townhome buildings, with two units in each building. The properties are part of a three townhome building Planned Unit Development (PUD) that was originally approved in 2006, and in which one of the three planned townhome buildings has been constructed (at 540 & 544 Rice Street East).

The original six townhome units were designated by address, lot number, and building number, as shown in the table below. These numbering systems are used throughout this staff report.

Address	Lot Number	Building Number
544 Rice Street East	1	1
540 Rice Street East	2	
534 Rice Street East	3	2
530 Rice Street East	4	
524 Rice Street East	5	3
520 Rice Street East	6	

Property Information

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

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

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

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

Project Location

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

Maps 1 and 2: Project Location



Source: Hennepin County Interactive Map

Application Requests

- A. Planned Unit Development Amendment (Ch. 933): The requested amendment to the existing PUD would replace the plans for Buildings 2 and 3 in the previously approved General PUD plan with the Applicant's current plans for

those buildings. The new plans (the “Proposed PUD Plans”) would be for the same types of uses and structures contemplated in the originally approved PUD, namely, two multi-family residential buildings with comparable layouts, shape, materials, number of units, and general style. The Applicant’s new plans would differ from and/or clarify the previously approved plans for Buildings 2 and 3 in the follow ways:

- i. None of the proposed Buildings would exceed the maximum height of 35 feet allowed in the PUD District. The applicant’s plans show a staggering of the heights of the Units in Building 2 (530 and 534 Rice Street East). The existing PUD plans show a staggering between the Units in Building 2, but not the exact height of the stagger. The applicant’s plans show Units 530 and 534 to be stepped 2 feet lower in elevation from existing Building 1 (544/540 Rice St. E.) and 2 feet between Building 2 Units 534 and 530.
- ii. The proposed architectural design of Buildings 2 and 3 in Applicant’s proposed plans would deviate from some of the architectural design of the plans for Buildings 2 and 3 in the previously approved PUD General plan. While each Building would be constructed with full brick as the main material and limestone as the accent material to match the existing Building 1 as best as possible with the materials currently available, there would be some differences given the time that has elapsed between the construction of the Buildings. Architecturally, the proposed plans match the front façade of Building 1 to include color scheme, materials, and window features. Changes to the elevations have been made on the side and rear facades in the form of square top windows with complimentary limestone details.

Adjacent Land Uses.

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-Family	R-3A Single and Two Family Residential District	Central Core Residential
East	City Hall	Institutional	Institutional/Public
South	Townhomes/ Commercial	PUD/C-1 Office and Limited Commercial District	Mixed-Use Commercial/Residential

West	Commercial	PUD	Mixed-Use Commercial/Residential
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Public Hearing Notice

Notice of the public hearing on 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 4, 2021.

Neighborhood Meeting and Updates to Plans

The Applicant hosted a neighborhood meeting on August 5, 2021, at Post Office Pocket Park, located at 288 Minnetonka Ave. S. There were ten people in attendance for the meeting. The applicant gave a description of the proposed project and application. The attendees commented and asked questions regarding building height, front yard setbacks, rear deck, and other components of the proposed project.

Based on the concerns vocalized at previous public hearings and the most recent neighborhood meeting, the applicant has amended the application further in the following ways to address the concerns:

- Revising 530 and 534 (Building 2) to create a 6.6-foot front yard setback. In the last application submittal, a front yard setback variance was requested. In this application, no front yard setback variance is requested.
- The applicant had contemplated the addition of rooftop elevator access, but has since removed rooftop elevator access and additional space for enclosure to rooftop deck for all proposed buildings and units.
- Increased brick façade for all rooftop enclosures – was previously proposed as Hardie board and batten siding..

Analysis of Application

Background

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

2005 PUD General Plan

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

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

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

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

Construction of Building 2 Halted

The current owner and Applicant proposes to complete construction of the remaining two townhome buildings with modifications that are described in more detail later in this report. Construction on the middle building (Building 2) commenced, however, after further review of the PUD plans and PUD Development Agreement (DA), it was determined that a building permit for Building 2 was issued incorrectly, and construction was halted until such time as the current project receives the necessary approvals that are requested in the Application and noted above. In this application submittal, the applicant is no longer requesting a front yard setback variance. The Applicant has also included plans for Building 3 in this application.

Previous 2021 Applications

The Applicant withdrew a previous application for a proposal on the property that was reviewed by the Planning Commission on May 3, 2021. That application was withdrawn and a new updated application was reviewed by the Planning Commission on June 7, 2021 and by City Council on June 15, 2021. On June 15, 2021, the City Council adopted Resolution 18-2021 Denying the PUD Amendment and Variance requests made by the applicant.

Current Application / Proposed PUD Plans

The applicant has returned with new plans that are part of the current application. The public hearing on the application was placed on the August 16, 2021, Planning Commission meeting agenda but the applicant subsequently requested their application to be tabled and the public hearing continued until the next Planning Commission meeting. The applicant stated its request was based on feedback from the neighbors and the applicant's decision to make further changes to the plans for Buildings 2 and 3 to more closely meet the standards of the existing PUD and to provide renderings that identify matching architectural features of those buildings (rear patio decks, front Juliette balcony, style of front doors, additional brick façade for roof access enclosure) with the existing Building 1 at 544/540 Rice Street E.

Comparison with Previous 2021 Application Reviewed by Planning Commission

The key changes from the previous application that was reviewed at the June 7, 2021 Planning Commission Meeting include:

- ❖ The proposed front building setback of Building 2 has changed from 2.1 feet to 6.6 feet by reducing the proposed length of the building. A front yard setback variance is no longer requested.
- ❖ Building 2 has proposed a two-foot stagger between the height of lot 3 (534 Rice) and lot 4 (530 Rice).

Project Description

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

- **Staggering of Unit Heights for Building 2** – The renderings from the PUD General Plan in 2005 show that Building 2 was to have a staggering of the unit heights (534 and 530 Rice Street East). Building 1 was constructed with a staggering of the units but Building 3 was approved to be built without a staggering of the units, according to the 2005 plans. The approved plans do not give a measurement for what that elevation change should be from unit to unit. The applicant proposes to stagger the units in the Building 2 by 534 Rice Street East being constructed one (1) foot higher than 530 Rice Street East.
- **Building Materials** – The exact exterior building materials that were approved in 2005-2006 are difficult to determine, as the PUD Development Agreement and PUD plans do not specify the materials to be used. The materials used in the existing Building 1 were brick, as the main material, and limestone, as the accent material. The proposed Buildings 2 and 3 would be constructed with full brick as the main material and limestone as the accent material to match the existing Building 1 as best as possible with the materials currently available. A building material display is available for review on site.
- **Construction Deadline**
 - The original PUD project received several construction deadline extensions from those specified in the original PUD Agreement (DA). The last amendment that was approved extended the construction deadline to December 31, 2014. As part of the application, the applicant is asking that the construction deadline in the DA again be extended for two years from the time of approval of the current application.
- **Approval of Proposed Plans and Any Further Changes**
 - Overall, the requested PUD Amendment would incorporate the plans submitted with the application (and that are attached to this report) into the existing PUD. The proposed project would need to be constructed according to those attached plans, otherwise the applicant would need to

return with a request for approval of a new PUD amendment (and any other needed approvals) if any of the plans are changed.

Building Footprint Comparison of 2005 General Plan and Proposed PUD Plan

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

Building	Address	2005 Plans - Unit Footprint	Proposed Unit Footprint	Total Proposed Footprint
1 (existing)	540 Rice Street East	2,907 – 3,100 square feet	1,486 (existing)	2,908 square feet
	544 Rice Street East		1,422 (existing)	
2 (proposed)	534 Rice Street East	2,907 – 3,100 square feet	1,363	2,726 square feet
	530 Rice Street East		1,363	
3 (proposed)	524 Rice Street East	2,621 – 3,019 square feet	1,363	2,600 square feet
	520 Rice Street East		1,237	

There is a range of footprint calculation displayed for the 2005 plans. This is due to the difference in the numbers provided on the Site Plan dated 6/10/2005 and the survey dated 6/20/2005. The building footprints of the proposed buildings were reduced to meet the limit of 75% impervious surface on all of the lots which is a required condition noted in the Resolution and Development Agreement. The applicant's submission identifies a total impervious surface area of 9,335 square feet equating to a total coverage of 73.82%.

Building Height Comparison of 2005 General Plan and Proposed PUD Plan

Building	Address	2005 Plans – Building Height	PUD Zoning District (§ 933.02.14.A)	Proposed Building Height (top of parapet)
1 (existing)	540 Rice Street East	34 feet	35 feet	Uncertain
	544 Rice Street East			Uncertain
2 (proposed)	534 Rice Street East	32 feet 3 inches		31 feet 11 inch
	530 Rice Street East			33 feet 7 inch
3 (proposed)	524 Rice Street East	32 feet		31 feet 4 inches
	520 Rice Street East			31 feet 4 inches

As noted above, the applicant has lowered the top parapet wall of Building 1 and 2 by 2.1 inches from the previous 2021 application.

There is a lack of clarity on building height in the 2005 General Plan . It is not clear from the documentation available how building height was calculated in 2005. More specifically, it is not clear if the 2005 General Plan used the average grade around the building in determining the height. Currently, surveyors are required to calculate the average grade around the entire site and that is used as the starting point to determine the building height. However, additional information on the average grade and how that was calculated is necessary in order to confirm the exact height of Building 1. The exact building height of Building 1 is not known because the City does not have an as-built survey on file for Building 1 showing that information.

Additionally, the ability to calculate the staggering of the unit heights is challenging since it is not clear if the building height was measured to the top unit, mid-point of the two units, or with a different technique. The proposed heights of Building 2 and 3 are calculated from the average grade to the top of the parapet. Also, for all PUD applications, the building of 35 feet is used since that requirement is specifically stated in the Zoning Ordinance.

Building Setback Comparison of 2005 General Plan and Proposed PUD Plan

Building	Address	2005 Plans – Front Yard Setback	Proposed Front Yard Setback
1 (existing)	540 Rice Street East	6.5 feet	6.8 feet (existing)
	544 Rice Street East		6.8 feet (existing)
2 (proposed)	534 Rice Street East		6.6 feet
	530 Rice Street East		6.6 feet
3 (proposed)	524 Rice Street East		6.5 feet
	520 Rice Street East		6.5 feet

The table above shows the front yard setbacks of existing and proposed buildings. Buildings 2 and 3 are proposed to meet the 6.5-foot setback as set forth in the 2005 PUD.

Additional Information

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

Retaining walls are proposed in the front of Buildings 2 and 3, similar to the existing Building 1, and would also incorporate landscaping and a sidewalk to the entrances. The retaining walls would require an encroachment permit that could be approved

administratively. The sidewalk would be extended in the right-of-way along Rice Street East to connect with the driveway entrance to the property to the west. Currently, the sidewalk ends at the end of the property line for Building 1.

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

The proposed buildings would have a deck for each unit on the rear of the buildings and a small balcony for each unit on the front of the buildings. The height of the buildings would be under 35 feet, as measured from the top of the guard rail on the rooftop. The rooftop stairway enclosures were an approved amenity in the existing PUD, and the proposed buildings would incorporate a similar structure on the roof. Rooftop enclosures would be located on the roof for each unit. The front façade windows along Rice Street East would be stone arch windows, similar to the existing Building 1, accented with limestone trim.

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

Public Comments

Public comments on the current application that have been received by the City as of August 26, 2021 are attached to this report. It includes one letter from Justin Weinberg representing numerous residents.

Primary Questions to Consider (based on the standards for PUD and Design Deviations):

1. Purpose of PUD
 - a. Does the PUD encourage innovations in development for the growing demands of all styles of economic expansion?
 - b. Does the PUD encourage higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and engineers?
 - c. Does the PUD encourage a creative use of land and related physical development which allows a phased and orderly development and use pattern?
2. PUD General Standards
 - a. Is the proposed PUD consistent with the City Comprehensive Plan?
 - b. Does the proposed PUD provide adequate common open space?

- c. Does the proposed PUD meet landscaping standards in consideration to the natural features of the site, architectural characteristic of the proposed structure and the overall scheme of the PUD plan?
- d. Is the proposed PUD consistent with the applicable height standards?

Action Steps

After considering the items outlined in this staff report and the comments at the public hearing held at the meeting, the Planning Commission should consider adoption of the draft *Planning Commission Report and Recommendation* of approval if the findings and conclusions of that Report are consistent with those of the Planning Commission. If the Commission would recommend denial, it should adopt a motion to direct staff to come back with a draft *Report and Recommendation* of denial at the next meeting.

Attachments

- Draft PC Report and Recommendation
- Proposed survey by Sathre-Bergquist, Inc. dated 8/25/2021
- Narrative by Pillar Homes Partner, Inc. 8/18/2021
- Architectural plans and elevations of 520 and 524 Rice Street East by DFP Planning and Design dated 8/25/2021
- Architectural plans and elevations of 530 and 534 Rice Street East by DFP Planning and Design dated 8/17/2021
- Landscape Plans by Pillar Homes Partner, Inc.
- Development Agreement recorded 7/24/2006
- Resolution 2887 dated 8/22/2005
- Floor Plans dated 6/5/2005
- Grading and Drainage Plan dated 6/5/2005
- Renderings dated 6/5/2005
- Site Plans dated 6/5/2005
- Storm water storage area detail
- Utility Plan dated 2/14/2006
- Survey by Advance Surveying and Engineering dated 6/20/2005

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval.

Purpose of PUDs: Section 933.01 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non-residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.**
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.**
- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.**
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

PUD General Standards. Section 933.02 sets forth the general standards for review of a PUD application. The standards that are especially relevant to this review are shown in bold:

1.Review. In its review of any application under this Section, the City Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations of the

Design Review Board 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 this Section. 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 this Section, it may approve a PUD permit, although it shall not be required to do so.

2.Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved Final Plan shall be binding on all owners.

3.Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.

4.Sanitary Sewer Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Sewer Plan and shall not create a discharge which is in excess of the City's assigned regional limitations.

5.Common Open Space. Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.

6.Operating and Maintenance Requirements for PUD Common Open Space Facilities. Whenever common private or public open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to ensure 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 may be placed under the ownership of one or more of the following, as approved by the City Council.

- a) Dedicated to public, where a community-wide use is anticipated and the City Council agrees to accept the dedication.
- b) Landlord control, where only use by tenants is anticipated.
- c) Property Owners Association, provided all of the following conditions are met:
 - 1) Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tracts, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions

or an equivalent document or a document such as specified by Laws 1963, Chapter 457, Section 11 and a set of floor plans such as specified by Laws 1963, Chapter 457, Section 13 shall be filed with the City of Wayzata, said filing with the City to be made prior to the filings of said declaration or document or floor plans with the recording officers of the County.

- 2) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses, or apartments shall subject said properties to the terms of said declaration.
- 3) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing private control.
- 4) The declaration shall additionally amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City of Wayzata or fails to pay taxes or assessments on properties as they become due and in the event the said City of Wayzata incurs any expenses in enforcing its rules and regulations, which said expenses are not immediately reimbursed by the association or corporation, then the City of Wayzata shall have the right to assess each property its prorated share of said expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made.
- 5) Membership must be mandatory for each owner, and any successive buyer.
- 6) The open space restrictions must be permanent and not for a given period of years.
- 7) The association must be responsible for liability insurance, local taxes, and the maintenance of the open space facilities deeded to it.
- 8) Property owner must pay their prorated share of the cost of the association by means of an assessment to be levied by the association

which meets the requirements for becoming a lien on the property in accordance with Minnesota Statutes.

- 9) The association must be able to adjust the assessment to meet changed needs.
3. 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.
4. Density.
 - b) The maximum allowable density in a PUD District shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Wayzata Comprehensive Plan. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds 125 percent of the proposed residential density of the entire PUD.
 - c) There shall be no density variation from the standards applied in an applicable zoning district for PUD conditional use permits.
5. Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.
6. Utility Connections.
 - a) Water Connections. Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
 - b) Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.
7. Roadways. All streets shall conform to the design standards contained in the Wayzata Subdivision Regulations unless otherwise approved by the City Council.
8. **Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with**

sizes and species indicated as part of the Final Plan. In assessing the landscaping 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.

9. Setbacks.

- a) 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.
- b) No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street pattern.
- c) No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.
- d) In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

10. Height.

- a) The maximum building height within a PUD District shall be 35 feet and three stories, whichever is lesser.
- b) There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits.

In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the maximum allowable height shall be as negotiated and agreed upon between the applicant and the City.

PUD Amendment (§ 933.01 et. seq.)

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

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

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

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

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

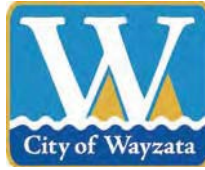
D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

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

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

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

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



WAYZATA PLANNING COMMISSION

September 1, 2021

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

DRAFT

SUMMARY OF RECOMMENDATION

Approval* of PUD Amendment

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Application. The property owner and applicant, Pillar Homes Partner Inc., (the “Applicant”) has submitted a development application (the “Application”) for completion of the Rice Street Townhomes PUD development at 520, 524, 530, and 534 Rice Street East (the “Property”). The Property is part of a three townhome building Planned Unit Development (PUD) that was originally approved in 2006 (the “Existing PUD”), and in which one of the three planned townhome buildings has been constructed (at 540 & 544 Rice Street East). The project would involve constructing two additional townhome buildings on the Property, with two units in each building (the “Project”). The Applicant previously submitted two different applications for the Project, one of which was withdrawn in May of 2021 after the initial review by the Planning Commission, and another of which was denied by the City Council on June 15, 2021.
- 1.2 PUD Amendment Requested. The Application includes the request for an amendment to the existing PUD that would replace the plans for Buildings 2 and 3 in the General PUD plan for the Existing PUD with the Applicant’s current plans for those buildings. The new plans (the “PUD Amendment” or “Amended PUD Plan” attached to this Report as Attachment A) would be for the same types of uses and structures contemplated in the originally approved PUD, namely, two multi-family residential buildings with comparable layouts, shape, materials,

number of units, and general style.

