

WAYZATA CITY COUNCIL

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Tuesday, June 21, 2022

7:00 PM

ZOOM INFORMATION

[Click here to join Zoom Mtg](#)

[Meeting ID: 836 1530 0247](#) [Passcode: 152430](#)

Members of the public may watch and listen remotely 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 logging into the zoom call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel.** You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

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 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

6:15 p.m. Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

- **Update of Panoway Roadmap and Review of Community Feedback on Future Phases (4:15-5:15 p.m.)**
- **Review the Capital Improvement Plan (CIP) and Discuss Excess Fund Reserves (5:15-5:45 p.m.)**
- **Discussion of Long-Term Staffing Plan (5:45-6:15 p.m.)**

7:00 PM - CITY COUNCIL MEETING

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approve Agenda**
5. **Public Forum (3min/person)**
 - a. Presentation of Exceptional Service Award to Andy Johnson at Bell Bank by the Greater Wayzata Area Chamber of Commerce
 - b. Update of Wayzata Art Experience by Becky Pierson, President of Greater Wayzata Area Chamber of Commerce
6. **New Agenda Items**
7. **Consent Agenda**
 - a. Approval of City Council Workshop and Regular Meeting Minutes of June 7, 2022
 - b. Approval of Check Register
 - c. Approval of Municipal Licenses
 - d. Receipt of Police Activity Report
 - e. Receipt of Building Activity Report
 - f. Award Contract for 2022 Street Rehabilitation Project to Bituminous Roadways, Inc.
 - g. Authorize Purchase of Tandem Plow/Dump Truck
 - h. Approval of Second Reading and Adoption of Ordinance 811 Amending Zoning Ordinance Provisions on Residential, Institutional, and Commercial Zoning Districts

- i. Approve Amendment to Professional Services Agreement with New History
- j. Approval of Amendment to Memorandum of Understanding with Xcel Energy
- k. Adoption of Resolution 28-2022 Appointing Election Judges for the 2022 Elections
- l. Approval to Authorize City Manager and Mayor to Execute a Professional Services Agreement with Delaney Consulting
- m. Approval of Second Reading and Adoption of Ordinance 813 Granting a Franchise to Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC to Construct, Operate, and Maintain a Cable System in the City of Wayzata

8. New Business

- a. Consider Acceptance of 2022 Wayzata Community Survey Report
- b. Consider Adoption of Resolution 27-2022 Supporting the Dakota Rail-Luce Line Connector Regional Trail
- c. Consider Adoption of Resolution 26-2022 Approving a Parking Variance, Conditional Use Permit (CUP) for Off-Site Parking, and Fee in Lieu of Parking (FILOP) CUP for 712 Lake Street East

9. City Manager's Report and Discussion Items

10. Public Forum (as necessary)

11. Adjournment

Meeting Rules of Conduct:

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

Upcoming Meetings:

City Council - July 19, 2022
Planning Commission - June 20, 2022

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



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.a
TITLE: Approval of City Council Workshop and Regular Meeting Minutes of June 7, 2022	
PROPOSED MOTION: To Approve the Workshop and Regular Meeting Minutes of June 7, 2022	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends approval of the attached draft minutes.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. June 7, 2022 Workshop Minutes (draft)
2. June 7, 2022 CC Minutes (draft)

**WAYZATA CITY COUNCIL
WORKSHOP MEETING MINUTES
June 7, 2022**

5:30 p.m. Update of Parks Maintenance and Staffing

Mayor Pro Tem Plechash called the meeting to order at 5:30 p.m. Council Members present in the community room at City Hall offices: Iverson, MacDonald, and Buchanan. Mouton was absent. Also present: City Manager Jeff Dahl, Administrative Services Director Aurora Yager, Public Works Director/City Engineer Mike Kelly, and Parks Planner Nick Kieser.

Mr. Kelly provided background noting during the 2021 CIP and long-term staffing discussions, staff mentioned that it has struggled for the last few years to find seasonal help and was considering possible alternatives to ensure proper maintenance and prioritization of the City's parks, public spaces, and manicured areas in the right-of-way. Alternatives discussed included the following: offering a higher starting wage, contracting out specific maintenance tasks, and if those were unsuccessful, hiring an additional full-time Parks employee.

Mr. Kelly stated that the Public Works department will have 5 seasonal employees in 2022. The Parks Department is also compiling an inventory of maintenance activities for each of the City's parks, public spaces, and manicured areas in the right-of-way. This inventory is intended to become a Maintenance and Operation manual which will allow the Parks Department, as well as management, to better prioritize activities. Staff will continue to monitor activities and may choose to contract out some work to ensure consistent delivery of services. The Council appreciated the update and would like to review the Maintenance and Operations plan and make sure it is out on the website so we can refer to it if folks want to know why we do what we do.

5:45 p.m. Discussion of Municipal Marina Operations and Accounting Structure

As part of the 2022 Budget process, the Parks and Trails Board proposed raising boat slip fees about 53% over 2 years in order to assist in funding other parks-related investments. This proposal generated some confusion and frustration from boat slip holders regarding the City's operation of a municipal marina.

At that time, the Council ultimately raised fees 5%, consistent with other City fee increases, and directed staff to conduct an analysis into the history and profitability of the operation and provide a proposal on how to resolve these issues and better plan for future fee increases. Staff has since been researching the City's historical operation of the marina, engaging boat slip holders via a survey to get feedback about operations/needed investments, and engaging a committee of boat slip holders to talk through the findings and recommendations outlined in the attached memo.

Staff and the committee of slip holders are in agreement regarding the recommended next steps in the memo with a few exceptions. The boat slip committee prepared the attached "Boat Slip Committee Proposal" which outlines what they think should be included in the new Marina Fund.

The Council discussed the differences in the proposals and directed staff to make the Marina Fund more limited to just the boat slips and to exclude charter boat permit revenues and expenses related to the docks, dockmasters, and the LMCD levy. Members of the ad-hoc boat slip committee in attendance, Dennis Marhula, Christina McCullough, and Brian McCullough, thanked staff and the Council for listening to them and asked that they continue to be involved in the decision making as it relates to the boat slips.

Next steps will be to revise the proposed Marina Fund to incorporate the Council's direction and incorporate it into the 2023 Budget process. The new Marina Fund will be included in the Capital Improvement Plan Workshop on June 21 and starting in 2023, future fee increases would be directly tied to the expenses listed in its own fund.

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2
3 The workshop meeting was adjourned at 6:40 p.m.
4
5 Respectfully submitted,
6
7 Kathy Leervig, City Clerk

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
June 7, 2022

AGENDA ITEM 1. Call to Order.

Mayor Pro-Tem Plechash called the meeting to order at 7:00 p.m. and shared the multiple options for joining remotely and submitting comments or questions.

AGENDA ITEM 2. Pledge of Allegiance.

AGENDA ITEM 3. Roll Call.

Council Members present: Buchanan, Iverson, MacDonald, and Plechash. Also present: City Manager Dahl, Community Development Director Goellner, Administrative Services Director Yager, Assistant Planner Quarles, Planning Consultant Zweber, and City Attorney Schelzel.

Mayor Pro-Tem Plechash noted on May 21, 2022 the City Council participated in a closed session meeting, pursuant to Minn. Stat. 13D.05, Subd 3.d. to discuss security and emergency procedures and training.

Mayor Pro-Tem Plechash noted that earlier this evening the Council held a workshop meeting in which the following items were on the agenda:

- Update of Parks Maintenance and Staffing
- Discussion of Municipal Marina Operations and Accounting Structure

AGENDA ITEM 4. Approve Agenda.

Mr. Buchanan made a motion, seconded by Ms. MacDonald to approve the agenda, as presented. The motion carried 4/0.

AGENDA ITEM 5. Public Forum.

a. Swearing in of Firefighters Joel Friese, Luke Malm, Chris Mattson, and John Kenney

City Manager Dahl stated that the fire department is the heart and soul of the community and noted that it was a true honor for him to be able to swear in the firefighters. He commended them for their desire to serve the community and administered the oath of office for each firefighter. There was a round of applause.

Chief Klapprich shared background, education, work history, and experience about each of the firefighters. He noted that all four had been through the following training programs: Firefighter 1, Firefighter 2, Hazmat, and also have their EMR certifications.

Mayor Pro-Tem Plechash stated that because he also serves on the Fire Department, he knows the training that they have undertaken for their roles and commended them for making this sacrifice to serve the community.

Chief Klapprich oversaw the pinning of the badges for the firefighters by their friends and family.

AGENDA ITEM 6. New Agenda Items.

Ms. Iverson requested that the Council revisit discussion surrounding when permits come in to ask that people to recycle 20-25% of the home rather than having it go to a landfill. She asked how the Council felt about this idea and if it could be discussed a future workshop meeting. Mr. Dahl noted that when it had been brought up previously the thought was that it would be a conversation for the Energy and Environment Committee. Community Development Director Goellner explained that she believes it was brought up with the Committee but does not remember there being an action item that they wanted to bring forward to the Council.

Mr. Buchanan stated that he did not believe it had been on the Energy and Environment Committee agenda, but would support the idea and would like to see the City give some guidance and its preference for these practices. He stated that he would like to see it placed on one of the next agendas of the Energy and Environment Committee.

AGENDA ITEM 7. Consent Agenda.

Mayor Pro-Tem Plechash read the items on the consent agenda and asked if any Council member wished to pull an item for further discussion. Hearing no such request, he asked for a motion to approve the Consent Agenda as presented. Mr. Buchanan made a motion, seconded by Ms. MacDonald, to approve the consent agenda:

- a. Approval of the Local Board of Appeal and Equalization Meeting, City Council Regular Meeting minutes from May 3, 2022 and Workshop and Regular Meeting Minutes of May 17, 2022
- b. Approval of Check Register
- c. Approval of Municipal Licenses
- d. Approval of Professional Services Agreement with Van Meter Williams Pollack for Wayzata Boulevard Corridor Study
- e. Approval of Amended Agreement for Environmental Health Services with the city of Minnetonka
- f. Approval of Second Reading and Adoption of Ordinance 812 Zoning Ordinance Amendment to Create New Parks and Open Space Zoning District and to Rezone Certain Properties to Such District
- g. Adoption of Resolution 24-2022 Accepting Donation from the Wayzata Crime Prevention Coalition to Purchase a K-9 and Certification Training

The motion carried 4/0.

AGENDA ITEM 8. New Business.

- a. **Consider Approval of the First Reading of an Ordinance Granting a Franchise to Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC to Construct, Operate, and Maintain a Cable System in the City of Wayzata**

Mr. Dahl introduced the City's Telecommunications Attorney, Brian Grogan of Moss and Barnett to give an overview of the draft agreement.

Brian Grogan, Moss and Barnett, gave a presentation that reviewed the Federal Cable Act, existing cable franchising, goals of the franchise negotiations, franchise terms, and the proposed ordinance that would grant a franchise to Comcast.

Karly Werner, Senior Director of Government Affairs with Comcast, Twin Cities, gave a brief overview of Comcast, since they are a new entity to the City.

1 Mayor Pro-Tem Plechash stated that Wayzata is a small City and asked what
 2 prompted Comcast to make such an enthusiastic commitment to Wayzata. Ms. Warner
 3 stated that they serve Minnetonka and with the work that was done on Lake Street, they
 4 decided to take the opportunity to lay some fiber for this possible opportunity in Wayzata.
 5 She explained that they are committed to building out the entire City in phases working
 6 closely with the Public Works Department starting in the business district near the lake and
 7 expanding from there to cover every neighborhood in the City.

8 Mr. Dahl noted language included in the agreement surrounding communications
 9 to allow people to be made aware of what is going on prior to construction so there should
 10 not be any surprises.

11
 12 Mayor Pro-Tem Plechash asked for a motion. Ms. Iverson made a motion, seconded by
 13 Mr. Buchanan, to Approve the First Reading of an Ordinance Granting a Franchise to
 14 Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC to Construct,
 15 Operate, and Maintain a Cable System in the City of Wayzata. The motion carried 4/0.