- 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 August 5, 2021 and mailed to all property owners located within 500 feet of the Property on August 4, 2021. The Applicant hosted a neighborhood meeting on August 5, 2021, at Post Office Pocket Park, located at 288 Minnetonka Ave. S. The public hearing on the Application was held at the August 16 and September 1, 2021 Planning Commission meetings.

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 PUD Concept Plan.
- 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. 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.
7. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
8. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 933.2.A.10.
9. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 933.2.A.10.
10. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
11. 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.
12. 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.

13. 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.

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 multi-family

residential, in new, well-designed buildings that fit within the Existing PUD that has remained unfinished since 2006.

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 two, well-designed buildings that fit within the architectural style and design of the Existing PUD that has remained unfinished since 2006.
 4. A creative use of land and related physical development which as reflected in the PUD Amendment.
 5. Implement the Comprehensive Plan through providing a charming building design through a small and intimate development.
 6. An efficient use of land and the existing building on the Property, resulting lower development costs and public investments.
- C. General Standards. The Amended PUD would not materially impact any of the fourteen (14) general standards listed in Section 933.2.A and in Section 2.1 of this Report, which would continue to be met as they are within the Existing PUD. The PUD Amendment will mainly allow for the completion of the Existing PUD in a way that is 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.

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 PUD Amendment, 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, Utility, Grading, Drainage, Landscape, and Erosion Plans for the Project 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 an amended and restated or 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, updates all construction deadlines and terms that have lapsed or were specifically applicable only to the initial construction of the Existing PUD, but maintains all other general 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 1st day of September 2021.

Attachments:

Attachment A: PUD Amendment

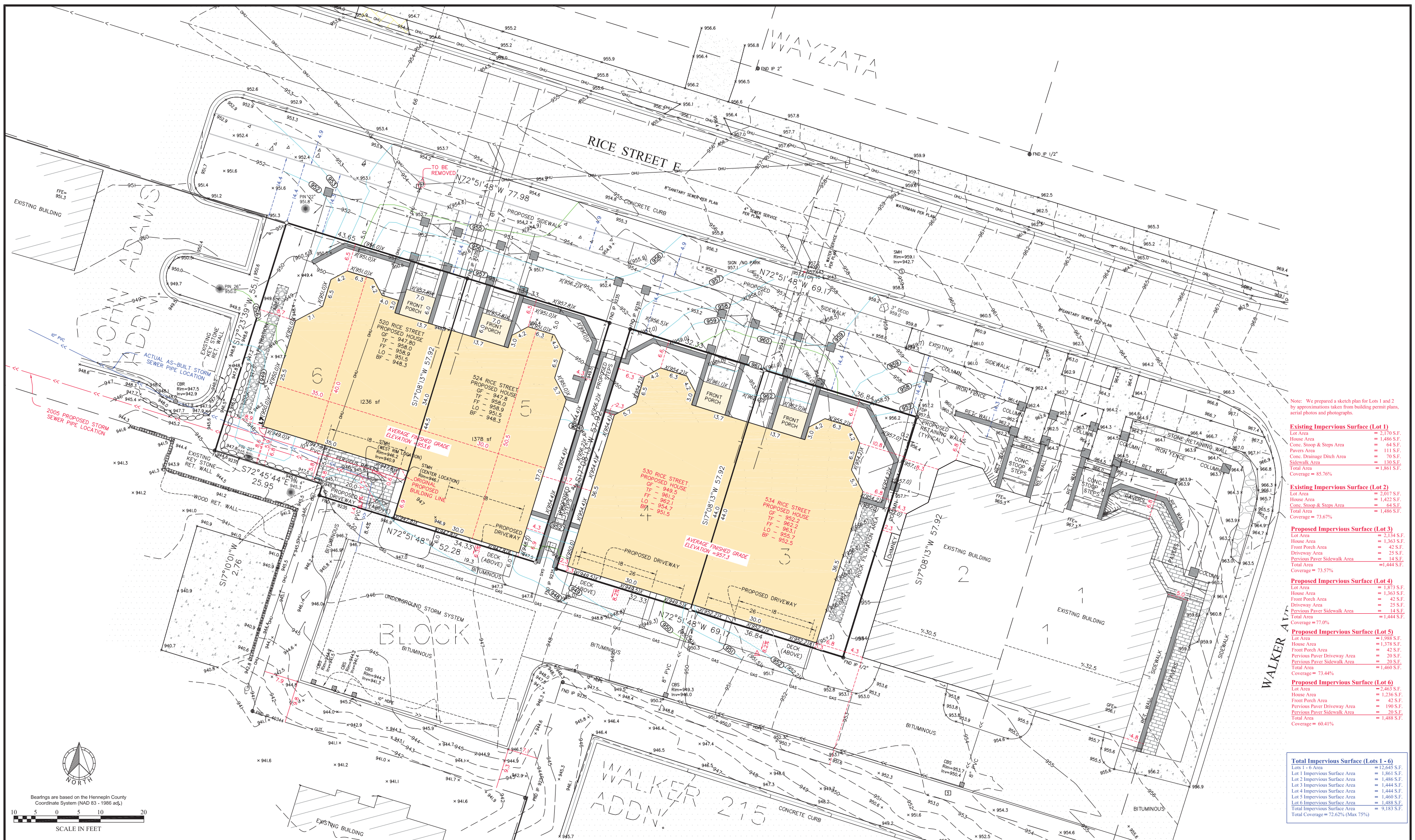
Attachment B: Property Information

Attachment A:
PUD Amendment / Amended PUD Plan

DRAFT

Attachment B:
Property Information

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



Note: We prepared a sketch plan for Lots 1 and 2 by approximations taken from building permit plans, aerial photos and photographs.

Existing Impervious Surface (Lot 1)	
Lot Area	= 2,170 S.F.
House Area	= 1,486 S.F.
Conc. Stoop & Steps Area	= 64 S.F.
Pavers Area	= 111 S.F.
Conc. Drainage Ditch Area	= 70 S.F.
Sidewalk Area	= 130 S.F.
Total Area	= 1,861 S.F.
Coverage =	85.76%

Existing Impervious Surface (Lot 2)	
Lot Area	= 2,017 S.F.
House Area	= 1,422 S.F.
Conc. Stoop & Steps Area	= 64 S.F.
Total Area	= 1,486 S.F.
Coverage =	73.67%

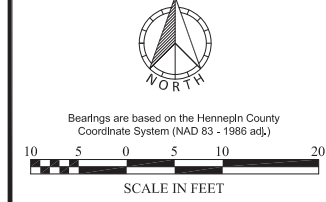
Proposed Impervious Surface (Lot 3)	
Lot Area	= 2,134 S.F.
House Area	= 1,363 S.F.
Front Porch Area	= 42 S.F.
Driveway Area	= 25 S.F.
Pervious Paver Sidewalk Area	= 14 S.F.
Total Area	= 1,444 S.F.
Coverage =	73.57%

Proposed Impervious Surface (Lot 4)	
Lot Area	= 1,873 S.F.
House Area	= 1,363 S.F.
Front Porch Area	= 42 S.F.
Driveway Area	= 25 S.F.
Pervious Paver Sidewalk Area	= 14 S.F.
Total Area	= 1,444 S.F.
Coverage =	77.0%

Proposed Impervious Surface (Lot 5)	
Lot Area	= 1,988 S.F.
House Area	= 1,378 S.F.
Front Porch Area	= 42 S.F.
Pervious Paver Driveway Area	= 20 S.F.
Pervious Paver Sidewalk Area	= 20 S.F.
Total Area	= 1,460 S.F.
Coverage =	73.44%

Proposed Impervious Surface (Lot 6)	
Lot Area	= 2,463 S.F.
House Area	= 1,236 S.F.
Front Porch Area	= 40 S.F.
Pervious Paver Driveway Area	= 190 S.F.
Pervious Paver Sidewalk Area	= 20 S.F.
Total Area	= 1,488 S.F.
Coverage =	60.41%

Total Impervious Surface (Lots 1 - 6)	
Lots 1 - 6 Area	= 12,645 S.F.
Lot 1 Impervious Surface Area	= 1,861 S.F.
Lot 2 Impervious Surface Area	= 1,486 S.F.
Lot 3 Impervious Surface Area	= 1,444 S.F.
Lot 4 Impervious Surface Area	= 1,444 S.F.
Lot 5 Impervious Surface Area	= 1,460 S.F.
Lot 6 Impervious Surface Area	= 1,488 S.F.
Total Impervious Surface Area	= 9,183 S.F.
Total Coverage =	72.62% (Max 75%)



FIELD CREW	NO.	BY	DATE	REVISION
CL	1	JRS	4/9/2021	IMPERVIOUS SURFACE CALCULATIONS LOTS 1-6
DRAWN	2	JRS	5/10/2021	ADDED RET. WALL AND STORM INFO @ LOT 6
JJA	3	DLS	5/13/2021	RECALCULATED HARDCOVER
CHECKED	4	DLS	7/23/2021	SLIDE BUILDING BACK
DATE	5	JRS	8/17/2021	REVISED WALLS, FENCES & SIDEWALKS PER KC NOTES
12/02/15	6	DLS	8/25/2021	REVISED GRADES

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IMPERVIOUS SURFACE CALCULATION LOTS 1 - 6

08/18/2021

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

TWP.117 - RGE.22 - SEC.06
Project City: Wayzata
Hennepin County

CERTIFICATE OF SURVEY
PROPOSED CONDITIONS
PREPARED FOR:
PILLAR HOMES

FILE NO.
7056-075
1
1

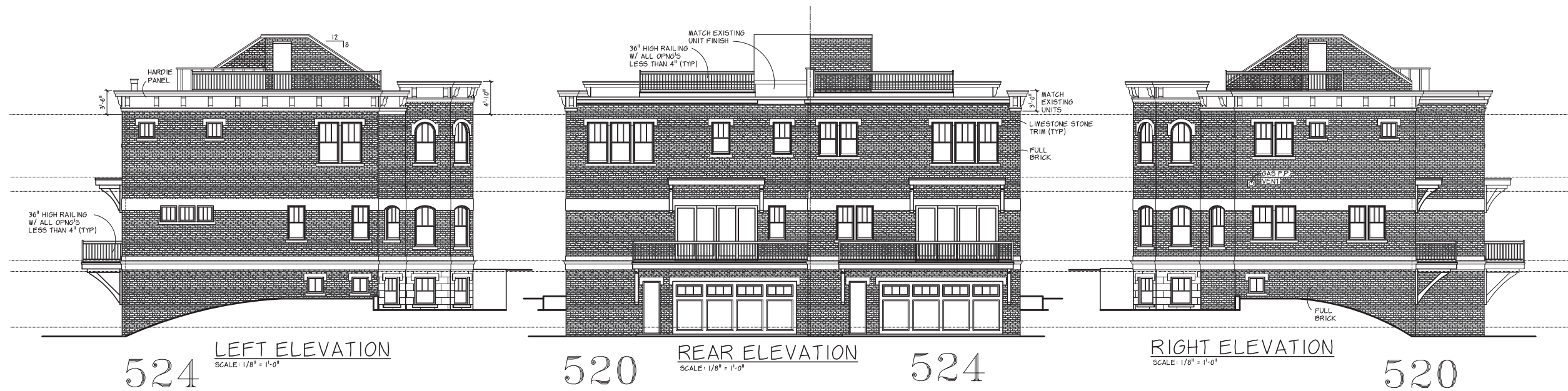
**Rice Street Townhomes
534/530/524/520 Rice Street
Wayzata, MN 55391**



The following adjustments to the plans and survey listed below are the result of collaborative communication between Pillar Homes and surrounding neighbors. Together we have bridged the gap in final design details for a positive outcome of support by the neighbors and clear direction for Pillar Homes to complete the Rice Street Townhomes:

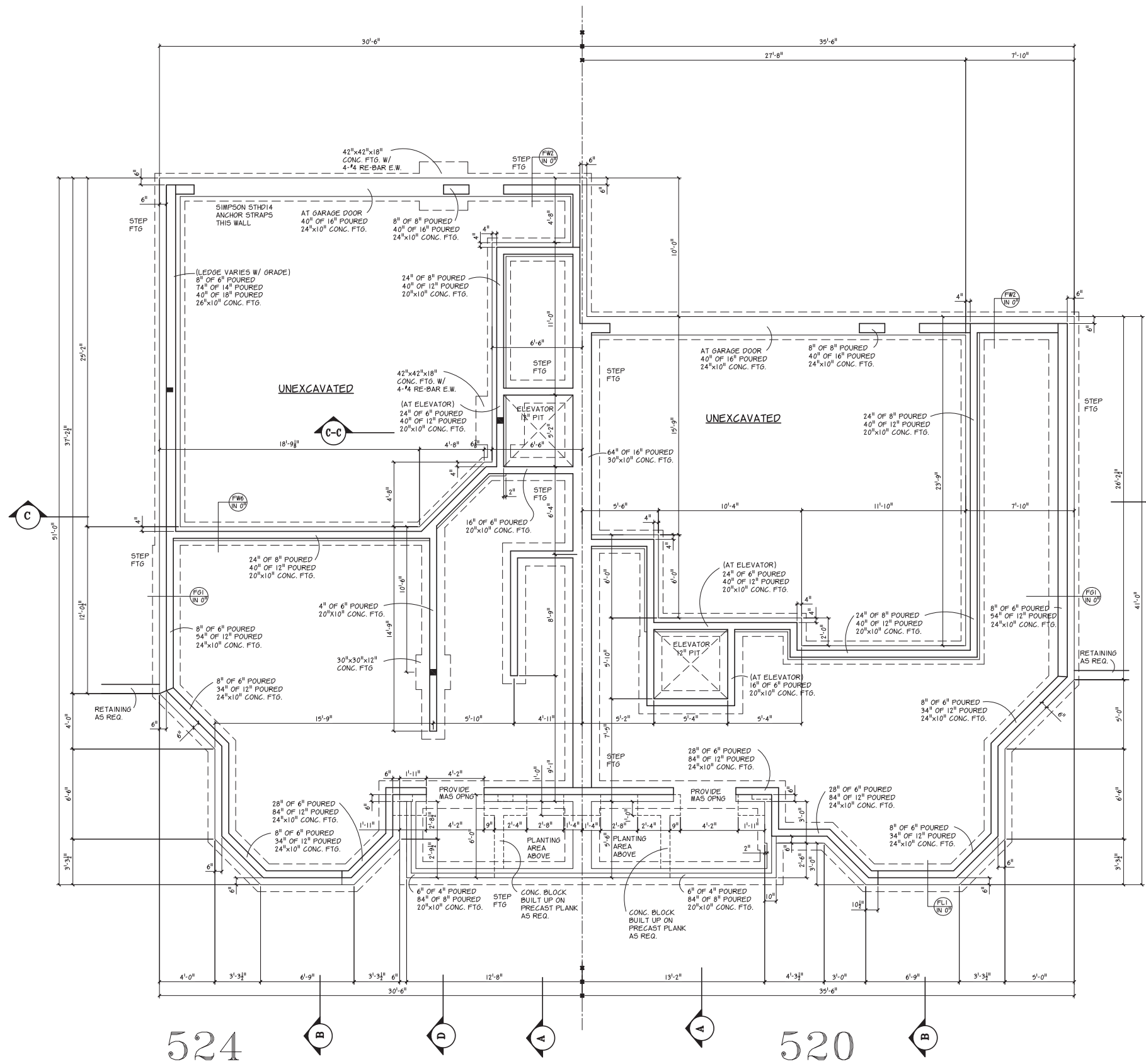
- **Townhomes 534/530 to slide south away from Rice Street to create 6.5 foot front set back.**
- **Townhomes 534/530 to be stepped 2 feet lower in elevation from existing original building 544/540 and 2 feet between units 534 and 530.**
- **Decks on south side, adjusted to match existing townhome sizes with no railing on upper. This is a flat roof with an option to add railing.**
- **Front balcony over front door adjusted to better match existing townhomes.**
- **Roof top enclosure with no elevator space or access.**
- **Roof top enclosure with brick façade.**
- **Privacy wall on top floor between the townhomes lowered (4' on high side/6' low side to match height of existing wall).**
- **Front door to match style of existing homes.**

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



For Review
08/25/2021 9:45:26 AM





FOUNDATION PLAN

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

FOUNDATION WALL & FOUNDATION INSULATION NOTES

- POURED FOUNDATION WALLS W/ SINGLE PLATE
- BASEMENT FLOOR RAISED TO TOP OF WALKOUT STEM WALL
- ASSUMED SOIL BEARING CAPACITY 2,000 LBS
- MAINTAIN 42" MIN. GRADE ABOVE FOOTING
- MASONRY CONTRACTOR TO VERIFY WALL & FOOTING REQUIREMENTS WITH SITE CONDITIONS
- MASONRY CONTRACTOR TO VERIFY ALL WALL AND FOOTING REQUIREMENTS AT ALL UNBALANCED BACKFILL LOCATIONS

SEE FOUNDATION WALL DETAIL ON PAGE D1
INDICATES DISTANCE FOUNDATION IS HELD IN FROM SHEATHING ABOVE

- SEE FOUNDATION WALL DETAILS FOR FOUNDATION WALL INSULATION (R-10 EXTERIOR/ R-5 INTERIOR)

For Review

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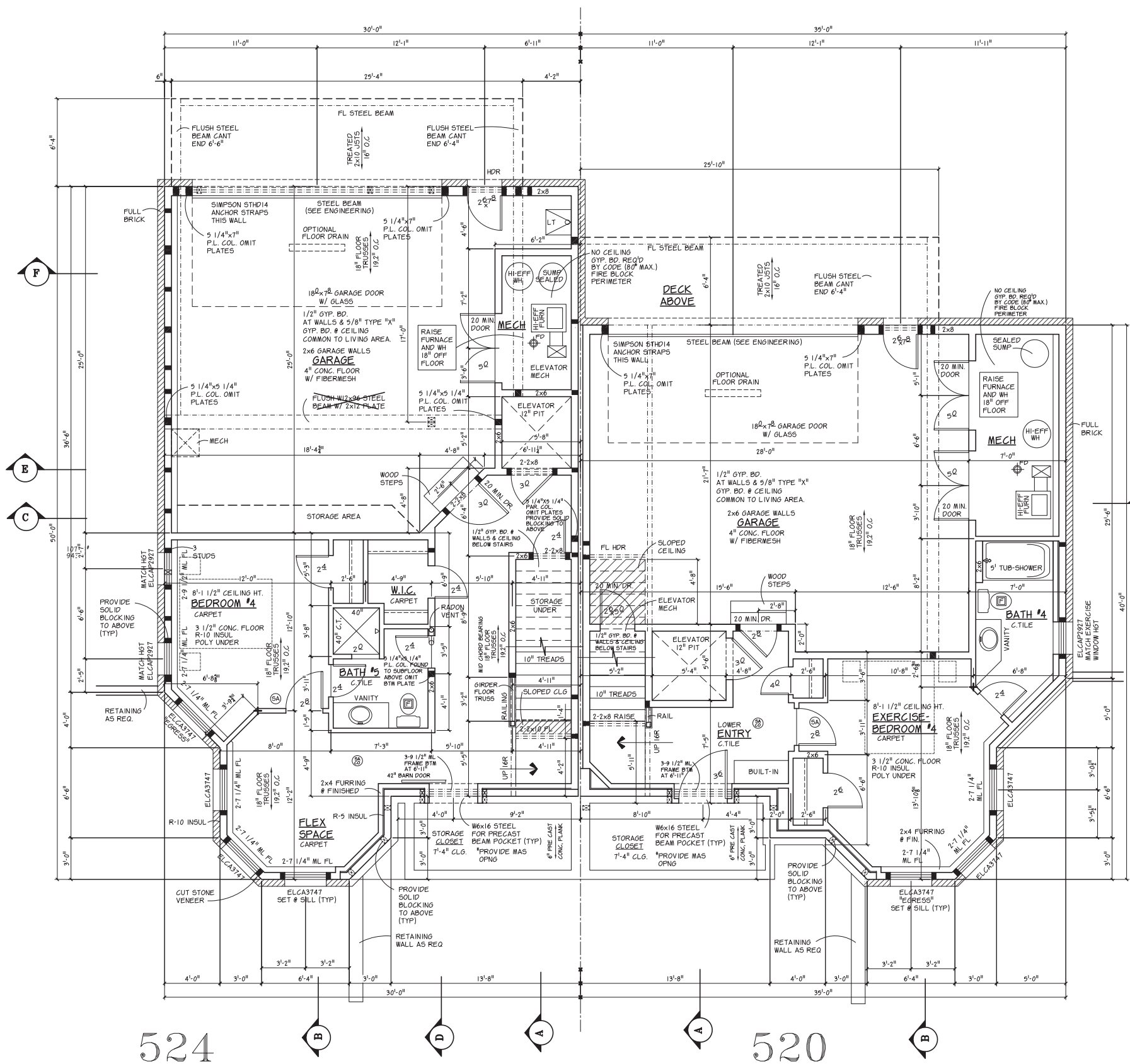
RICE STREET TOWN HOMES
530
RICE STREET EAST
WAYZATA, MINNESOTA

DATE:
4-8-21
REVISIONS:
4-12-21
5-13-21
7-26-21
8-29-21

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220121
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2

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BASEMENT PLAN

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

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

524 BASEMENT FINISHED	656 SQ. FT.
524 BASEMENT MECH UNFINISHED	98 SQ. FT.
524 STORAGE CLOSET	83 SQ. FT.
524 GARAGE	610 SQ. FT.
520 BASEMENT FINISHED	502 SQ. FT.
520 BASEMENT MECH UNFINISHED	106 SQ. FT.
520 STORAGE CLOSET	83 SQ. FT.
520 GARAGE	629 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CODE MAX U VALUE = 0.32 MAX SHGC = 0.35
- ALL WINDOWS SET AT SET # SILL UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HOR. HTS.
- WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER

GUARDRAIL NOTES

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

FLOOR SYSTEM NOTES

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

SHEETROCK & INSULATION NOTES

- GYP. BD. REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQ. FT. MAXIMUM AT MECHANICAL)
- 1/2" GYP. BD. AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD. AT HABITABLE AREAS

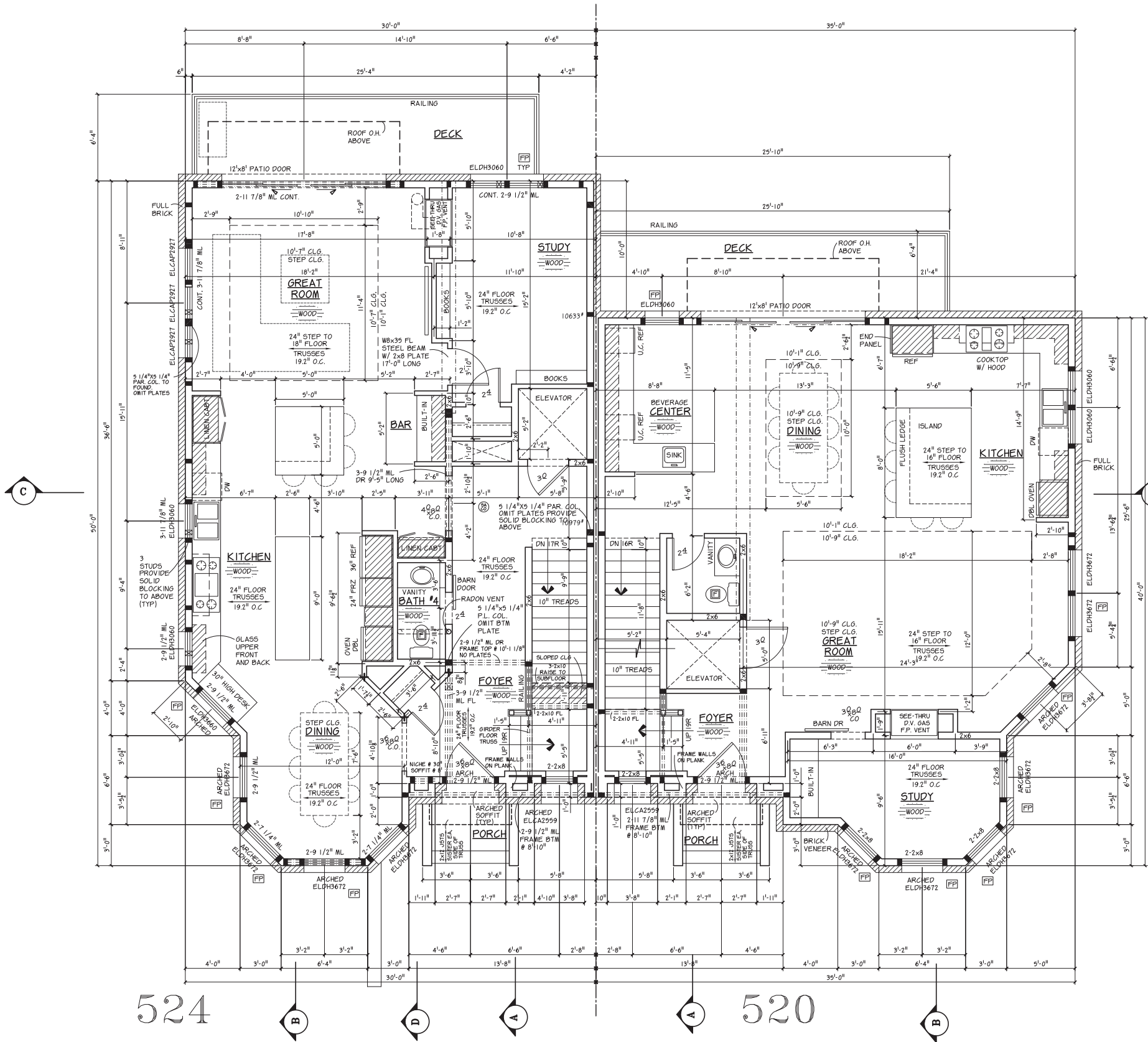
FRAMING NOTES

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

SMOKE AND CARBON MONOXIDE ALARMS

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





For Review
08/25/2021 9:45:19 AM

FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"
EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING

924 FIRST FLOOR FINISHED	1,363 SQ. FT.
920 FIRST FLOOR FINISHED	1,237 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET 8'-0" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

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

FLOOR SYSTEM NOTES

- ALL FLOORS TO BE 1/4"X8"
- FLOOR TRUSS MANUFACTURER TO VERIFY FRAMING BELOW GRANITE TOPS, TUBS & TILE AREAS ABOVE
- FLOOR TRUSS MANUFACTURER TO PROVIDE HEAT SUPPLY & RETURN CHASE IN TRUSSES
- BUILDER TO PROVIDE CITY WITH TRUSS LAYOUT PLANS

FRAMING NOTES

- 10'-1 1/8" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
- PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD AT HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 7'-4" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS



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RICE STREET TOWN HOMES
530
RICE STREET EAST
WAYZATA, MINNESOTA

DATE:
4-8-21
REVISIONS:
4-12-21
5-13-21
7-26-21
8-29-21

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COMM. NO.
220121

SHEET NO.

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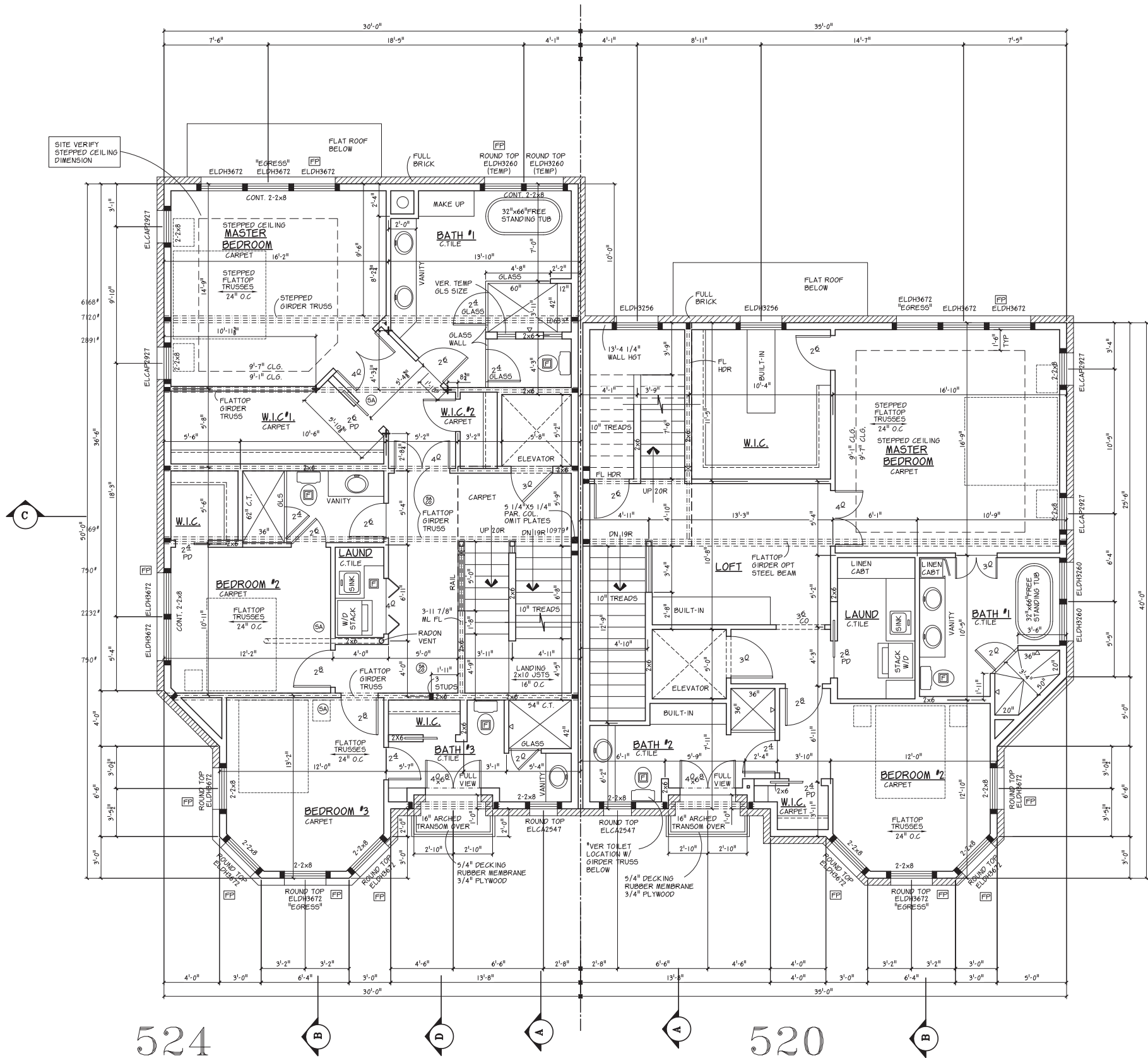
RICE STREET TOWN HOMES
530
RICE STREET EAST
WAYZATA, MINNESOTA

DATE:
4-8-21
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SECOND FLOOR PLAN

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

EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING

524 SECOND FLOOR FINISHED	1,377 SQ. FT.
520 SECOND FLOOR FINISHED	1,251 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET 8'-0" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

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

FRAMING NOTES

- 9'-1" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
- PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD AT HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

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



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RICE STREET TOWN HOMES
530
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7-26-21
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SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING

UNIT 524 ROOF TOP ENTRY	149 SQ. FT.
UNIT 524 DECK	428 SQ. FT.
UNIT 520 ROOF TOP ENTRY	128 SQ. FT.
UNIT 520 DECK	377 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
 - CODE MAX. U-VALUE = 0.32 MAX. SHGC = 0.39
- ALL WINDOWS SET 6'-8" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

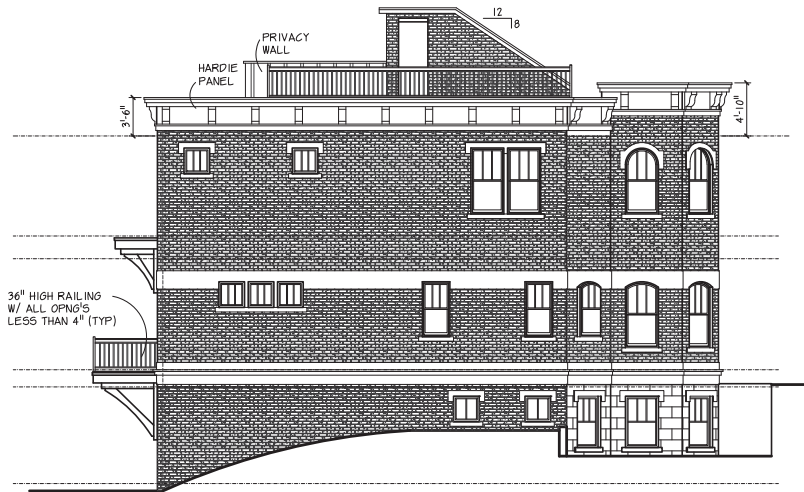
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FRAMING NOTES

- 7'-9" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE 1/4" X 5" SCL BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
- PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERFACES NOT EXCEEDING 10' (CONCEALED SPACES & SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT. ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BO @ HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

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



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



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



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



UNIT 540

534

530

UNIT 524



STREET VIEW
SCALE 3/16"=10'



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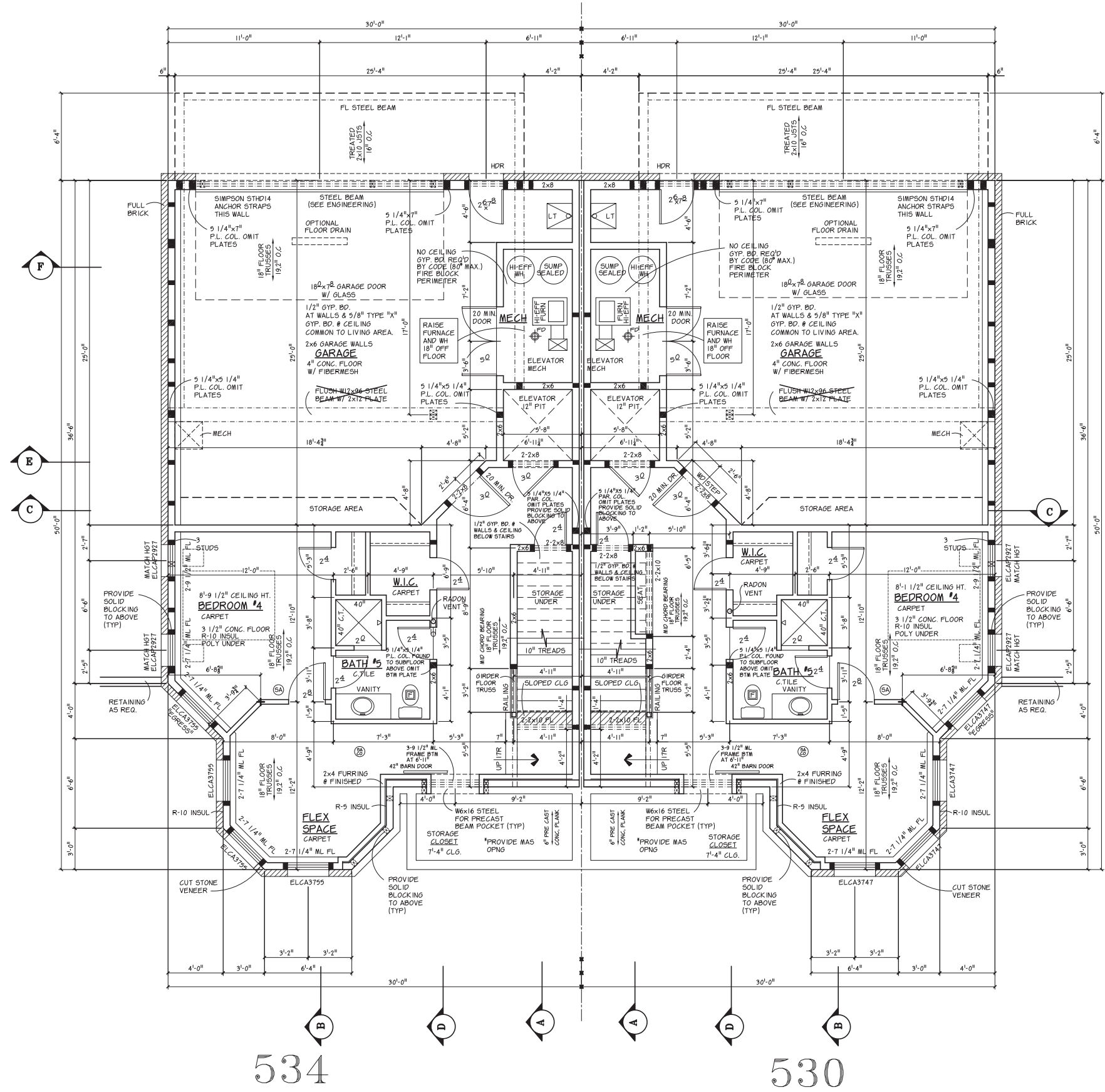


RICE STREET TOWN HOMES
530 & 534
RICE STREET EAST
WAYZATA, MINNESOTA

DATE:
11-20-20
REVISIONS:
3-8-21
3-12-21
7-23-21
8-11-21
8-17-21

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SHEET NO.