16
 17 **b. Consider Adoption of Resolution 19-2022 and First Reading of Ordinance 811**
 18 **Amending Zoning Ordinance Provisions on Residential, Institutional, and**
 19 **Commercial Zoning Districts**

20 Ms. Goellner gave an overview of the work that had been done, thus far, in the Zoning
 21 Study as a way to help manage thoughtful development within the City and align the code
 22 with the Comprehensive Plan.

23 Assistant Planner Valerie Quarles gave an overview of the work that was done to
 24 clean up the code by working with the Zoning Task Force and WSB. She gave an overview
 25 of the community engagement process and briefly reviewed the more significant policy
 26 updates that arose from this process.

27 Ms. Goellner stated that after discussion at five meetings, the Planning Commission
 28 unanimously recommended approval. She noted that the meeting minutes had been
 29 included in the packet so the Council could see their discussion. She explained that there
 30 are still some outstanding questions including inconsistencies with some of the definitions
 31 and staff is planning to begin work on this following the changes to the Zoning Districts.
 32 She stated that other outstanding questions were related to firearm sales, vacation rentals
 33 and also policy documents. She expressed her appreciation to Planning Consultant Eric
 34 Zweber for the detailed work he and his team at WSB did on the Zoning Ordinance
 35 amendments

36 Ms. Iverson thanked staff for their work and noted that it was very helpful to have
 37 the Planning Commission minutes so she could read through some of the questions and
 38 their discussions. She asked about their discussion about inconsistency in heights for
 39 ADUs. Ms. Quarles stated that the discussion that came out of this was that the height limit
 40 for homes in rambler style neighborhoods are not any lower because they are ramblers and
 41 explained that there is a two-story height limit in all residential neighborhoods. She
 42 clarified that the City would not limit someone from adding a second level to their home
 43 because it would be considered 'out of character' with the neighborhood. Ms. Iverson
 44 stated that she has some concerns about the setbacks for ADUs because she thinks 5 feet
 45 is very small and would like to see it stay at 10 feet. Ms. Quarles explained that their
 46 thought process was around whether the City should regulate this accessory structure just

1 because it has people in it any differently than they would a shed or a detached garage and
2 staff felt that the setback should not be limited just because there were people in the
3 structure.

4 Ms. Iverson asked about enforcement for these changes and the examples given
5 during discussion about someone who may want to operate a yoga studio or other small
6 business out of this space. Ms. Quarles acknowledged that this is part of the Code that is a
7 bit weak. She stated that the way the City handles home businesses is not up to par with
8 how many other cities handle it. She stated that right now, if someone tells the City that
9 they have a home business the City says they would like it if they did not disturb other
10 people, cause a lot of traffic, and limit it to daytime hours. She stated that right now there
11 is not a lot of regulation currently in place. She stated that she feels it would be something
12 worth a separate discussion by the Council.

13 Ms. Iverson stated that there was discussion about drive-thru service and suggested
14 that there be a discussion about having a 500 foot setback from residential neighborhoods.
15 She explained that she took this specific setback distance from ordinances put together by
16 both Maple Grove and Plymouth. Planning Consultant Zweber stated that there is currently
17 not a specific standard for distances from a drive-thru to a residential property or structure.
18 He gave an overview of the proposed language and explained using the example of a bank
19 needing a permit, but also needing a separate permit for the drive-thru as a Conditional
20 Use. Ms. Goellner noted that the idea of a setback for a drive-thru could also be something
21 that is included in the Wayzata Boulevard Corridor Study for further study.

22 Ms. Iverson asked about references within the document to things such as the
23 Sustainability Policy and noted that she does not think she had seen that policy. Ms. Quarles
24 explained that this was one of the outstanding questions referenced by Ms. Goellner and
25 noted that part of their future work would be to write those policies.

26 Ms. Iverson noted that in the C3-A District, her personal preference would be to
27 see it be two-stories and not three-stories because of safety and traffic reasons. She stated
28 that she thinks allowing this on that corridor would take away any small-town that they
29 have left and is just too dense. She stated that her other thought is rather than putting the
30 35 feet into the document now, perhaps they wait until the Corridor Study has been
31 completed.

32 Mr. Buchanan asked if staff was confident that these revisions are in keeping with
33 the Comprehensive Plan. Ms. Goellner confirmed that staff is confident that these
34 amendments are in keeping with the Comprehensive Plan.

35 Mr. Buchanan stated that he loves the table because it solves a lot of the problems
36 with having to mess around and look for information. He stated that he and Mayor Pro-
37 Tem Plechash have served on the Zoning Task Force. He stated that the issue brought up
38 by Councilmember Iverson regarding ADUs brings up a good point because if someone is
39 living in there it is a lot different than just having a shed that close so he would agree with
40 her on her recommendation for a setback limitation but wonders how that would apply to
41 someone who builds on a garage. He stated that the Zoning Task Force had a lot of
42 discussions about Airbnb and VRBOs as well as conversations about the City losing its
43 charm, but noted that he did not believe that there were any short term rentals in the City.
44 Ms. Goellner stated that from her recent research, she found that there are about 12 that are
45 scattered throughout the City with a slight conglomeration in the southeastern portion of
46 the City. Mr. Buchanan stated that he appreciates the concern expressed by Council

1 Member Iverson, but he thinks it may be a situation where they are looking for a solution
2 without a problem, at this point. Ms. Goellner stated that none of the short-term rentals in
3 town are currently required to hold a license and they would typically have police respond
4 to complaints, but noted that there have not been many complaints. Mr. Buchanan noted
5 that the City may want to look at a permitting process for short-term rentals in the future.

6 Ms. MacDonald stated that she appreciated the work that went into this document
7 and noted that she agreed with Council Member Buchanan about the inclusion of the table.
8 She stated that related to the question regarding drive-thru distances, she explained that she
9 was okay with its inclusion because it could be addressed down the line following the
10 Corridor Study, because they are only allowed in certain spaces. She stated that with
11 relation to the setbacks for ADUs, she is going back and forth between the 5 foot and 10
12 foot setback distance, because 5 feet seems very low, but she can see the reasoning behind
13 that distance so people can actually put in an ADU if they have a smaller lot, but would
14 trust the recommendation made by staff and the Planning Commission. She noted that she
15 likes the idea of having the new District in place and because the City has not yet
16 determined where these will go, she would be okay with inclusion of the three stories.

17 Mayor Pro-Tem Plechash stated that he wanted to applaud everyone that has been
18 involved in the creation of this document because he felt the outcome was amazing. He
19 stated that he knows that there were countless hours spent by many people that were put
20 into this document. He noted that he would agree with the sentiments already expressed
21 that the table is a brilliant addition. He stated that the point brought up by Council Member
22 Iverson was a good one because he would agree that there is a substantive difference
23 between an ADU occupied by people and one that is not. He stated that his opinion is that
24 if it is a new structure that is meant for people, then he thinks a 10 foot setback is
25 appropriate, and if it is an existing structure, such as a garage, then the existing setback
26 would be fine, even if it was just 5 feet.

27 Ms. Iverson stated that she would support that idea.

28 Mayor Pro-Tem Plechash stated that the idea of a 500 feet setback for a drive-thru
29 is an interesting notion, however he thinks what is in front of the Council is probably okay
30 because he thinks there is enough flexibility built in, so it can be addressed when those
31 applications come before the Council. He stated that he also finds inclusion of the three
32 stories acceptable because, for him, Wayzata Boulevard is a different part of the City and
33 feels different than other areas. He stated that, to him, it feels like it can support a bit more
34 mass than other parts of the City. He stated that if the Council has concerns with this when
35 applications are before them, he feels it can be addressed at that time.

36 Ms. Iverson asked if the Council moves forward with this document including three
37 stories, how the City could regulate that with a developer.

38 Ms. Quarles explained that right now, they are not proposing to rezone anything on
39 Wayzata Boulevard, so all of the properties would remain C-3, which is still just two
40 stories. She stated that if a developer wanted to have a third story, they would have to come
41 before the Council and ask for a rezoning for their project, which means the Council would
42 have a pretty high discretion over developments that may seek the third story. She noted
43 that part of the Corridor Study would look at the best way to implement the third story.
44 City Attorney Schelzel reiterated Ms. Quarles' point and explained that if a property along
45 Wayzata Boulevard is rezoned C-3A, then that is currently drafted as a permitted height
46 but clarified that, right now, no properties are being rezoned.

1 Mayor Pro-Tem Plechash asked if there was consensus of the Council to approve
2 this resolution with the tweak that had been discussed regarding the ADU setbacks. City
3 Attorney Schelzel asked staff to articulate the language that would change within the code.
4 Mr. Schelzel stated that he would like to make sure that it is stated with precision for the
5 record and cite the section of the Code that will be amended from what was included in the
6 packet. Mr. Zweber referenced Code section 973.03A and staff will add subsection 8 which
7 will address the language, as discussed. Ms. Quarles clarified that the suggested language
8 would be, ‘ADUs will follow principle structure setbacks, except when improvements to a
9 structure built before the effective date of the ordinance.’

10 Mayor Pro-Tem noted the letter that had been included in the packet regarding
11 situations where there would be a request for an ADU in a basement which is larger than
12 960 square feet. He stated that he felt the idea raised in the letter was reasonable and
13 suggested that the Council also tweak that portion of the ordinance. He suggested that there
14 is a 960 square foot maximum restriction for a new structure, but if it is an ADU that is
15 going to go into an existing structure, for example the top of a garage or in a basement, that
16 there be some flexibility in that maximum size so they are not arbitrarily requiring the
17 property owner to put in a wall.

18 Ms. Iverson stated that she would agree with that revision.

19 Mr. Zweber stated that one thing in the existing code that is not called out in the
20 ordinance is that the 960 square foot cap is only applied to the R-2, R-2A, R-3, and R-3A.
21 He noted that the 960 square foot size is the minimum square footage for a two-bedroom
22 unit in the City Code.

23 Mayor Pro-Tem Plechash gave the example of a 1,200 square foot house that has a
24 1,200 square foot basement and noted that this may be another situation where he is
25 proposing a solution when there isn’t really a problem, but felt the letter made a pretty good
26 point. Ms. Quarles noted that in Mayor Pro-Tem Plechash’s example, she does not see how
27 that would be different than a duplex and would be a situation where she would be more
28 comfortable with a variance if it went above the ADU cap. She explained that the way they
29 have defined ADUs is to ensure that they are subordinate and smaller than the main
30 structure. She noted that she believes it may be difficult to try to set a flex-cap for existing
31 structures because of the differing sizes in basements, attics, and garages. Mayor Pro-Tem
32 Plechash stated that he agreed that the approach would make a lot of sense and withdrew
33 his suggestion for revision.

34 Mr. Dahl clarified that the consensus of the Council would be for ADUs in existing
35 structures would only be allowed if they were conforming, at this point in time, which
36 would mean they would have to meet the 5 foot setback at a minimum. Ms. Goellner noted
37 that there is a section about non-conforming structures and uses that implies that you cannot
38 expand a non-conforming structure, so that is already built into this language.

39
40 Mayor Pro-Tem Plechash asked for a motion on the application. Mr. Buchanan made a
41 motion, seconded by Ms. MacDonald, to Adopt Resolution 19-2022 Approving Zoning
42 Ordinance Amendments Related to Residential, Institutional, and Commercial Zoning
43 Districts as modified per discussion and outlined by staff; AND to Approve the First
44 Reading of Ordinance 811 Amending Zoning Ordinance Provisions on Residential,
45 Institutional, and Commercial Zoning Districts. The motion carried 4/0.

c. Consider Approval of Professional Services Agreement with SRF Consulting, Inc. for Wayzata Boulevard Corridor Study

Ms. Goellner gave an overview of the proposed Professional Services Agreement with SRF Consulting for the Wayzata Boulevard Corridor Study and outlined the study area. She reviewed the core project team and frequency of their meetings and noted that Council Members Buchanan and MacDonald will serve as Co-Chairs of the Corridor Study Committee. She reviewed the selection process and gave an explanation on why the recommendation was to select SRF Consulting. She reviewed the multi-disciplinary approach and schedule for the year-long study process. She noted that the 2022 CIP allocates \$128,000 for the Wayzata Boulevard Study and this service agreement is in an amount not to exceed \$74,984.25 and the remainder would be allocated towards the agreement that was approved on tonight's Consent Agenda with Van Meter Williams Pollack. She introduced Mike McGarvey, Project Manager with SRF Consulting.