3



BASEMENT PLAN

SCALE: 1/4"=1'-0"
EXTERIOR DIMENSIONS ARE FROM EXTERIOR OF FOUNDATION WALLS AT
LOOKOUT AND WALKOUT AREAS
BASEMENT FINISHED 656 SQ. FT.
BASEMENT UNFINISHED 98 SQ. FT.
STORAGE CLOSET 83 SQ. FT.
GARAGE 610 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET AT SET # SILL UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS.
- WINDOW WELLS WITH A VERTICAL DEPTH OF MORE THAN 44" MUST BE EQUIPPED WITH AN APPROVED LADDER

GUARDRAIL NOTES

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

FLOOR SYSTEM NOTES

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

SHEETROCK & INSULATION NOTES

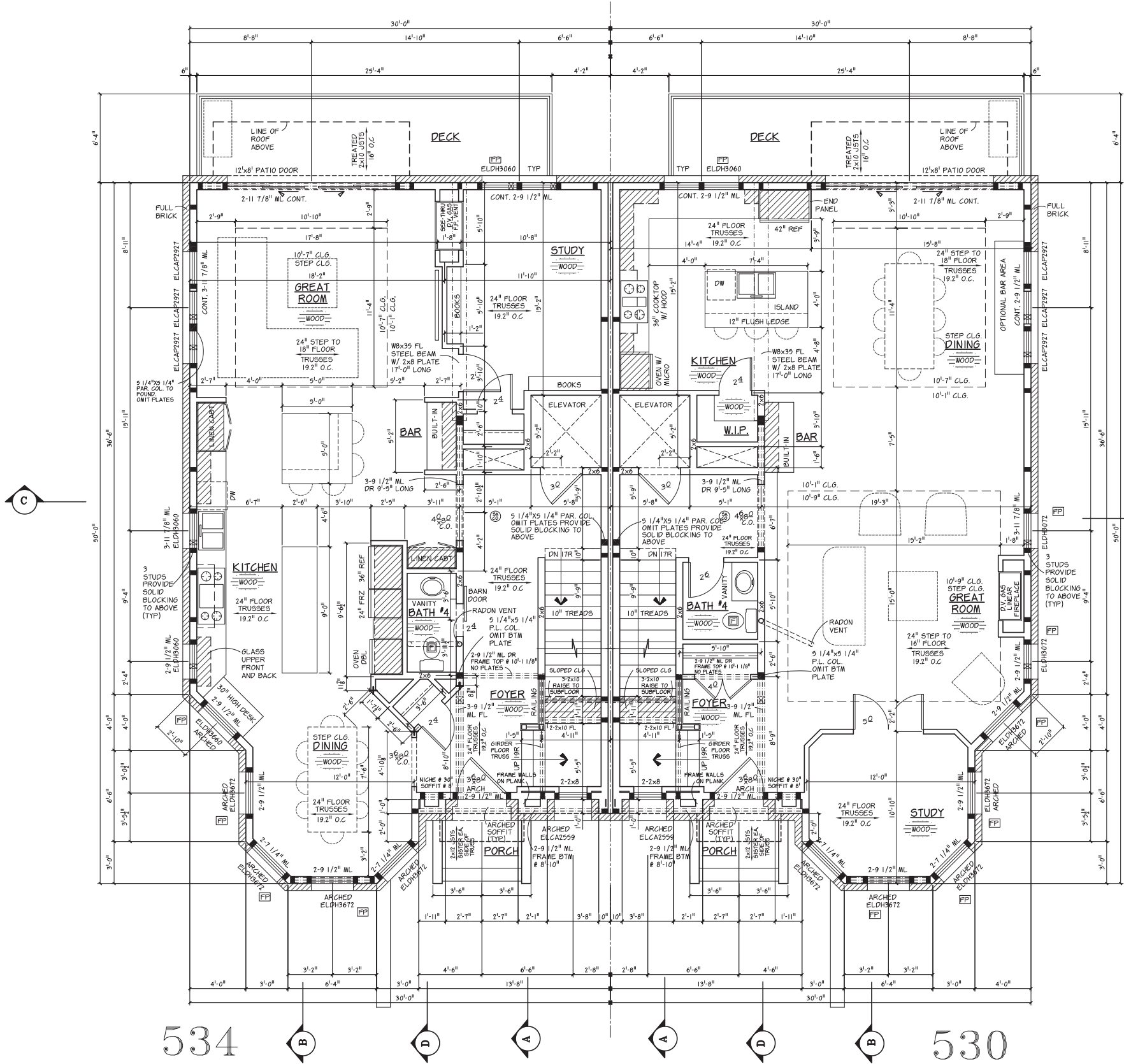
- GYP. BD. REQUIRED AT ENTIRE CEILING (EXCEPT 80 SQ.FT. MAXIMUM AT MECHANICAL)
- 1/2" GYP. BD. AT WALLS & CEILING BELOW STAIRS
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD. AT HABITABLE AREAS

FRAMING NOTES

- 8'-9 1/2" PLATE HEIGHT (UNIT 534) 8'-1 1/2" PLATE HEIGHT (UNIT 530) UNLESS NOTED OTHERWISE
- 2X6 STUDS & POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, & GIRDER TRUSSES TO FOUNDATION
- PROVIDE FIRE BLOCKING VERTICALLY & CEILINGS & FLOORS & HORIZONTALLY & INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES & SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES)
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.

SMOKE AND CARBON MONOXIDE ALARMS

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



FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"
EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING

FIRST FLOOR FINISHED 1,363 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET 8'-0" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATINGS FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HGT, HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

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

FLOOR SYSTEM NOTES

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

FRAMING NOTES

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

SMOKE AND CARBON MONOXIDE ALARMS

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



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

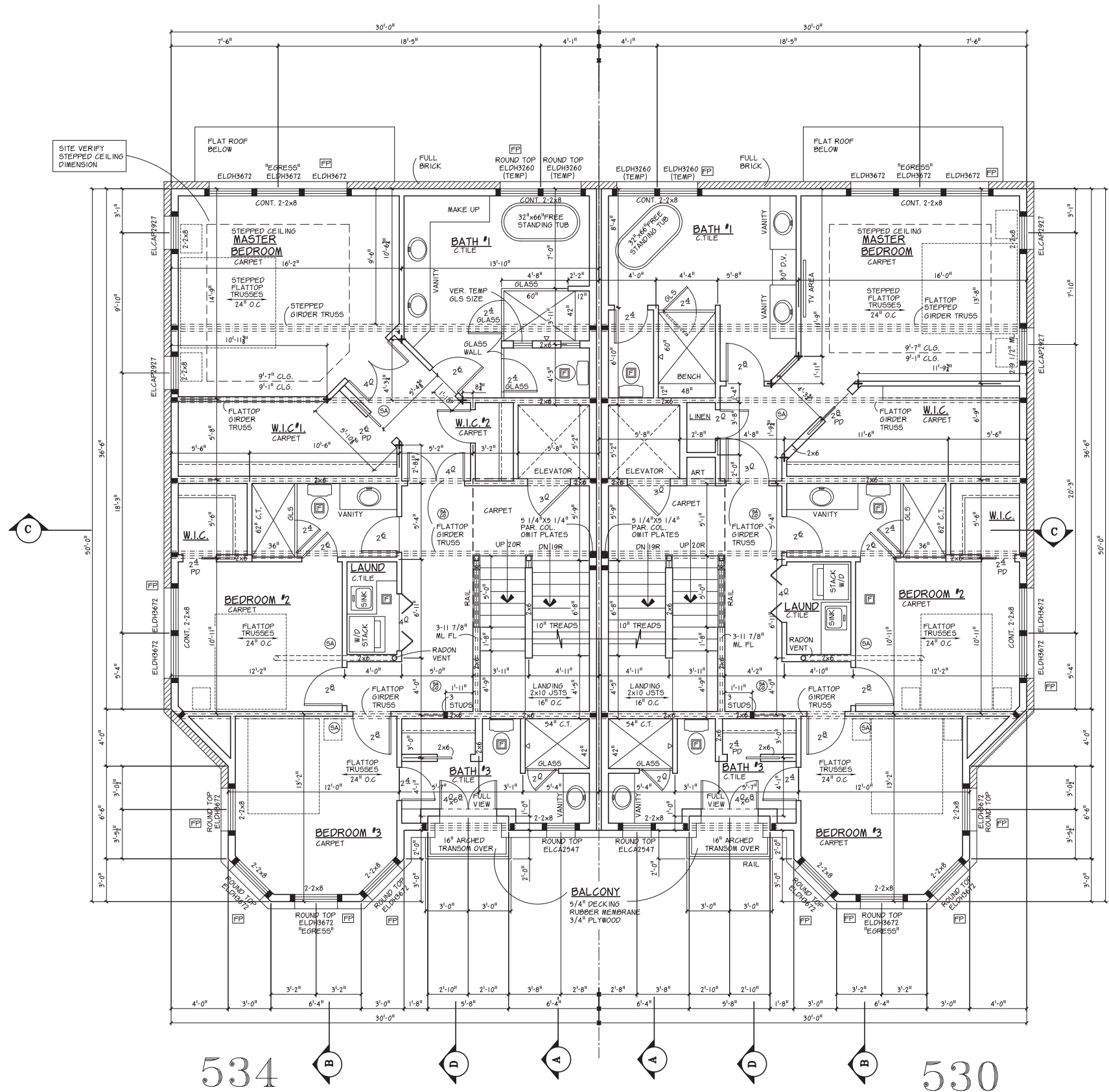
DATE:	11-20-20
REVISIONS:	2-3-21
	3-12-21
	7-23-21
	8-11-21
	8-17-21

DRAWN BY:
J.J.

COMM. NO.
220121

SHEET NO.

4



SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING
SECOND FLOOR FINISHED 1,377 SQ. FT.

WINDOW & DOOR NOTES

- MARVIN ELEVATE WINDOWS
- CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35
- ALL WINDOWS SET 6'-10" UNLESS NOTED OTHERWISE
- BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR
- BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HXS, HTS.
- FP = PROVIDE FALL PROTECTION @ OPERATING WINDOWS

GUARDRAIL NOTES

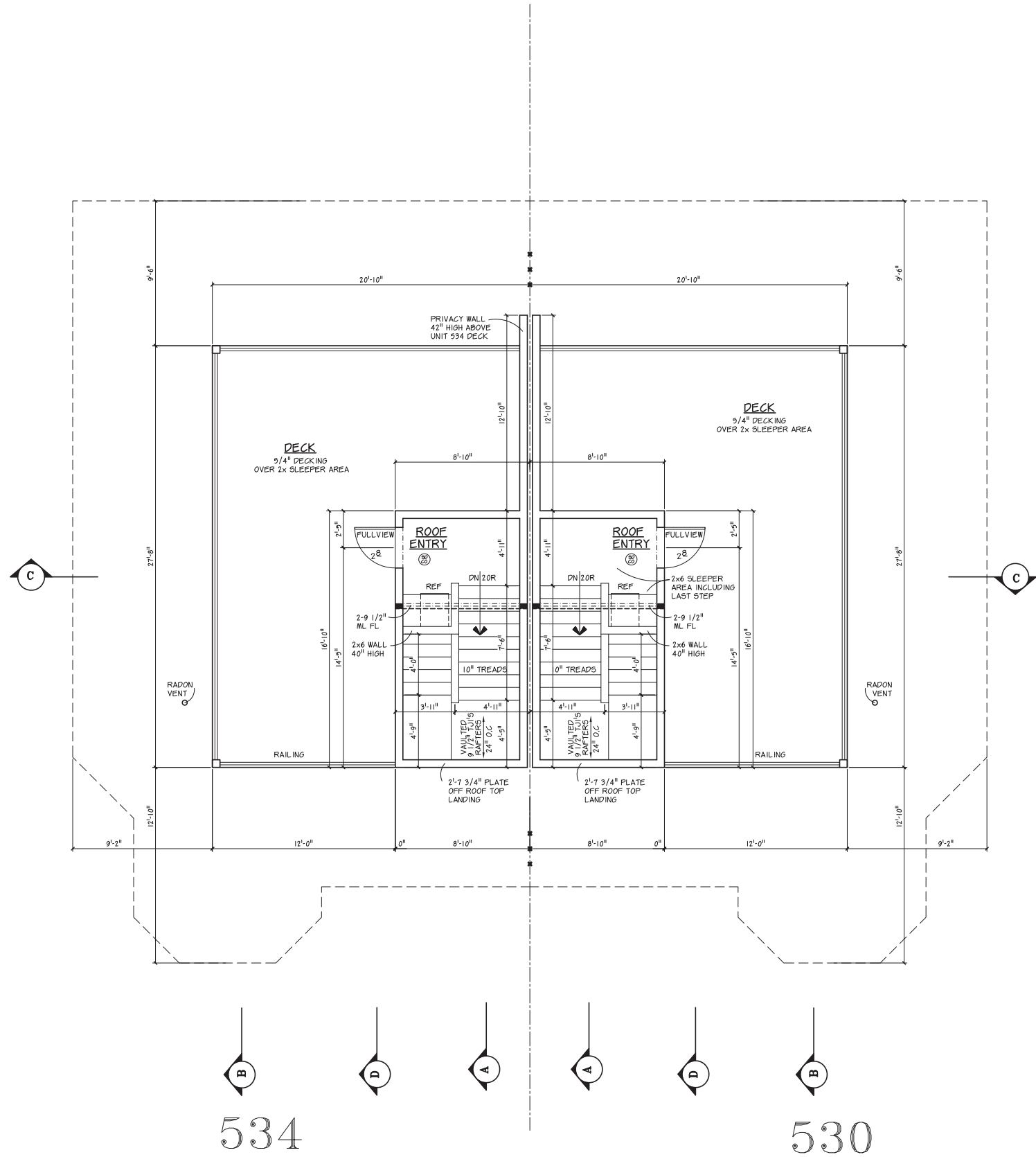
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR
- ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS

FRAMING NOTES

- 9'-1 1/2" PLATE HEIGHT UNLESS NOTED OTHERWISE
- 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE
- DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE
- PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION
- PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES
- PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT.
- ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1/2" GYP. BD AT HABITABLE AREAS

SMOKE AND CARBON MONOXIDE ALARMS

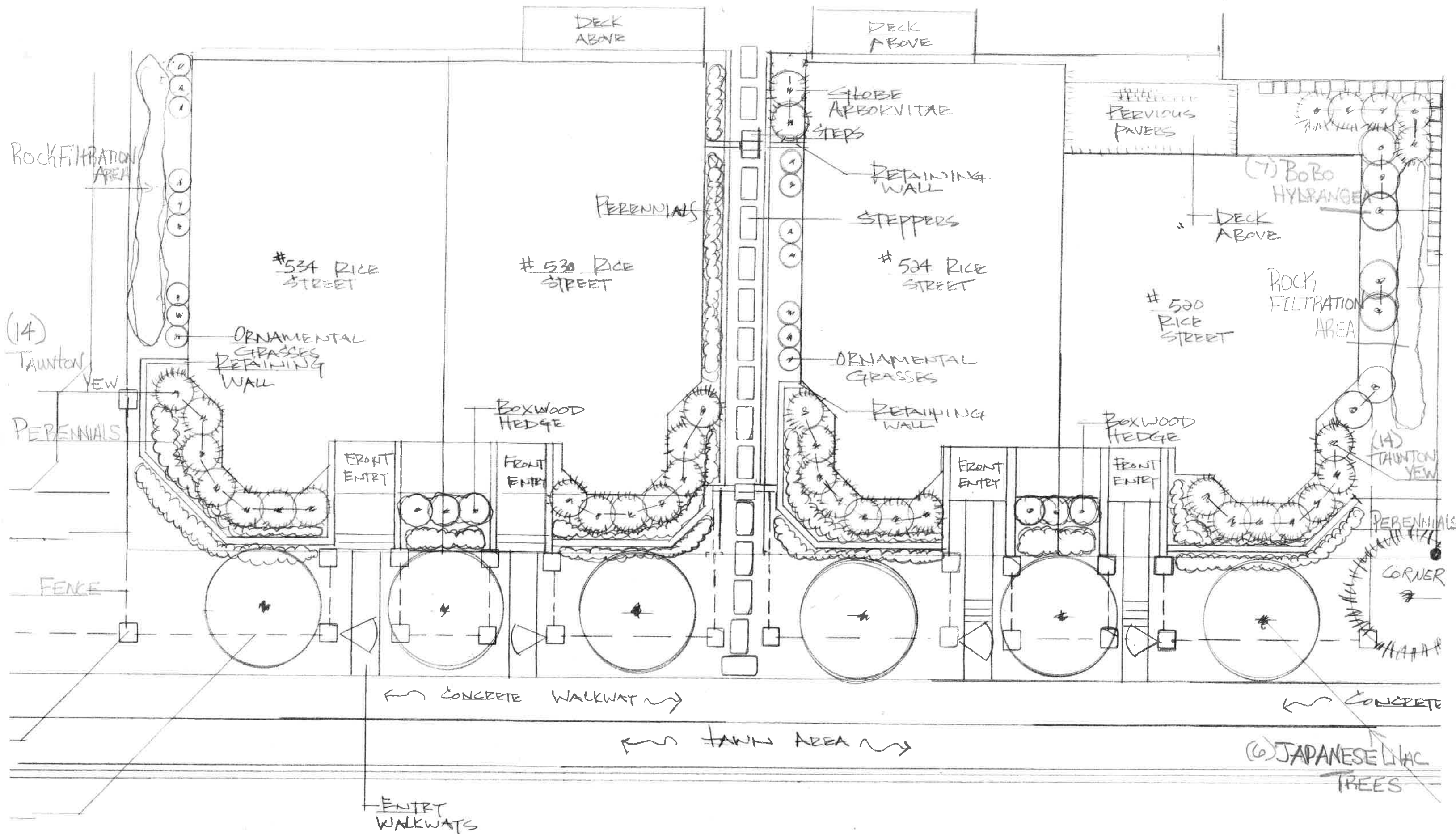
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS.
- PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS



ROOF TOP DECK	
SCALE: 1/4"=1'-0"	
EXTERIOR DIMENSIONS ARE FRAMING TO FRAMING	
UNIT 534 ROOF TOP ENTRY	148 SQ. FT.
UNIT 534 DECK	428 SQ. FT.
UNIT 530 ROOF TOP ENTRY	148 SQ. FT.
UNIT 530 DECK	428 SQ. FT.
WINDOW & DOOR NOTES	
- MARVIN ELEVATE WINDOWS - CODE MAX. U VALUE = 0.32 MAX. SHGC = 0.35 - ALL WINDOWS SET 6'-8" UNLESS NOTED OTHERWISE - BUILDER TO PROVIDE WINDOW ORDER LIST WITH U FACTOR, SHGC, & STC RATING FOR EACH WINDOW & EXTERIOR DOOR - BUILDER TO VERIFY ALL WINDOW, DOOR & OPENING HDR. HTS. - FP = PROVIDE FALL PROTECTION & OPERATING WINDOWS	
GUARDRAIL NOTES	
- GUARDRAIL REQUIRED ON OPEN SIDE OF ANY STAIR MORE THAN 30" ABOVE FLOOR - ALL OPENINGS LESS THAN 4" AT ALL GUARDRAILS	
FRAMING NOTES	
7'-9" PLATE HEIGHT UNLESS NOTED OTHERWISE 2X6 STUDS @ POCKET DOOR WALLS UNLESS NOTED OTHERWISE - DOUBLE STUDS AT ALL WINDOW & PATIO DOOR HEADERS UNLESS NOTED OTHERWISE - PROVIDE LVL/LSL SOLID BLOCKING AT ALL POINT LOADS, SUPPORT BEAMS, MICROLAMS, AND GIRDER TRUSSES TO FOUNDATION - PROVIDE FIREBLOCKING VERTICALLY @ CEILINGS & FLOORS & HORIZONTALLY @ INTERVALS NOT EXCEEDING 10'-0" (CONCEALED SPACES @ SOFFITS, DROPPED CEILINGS, BETWEEN STAIR STRINGERS & BETWEEN STORIES - PROVIDE DRAFT STOPPING BETWEEN STORIES DIVIDED INTO APPROXIMATELY EQUAL SPACES NOT EXCEEDING 1,000 SQ.FT. - ALL SPRAY FOAM INSULATION MUST BE COVERED BY MIN. 1" GYP. BD AT HABITABLE AREAS	
SMOKE AND CARBON MONOXIDE ALARMS	
- PROVIDE SMOKE ALARM IN EVERY BEDROOM & THE CORRIDOR GIVING ACCESS TO THE BEDROOM ON EACH FLOOR INCLUDING THE BASEMENT, & IN ANY ROOM THAT HAS A CEILING HEIGHT MORE THAN 24" HIGHER THAN A CORRIDOR GIVING ACCESS TO THE BEDROOMS. - PROVIDE CARBON MONOXIDE ALARM WITHIN 10'-0" OF ALL BEDROOMS	

534

530



RICE STREET E



#1118

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

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

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

Box 218
Burnet Title 6-22639 402465

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

1. **Terms.**

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

2. **PUD General Plan Approval.**

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

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

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

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

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

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

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

To City:

Water:	\$1,600.00	Per Sewer Availability Charge Unit
Sanitary Sewer:	\$ 400.00	Per Sewer Availability Charge Unit

To MCES:

SAC Charge:	\$1,550.00	Per Sewer Availability Charge Unit
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The number of sewer availability charge units in the Project shall be determined pursuant to regulations and procedures of the MCES. Any SAC unit credits provided to the Developer by MCES will also be credited in calculating the City's SAC charges.

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

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

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

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

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

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

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

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

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

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

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

14. **Construction Deadline.**

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

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

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

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

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

- Rice Street landscaping plan
- sidewalk along Rice Street

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

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

4. For any building lots not under construction within three months of the date hereof, Developer shall remove all debris and excess soil, and install erosion control measures, including rapid growth vegetation as required by the Minnehaha Creek Watershed District and City.

- C. If the Developer fails for any reason to satisfy one or more of the deadlines provided for by this Section, then such failure shall constitute an "Event of Default" hereunder, and, in addition to any other remedies provided for in this Agreement, the City may cancel the Planned Unit Development - Conditional Use Permit granted pursuant to this Agreement. Neither party expects nor shall be entitled to any extensions or delays in the deadlines stipulated by this Section, other than those granted strictly in accordance with the terms hereof.

15. **Responsibility for Costs.**

- A. Except as otherwise specified herein, the Developer shall pay all costs incurred by it or the City in conjunction with the development itself, including but not limited to legal, planning, engineering and inspection expenses incurred in connection with approval and acceptance of the development, the preparation of this Agreement and all costs and expenses incurred by the City in monitoring and inspecting the progress of the project.
- B. The Developer shall hold the City and its officers, employees and agents harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from development approval, construction and operation, except for such damages or costs resulting from the gross negligence, intentional misconduct or intentional violation of this Agreement by the City. Except as limited by the preceding sentence, the Developer shall indemnify the City and its officers and employees for all costs, damages or expenses which the City may pay or incur in consequence of such claims, including attorney and other consulting fees.
- C. The Developer shall reimburse the City for reasonable costs incurred in the enforcement of this Agreement, including engineering, building official, planning and attorney's fees.
- D. The Developer shall pay in full all bills submitted to it by the City for obligations properly incurred under this Agreement within thirty (30) days after receipt. If the bills are not paid on time, the City may halt all development work and construction until the bills are paid in full, and may draw on any collateral that might be provided by Developer to the City to discharge such obligations. Bills not paid within thirty (30) days shall accrue interest at the rate of eight percent (8.00%) per annum.

16. **Events of Default.**

- A. **Events of Default Defined.** The following shall be considered "Events of Default" under this Agreement:

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

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

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

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

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

18. **Miscellaneous.**

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

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

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

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

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

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

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

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

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

[NEXT PAGE IS THE SIGNATURE PAGE]

CITY OF WAYZATA,
a Minnesota Municipal Corporation

By: Andrew Humphrey, Mayor

By: Allan Orsen, City Manager

RICE STREET BROWNSTONES, LLC,
a Minnesota limited liability company

By: John Adams

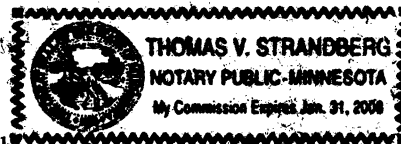
Its: Chief Manager

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

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

Thomas V Strandberg
Notary Public

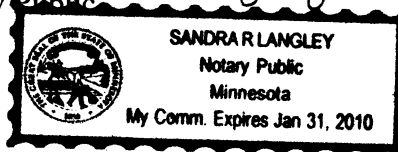
STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)



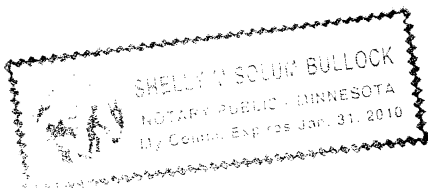
The foregoing instrument was acknowledged before me this 12 day of July, 2006 by Allan Orsen, City Manager of the City of Wayzata, a Minnesota municipal corporation, on behalf of the corporation.

Sandra R Langley
Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)



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



[Signature]
Notary Public

THIS INSTRUMENT DRAFTED BY:

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

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

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

EXHIBIT B

Public Right-of-Way Encroachment Agreement

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

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

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

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

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

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

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

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

CITY OF WAYZATA

By: _____
Its: _____

PROPERTY OWNER(S)

Rice Street Brownstones, LLC

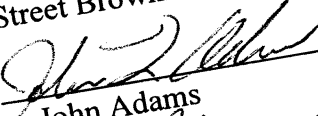
By:  (Print Name)
John Adams
Its: 

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

EXHIBIT B
Permitted Encroachment Materials

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

EXHIBIT C

RESTRICTIVE COVENANT AGREEMENT

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

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

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

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

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

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

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

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

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

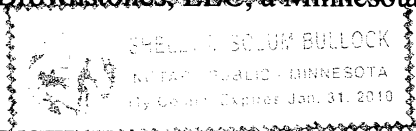
The terms of this Agreement shall terminate in the event that the Home is destroyed or substantially damaged by fire, wind, or other casualty and not rebuilt. In such event, a termination of this Agreement, executed by the City and the Owner (or its successors or assigns) shall be executed and recorded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

Rice Street Brownstones, LLC, a Minnesota limited liability company

By: [Signature]
Its: Chief Manager

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

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



[Signature]
Notary Public

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

000043/240014/416563_3

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RESOLUTION NO. 2887

RESOLUTION APPROVING GENERAL PLAN FOR PLANNED UNIT DEVELOPMENT AT 520 RICE STREET, 206 MINNETONKA AVENUE, AND 207 WALKER AVENUE ("RICE STREET ROWHOUSES")

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

Section 1. BACKGROUND

- 1.1 Concept Plan Approval. On May 3, 2005, City Council approved a concept plan (the "Concept Plan") for a new Planned Unit Development encompassing property at 520 Rice Street, 206 Minnetonka Avenue, and 207 Walker Avenue (the "PUD") subject to the following conditions:
- 1) The Applicant review and attempt to reduce the overall density and massing of the PUD Project, including the possible elimination of Building 4.
 - 2) The Applicant shall adjust the buildings to better comply with setback requirements.
- 1.2 General Plan. The Applicant has submitted a PUD general plan (the "General Plan") that varies from the Concept Plan in that three, two dwelling units are now proposed, instead of four. The rear building has been eliminated and the Applicant proposes to sell a portion of the Properties to an adjacent property owner. The General Plan has also been revised slightly from the Concept Plan to provide additional setbacks for the proposed Building 3 of the PUD project.
- 1.3 Property. The property identification numbers for the properties involved in the PUD (collectively, the "Properties") are as follows:
- | | |
|-----------------------|-------------------|
| 520 Rice Street | 06-117-22-24-0034 |
| 206 Minnetonka Avenue | 06-117-22-24-0036 |
| 207 Walker Avenue | 06-117-22-24-0037 |
- 1.4 Land Use. The Properties are currently located within the C-1, Office and Limited Commercial District as defined in Section 801.75 of the Wayzata Zoning Ordinance. The land use designation under the Comprehensive Plan for the property and the entire block is mixed residential and commercial. The Properties fall within the "Bluff District" of the Wayzata Design Standards.
- 1.5 Notice. Pursuant to Section 801.33.5.B.2, notice of a public hearing on the Development Application was published in the *Lakeshore Weekly News* on July 5,

2005. A copy of the notice was mailed to all property owners located with 350 feet of the Properties on July 5, 2005.

- 1.6 Planning Commission Recommendation. At its July 18, 2005 meeting, the Wayzata Planning Commission reviewed the General Plan but was unable to pass either of two separate motions to recommend approval of the PUD General Plan with certain conditions and sent the General Plan to City Council without a recommendation.

Section 2. STANDARDS

- 2.1 PUD Districts. Section 801.90 of the Zoning Ordinance provides for the establishment of Planned Unit Development Districts. A Planned Unit Development District is established and governed subject to the amendment and procedure requirements as outlined in Section 801.03 of the Zoning Ordinance, plus the procedures, conditions and standards imposed by Section 801.33. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 - B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - C. More convenience in location and design of development and service facilities.
 - D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 - E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 - F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 - G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 - H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

2.2 General PUD Standards. Section 801.33.2.A sets forth the general standards for review of a PUD application. These are:

1. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
2. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
3. Ownership. Applicant/s must own all of the property to be included in the PUD.
4. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.
5. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
6. Common 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.
7. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
8. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
9. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
10. 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.

11. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.
- 2.3 Residential PUD Standards. Section 801.33.3 sets forth standards for residential PUD Districts. In addition to the standards set forth in this section, City Council may impose such other standards for a PUD District 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.
- 2.4 Design Standards. The design of all new buildings and exterior improvements to the public side of nonresidential and/or multifamily buildings in Wayzata which clearly alter the appearance of a structure are subject to the review and approval of the Wayzata Planning Commission and City Council. City Code Section 801.09; Wayzata Design Standards Section 1.5. The relevant design criteria applicable to the PUD are as follows:
- a. Building Uses. All new multi-story buildings in the Bluff District not zoned residential shall be developed with at least one floor of residential use. Design Standards Section 2.3.
- b. Building Scale and Character. The following commentary is to be used as guidance (not imposed as binding obligations):
- Although the prevailing building style in the Bluff Neighborhood is single-family residential, there are situations where commercial-style buildings dominate. The applicant's design should thoroughly study the existing character and attempt to find meaningful design clues from the surrounding context. The applicant must form a strong logic supporting the design of its building based on the influences of the context.*
- Design Standards Section 3.3.
- c. Building Width. Divisions or breaks in materials shall be included in order to reduce the scale of longer facades and to eliminate the long horizontal expressions of buildings. Design Standards Section 5.2.
- d. Upper Story Setback. The façade fronting on public rights of way of every two and three story building, longer than 60', must have a recessed second story of approximately 25% of its length, setting back a minimum of six feet from the face of the first floor façade. The required third floor 10 foot setback must also follow these second story recesses.
- e. Roof Design. The following commentary is to be used as guidance (not imposed as binding obligations):

The applicant should study the surrounding context and discuss his/her direction with the Design Consultant and / or the staff to determine the appropriate use of flat versus sloped roofs.

Design Standards Section 7.2.

- f. Screening of Rooftop Equipment. All rooftop equipment must be screened from view from adjacent properties and sidewalks using well-designed, detailed, dark color screens. It must be set back from any primary façade that fronts a public street by a distance equal to 1½ times its height and must not be larger than 25% of the roof area. Design Standards Section 8.1.
- g. Ground Level Expression. In multi-story buildings, the ground floor must be distinguishable from the floors above by the use of at least three distinguishing elements. Design Standards Section 10.1.
- h. Entries. The main entry must face the primary street at sidewalk grade. Design Standards Section 11.2.
- i. Building Materials, Details & Quality. The detailed requirements for building materials are listed in Section 12 of the Design Standards.
- j. Color. The following commentary is to be used as guidance (not imposed as binding obligations):

With respect to color, light colors dominate while darker colors recess. Bright accent colors at doors are acceptable but aggressive colors may only be used on recommendation.

Design Standards Section 13.1.

- k. Walkways. Continuous sidewalks at least 5 feet in width shall be provided along all public street frontages and where the street grid is interrupted by steep slopes, walkways or stairways shall be built to maintain pedestrian continuity. Design Standards Section 15.
- l. Landscaping. Street trees shall be planted within a landscaped boulevard at least six feet wide, spaced no more than 30 feet apart. Design Standards Section 16.3.
- m. Parking Lot Landscaping. A landscaped buffer strip at least 6 feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall or hedge. Design Standards Section 17.1.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the PUD General Plan submitted by the Applicant meets the requirements of the Zoning Ordinance with respect to Planned Unit Developments and the Design Standards based upon the following findings of fact made on the record (as well as all Staff reports, the Development Application, Planning Commission minutes and public comment presented at the public hearing on the Development Application, all of which are incorporated herein by reference):

- 3.1 Purpose of PUDs. The PUD outlined in the General Plan conforms with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 - A. The PUD's rowhouse design and efficient use of land will help meet the growing demands for all styles of residential expansion.
 - B. The PUD incorporates higher standards of site and building design through the use of trained and experienced architects, landscape architects, and engineers.
 - C. The PUD will be a creative use of land and related physical development, and will allow a phased and orderly development and use pattern in the area.
 - D. The PUD is in harmony with the objectives of the Wayzata Comprehensive Plan, including the increase in residential development rather than commercial/office development.
- 3.2 General Standards. The PUD outlined in the General Plan meets all of the General Standards for PUD approval set forth in Section 801.33.2.A of the Zoning Ordinance, including:
 1. Health Safety and Welfare. The PUD will have an overall positive effect on the health, safety and welfare of residents of the community and the surrounding area by adding to stable and diverse residential development within the City, rather than additional commercial development. Structures and uses permitted in the existing C-1 zone are potentially detrimental to the surrounding neighborhoods and not in Wayzata's best interests.
 2. Intent and Purpose of PUDs. The PUD will conform with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 3. Ownership. Applicant has a purchase agreement for all of the property to be included in the PUD. As a condition of approval the applicant must own the property to be included in the PUD.