Mike McGarvey, SRF Consulting Group, stated that they are happy to have the opportunity to continue their relationship with the City on this project.

Ms. Iverson stated that she wanted it on the record that she was not in agreement with this because, from a philosophic standpoint, she does not agree with the redevelopment down Wayzata Boulevard. She stated that it may be possible that her mind is changed through this process, but also because of the feedback she has gotten from residents, as of right now, she cannot support this overall project.

Mayor Pro-Tem Plechash stated that he does not see this Corridor Study as a foregone conclusion as to what Wayzata Boulevard will look like.

Mayor Pro-Tem Plechash asked for a motion on the application. Mr. Buchanan made a motion, seconded by Ms. MacDonald to Approve the Professional Services Agreement with SRF Consulting, Inc. for Wayzata Boulevard Corridor Study. The motion carried 3/1 (Iverson opposed).

AGENDA ITEM 9. City Manager's Report and Discussion Items.

a. Upcoming Events/Announcements

- Noted that Walk-Zata was held over the weekend. He explained that there have been a lot of comments and feedback that staff is currently gathering. He stated that a report will go through the Panoway District Committee and then to the Council.
- Stated that the City's search and rescue K-9, Loki, will be featured on KARE-11 this evening.
- Extended his appreciation to the Fire Department and the other involved departments that were involved in fighting the significant grass fire last Friday.

AGENDA ITEM 10. Public Forum Continued (if necessary).

There were no comments.

AGENDA ITEM 11. Adjournment.

There being no further business, Mayor Pro-Tem Plechash asked for a motion to adjourn. Ms. MacDonald made a motion, seconded by Mr. Buchanan to adjourn. Mayor Pre-Tem Plechash adjourned the meeting at 9:16 pm.

1 Respectfully submitted,
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5 Kathy Leervig
6 City Clerk
7
8 Drafted by Kayla Rokosz
9 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.b
TITLE: Approval of Check Register	
PROPOSED MOTION: To Approve the Payment of Checks and Electronic Fund Transfers (EFT's) for May and June 2022	
PREPARED BY: Kathy Ovshak, Senior Accountant	
REVIEWED BY: Jeffrey Dahl, City Manager, Aurora Yager, Administrative Services Director	

ACTION REQUESTED:

Staff recommends the approval of checks and EFT's

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Detailed Check Register
2. Detailed EFT Register

CITY OF WAYZATA

06/15/22 10:38 AM

Page 1

***Check Detail Register©**

Batch: 060722PAY,060822PAY,061422PAY,061522PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 Old National					
124335	06/07/22	ACME TOOLS			
E 101-43100-240		Small Tools and Minor Eq	\$189.99	10017268	TOOLS
E 101-41940-210		Operating Supplies (GEN	\$24.48	10027933	SUPPLIES
		Total	\$214.47		
124336	06/07/22	ACTION FLEET INC.			
E 101-42100-404		Repairs/Maint - Machin/Eq	\$47.50	I5081	PD REPAIRS
E 101-42100-404		Repairs/Maint - Machin/Eq	\$57.50	I5086	PD REPAIRS
E 101-42100-404		Repairs/Maint - Machin/Eq	\$57.50	I5088	PD REPAIRS
E 101-42100-404		Repairs/Maint - Machin/Eq	\$57.50	I5089	PD REPAIRS
E 101-42100-404		Repairs/Maint - Machin/Eq	\$57.50	I5090	PD REPAIRS
		Total	\$277.50		
124337	06/07/22	ADVANCE AUTO PARTS			
E 101-43100-210		Operating Supplies (GEN	\$29.43	15077-18223	SUPPLIES
		Total	\$29.43		
124338	06/07/22	AMAZON CAPITAL SERVICES			
E 101-42100-200		Office Supplies (GENERA	\$100.55	1K37-TG6P-4	PD SUPPLIES
		Total	\$100.55		
124339	06/07/22	AT&T - FIRSTNET			
E 101-42200-323		Radio Units	\$636.96		FD SERVICE
E 101-41940-321		Telephone	\$387.03	28729845852	PW SERVICE
		Total	\$1,023.99		
124340	06/07/22	BAGY JO, INC.			
E 101-45200-217		Uniforms	\$477.00	72211	SEASONAL DOCKMASTER UNIFORMS
		Total	\$477.00		
124341	06/07/22	BARCO MUNICIPAL PRODUCTS			
E 620-40000-210		Operating Supplies (GEN	\$76.06	243741	SURVEY FLAGS
		Total	\$76.06		
124342	06/07/22	BERRY COFFEE COMPANY			
E 101-42200-499		Miscellaneous	\$103.55	902868	FD SUPPLIES
		Total	\$103.55		
124343	06/07/22	CENTERPOINT ENERGY			
E 101-41940-383		Fuel, oil and natural gas	\$116.87		SERVICE
E 101-41940-383		Fuel, oil and natural gas	\$129.27		SERVICE
E 101-42200-383		Fuel, oil and natural gas	\$583.99		SERVICE
		Total	\$830.13		
124344	06/07/22	COMMERCIAL ASPHALT CO.			
E 430-40000-309		Contractual Services	\$1,052.29	220531	ASPHALT
		Total	\$1,052.29		
124345	06/07/22	CONVERGINT TECHNOLOGIES			
E 101-41940-404		Repairs/Maint - Machin/Eq	\$302.82	20802	MILL STREET PARKING RAMP CAMERA REPAIR

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$302.82		
124346	06/07/22	CORE & MAIN			
E 620-40000-225		Repair & Maint - System	\$256.48	Q992107	PARTS
Total			\$256.48		
124347	06/07/22	CUSTOM FIRE APPARATUS, INC.			
E 101-42200-434		Training and schools	\$1,800.00	0021458	FD PODIUM
Total			\$1,800.00		
124348	06/07/22	CUSTOMIZED FIRE RESCUE TRAININ			
E 101-42200-434		Training and schools	\$3,140.00	2066	FD TRAINING
Total			\$3,140.00		
124349	06/07/22	DAHL, JEFFREY			
E 101-41500-331		Mileage & Expense Accou	\$112.50		CHAMBER GOLF EVENT
Total			\$112.50		
124350	06/07/22	GERTENS			
E 101-45200-227		Plantings	\$58.00	767253/1	PLANTS
Total			\$58.00		
124351	06/07/22	GOPHER ACE TRU VALUE			
E 101-43100-210		Operating Supplies (GEN	\$17.90	11105	SUPPLIES
E 620-40000-210		Operating Supplies (GEN	\$39.55	11171	SUPPLIES
E 101-41940-210		Operating Supplies (GEN	\$42.95	11199	SUPPLIES
E 101-42200-210		Operating Supplies (GEN	\$4.99	11237	SUPPLIES
Total			\$105.39		
124352	06/07/22	GOPHER STATE ONE CALL			
E 610-40000-313		Permit Fees/Gopher State	\$148.50	2050829	MONTHLY LOCATES
E 620-40000-313		Permit Fees/Gopher State	\$148.50	2050829	MONTHLY LOCATES
Total			\$297.00		
124353	06/07/22	GRAINGER, INC.			
E 610-40000-210		Operating Supplies (GEN	\$57.86	9334051019	SUPPLIES
E 404-40000-309		Contractual Services	\$105.69	9334735314	SUPPLIES
Total			\$163.55		
124354	06/07/22	HEIDER, NICK			
E 630-40000-499		Miscellaneous	\$21.48		SUPPLIES
G 101-21721		Flex Plan	\$340.00	06/03/2022	DEP.CARE REIMB.
Total			\$361.48		
124355	06/07/22	HENN.CNTY.INFO.TECH.DEPT.			
E 101-43100-323		Radio Units	\$308.88	1000187076	RADIO LEASE
E 101-45200-323		Radio Units	\$296.02	1000187076	RADIO LEASE
E 610-40000-323		Radio Units	\$109.39	1000187076	RADIO LEASE
E 620-40000-323		Radio Units	\$109.39	1000187076	RADIO LEASE
E 409-40000-540		Equipment	\$786.89	1000187076	PW RADIOS
E 101-42200-323		Radio Units	\$1,987.15	1000187084	FD RADIOS

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Total			\$3,597.72		
124356	06/07/22	HENNEPIN COUNTY TREASURER			
G 650-20818		Garbage Tax - Cnty 15.5%	\$2,920.49	MAY 2022	COUNTY REFUSE TAX
Total			\$2,920.49		
124357	06/07/22	JIMMY'S JOHNNYS			
E 101-45200-415		Other Equipment Rentals	\$210.00	MP202869	PARKS SERVICE
Total			\$210.00		
124358	06/07/22	LAKE RESTORATION INC.			
E 404-40000-309		Contractual Services	\$880.00	20863	WEED CONTROL
E 404-40000-309		Contractual Services	\$1,100.40	20864	WEED CONTROL
Total			\$1,980.40		
124359	06/07/22	LOFFLER COMPANIES, INC.			
E 409-40000-540		Equipment	\$1,691.25	CW136810	SERVER PROJECT
E 409-40000-540		Equipment	\$1,705.00	CW136811	SWITCH REPLACEMENT
Total			\$3,396.25		
124360	06/07/22	MANSFIELD OIL COMPANY			
E 101-49200-212		Motor Fuels	\$2,343.35	23318769	FUEL
Total			\$2,343.35		
124361	06/07/22	MORRIE'S MINNETONKA FORD			
E 640-48000-404		Repairs/Maint - Machin/Eq	\$91.14	23081	MUNI VEHICLE REPAIR
E 101-42100-404		Repairs/Maint - Machin/Eq	\$89.90	25130	SQUAD REPAIR
Total			\$181.04		
124362	06/07/22	NAPA AUTO PARTS-LONG LAKE			
E 101-42200-404		Repairs/Maint - Machin/Eq	\$85.07	3270-539091	PARTS
E 101-43100-240		Small Tools and Minor Eq	\$14.95	3270-539915	TOOLS
Total			\$100.02		
124363	06/07/22	NEWMAN TRAFFIC SIGNS			
E 101-43100-226		Sign Repair Materials	\$51.37	039902	STREET SIGNS
Total			\$51.37		
124364	06/07/22	NORTHERN TOOL & EQUIPMENT			
E 620-40000-241		Safety equip/testings	\$141.93	4061207442	SAFETY EQUIPMENT
E 620-40000-241		Safety equip/testings	(\$27.00)	4061207443	SAFETY EQUIPMENT
Total			\$114.93		
124365	06/07/22	NUSS TRUCK & EQUIPMENT			
E 610-40000-224		Repair & Maint - Motor Eq	\$257.21	4709591P	PARTS
E 620-40000-224		Repair & Maint - Motor Eq	\$257.21	4709591P	PARTS
Total			\$514.42		
124366	06/07/22	OFFICE DEPOT			
E 101-41500-200		Office Supplies (GENERA	\$5.38	24239100000	SUPPLIES
E 101-41500-200		Office Supplies (GENERA	\$114.43	24241853200	SUPPLIES
E 101-41500-200		Office Supplies (GENERA	\$154.92	24380006600	SUPPLIES