4. Comprehensive Plan. The PUD is consistent with the City's Comprehensive Plan, including the following specific goals:
 - a. adding to the diversity of housing stock in the City
 - b. protecting the surrounding residential neighborhood by limiting the encroachment of larger scale commercial development
 - c. adhering to the highest standards of planning, design and construction
 - d. reinforcing, maintaining, and upgrading the character of the surrounding residential neighborhoods
 - e. accomplishing a transition between the downtown office and commercial areas and the surrounding residential neighborhoods
 12. Sanitary Sewer Plan. As a condition of approval, the PUD will be consistent with the City's Sanitary Sewer Plan.
 13. Common Space. As a condition of approval, the agreements and restrictions on the PUD will provide for the maintenance of aspects of the PUD that encroach on the public right of way and other common spaces.
 14. Density. The standards of the PUD District established for the PUD will be consistent with the Comprehensive Plan.
 15. Utilities. All utilities associated with the PUD will be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
 16. Landscaping. As a condition of approval, all landscaping associated with the PUD will be according to a detailed plan approved by the City Council.
 17. Setbacks. The standards of the PUD District established for the PUD will be consistent with the Comprehensive Plan.
- 3.3 Residential PUD Standards. The standards set forth in the General Plan for the PUD District are reasonable and appropriate for the project, will not negatively impact but rather positively contribute to the general health, safety and welfare of the community and the surrounding area.

- 2.5 Design Standards. The General Plan conforms to the relevant standards applicable to the PUD under the Design Standards.
- a. Building Uses. The entire PUD will be residential.
 - b. Building Scale and Character. The new buildings of the PUD will be traditional brick rowhouse style. This architectural style and character of this project will contribute positively to the surrounding neighborhood.
 - c. Building Width. The new buildings of the PUD are designed with bays, balconies, and varying roof lines.
 - d. Upper Story Setback. Upper story setbacks are not required due to the size and dimensions of the buildings of the PUD.
 - e. Roof Design. The new buildings of the PUD will have flat roofs which is not out of context with surrounding buildings.
 - f. Screening of Rooftop Equipment. There will be no rooftop equipment on the buildings of the PUD.
 - g. Ground Level Expression. The new buildings of the PUD feature balconies and window detailing that distinguish the floors.
 - h. Entries. The rowhouse design of the new buildings features steps to the sidewalk. Any negative impact of this deviation of from the applicable standard is outweighed by the positive effect of the project on the area in which it is proposed.
 - i. Building Materials, Details & Quality. The PUD conforms with the detailed requirements for building materials listed in Section 12 of the Design Standards.
 - j. Color. The colors proposed for the PUD conform to the recommendations of the Design Standards.
 - k. Walkways. As part of the General Plan and as a condition of approval, continuous sidewalks at least 5 feet in width will be provided along all public street frontages in the PUD.
 - l. Landscaping. As a condition of approval, an appropriate landscape plan must be reviewed and approved by City Staff and City Council.
 - m. Parking Lot Landscaping. As a condition of approval, an appropriate landscape plan must be reviewed and approved by City Staff and City Council.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings set forth herein, the Applicant's requests for approval of the PUD General Plan and Design approval under the Design Standards are hereby approved subject to the following conditions:
1. Applicant must obtain approval of a preliminary and final plat pursuant to the Wayzata Subdivision Ordinance in accordance with the plans submitted with the General Plan, and must convey the premises it is selling to the adjacent property owner as referenced in section 1.2 herein.
 2. The impervious surface coverage of the PUD shall not exceed 75% of the replatted property compromising the PUD. Applicant shall install an innovative underground water collector system to minimize water run off that meets with the approval of the City Engineer.
 3. No buildings associated with the PUD shall exceed the maximum height allowed for under the Zoning Ordinance for a PUD District. No elevator access to the roof is permitted.
 4. Rooftop enclosed stairways shall maintain a 10 feet setback from the closest setback to the main building front of each unit.
 5. No rooftop privacy wall shall be included unless it can be demonstrated that they are not visible from a pedestrian level of Rice Street and Minnetonka Avenue.
 6. The ornamental iron gates, or any other gating structure, that surrounds each building of the PUD must never be locked, and the buildings of the PUD must be accessible at all times to guests.
 7. Steps, fencing, retainer walls or other aspects of the PUD shall not encroach on to the City right-of-way, unless the Applicant, and any subsequent owners of the units within the PUD, first enter into an agreement with the City, in a form acceptable to the City Attorney, that (i) grants the owners the right to encroach upon the right-of-way for said encroachments, (ii) requires the owners to maintain the encroachment and the City right-of-way, (iii) indemnifies and holds the City harmless from all expenses should the City be required to remove said encroachments to access the right-of-way for sewer, water, or utilities, and any loss due to negligence or slip and fall claims relative to the encroachment onto the City right-of-way.

8. A deed restriction, in a form acceptable to the City Attorney, is established for the parcel containing the existing small house that is to remain on the 206 Minnetonka Avenue property (the "Blue House") that provides that (i) the Applicant shall restore, paint, re-roof, replace damaged wood and generally renovate the Blue House prior to the 12 month anniversary of this Ordinance, in a manner that complies with the Design Standards, (ii) the Blue House will not be demolished and will remain in perpetuity as the small single family home that currently exists, and (iii) use of the existing residence at 206 Minnetonka Avenue in the PUD District shall be as regulated by the C-1A Neighborhood Office and Limited Commercial District.
9. The set-back requirements shall be as designated in the new PUD District.
10. The grading, drainage, sewer, utility and water plans for the PUD must be reviewed and approved by the City Engineer in accordance with the Zoning Ordinance and all other relevant standards.
11. A tree inventory and preservation plan must be submitted to, and reviewed and approved by, the City Forester.
12. A landscape plan must be reviewed and approved by City Staff and City Council.
13. A sidewalk must be put in place along Walker Avenue, at Applicant's sole expense, the plans for which must be reviewed and approved by City staff.
14. All buildings and new construction in the PUD must conform to the findings herein with respect to the Design Standards and maintain compliance at all times with all relevant Design Standards.
15. The Applicant must enter into a development agreement with the City that (i) incorporates the conditions of approval of this Resolution, (ii) the agreement of the Applicant to reimburse the City for all legal and consultant fees associated with the approval process and continued review of the PUD project, and (iii) such other provisions as are customary in such development agreements, all in a form acceptable to the City Attorney.

Adopted by the Wayzata City Council this 22nd day of August, 2005.



Mayor Andrew Humphrey

ATTEST:



City Manager Allan Orsen

ACTION ON THIS RESOLUTION:

Motion for adoption: offered by Council Member John Berns

Seconded by: Council Member Sue Bangert

Voted in favor of by Mayor Andrew Humphrey, Council Member John Berns, and Council Member Sue Bangert.

Voted against: Council Member Jack Amdal and Council Member Ken Willcox

Abstained: none

Absent: none

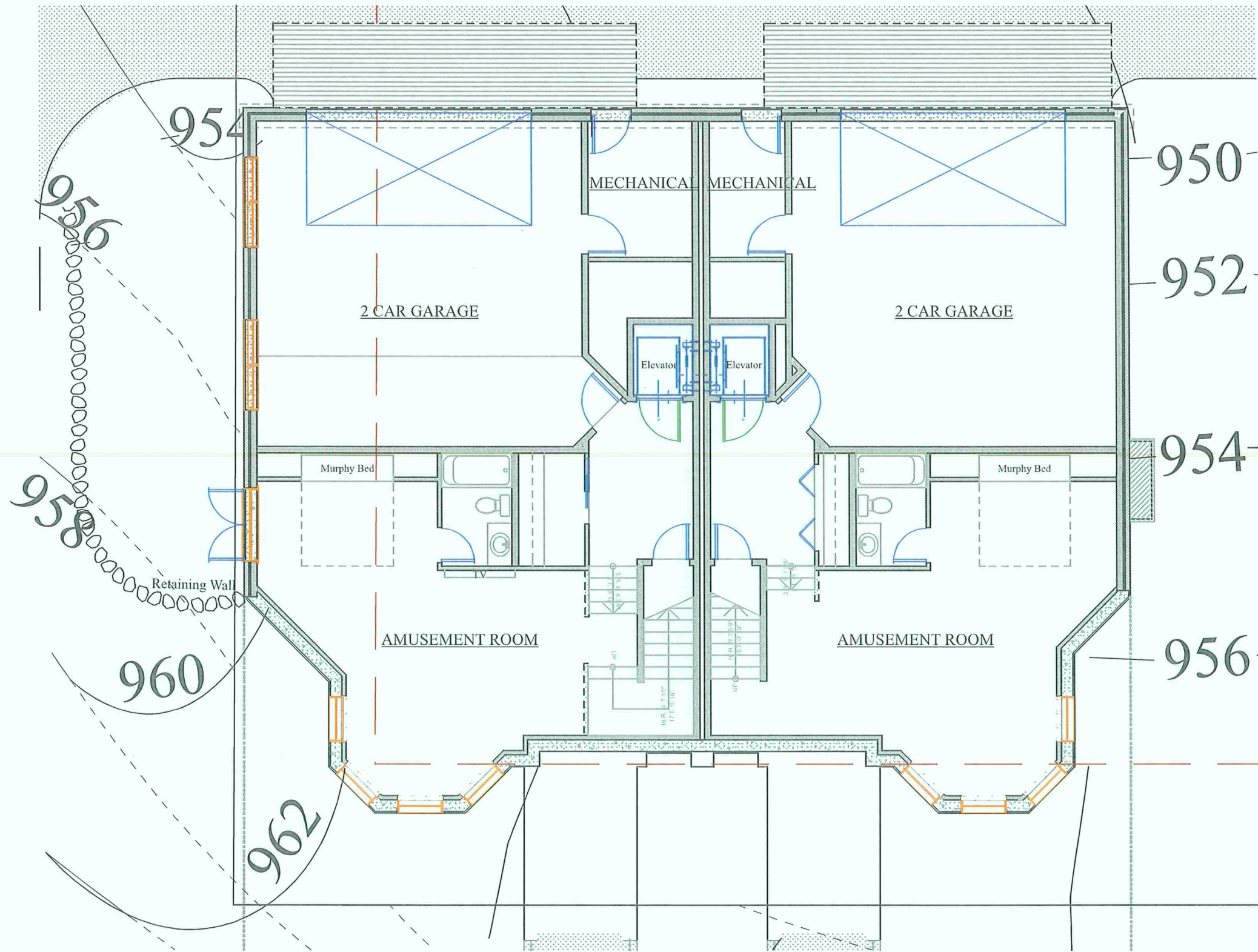
Resolution adopted.

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 August 22, 2005.



Sandy Langley, City Clerk

SEAL



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

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

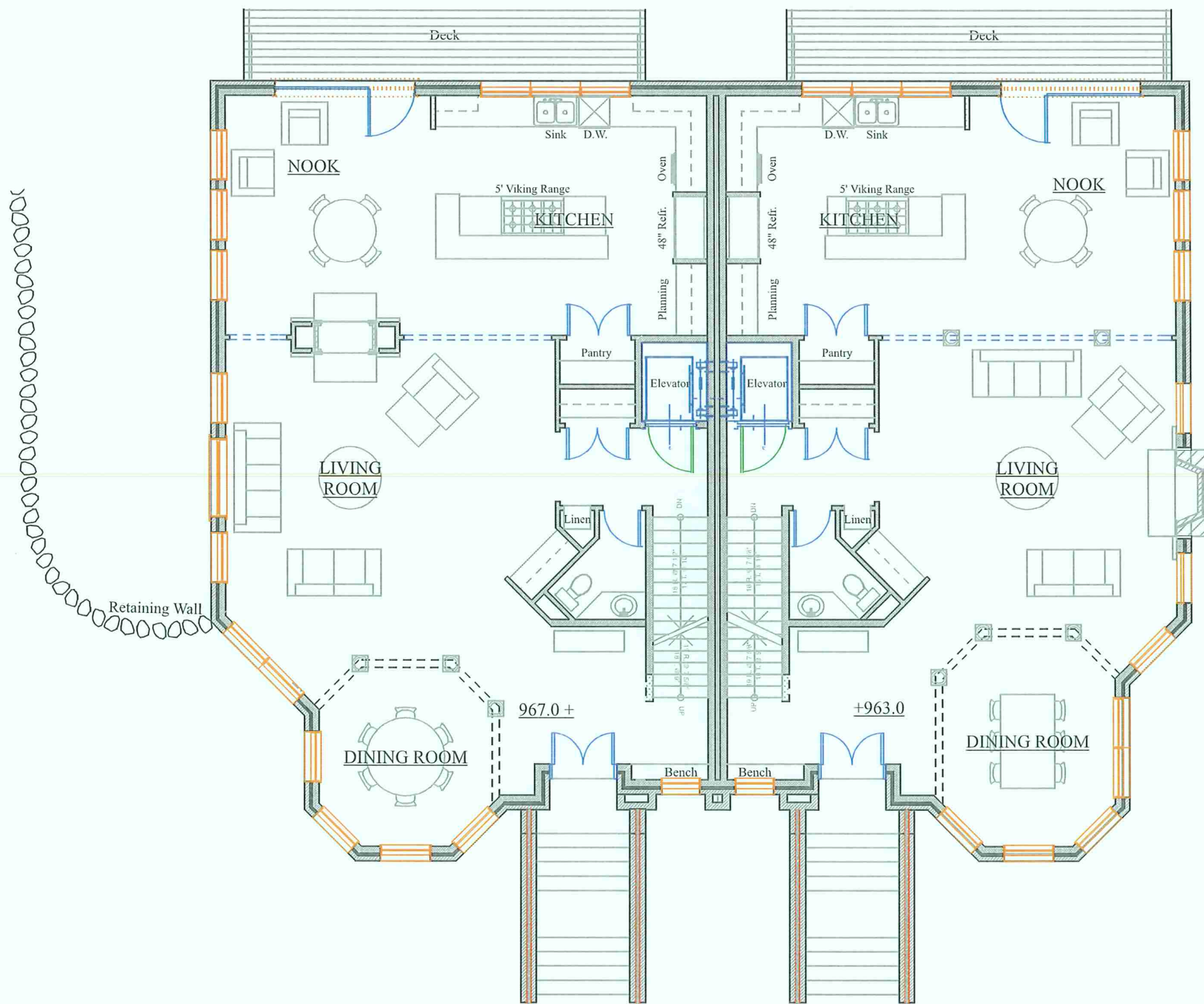
P R O J E C T	
Rice Street Rowhouses	
520 Rice Street East	DATE
Wayzata, MN	6/10/2005

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

© 2005

Landschute

500 Lake Street #110
Excelsior, MN 55331
(952) 470-7416



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

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

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

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

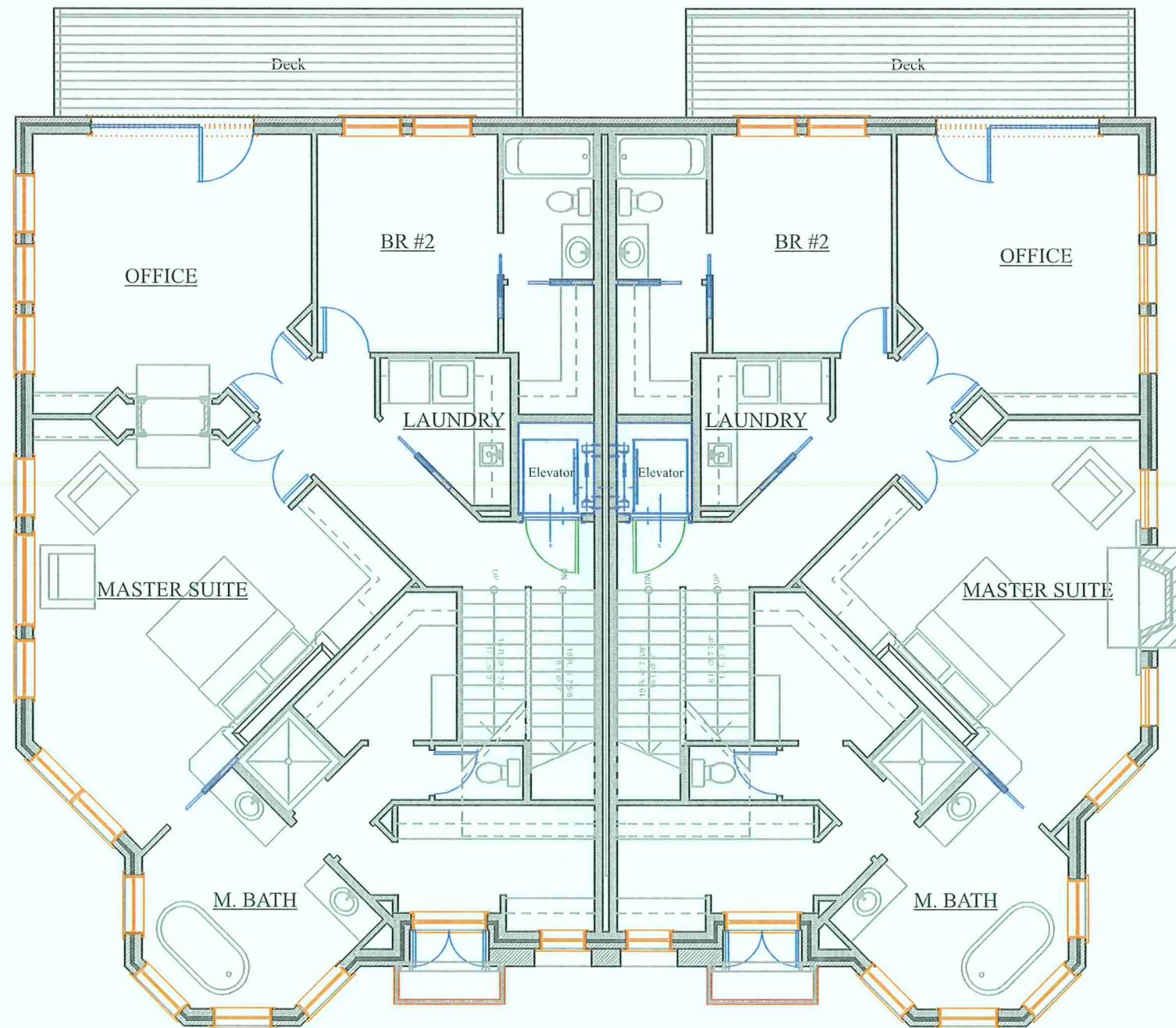
P R O J E C T
Rice Street Rowhouses
520 Rice Street East
Wayzata, MN