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E 101-41500-200		Office Supplies (GENERA	\$32.79	24383888500	SUPPLIES
		Total	\$307.52		
124367	06/07/22	POIRIER, BERNARD			
E 620-40000-241		Safety equip/testings	\$200.00		SAFETY BOOTS
		Total	\$200.00		
124368	06/07/22	POMP'S TIRE SERVICE INC			
E 101-42100-404		Repairs/Maint - Machin/Eq	\$974.32	210595376	SQUAD TIRES
		Total	\$974.32		
124369	06/07/22	POPP TELECOM			
E 640-47000-404		Repairs/Maint - Machin/Eq	\$180.00	166660	SERVICE
E 640-48000-404		Repairs/Maint - Machin/Eq	\$180.00	166660	SERVICE
		Total	\$360.00		
124370	06/07/22	PRAIRIE RESTORATIONS, INC.			
E 404-40000-309		Contractual Services	\$290.00	32590	VEGETATION MANAGEMENT
E 404-40000-309		Contractual Services	\$300.00	32591	VEGETATION MANAGEMENT
		Total	\$590.00		
124371	06/07/22	RADCO-PLYMOUTH			
E 101-43100-220		Repair/Maint Supply (GEN	\$261.95	PLY-40896-0	PARTS
		Total	\$261.95		
124372	06/07/22	REPUBLIC SERVICES			
E 650-47500-384		Refuse/Garbage	\$10,345.72		LABOR
E 650-47500-384		Refuse/Garbage	\$29.25		STICKERS
E 650-47500-386		Other Utilities	\$3,533.64		DISPOSAL
E 101-41940-386		Other Utilities	\$782.19		CH/PW
E 650-47600-309		Contractual Services	\$4,345.54		RECYCLING
E 650-47800-384		Refuse/Garbage	\$6,808.84		ORGANICS
E 650-47800-386		Other Utilities	\$164.24		ORGANICS DISPOSAL
E 640-47000-384		Refuse/Garbage	\$150.00		STORE
E 640-48000-384		Refuse/Garbage	\$1,090.47		BAR
		Total	\$27,249.89		
124373	06/07/22	RIGID HITCH INC.			
E 101-43100-220		Repair/Maint Supply (GEN	\$534.06	1928678475	PARTS
		Total	\$534.06		
124374	06/07/22	SAFE-FAST, INC.			
E 101-43100-241		Safety equip/testings	\$75.44	261671	SAFETY GLOVES
		Total	\$75.44		
124375	06/07/22	SUPPLY SOLUTIONS LLC			
E 101-45200-210		Operating Supplies (GEN	\$126.59	37212	BLDG.SUPPLIES
E 101-41940-210		Operating Supplies (GEN	\$255.55	37298	BLDG.SUPPLIES
		Total	\$382.14		
124376	06/07/22	TERMINAL SUPPLY CO.			

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E 620-40000-225		Repair & Maint - System	\$54.29	47117-00	PARTS
		Total	\$54.29		
124377	06/07/22	TIME SAVER			
E 101-41100-302		Consultants	\$533.25	M27378	MTG.MINUTES
		Total	\$533.25		
124378	06/07/22	TRANSUNION RISK AND ALTERNATIV			
E 101-42100-309		Contractual Services	\$110.00	5591851-202	PD SERVICE
		Total	\$110.00		
124379	06/07/22	TRI-K SERVICES			
E 101-43100-229		Dirt, Sand and gravel	\$544.00	9487	DIRT
		Total	\$544.00		
124380	06/07/22	TWIN CITY GARAGE DOOR CO.			
E 101-41940-404		Repairs/Maint - Machin/Eq	\$216.00	Z205565	WARMING HOUSE REPAIRS
		Total	\$216.00		
124381	06/07/22	US BANK			
E 310-40000-621		Fiscal Agent s Fees	\$125.00	6539180	AGENT FEES
		Total	\$125.00		
124382	06/07/22	WAYZATA BP			
E 101-43100-212		Motor Fuels	\$145.00	1013491	FUEL
		Total	\$145.00		
124383	06/07/22	WAYZATA CHEVROLET			
E 101-42100-404		Repairs/Maint - Machin/Eq	\$68.87	341228	PD REPAIRS
		Total	\$68.87		
124384	06/07/22	WAYZATA ROTARY CLUB			
E 101-41500-433		Dues, Licensing & Semina	\$779.00		J.DAHL DUES
		Total	\$779.00		
124385	06/07/22	WESTSIDE WHOLESALE TIRE			
E 101-42100-404		Repairs/Maint - Machin/Eq	\$124.00	905966	PD TIRES MOUNTED
		Total	\$124.00		
124386	06/07/22	XCEL ENERGY			
E 101-45203-381		Electric Utilities	\$1,060.32		SERVICE
E 610-40000-381		Electric Utilities	\$3,105.40		SERVICE
E 640-47000-381		Electric Utilities	\$1,741.69		SERVICE
E 640-48000-381		Electric Utilities	\$4,063.95		SERVICE
E 620-40000-381		Electric Utilities	\$1,584.29		SERVICE
		Total	\$11,555.65		
124387	06/07/22	ZIEGLER			
E 101-43100-404		Repairs/Maint - Machin/Eq	\$82.42	562145	REPAIRS
E 101-43100-404		Repairs/Maint - Machin/Eq	\$168.80	562225	REPAIRS
		Total	\$251.22		

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124388	06/08/22	56 BREWING LLC			
E 640-47000-253		Beer For Resale	\$65.33	5618843	BEER
E 640-48000-253		Beer For Resale	\$190.00	5618913	BEER
		Total	\$255.33		
124389	06/08/22	AM CRAFT SPIRITS INC			
E 640-47000-254		Soft Drinks/Mix For Resal	\$207.90	14642	MISC.BEV
E 640-47000-259		Freight	\$5.00	14642	FREIGHT
		Total	\$212.90		
124390	06/08/22	ARTISAN BEER COMPANY			
E 640-47000-253		Beer For Resale	\$706.75	3538490	BEER RESALE
		Total	\$706.75		
124391	06/08/22	BELLBOY BAR SUPPLY CORP.			
E 640-47000-251		Liquor For Resale	\$1,986.75	0095016500	LIQ RESALE
E 640-47000-252		Wine For Resale	\$558.00	0095016500	WINE
E 640-47000-259		Freight	\$16.50	0095016500	FREIGHT
		Total	\$2,561.25		
124392	06/08/22	BREAKTHRU BEVERAGE MN			
E 640-47000-252		Wine For Resale	\$1,320.00	344244789	WINE
E 640-47000-259		Freight	\$10.88	344244789	FREIGHT
E 640-47000-251		Liquor For Resale	\$136.65	344244790	LIQUOR
E 640-47000-259		Freight	\$1.45	344244790	FREIGHT
E 640-47000-251		Liquor For Resale	\$1,619.85	344244791	LIQUOR
E 640-47000-259		Freight	\$15.95	344244791	FREIGHT
E 640-48000-251		Liquor For Resale	\$237.00	344350602	LIQUOR
E 640-48000-252		Wine For Resale	\$100.35	344350602	WINE
		Total	\$3,442.13		
124393	06/08/22	BREAKTHRU BEVERAGE			
E 640-47000-253		Beer For Resale	\$4,882.40	344244003	BEER
E 640-47000-253		Beer For Resale	\$89.70	344244004	BEER
E 640-48000-253		Beer For Resale	\$51.00	344346278	BEER
E 640-48000-253		Beer For Resale	\$150.50	344346279	BEER
		Total	\$5,173.60		
124394	06/08/22	CAPITOL BEVERAGE SALES			
E 640-47000-253		Beer For Resale	(\$19.76)	1786030	BEER
E 640-47000-253		Beer For Resale	\$2,905.57	2692423	BEER
		Total	\$2,885.81		
124395	06/08/22	DAHLHEIMER DISTRIBUTING CO.			
E 640-47000-253		Beer For Resale	\$1,283.50	1591000	BEER
E 640-48000-253		Beer For Resale	\$531.00	1592307	BEER
		Total	\$1,814.50		
124396	06/08/22	DIRECTV			
E 640-48000-415		Other Equipment Rentals	\$325.96	050852385X2	SERVICE

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Total			\$325.96		
124397	06/08/22	HOHENSTEINS INC.			
E 640-47000-253		Beer For Resale	\$1,006.80	507450	BEER RESALE
Total			\$1,006.80		
124398	06/08/22	JJ TAYLOR DISTRIBUTING OF MN_			
E 640-47000-253		Beer For Resale	\$2,866.70	3297297	BEER
Total			\$2,866.70		
124399	06/08/22	JOHNSON BROS.-ST.PAUL			
E 640-47000-251		Liquor For Resale	\$254.00	2059507	LIQUOR
E 640-47000-253		Beer For Resale	\$11,750.00	2059507	BEER
E 640-47000-259		Freight	\$366.67	2059507	FREIGHT
E 640-47000-252		Wine For Resale	\$752.00	2059508	WINE
E 640-47000-259		Freight	\$15.40	2059508	FREIGHT
E 640-47000-251		Liquor For Resale	\$2,978.30	2061886	LIQUOR
E 640-47000-259		Freight	\$19.59	2061886	FREIGHT
E 640-47000-252		Wine For Resale	\$935.15	2061887	WINE
E 640-47000-259		Freight	\$8.40	2061887	FREIGHT
Total			\$17,079.51		
124400	06/08/22	KARLSBURGER FOODS, INC.			
E 640-48500-255		FOODIngredients For Res	\$349.25	OFFL39175	FOOD
Total			\$349.25		
124401	06/08/22	LIBATION PROJECT			
E 640-47000-252		Wine For Resale	\$684.00	45935	WINE RESALE
E 640-47000-259		Freight	\$10.00	45935	FREIGHT
Total			\$694.00		
124402	06/08/22	M.AMUNDSON LLP			
E 640-47000-256		MISC.MDSE.RESALE	\$1,302.61	342315	CIGARETTES
Total			\$1,302.61		
124403	06/08/22	MINNEHAHA BLDG.MAINT.INC.			
E 640-47000-409		Maint services & Improv	\$54.84	180204778	BLDG.MAINT.
Total			\$54.84		
124404	06/08/22	MODIST BREWING CO. LLC			
E 640-47000-253		Beer For Resale	\$116.00	31549	BEER
Total			\$116.00		
124405	06/08/22	NEW FRANCE WINE COMPANY			
E 640-47000-252		Wine For Resale	\$2,292.00	187805	WINE RESALE
E 640-47000-259		Freight	\$20.00	187805	FREIGHT
Total			\$2,312.00		
124406	06/08/22	ORIGIN WINE & SPIRITS			
E 640-47000-251		Liquor For Resale	\$168.00	0016812	LIQUOR
E 640-47000-259		Freight	\$1.40	0016812	FREIGHT