DATE
6/10/2005

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Landschute
500 Lake Street #110
Excelsior, MN 55331
(952) 470-7416

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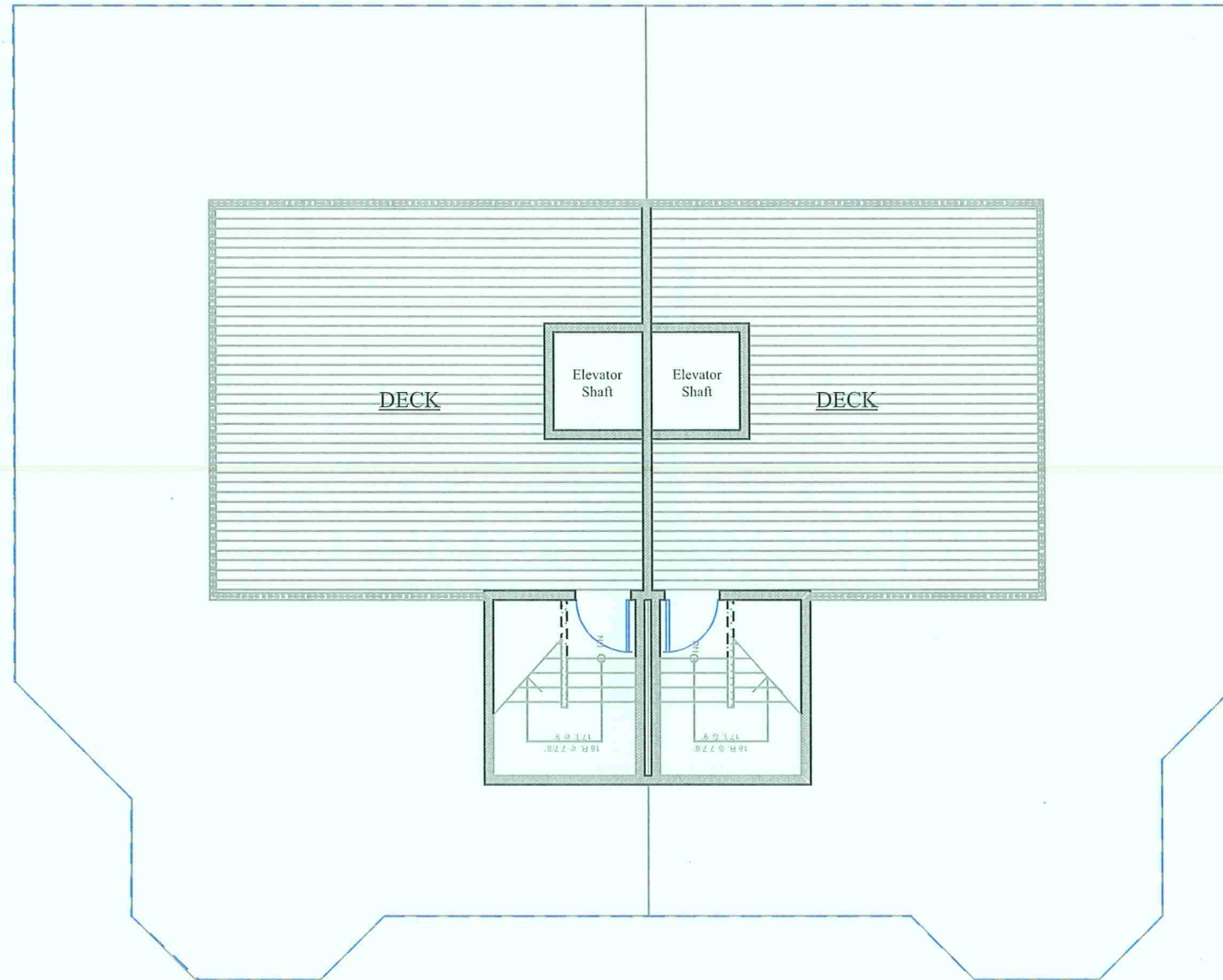


18 SECOND LEVEL PLAN 1,500 SF
1/8"=1'-0"

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

P R O J E C T		 500 Lake Street #110 Excelsior, MN 55331 (952) 470-7416
Rice Street Rowhouses 520 Rice Street East Wayzata, MN	DATE 6/10/2005	

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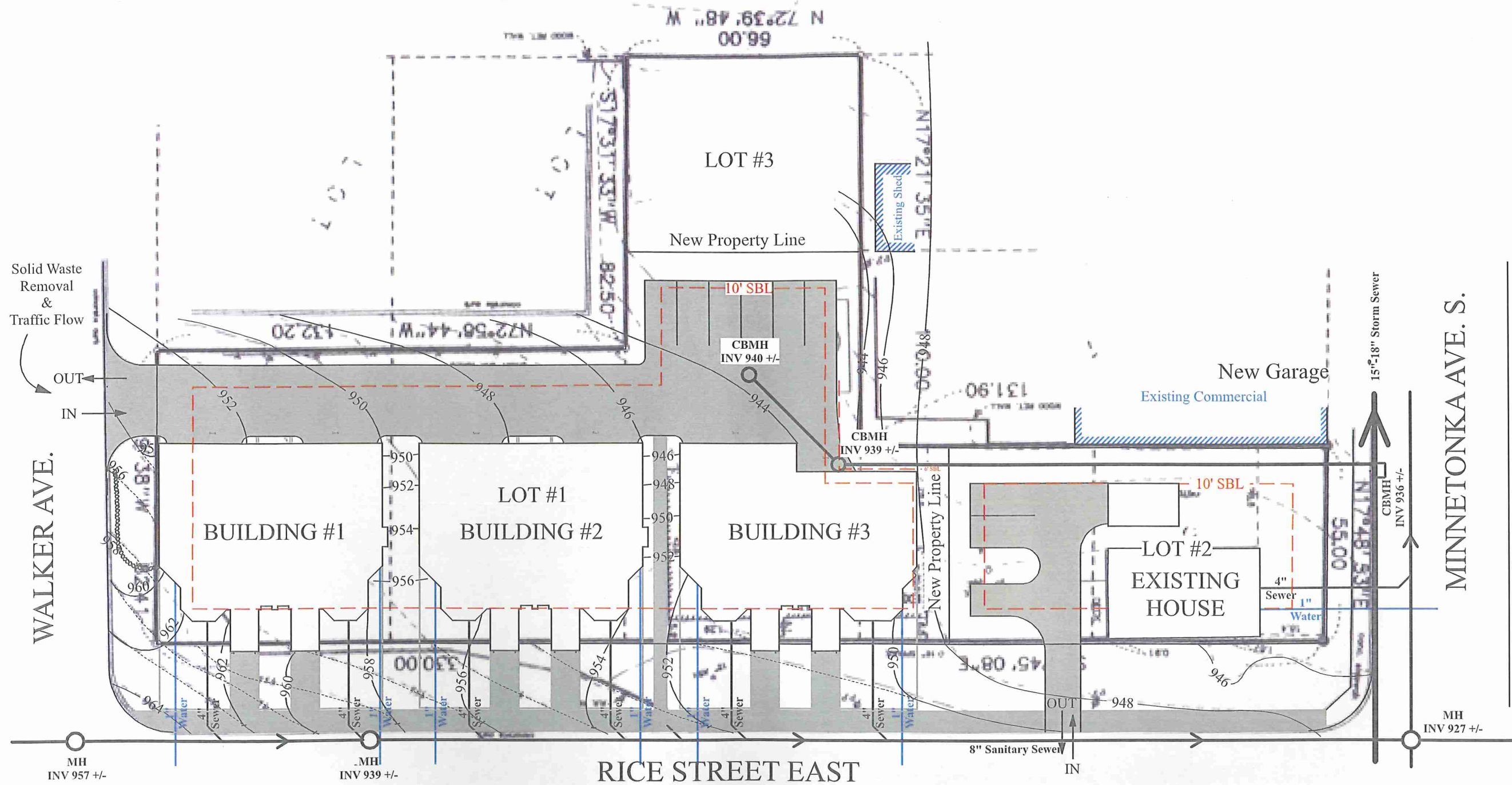
19 ROOF TOP GARDEN PLAN
1/8"=1'-0"

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

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Landschute
architects and landscape architects

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8 GRADING & DRAINAGE PLAN 1"=30'-0"
ROWHOUSE SCHEME

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

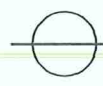
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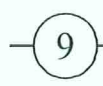
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RICE STREET ELEVATION
 1/16"=1'-0"




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

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



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

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

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



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



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



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

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

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Architects and Interiors of Rice Street

500 Lake Street #110
Excelsior, MN 55331
(952) 470-7416



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



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



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

P R O J E C T		 500 Lake Street #110 Excelsior, MN 55331 (952) 470-7416
Rice Street Rowhouses 520 Rice Street East Wayzata, MN	DATE 6/10/2005	
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712 RICE STREET
EXISTING STRUCTURE



520 RICE STREET
ROWHOUSE PROPOSAL

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



520 RICE STREET
ROWHOUSE PROPOSAL

AVERAGE HEIGHT
(Average grade to mid-point of highest roof)

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



706 RICE STREET
EXISTING STRUCTURE

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

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

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3

RENDERING FROM WALKER & RICE ST.
ROWHOUSE SCHEME

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

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4

RENDERING OF RICE STREET ROWHOUSE SCHEME

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

DATE
6/10/2005

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DWELLING UNIT TABULATION

BLOCK #1

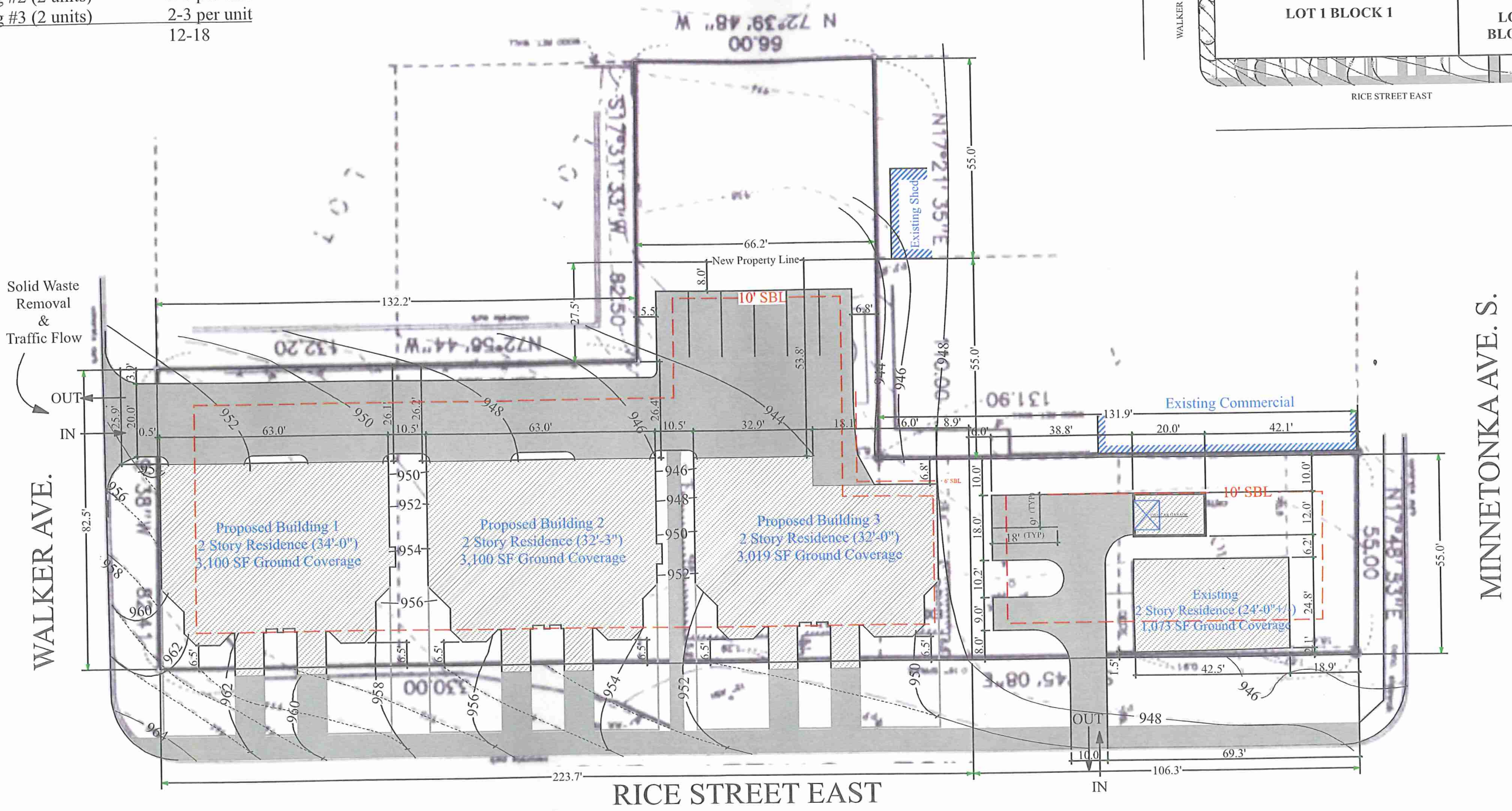
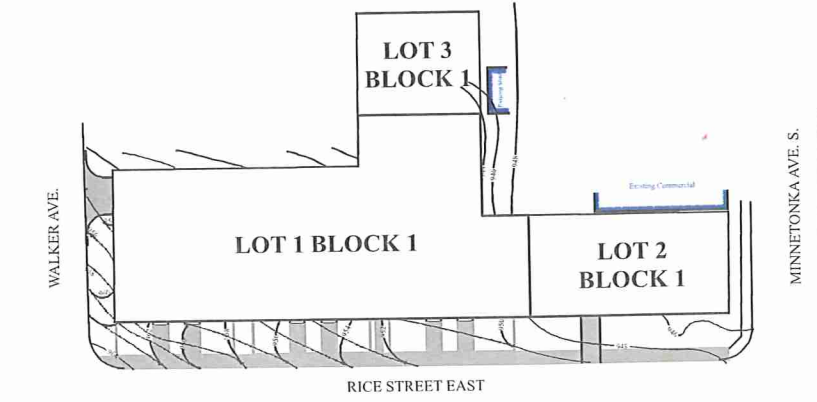
Lot #1 (Rowhouses)

Description	Population
Building #1 (2 units)	2-3 per unit
Building #2 (2 units)	2-3 per unit
Building #3 (2 units)	2-3 per unit
Total	12-18

Legal Description

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

PROPOSED LOTS AND BLOCK PLAN



PROJECT

Rice Street Rowhouses
520 Rice Street East
Wayzata, MN

DATE

6/10/2005

LANDSCHUTE

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Excelsior, MN 55331
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EXISTING HARDCOVER CALCULATIONS