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Total			\$169.40		
124407	06/08/22	PAUSTIS & SONS			
E 640-47000-252		Wine For Resale	\$660.00	165938	WINE RESALE
E 640-47000-259		Freight	\$8.75	165938	FREIGHT
E 640-47000-252		Wine For Resale	\$577.00	166544	WINE RESALE
E 640-47000-259		Freight	\$8.75	166544	FREIGHT
Total			\$1,254.50		
124408	06/08/22	PEPSI COLA			
E 640-47000-254		Soft Drinks/Mix For Resal	\$160.08	35478804	MISC.BEV
Total			\$160.08		
124409	06/08/22	PHILLIPS WINES & SPIRITS			
E 640-47000-251		Liquor For Resale	\$1,166.20	6402092	LIQUOR
E 640-47000-259		Freight	\$14.01	6402092	FREIGHT
E 640-47000-252		Wine For Resale	\$1,322.00	6402093	WINE RESALE
E 640-47000-259		Freight	\$19.13	6402093	FREIGHT
Total			\$2,521.34		
124410	06/08/22	SHAMROCK GROUP			
E 640-47000-254		Soft Drinks/Mix For Resal	\$121.60	2762759	ICE
E 640-47000-254		Soft Drinks/Mix For Resal	\$123.70	2763103	ICE
E 640-47000-254		Soft Drinks/Mix For Resal	\$77.90	2765215	ICE
Total			\$323.20		
124411	06/08/22	SOUTHERN GLAZER'S			
E 640-47000-251		Liquor For Resale	\$5,423.34	2215644	LIQUOR
E 640-47000-259		Freight	\$30.72	2215644	FREIGHT
E 640-47000-252		Wine For Resale	\$1,672.98	2215645	WINE
E 640-47000-259		Freight	\$20.27	2215645	FREIGHT
E 640-47000-252		Wine For Resale	\$664.34	2215646	WINE
E 640-47000-259		Freight	\$8.00	2215646	FREIGHT
E 640-47000-251		Liquor For Resale	\$455.65	2215647	LIQUOR
E 640-47000-259		Freight	\$5.12	2215647	FREIGHT
Total			\$8,280.42		
124412	06/08/22	T.D. ANDERSON INC.			
E 640-48000-409		Maint services & Improv	\$135.00	164861	BEER LINE SERVICE
Total			\$135.00		
124413	06/08/22	TOLL GAS & WELDING SUPPLY			
E 640-48000-210		Operating Supplies (GEN	\$82.06	40155951	SUPPLIES
Total			\$82.06		
124414	06/08/22	VINOCOPIA			
E 640-47000-251		Liquor For Resale	\$126.25		LIQUOR
E 640-47000-252		Wine For Resale	\$108.00	0304922	WINE
E 640-47000-259		Freight	\$5.00	0304922	FREIGHT
Total			\$239.25		

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124415	06/08/22	WINE COMPANY			
E 640-47000-251		Liquor For Resale	\$42.67	205110	LIQUOR
E 640-47000-252		Wine For Resale	\$2,132.00	205110	WINE RESALE
E 640-47000-259		Freight	\$24.00	205110	FREIGHT
		Total	\$2,198.67		
124416	06/08/22	WINE MERCHANT			
E 640-47000-252		Wine For Resale	\$4,868.00	7380635	WINE
E 640-47000-259		Freight	\$15.87	7380635	FREIGHT
E 640-47000-252		Wine For Resale	\$1,850.00	7380944	WINE
E 640-47000-259		Freight	\$4.20	7380944	FREIGHT
E 640-47000-252		Wine For Resale	\$1,348.00	7381121	WINE
E 640-47000-259		Freight	\$29.39	7381121	FREIGHT
E 640-47000-252		Wine For Resale	\$1,240.00	7381163	WINE
E 640-47000-259		Freight	\$7.00	7381163	FREIGHT
E 640-47000-252		Wine For Resale	\$840.00	7381171	WINE
E 640-47000-259		Freight	\$4.20	7381171	FREIGHT
		Total	\$10,206.66		
124417	06/14/22	AMERICAN FISH & SEAFOOD, INC			
E 640-48500-255		FOODIngredients For Res	\$596.10	177111	FOOD
		Total	\$596.10		
124418	06/14/22	ARTISAN BEER COMPANY			
E 640-48000-253		Beer For Resale	\$179.00	3539635	BEER RESALE
E 640-47000-253		Beer For Resale	\$92.30	3539678	BEER RESALE
		Total	\$271.30		
124419	06/14/22	BELLBOY BAR SUPPLY CORP.			
E 640-47000-251		Liquor For Resale	\$640.00	0095098800	LIQUOR
E 640-47000-259		Freight	\$3.30	0095098800	FREIGHT
E 640-47000-251		Liquor For Resale	\$2,412.20	0095106000	LIQ RESALE
E 640-47000-259		Freight	\$19.80	0095106000	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resal	\$24.00	0105228900	MISC.MIX
E 640-47000-259		Freight	\$2.67	0105228900	FREIGHT
		Total	\$3,101.97		
124420	06/14/22	BOURGET IMPORTS			
E 640-47000-252		Wine For Resale	\$408.00	187276	WINE
E 640-47000-259		Freight	\$5.25	187276	FREIGHT
		Total	\$413.25		
124421	06/14/22	BREAKTHRU BEVERAGE MN			
E 640-47000-251		Liquor For Resale	\$6,060.91	344350842	LIQUOR
E 640-47000-259		Freight	\$47.97	344350842	FREIGHT
E 640-47000-251		Liquor For Resale	\$445.50	344350843	LIQUOR
E 640-47000-259		Freight	\$1.45	344350843	FREIGHT
E 640-47000-251		Liquor For Resale	\$371.94	344350844	LIQUOR
E 640-47000-259		Freight	\$2.90	344350844	FREIGHT
E 640-47000-252		Wine For Resale	\$816.00	344350845	WINE

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E 640-47000-259		Freight	\$8.70	344350845	FREIGHT
E 640-47000-252		Wine For Resale	\$960.00	344350846	WINE
E 640-47000-259		Freight	\$5.80	344350846	FREIGHT
E 640-47000-251		Liquor For Resale	\$905.05	344350847	LIQUOR
E 640-47000-259		Freight	\$1.45	344350847	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resal	\$173.87	344350848	MIX
E 640-47000-259		Freight	\$7.25	344350848	FREIGHT
E 640-48000-251		Liquor For Resale	\$474.00	344425786	LIQUOR
E 640-48000-252		Wine For Resale	\$299.60	344425786	WINE
Total			\$10,582.39		
124422	06/14/22	BREAKTHRU BEVERAGE			
E 640-47000-253		Beer For Resale	\$33.80	344346420	BEER
E 640-47000-253		Beer For Resale	\$3,303.15	344346421	BEER
E 640-48000-253		Beer For Resale	\$343.00	344424703	BEER
E 640-47000-253		Beer For Resale	(\$85.60)	409785926	BEER
Total			\$3,594.35		
124423	06/14/22	CAPITOL BEVERAGE SALES			
E 640-48000-253		Beer For Resale	\$417.00	2694545	BEER
E 640-47000-253		Beer For Resale	\$953.97	2694685	BEER
E 640-47000-253		Beer For Resale	\$246.00	2697599	BEER
Total			\$1,616.97		
124424	06/14/22	CASH - OLD NATIONAL			
G 640-10150		ATM	\$9,000.00		ATM FILL
Total			\$9,000.00		
124425	06/14/22	CINTAS CORPORATION			
E 640-48500-210		Operating Supplies (GEN	\$262.12	4121002032	KITCHEN SUPPLIES
E 640-48500-217		Uniforms	\$40.23	4121002032	KITCHEN UNIFORMS
E 640-48500-217		Uniforms	\$40.23	4121772011	KITCHEN UNIFORMS
E 640-48500-210		Operating Supplies (GEN	\$262.12	4121772011	KITCHEN SUPPLIES
Total			\$604.70		
124426	06/14/22	COZZINI BROS., INC.			
E 640-48500-415		Other Equipment Rentals	\$129.57	C11124967	KNIFE EXCHANGE
Total			\$129.57		
124427	06/14/22	CULLIGAN-METRO			
E 640-48500-210		Operating Supplies (GEN	\$96.77	1524790	SUPPLIES
Total			\$96.77		
124428	06/14/22	DAHLHEIMER DISTRIBUTING CO.			
E 640-47000-253		Beer For Resale	\$1,778.60	1595526	BEER
E 640-48000-253		Beer For Resale	\$135.00	1595872	BEER
Total			\$1,913.60		
124429	06/14/22	DAILEY DATA & ASSOCIATES			
E 640-47000-404		Repairs/Maint - Machin/Eq	\$57.32	105630	CASH DRAWER INSTALLATION

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Total			\$57.32		
124430	06/14/22	HARNELL REFRIGERATION			
E 640-48000-404		Repairs/Maint - Machin/Eq	\$445.48	3325	ICE MACHINE REPAIR
E 640-48000-404		Repairs/Maint - Machin/Eq	\$250.00	3327	ICE MACHINE REPAIR
Total			\$695.48		
124431	06/14/22	JJ TAYLOR DISTRIBUTING OF MN_			
E 640-47000-253		Beer For Resale	\$2,938.60	3297324	BEER
E 640-48000-253		Beer For Resale	\$637.90	3316203	BEER
E 640-48000-253		Beer For Resale	\$656.60	3316264	BEER
Total			\$4,233.10		
124432	06/14/22	JOHNSON BROS.-ST.PAUL			
E 640-47000-251		Liquor For Resale	\$1,672.09	2064709	LIQUOR
E 640-47000-259		Freight	\$10.98	2064709	FREIGHT
E 640-47000-252		Wine For Resale	\$294.00	2064710	WINE
E 640-47000-259		Freight	\$5.60	2064710	FREIGHT
E 640-47000-251		Liquor For Resale	\$867.45	2064711	LIQUOR
E 640-47000-259		Freight	\$4.20	2064711	FREIGHT
E 640-47000-252		Wine For Resale	\$504.00	2064712	WINE
E 640-47000-259		Freight	\$9.79	2064712	FREIGHT
E 640-47000-251		Liquor For Resale	\$2,820.82	2066777	LIQUOR
E 640-47000-259		Freight	\$17.75	2066777	FREIGHT
Total			\$6,206.68		
124433	06/14/22	LIBATION PROJECT			
E 640-47000-252		Wine For Resale	\$248.00	46190	WINE RESALE
E 640-47000-259		Freight	\$4.00	46190	FREIGHT
Total			\$252.00		
124434	06/14/22	M.AMUNDSON LLP			
E 640-47000-256		MISC.MDSE.RESALE	\$1,198.36	342806	CIGARETTES
Total			\$1,198.36		
124435	06/14/22	MAIN STREET BAKERY			
E 640-48500-255		FOODIngredients For Res	\$202.80	430236	FOOD RESALE
E 640-48500-255		FOODIngredients For Res	\$183.32	430414	FOOD RESALE
E 640-48500-255		FOODIngredients For Res	\$207.43	430762	FOOD RESALE
Total			\$593.55		
124436	06/14/22	MAVERICK WINE CO.			
E 640-47000-251		Liquor For Resale	\$432.00	784440	LIQUOR
E 640-47000-252		Wine For Resale	\$170.04	784440	WINE
E 640-47000-259		Freight	\$3.00	784440	FREIGHT
Total			\$605.04		
124437	06/14/22	NEW FRANCE WINE COMPANY			
E 640-47000-252		Wine For Resale	\$630.00	188173	WINE RESALE
E 640-47000-259		Freight	\$10.00	188173	FREIGHT
E 640-47000-252		Wine For Resale	\$1,477.00	188303	WINE RESALE