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

Legal Description

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

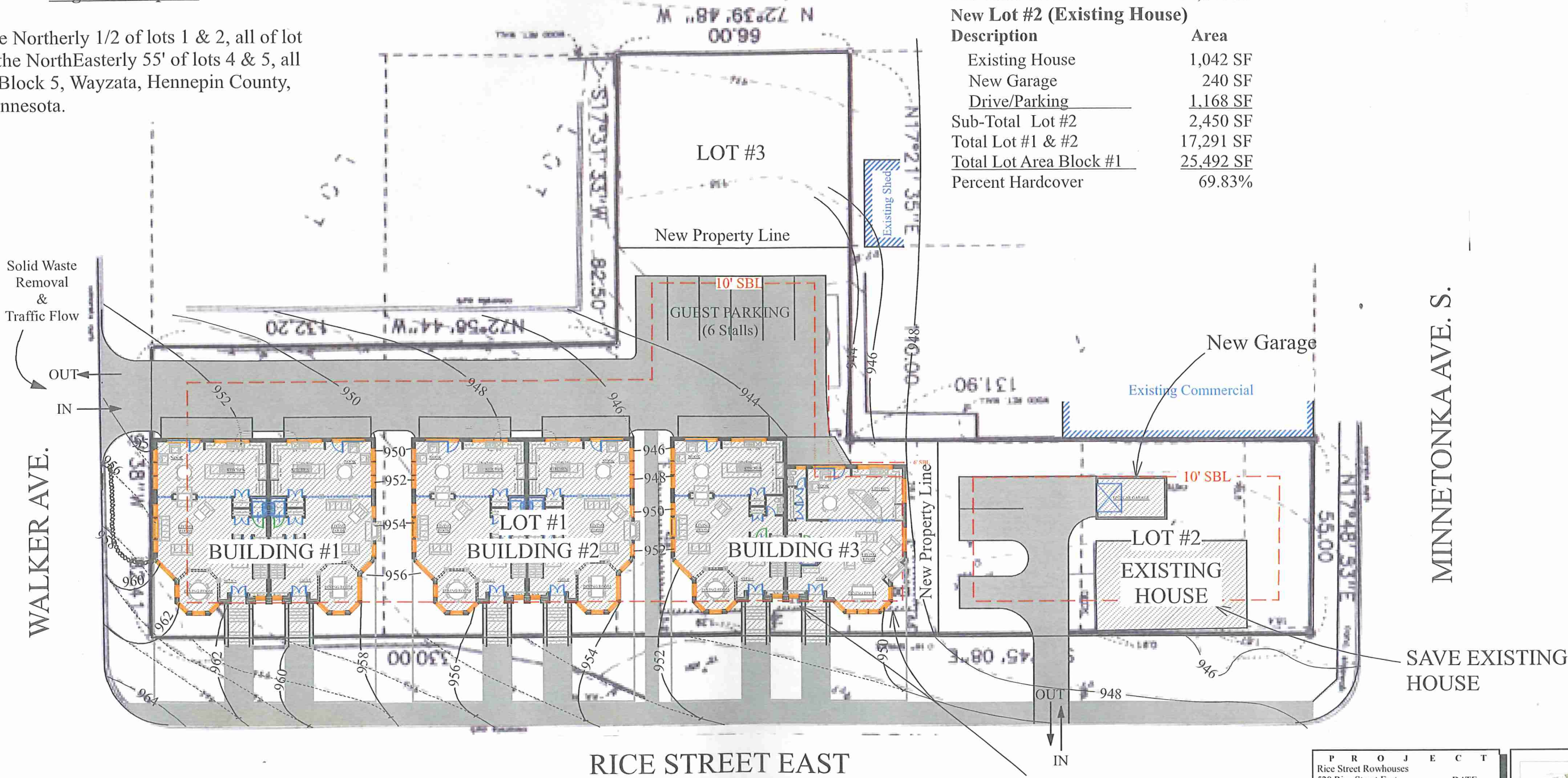
Old Lot #3 (Minnetonka & Rice)	
Description	Area
Garage	372 SF
House & Decks	1,156 SF
Sub-Total	1,528 SF
Total Lot Area	7,240 SF
Percent Hardcover	21.10%

PROPOSED HARDCOVER CALCULATIONS

BLOCK #1 New Lot #1 (Rowhouses)	
Description	Area
Building #1	2,900 SF
Building #2	2,900 SF
Building #3	2,829 SF
Front Steps	697 SF
Drive/Parking	5,515 SF
Sub-Total Lot #1	14,841 SF

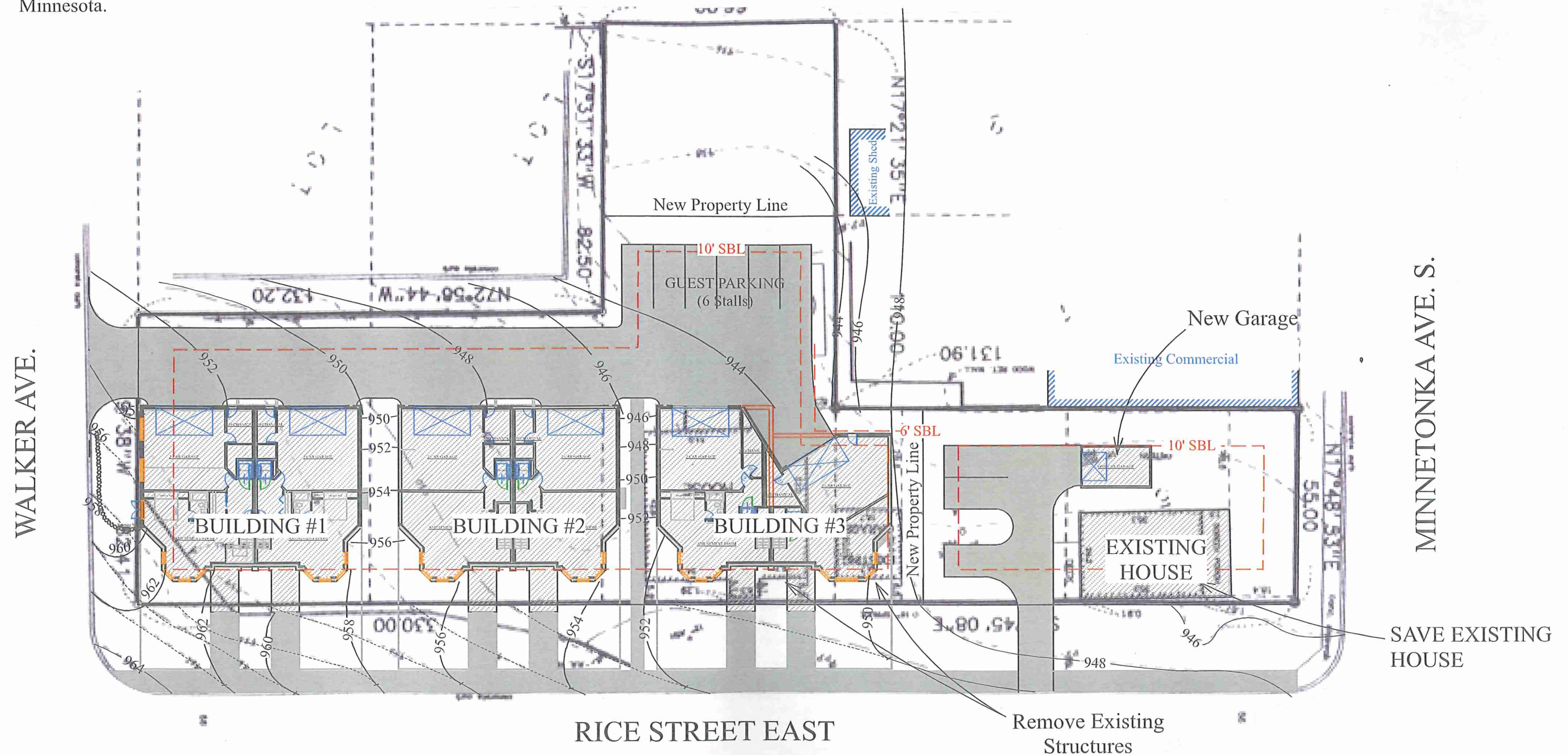
New Lot #3	
Description	Area
No Hardcover	0 SF
Sub-Total	0 SF
Total Lot Area	3,630 SF
Percent Hardcover	0.0%

New Lot #2 (Existing House)	
Description	Area
Existing House	1,042 SF
New Garage	240 SF
Drive/Parking	1,168 SF
Sub-Total Lot #2	2,450 SF
Total Lot #1 & #2	17,291 SF
Total Lot Area Block #1	25,492 SF
Percent Hardcover	69.83%



Legal Description

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



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Single Inline Unit

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

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

→ Shows Primary Flows / By-Pass Flows

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

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

In-Line Stormceptor® Profile

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

[Top](#)

Design and Operation

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

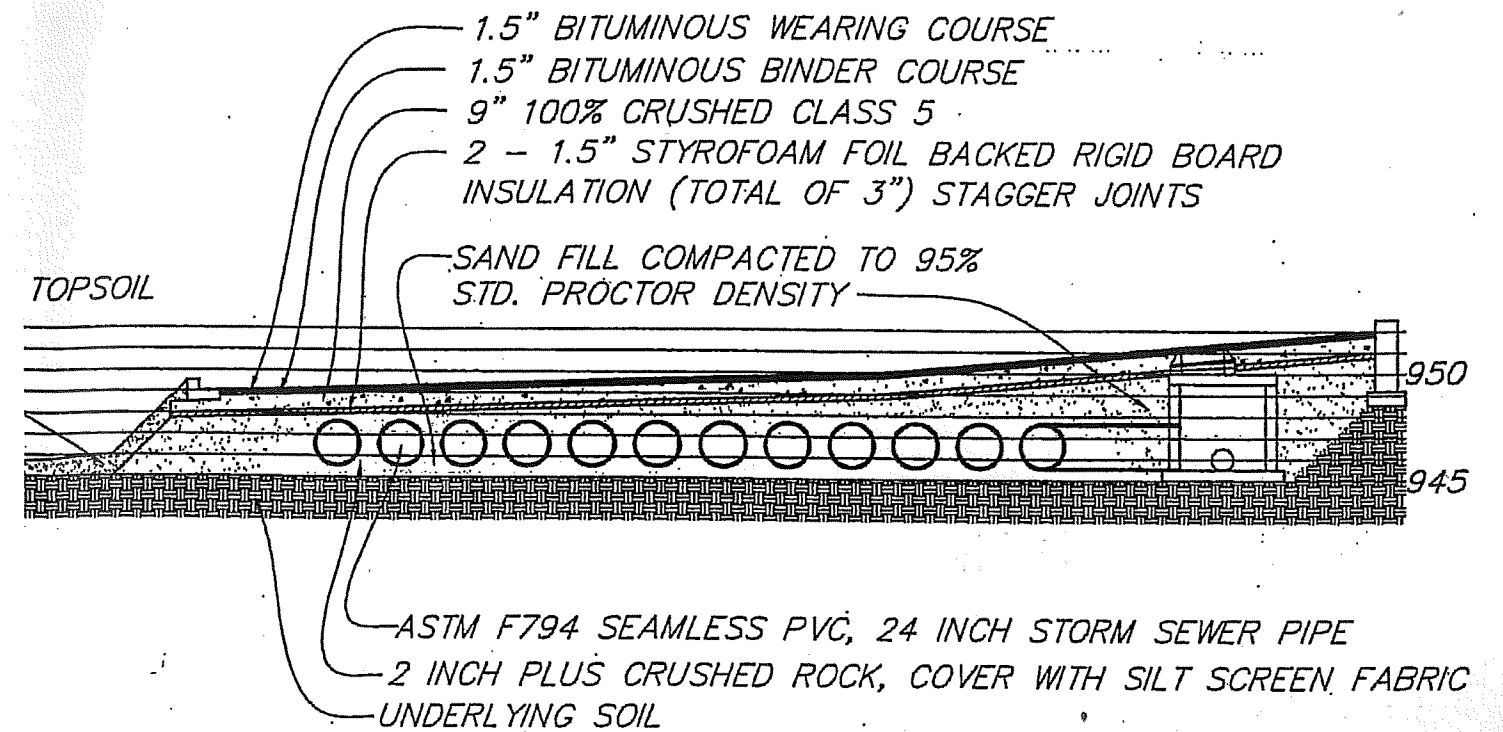
[Top](#)

By-Pass Operating Conditions

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

[Top](#)

Storm water storage area detail



Summary

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

[Top](#)

ADVANCE SURVEYING & ENGINEERING CO.

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

SURVEY FOR: **LANDSCHUTE**

SURVEYED: June, 2005

DRAFTED: June 20, 2005

LEGAL DESCRIPTION:

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

PROPOSED AREAS:

PROPOSED AREAS:	SQ. FT.	ACRES	C	CxACRES
BUILDINGS	8,675	0.199	0.95	0.189
DRIVE AND PARKING	8,024	0.184	0.95	0.175
WALKS	2,652	0.061	0.95	0.058
GRASS & PLANTING	10,569	0.243	0.35	0.085
TOTAL	29,920	0.687	0.74	0.507

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

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

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

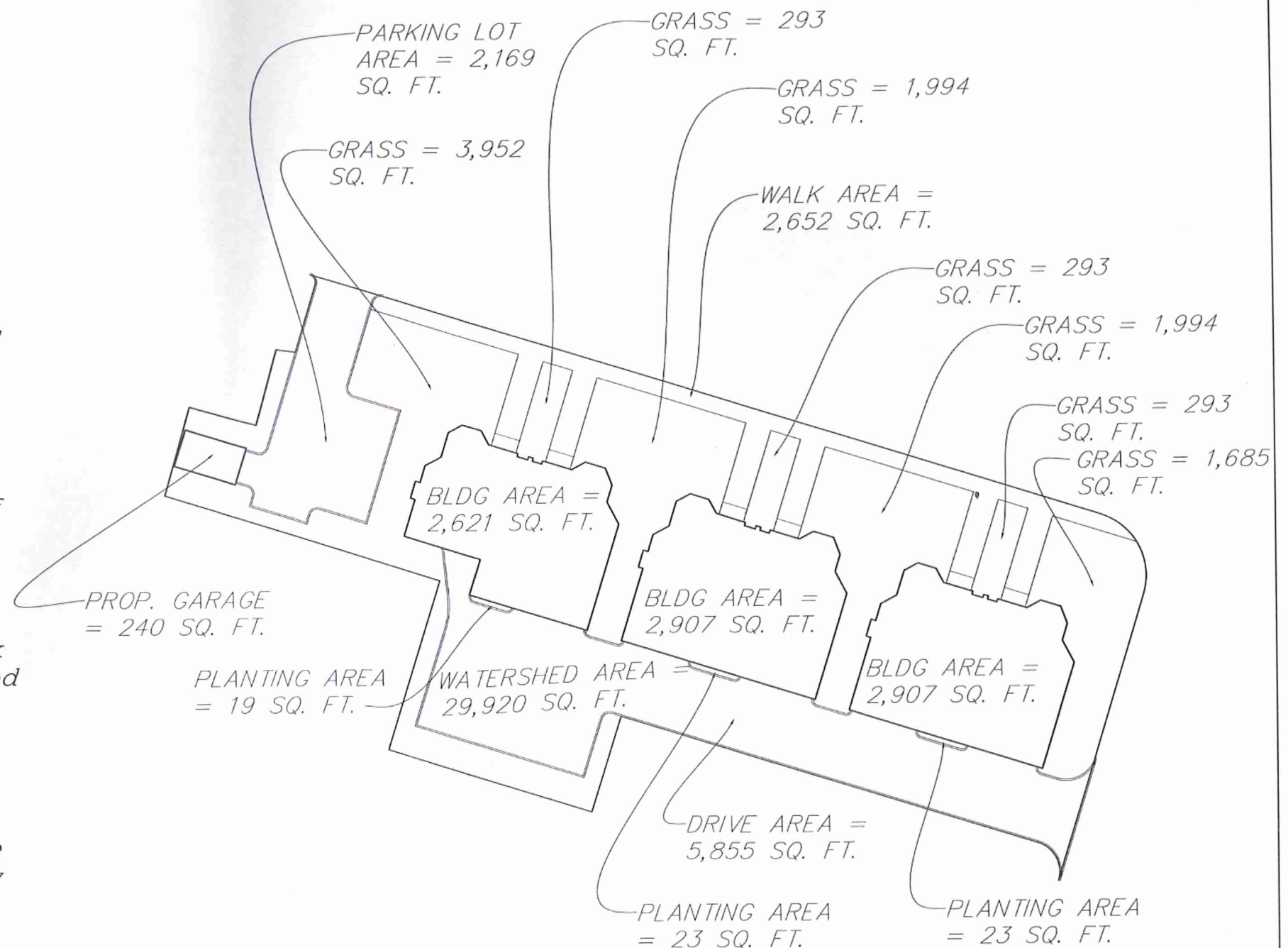
$t_c = 10$ minutes (time required for all parts of watershed to be contributing to outflow volume)

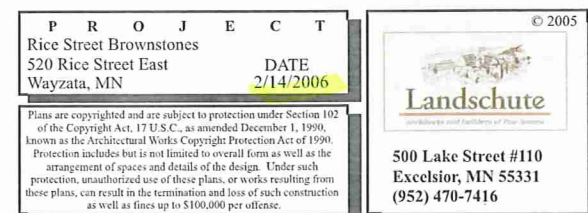
$i(100) = 8$ inch/hour (rainfall intensity during 100 year event)

$Q(100) = CiA = .74 \times 8 \times .687 = 4.07$ cfs (Peak flow during 100 year event from entire watershed after proposed project complete)

To keep the peak flow from the 100 year event the same as the existing site requires a 51.4% reduction in the 4.07 cfs flow, 51.4% of 8 in/hr = 4.1 in/hr. It takes 27 minutes for the 100 year event to abate to a rainfall intensity of 4.1 inches/hour.

During that 27 minutes the average flow from the watershed is $(8 + 4.1)/2 = 6.05$ inches/hour. The storage required is the excess flow of 1.95 inches/hour $(6.05 - 4.1) \times 29,920$ sq. ft. in the watershed $\times 27$ min $\times 1$ hr/60 min $\times 1$ foot/12 inches = 2,188 cubic feet.







City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 7.a
TITLE: Election of Officers of Planning Commission for Remainder of 2021 Calendar Year	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

The Chair and Vice Chair are the elected officers of the Planning Commission. Article V of the Planning Commission Bylaws requires that officers will be elected by Planning Commission members at the first regular meeting in January of each year. The terms of office for the Chair and Vice Chair will be for one (1) year and no member will hold an office for more than three (3) consecutive years. Vice Chair Parkhill is currently serving as Interim Chair after the resignation of Chair Plantan. Therefore, a mid-year election is recommended now that the vacant Commission seats have been filled. Candidates for office receiving a majority vote of the Planning Commission will be elected. An election for the 2022 calendar year will be held in January 2022.

ACTION REQUESTED:

Vice Chair Jeffrey Parkhill has expressed interest in the role of Chair. After any discussion, a Commissioner may make a motion to elect a member to each position.

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: September 1, 2021	AGENDA ITEM: 7.c
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Emily Goellner, Community Development Director	
REVIEWED BY:	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is scheduled for Monday, September 20. The Planning Commission liaison schedule has been updated.

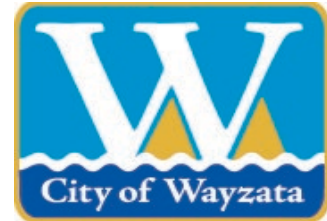
ACTION REQUESTED:

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
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2021						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June 2021						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July 2021						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2021						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2021						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November 2021						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December 2021						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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

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

Holiday Observed
City Offices Closed

Precinct Caucuses -

Primary Election -

General Election - School Board Election

2021**Planning Commission assignments at Council meetings**

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	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