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E 640-47000-259		Freight	\$7.50	188303	FREIGHT
		Total	\$2,124.50		
124438	06/14/22	PAUSTIS & SONS			
E 640-47000-252		Wine For Resale	\$1,672.15	167281	WINE RESALE
E 640-47000-259		Freight	\$18.00	167281	FREIGHT
E 640-47000-251		Liquor For Resale	\$625.00	167347	LIQUOR
E 640-47000-252		Wine For Resale	\$224.00	167347	WINE RESALE
E 640-47000-259		Freight	\$7.50	167347	FREIGHT
		Total	\$2,546.65		
124439	06/14/22	PEPSI COLA			
E 640-47000-254		Soft Drinks/Mix For Resal	\$181.02	34273108	MISC.BEV
		Total	\$181.02		
124440	06/14/22	PERFORMANCE FOOD GROUP, INC			
E 640-48500-255		FOODIngredients For Res	\$29.39	177129	FOOD
E 640-48500-255		FOODIngredients For Res	\$55.41	177256	FOOD
E 640-48500-255		FOODIngredients For Res	\$4,849.88	179418	FOOD
E 640-48500-210		Operating Supplies (GEN	\$7.31	179418	KITCHEN SUPPLIES
E 640-48000-254		Soft Drinks/Mix For Resal	\$253.14	179418	MISC.BEV.
E 640-48500-255		FOODIngredients For Res	\$4,677.94	181075	FOOD
E 640-48500-210		Operating Supplies (GEN	\$120.32	181075	KITCHEN SUPPLIES
E 640-48000-254		Soft Drinks/Mix For Resal	\$101.37	181075	MISC.BEV.
E 640-48000-251		Liquor For Resale	\$155.47	181075	LIQUOR
E 640-48500-255		FOODIngredients For Res	\$288.66	183491	FOOD
E 640-48500-255		FOODIngredients For Res	\$4,512.31	185496	FOOD
E 640-48500-210		Operating Supplies (GEN	\$21.08	185496	KITCHEN SUPPLIES
E 640-48000-254		Soft Drinks/Mix For Resal	\$202.69	185496	MISC.BEV.
E 640-48000-251		Liquor For Resale	\$98.29	185496	LIQUOR
E 640-48500-255		FOODIngredients For Res	\$27.35	186481	FOOD
E 640-48500-255		FOODIngredients For Res	\$20.46	187739	FOOD
E 640-48500-255		FOODIngredients For Res	(\$53.42)	190334	FOOD
		Total	\$15,367.65		
124441	06/14/22	PHILLIPS WINES & SPIRITS			
E 640-47000-251		Liquor For Resale	\$405.85	6405892	LIQUOR
E 640-47000-253		Beer For Resale	\$118.00	6405892	BEER
E 640-47000-259		Freight	\$6.99	6405892	FREIGHT
E 640-47000-252		Wine For Resale	\$1,562.18	6405893	WINE RESALE
E 640-47000-254		Soft Drinks/Mix For Resal	\$185.95	6405893	MIX
E 640-47000-259		Freight	\$20.99	6405893	FREIGHT
E 640-48000-251		Liquor For Resale	\$177.50	6407413	LIQUOR
		Total	\$2,477.46		
124442	06/14/22	PLUNKETT'S PEST CONTROL			
E 640-48000-409		Maint services & Improv	\$128.67	7553937	SERVICE
		Total	\$128.67		
124443	06/14/22	SHAMROCK GROUP			

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E 640-47000-254		Soft Drinks/Mix For Resal	\$102.10	2765539	ICE
E 640-47000-254		Soft Drinks/Mix For Resal	\$169.15	2767857	ICE
		Total	\$271.25		
124444	06/14/22	SOUTHERN GLAZER'S			
E 640-47000-251		Liquor For Resale	\$3,030.52	2218499	LIQUOR
E 640-47000-259		Freight	\$14.72	2218499	FREIGHT
E 640-47000-252		Wine For Resale	\$1,026.00	2218500	WINE
E 640-47000-259		Freight	\$12.80	2218500	FREIGHT
E 640-47000-252		Wine For Resale	\$192.00	5084515	WINE
E 640-47000-259		Freight	\$1.71	5084515	FREIGHT
		Total	\$4,277.75		
124445	06/14/22	SUMMER LAKES BEVERAGE LLC			
E 640-47000-254		Soft Drinks/Mix For Resal	\$1,086.75	3855	MISC.BEV
		Total	\$1,086.75		
124446	06/14/22	SUNBURST CHEMICALS, INC.			
E 640-48500-415		Other Equipment Rentals	\$106.46	0018415	DISHWASHER LEASE
E 640-48500-210		Operating Supplies (GEN	\$1,035.31	0506960	KITCHEN SUPPLIES
E 640-48500-210		Operating Supplies (GEN	\$86.13	0507120	KITCHEN SUPPLIES
		Total	\$1,227.90		
124447	06/14/22	TRIMARK			
E 640-48500-210		Operating Supplies (GEN	\$67.41	2872135	KITCHEN SUPPLIES
		Total	\$67.41		
124448	06/14/22	TRIO SUPPLY COMPANY			
E 640-48500-210		Operating Supplies (GEN	\$118.97	762421	KITCHEN SUPPLIES
E 640-48500-210		Operating Supplies (GEN	\$139.88	764469	KITCHEN SUPPLIES
E 640-48500-210		Operating Supplies (GEN	(\$139.88)	766709	KITCHEN SUPPLIES
E 640-48000-210		Operating Supplies (GEN	\$68.64	767230	BAR SUPPLIES
E 640-48500-210		Operating Supplies (GEN	\$727.74	767230	KITCHEN SUPPLIES
E 640-48500-210		Operating Supplies (GEN	\$265.97	768325	KITCHEN SUPPLIES
E 640-48500-210		Operating Supplies (GEN	\$177.37	768366	KITCHEN SUPPLIES
E 640-48000-210		Operating Supplies (GEN	\$266.47	768879	BAR SUPPLIES
E 640-48500-210		Operating Supplies (GEN	\$1,206.21	768879	KITCHEN SUPPLIES
E 640-48000-251		Liquor For Resale	\$106.35	768879	LIQUOR
		Total	\$2,937.72		
124449	06/14/22	TRUE BRANDS			
E 640-47000-254		Soft Drinks/Mix For Resal	\$42.95	1019551	MISC MDSE
E 640-47000-259		Freight	\$0.86	1052999	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resal	\$20.90	1058442	MISC MDSE
E 640-47000-254		Soft Drinks/Mix For Resal	\$465.90	1061735	MISC.MDSE
E 640-47000-259		Freight	\$35.34	1061735	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resal	(\$3.96)	151470CM	MISC.MDSE
		Total	\$561.99		
124450	06/14/22	US FOODS			
E 640-48500-255		FOODIngredients For Res	\$1,243.12	4600833	FOOD

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E 640-48000-251		Liquor For Resale	\$106.08	4600833	LIQUOR
		Total	\$1,349.20		
124451	06/14/22	VINOCOPIA			
E 640-47000-254		Soft Drinks/Mix For Resal	\$129.00	0305423	MISC.BEV.
		Total	\$129.00		
124452	06/14/22	WINE COMPANY			
E 640-47000-252		Wine For Resale	\$2,084.00	205601	WINE RESALE
E 640-47000-259		Freight	\$12.00	205601	FREIGHT
E 640-47000-252		Wine For Resale	\$436.00	205616	WINE RESALE
E 640-47000-259		Freight	\$10.00	205616	FREIGHT
		Total	\$2,542.00		
124453	06/14/22	WINE MERCHANT			
E 640-47000-252		Wine For Resale	\$1,563.00	7382072	WINE
E 640-47000-254		Soft Drinks/Mix For Resal	\$23.00	7382072	MIX
E 640-47000-259		Freight	\$11.21	7382072	FREIGHT
E 640-48000-252		Wine For Resale	\$921.49	7382346	WINE
E 640-48000-252		Wine For Resale	\$458.52	7383196	WINE
E 640-47000-252		Wine For Resale	(\$1,252.80)	744403	WINE
		Total	\$1,724.42		
124454	06/14/22	WINEBOW			
E 640-47000-252		Wine For Resale	\$922.00	MN00113698	WINE RESALE
E 640-47000-259		Freight	\$9.00	MN00113698	FREIGHT
		Total	\$931.00		
124455	06/15/22	ABDO FINANCIAL SOLUTIONS			
E 640-47000-301		Auditing and Acct g Servic	\$2,041.67	458548	FINANCE MGMT SERVICES
E 640-48000-301		Auditing and Acct g Servic	\$2,041.66	458548	FINANCE MGMT SERVICES
		Total	\$4,083.33		
124456	06/15/22	AMAZON CAPITAL SERVICES			
E 101-41500-200		Office Supplies (GENERA	\$37.50	1R9XNN1G3	SUPPLIES
		Total	\$37.50		
124457	06/15/22	AT&T - FIRSTNET			
E 101-42100-323		Radio Units	\$976.32		PD SERVICE
		Total	\$976.32		
124458	06/15/22	BOND TRUST SERVICES CORP.			
E 317-40000-621		Fiscal Agent s Fees	\$475.00	73676	PAYING AGENT FEE
		Total	\$475.00		
124459	06/15/22	BUSCH, ROBYN			
E 101-42100-331		Mileage & Expense Accou	\$19.66		MILEAGE & SUPPLIES
E 101-42100-240		Small Tools and Minor Eq	\$49.95		MILEAGE & SUPPLIES
		Total	\$69.61		
124460	06/15/22	CITY VIEW PLUMBING & HEATING			

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E 101-41940-401		Repairs/Maint Buildings	\$459.96	115133729	BEACH HOUSE REPAIRS
		Total	\$459.96		
124461	06/15/22	CIVICPLUS			
E 101-41500-324		Internet/Web Page	\$6,110.34	228898	ANNUAL HOSTING
		Total	\$6,110.34		
124462	06/15/22	COMMERCIAL DOOR SYSTEMS, INC.			
E 101-41940-401		Repairs/Maint Buildings	\$2,540.00	0161167	BEACH HOUSE DOOR
		Total	\$2,540.00		
124463	06/15/22	CULLIGAN-BOTTLED WATER			
E 101-41940-499		Miscellaneous	\$162.26	2724446	SUPPLIES
		Total	\$162.26		
124464	06/15/22	DESERT SNOW			
E 101-42100-434		Training and schools	\$649.00	12031	PD TRAINING
		Total	\$649.00		
124465	06/15/22	ECM PUBLISHERS, INC.			
E 101-41500-350		Printing & Publishing	\$61.65	885917	CABLE FRANCHISE LEGAL NOTICE
		Total	\$61.65		
124466	06/15/22	ELAN-CARDMEMBER SERVICES			
E 101-41500-331		Mileage & Expense Accou	\$338.02		J.DAHL MTG.MEALS
E 101-43300-331		Mileage & Expense Accou	\$202.99		ENG.CONF.
E 101-43300-433		Dues, Licensing & Semina	\$245.00		ENG.DUES
E 610-40000-225		Repair & Maint - System	\$60.00		REMOTE ACCESS TO WTP
E 101-41910-433		Dues, Licensing & Semina	\$155.17		COMM.DEV.DUES
E 408-40000-499		Miscellaneous	\$25.99		ZONING STUDY - FACEBOOK
E 101-41500-433		Dues, Licensing & Semina	(\$150.43)		ZOOM REFUND
E 630-40000-433		Dues, Licensing & Semina	\$43.00		MV TRAINING
E 630-40000-433		Dues, Licensing & Semina	\$29.95		MV DUES
E 630-40000-540		Equipment	\$659.30		MV EQUIPMENT
E 640-47000-497		Credit Card Fees	\$156.30		STORE CC FEES
E 640-47000-210		Operating Supplies (GEN	\$219.54		STORE SUPPLIES
E 101-41910-491		Energy & Environment Co	\$21.50		MAILING EXP.
E 101-41500-331		Mileage & Expense Accou	(\$268.62)		HOTEL REFUND FOR CONF.
E 101-41500-306		Personnel Expense	(\$100.00)		WELLNESS LUNCH REFUND
E 101-41500-331		Mileage & Expense Accou	\$94.84		MISC.MTG.MEALS
E 101-41500-306		Personnel Expense	\$510.24		T PETERSON RETIREMENT GIFT CARD
E 101-49200-496		Contingencies	\$19.32		WALKZATA SUPPLIES
E 640-48000-497		Credit Card Fees	\$221.88		BAR CC FEES
E 640-48000-404		Repairs/Maint - Machin/Eq	\$375.26		REPAIRS/PARTS
E 101-42100-434		Training and schools	\$75.00		PD TRAINING
E 101-42100-540		Equipment	\$85.99		PD EQUIPMENT
E 101-42100-433		Dues, Licensing & Semina	\$386.84		PD ADOBE RENEWAL
E 101-42100-210		Operating Supplies (GEN	\$34.36		PD SUPPLIES
E 101-42100-433		Dues, Licensing & Semina	\$60.00		PD DUES
E 101-42100-200		Office Supplies (GENERA	\$23.64		PD SUPPLIES

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$3,525.08		
124467	06/15/22	FASTENAL			
E 101-43100-210		Operating Supplies (GEN	\$190.12	MNPLY1356	SUPPLIES
E 404-40000-309		Contractual Services	\$19.41	MNPLY1356	SUPPLIES
Total			\$209.53		
124468	06/15/22	FIELD TRAINING SOLUTIONS			
E 101-42100-434		Training and schools	\$295.00	9389	PD TRAINING
Total			\$295.00		
124469	06/15/22	GERTENS			
E 101-45200-227		Plantings	\$287.90	5599/10	PLANTINGS
Total			\$287.90		
124470	06/15/22	GOPHER ACE TRU VALUE			
E 101-43100-210		Operating Supplies (GEN	\$14.73	11293	SUPPLIES
E 101-45200-226		Sign Repair Materials	\$39.66	11324	SUPPLIES
Total			\$54.39		
124471	06/15/22	GRAINGER, INC.			
E 404-40000-309		Contractual Services	\$14.02	9338051999	SUPPLIES
E 620-40000-225		Repair & Maint - System	\$240.49	9338676241	SUPPLIES
E 620-40000-225		Repair & Maint - System	\$26.46	9340510677	SUPPLIES
Total			\$280.97		
124472	06/15/22	HENN.CNTY.ACCTG.SERVICES			
E 101-42120-308		Prisoner Care	\$253.68	1000186953	PRISONER PROCESSING
G 101-20300		Deposits Payable	\$75.00	1000186953	PRISONER PROCESSING - LONG LAKE
Total			\$328.68		
124473	06/15/22	HENN.CNTY.CHIEFS OF POLICE			
E 101-42100-434		Training and schools	\$280.00		PD TRAINING
Total			\$280.00		
124474	06/15/22	HENN.CNTY.INFO.TECH.DEPT.			
E 101-42100-323		Radio Units	\$1,136.41	1000187020	PD RADIO LEASE
E 409-42100-540		Equipment	\$1,340.85	1000187020	PD RADIOS
Total			\$2,477.26		
124475	06/15/22	LAW ENFORCEMENT LABOR SERVICES			
G 101-21707		Police union dues	\$585.00	JUNE 2022	PD UNION DUES
Total			\$585.00		
124476	06/15/22	LOCKRIDGE GRINDAL NAUEN PLLP			
E 233-40000-302		Consultants	\$3,333.33	114687	LAKE EFFECT LOBBYIST
Total			\$3,333.33		
124477	06/15/22	LOFFLER COMPANIES, INC.			
E 101-41500-311		Data Processing	\$4,905.00	4050731	NETWORK SUPPORT
E 409-40000-540		Equipment	\$82.50	CW137104	NEW COMPUTER SETUP

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Batch: 060722PAY,060822PAY,061422PAY,061522PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$4,987.50		
124478	06/15/22	MADDEN, GALANTER, HANSEN, LLP_			
E 101-41500-304		Legal Fees	\$675.63	MAY2022	LABOR RELATIONS
Total			\$675.63		
124479	06/15/22	MCFOA			
E 101-41500-433		Dues, Licensing & Semina	\$40.00		K. LEERVIG CLERK CERTIFICATION
Total			\$40.00		
124480	06/15/22	METERING & TECHNOLOGY SOLUTION			
E 610-40000-211		Meter supplies	\$234.38	23163	METERS
E 620-40000-211		Meter supplies	\$234.38	23163	METERS
E 610-40000-211		Meter supplies	\$280.38	23165	METERS
E 620-40000-211		Meter supplies	\$234.38	23165	METERS
Total			\$983.52		
124481	06/15/22	METROPOLITAN COUNCIL - MWCC			
E 610-40000-310		Plan Review	\$275.95	0001142055	WATER TREATMENT CHARGE
Total			\$275.95		
124482	06/15/22	METROPOLITAN COUNCIL			
E 620-40000-386		Other Utilities	\$40,557.82	0001141223	SEWER SERVICE
Total			\$40,557.82		
124483	06/15/22	MP ASPHALT MAINTENANCE			
E 430-40000-309		Contractual Services	\$45,498.80	2233	CRACK SEALING
Total			\$45,498.80		
124484	06/15/22	NAPA AUTO PARTS-LONG LAKE			
E 101-45200-222		Repair & Maint - Equip	\$17.69	3270-540391	PARTS
E 610-40000-225		Repair & Maint - System	\$14.06	3270-540558	PARTS
E 620-40000-210		Operating Supplies (GEN	\$10.06	3270-540558	PARTS
Total			\$41.81		
124485	06/15/22	OFFICE DEPOT			
E 101-41500-200		Office Supplies (GENERA	\$82.37	24798091500	SUPPLIES
E 101-41500-200		Office Supplies (GENERA	\$20.89	24801777600	SUPPLIES
E 101-41500-200		Office Supplies (GENERA	\$133.40	24801777700	SUPPLIES
Total			\$236.66		
124486	06/15/22	PAKOR INC.			
E 630-40000-210		Operating Supplies (GEN	\$558.27	0645610	SUPPLIES
Total			\$558.27		
124487	06/15/22	PURCHASE POWER			
E 101-49200-322		Postage	\$421.90		POSTAGE SUPPLIES
Total			\$421.90		
124488	06/15/22	SEELAND, ANDERS			
E 101-42100-210		Operating Supplies (GEN	\$110.00		SUPPLIES

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Batch: 060722PAY,060822PAY,061422PAY,061522PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$110.00		
124489	06/15/22	SHORT ELLIOTT HENDRICKSON INC.			
G 802-20331		AT&T UPGRAD	\$320.14	427310	AT&T ESCROW PROJECT
Total			\$320.14		
124490	06/15/22	SITEONE LANDSCAPE SUPPLY			
E 101-45200-210		Operating Supplies (GEN	\$49.48	120100224-0	SUPPLIES
Total			\$49.48		
124491	06/15/22	SPRING PLUMBING			
G 101-20300		Deposits Payable	\$455.37		DUPLICATE PERMIT - REFUND
Total			\$455.37		
124492	06/15/22	STANTEC CONSULTING SERVICES			
G 802-20905		900 Wayzata Blvd. - Wells	\$2,478.75	1930403	900 WAYZ.BLVD ESCROW PROJECT
Total			\$2,478.75		
124493	06/15/22	STREICHER'S			
E 101-42100-217		Uniforms	\$38.97	I1571708	PD UNIFORM
E 101-42100-217		Uniforms	\$39.99	I1572539	PD UNIFORM
E 101-41940-210		Operating Supplies (GEN	\$59.98	I1573341	FIRST AID SUPPLIES FOR COUNCIL CHAMBER
Total			\$138.94		
124494	06/15/22	SUPPLY SOLUTIONS LLC			
E 101-41940-210		Operating Supplies (GEN	\$169.55	37350	BLDG.SUPPLIES
Total			\$169.55		
124495	06/15/22	TITAN MACHINERY			
E 101-43100-220		Repair/Maint Supply (GEN	\$462.50	17081938	PARTS
E 101-43100-220		Repair/Maint Supply (GEN	\$178.42	17102158	PARTS
Total			\$640.92		
124496	06/15/22	TRI-K SERVICES			
E 101-42100-404		Repairs/Maint - Machin/Eq	\$15.98	26169	SQUAD PARTS
Total			\$15.98		
124497	06/15/22	WARNING LITES			
E 101-49200-496		Contingencies	\$2,080.00	237059	TRAFFIC CONTROL EQUIPMENT - WALKZATA
Total			\$2,080.00		
124498	06/15/22	WAYZATA BAY CAR WASH			
E 101-42100-404		Repairs/Maint - Machin/Eq	\$217.94	06/08/2022	SQUAD MAINT.
Total			\$217.94		
124499	06/15/22	WSB & ASSOCIATES			
G 802-20876		200 Lake - TCF Lake Wes	\$1,634.00	R-016906-00	200 LAKE ESCROW
G 802-20896		1022 WAYZATA BLVD -	\$1,161.00	R-016906-00	1022 WAYZ.BLVD ESCROW
E 408-40000-302		Consultants	\$860.00	R-018603-00	ZONING STUDY
E 408-40000-302		Consultants	\$258.00	R-018603-00	ZONING STUDY
G 802-20901		301 PEAVEY - BLAKE SC	\$1,935.00	R-018603-00	BLAKE SCHOOL ESCROW
G 802-20385		445 BOVEY RD	\$688.00	R-018603-00	445 BOVEY ESCROW

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Batch: 060722PAY,060822PAY,061422PAY,061522PAY

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
E 430-40000-302		Consultants	\$6,893.75	R-019716-00	2022 STREETS
		Total	\$13,429.75		
124500	06/15/22	XCEL ENERGY			
E 101-45203-381		Electric Utilities	\$3,828.29		SERVICE
		Total	\$3,828.29		
124501	06/15/22	ZIEGLER			
E 101-43100-220		Repair/Maint Supply (GEN	\$105.17	000572489	PARTS
		Total	\$105.17		
		10100 Old National	\$371,659.39		

Fund Summary

10100 Old National

101 GENERAL FUND	\$51,478.27
233 LAKFRONT IMPROVE	\$3,333.33
310 SUPERIOR/LAKE REALIGNMENT	\$125.00
317 PARKING RAMP BONDS	\$475.00
404 PARK AND TRAIL CIP	\$2,709.52
408 GENERAL CIP	\$1,143.99
409 EQUIP REVOLVING	\$5,606.49
430 STREET CIP	\$53,444.84
610 WATER FUND	\$4,543.13
620 SEWER FUND	\$44,144.29
630 MOTOR VEHICLE	\$1,312.00
640 LIQUOR	\$166,978.92
650 SOLID WASTE	\$28,147.72
802 ESCROW PROJECTS	\$8,216.89
	\$371,659.39

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Checks 1874 - 1907

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
10100 Old National					
1874 e	06/01/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$265,748.01		STATE DMV PAYMENT 05/31/2022
		Total	\$265,748.01		
1875 e	06/02/22	OLD NATIONAL BANK			
E 101-41500-497		Credit Card Fees	\$1,631.25		MAY 2022 CC & BANK FEES
E 640-47000-497		Credit Card Fees	\$4,775.78		MAY 2022 CC & BANK FEES
E 640-48000-497		Credit Card Fees	\$8,219.49		MAY 2022 CC & BANK FEES
E 101-41500-433		Dues, Licensing & Semina	\$402.51		MAY 2022 CC & BANK FEES
E 630-40000-433		Dues, Licensing & Semina	\$227.82		MAY 2022 CC & BANK FEES
		Total	\$15,256.85		
1876 e	06/02/22	OLD NATIONAL BANK			
E 101-41500-433		Dues, Licensing & Semina	\$15.00		MMKT BANK FEE
		Total	\$15.00		
1877 e	06/02/22	OLD NATIONAL BANK			
E 630-40000-433		Dues, Licensing & Semina	\$1,287.08		MERCHANT SERVICES FEE
		Total	\$1,287.08		
1878 e	06/02/22	OLD NATIONAL BANK			
E 640-48000-497		Credit Card Fees	(\$7.00)		CORRECT CC FEE
		Total	(\$7.00)		
1879 e	06/02/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$103,890.62		STATE DMV PAYMENT 06/01/2022
		Total	\$103,890.62		
1880 e	06/06/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$8,394.43		STATE DMV PAYMENT 06/03/2022
		Total	\$8,394.43		
1881 e	06/06/22	MN DNR			
G 630-20812		DNR REG	\$12,848.37		DNR EFT 06/03/2022
		Total	\$12,848.37		
1882 e	06/06/22	MN DNR			
G 630-20812		DNR REG	\$111.00		DNR EFT 06/03/2022
		Total	\$111.00		
1883 e	06/06/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$197,301.75		STATE DMV PAYMENT 06/02/2022
		Total	\$197,301.75		
1884 e	06/07/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$238,917.66		STATE DMV PAYMENT 06/06/2022
		Total	\$238,917.66		
1885 e	06/08/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$302,961.90		STATE DMV PAYMENT 06/07/2022

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Checks 1874 - 1907

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
Total			\$302,961.90		
1886 e	06/10/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$69,799.20		STATE DMV PAYMENT 06/08/2022
Total			\$69,799.20		
1887 e	06/10/22	MN DNR			
G 630-20812		DNR REG	\$59,549.36		DNR EFT 06/10/2022
Total			\$59,549.36		
1888 e	06/10/22	MN DNR			
G 630-20812		DNR REG	\$50.00		DNR EFT 06/10/2022
Total			\$50.00		
1889 e	06/10/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$218,856.87		STATE DMV PAYMENT 06/09/2022
Total			\$218,856.87		
1890 e	06/13/22	OLD NATIONAL BANK			
E 640-48000-497		Credit Card Fees	\$29.40		AUTHNET CC PAYMENT JUNE 2022
E 101-41500-497		Credit Card Fees	\$13.90		AUTHNET CC PAYMENT JUNE 2022
Total			\$43.30		
1891 e	06/13/22	OLD NATIONAL BANK			
E 630-40000-498		Payment on Bad Cks	\$141.25		CHARGEBACKS - BD CKS 06/03/2022
Total			\$141.25		
1892 e	06/13/22	MN DEPT. OF REVENUE			
G 101-20814		Sales Tax - 7.275%	\$300.29		SALES TAX PAYMENT JUNE 2022
G 101-20820		Sales Use Tax	\$0.00		SALES TAX PAYMENT JUNE 2022
G 610-20814		Sales Tax - 7.275%	\$512.58		SALES TAX PAYMENT JUNE 2022
R 630-00000-37190		Other Charge/Revenue	\$291.07		SALES TAX PAYMENT JUNE 2022
G 640-20814		Sales Tax - 7.275%	\$967.96		SALES TAX PAYMENT JUNE 2022
G 640-20815		Sales Tax - 9.775%	\$28,453.83		SALES TAX PAYMENT JUNE 2022
G 640-20816		Sales tax Bar - 7.275%	\$15,677.91		SALES TAX PAYMENT JUNE 2022
G 640-20817		Sales tax Bar - 9.775%	\$11,512.66		SALES TAX PAYMENT JUNE 2022
G 650-20818		Garbage Tax - Cnty 15.5%	\$1,842.63		SALES TAX PAYMENT JUNE 2022
E 640-48000-499		Miscellaneous	\$4.02		SALES TAX PAYMENT JUNE 2022
E 640-47000-499		Miscellaneous	\$4.05		SALES TAX PAYMENT JUNE 2022
Total			\$59,567.00		
1893 e	06/13/22	OLD NATIONAL BANK			
G 101-20100		Accounts Payable	\$176,342.19		PAYROLL 06/10/2022
Total			\$176,342.19		
1894 e	06/13/22	OLD NATIONAL BANK			
G 101-20100		Accounts Payable	\$62,063.40		PAYROLL TAXES 06/10/2022
Total			\$62,063.40		
1895 e	06/13/22	OLD NATIONAL BANK			
G 101-20100		Accounts Payable	\$15,881.55		HSA AND CHILD SUPPORT PAYMENTS 06/10/2022

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Check #	Check Date	Vendor Name	Amount	Invoice	Comment
		Total	\$15,881.55		
1896 e	06/13/22	PERA			
G 101-21704		PERA	\$42,625.43		PERA PR 06/10/2022
		Total	\$42,625.43		
1897 e	06/13/22	ICMA			
G 101-21719		ICMA Deferred Comp	\$4,377.50		PR 06/10/2022
		Total	\$4,377.50		
1898 e	06/13/22	NATIONWIDE RETIREMENT			
G 101-21705		Nationwide Retirement	\$2,502.50		PR 06/10/2022
		Total	\$2,502.50		
1899 e	06/13/22	MN STATE RETIREMENT SYSTEM			
G 101-21712		MSRS - Post Empl.Health	\$14,371.10		MSRS PR 06/10/2022 T.PETERSON
		Total	\$14,371.10		
1900 e	06/13/22	HEALTHPARTNERS			
G 101-21706		Health Insurance	\$81,045.50		JUNE 2022
E 101-42100-130		Employer Paid Ins	\$2,413.00		JUNE 2022
		Total	\$83,458.50		
1901 e	06/13/22	DELTA DENTAL OF MINNESOTA			
G 101-21717		Dental Insurance	\$3,489.27		JUNE 2022
E 101-42100-130		Employer Paid Ins	\$99.22		JUNE 2022
		Total	\$3,588.49		
1902 e	06/13/22	FIDELITY SECURITY LIFE			
G 101-21722		Vision Insurance	\$180.18		VISION INS JUNE 2022
		Total	\$180.18		
1903 e	06/13/22	SUN LIFE ASSURANCE COMPANY			
G 101-21720		Short Term Disability Ins.	\$757.86		STD JUNE 2022
		Total	\$757.86		
1904 e	06/13/22	SUN LIFE ASSURANCE COMPANY			
G 101-21711		Long Term Disability Insur	\$757.86		LTD JUNE 2022
		Total	\$757.86		
1905 e	06/13/22	THE STANDARD			
E 101-42200-306		Personnel Expense	(\$59.69)		BASIC & SUPPLEMENTAL INS JUNE 2022
G 101-21714		Supplemental Life Insuran	\$1,687.52		BASIC & SUPPLEMENTAL INS JUNE 2022
G 101-21716		Basic Life Insurance	\$236.90		BASIC & SUPPLEMENTAL INS JUNE 2022
		Total	\$1,864.73		
1906 e	06/13/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$10,792.88		STATE DMV PAYMENT 06/10/2022
		Total	\$10,792.88		
1907 e	06/14/22	STATE OF MINNESOTA			
G 630-20300		Deposits Payable	\$197,866.25		STATE DMV PAYMENT 06/13/2022

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Checks 1874 - 1907

Check #	Check Date	Vendor Name	Amount	Invoice	Comment
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		Total	\$197,866.25		
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10100	Old National	\$2,172,163.07			
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Fund Summary**10100 Old National**

101 GENERAL FUND	\$411,134.24
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610 WATER FUND	\$512.58
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630 MOTOR VEHICLE	\$1,689,035.52
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640 LIQUOR	\$69,638.10
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650 SOLID WASTE	\$1,842.63
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\$2,172,163.07



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.c
TITLE: Approval of Municipal Licenses	
PROPOSED MOTION: To Approve the Municipal Licenses as Attached	
PREPARED BY: Lori Krismer, Administrative Assistant	
REVIEWED BY: Jeffrey Dahl, City Manager, Kathy Leervig, City Clerk	

ACTION REQUESTED:

Staff recommends approval of municipal licenses.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

06/21/2022

LIST OF MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL

Recommended for approval, pending staff review for completeness of application materials
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WERE APPROVED ADMINISTRATIVELY

2022 Pedicab License

Lakefront Pedi Cab LLC (Company)	Wayzata, MN
John Lura (Pedicab Driver/Owner)	Wayzata, MN

2022 Special Event Food Stand License for the Wayzata Art Experience on 6/25 and 6/26/2022

Nautical Bowls	Minnetonka, MN
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2022 Special Event Food Stand License for James J Hill Days on 9/10 and 9/11/2022
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Nautical Bowls	Minnetonka, MN
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2022 Tree Removal & Treatment License
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O'Briens Contracting	Rogers, MN
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City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.d
TITLE: Receipt of Police Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Emily Marker, Police Records Supervisor	
REVIEWED BY: Jeffrey Dahl, City Manager, Marc Schultz, Police Chief	

ACTION REQUESTED:

The attached Police Activity Report May 2022 is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. Activity Report May 2022

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT – May 2022**

Forgery

Reported: 05-31-2022 1029

Report of check forgery. Loss of around \$5,331.

Addresses Involved

2400 block of Industrial Blvd, Long Lake, MN 55356

Damage to Property - Criminal

Reported: 05-31-2022 0918

Report of damage to property. Loss of around \$100.

Addresses Involved

700 block of Mill St E, Wayzata, MN 55391

Fleeing

Reported: 05-30-2022 2251

50-year-old male from Ramsey arrested for fleeing in a motor vehicle.

Addresses Involved

Hwy 12 W & Broadway Ave, Long Lake, MN 55356

Names Involved

(Arrested)Schutz, Jason Daniel (Age:50)

Theft

Reported: 05-28-2022 1046

Report of a theft by shoplifting. Loss of around \$213.58. All merchandise recovered. 58-year-old male from Minneapolis arrested on outstanding warrants.

Addresses Involved

1000 block of Wayzata Blvd E, Wayzata, MN 55391

Names Involved

(Arrested)Wilson, Timothy Wayne (Age:58)

Warrant

Reported: 05-25-2022 2059

23-year-old female from St. Paul arrested on an outstanding warrant. Female given a new court date and released.

Addresses Involved

200 block of Grove Lane E, Wayzata, MN 55391

Names Involved

(Arrested)Daod, Hamdi Mahamed (Age:23)

Warrant

Reported: 05-24-2022 1426

45-year-old male from Minneapolis arrested on an outstanding warrant. Male transported to Hennepin County Adult Detention Center.

Addresses Involved

600 block of Waycliffe North, Wayzata, MN 55391

Names Involved

(Arrested)Medina Oliveros, Jose Manuel (Age:45)

Warrant**Reported: 05-23-2022 2004**

51-year-old male from Wayzata arrested on outstanding warrants. Transported to Hennepin County Adult Detention Center.

Addresses Involved

100 block of Central Ave, Wayzata, MN 55391

Names Involved

(Arrested)McGary, John Clayton (Age:51)

Theft**Reported: 05-23-2022 1606**

Report of a stolen bicycle. Bicycle located a day later. No other loss at this time.

Addresses Involved

100 block of Promenade Ave, Wayzata, MN 55391

Theft from Vehicle**Reported: 05-21-2022 0532**

45-year-old male from Long Lake arrested for theft from vehicle and tampering with a vehicle. Stolen items recovered.

Addresses Involved

2400 block of Industrial Blvd W, Long Lake, MN 55356

Names Involved

(Arrested)Breen, Jack Derek (Age:45)

Damage to Property - Criminal**Reported: 05-20-2022 2040**

Report of damage to property. Suspects identified. Unknown loss at this time.

Addresses Involved

800 block of Lake St, Wayzata, MN 55391

Theft**Reported: 05-20-2022 0943**

Report of a theft. Loss of around \$89,585.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Theft from Vehicle**Reported: 05-19-2022 1237**

Report of a theft from vehicle. Pocket knife stolen. Loss of around \$15.

Addresses Involved

100 block of Gleason Lake Rd, Wayzata, MN 55391

Theft from Vehicle**Reported: 05-18-2022 1905**

Report of a theft from vehicle. Catalytic converter stolen. Loss of around \$1,000.

Addresses Involved

800 block of Lake St, Wayzata, MN 55391

Identity Theft**Reported: 05-18-2022 0829**

Report of an identity theft. Unknown total loss at this time.

Addresses Involved

600 block of Rice St E, Wayzata, MN 55391

Damage to Property - Criminal **Reported: 05-15-2022 1400**

Report of damage to property. Loss of around \$500.

Addresses Involved

Minnetonka Ave S & Rice St E, Wayzata, MN 55391

Damage to Property - Criminal **Reported: 05-15-2022 0454**

Report of damage to property. Loss of around \$300.

Addresses Involved

1900 block of Daniels St, Long Lake, MN 55356

Damage to Property - Criminal **Reported: 05-14-2022 2313**

Report of damage to property. Unknown loss at this time.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Gleason Lake Rd & Gleahaven Rd, Wayzata, MN 55391

Theft **Reported: 05-12-2022 1307**

Report of a theft. Loss of keys and other merchandise.

Addresses Involved

1000 block of Wayzata Blvd E, Wayzata, MN 55391

Burglary-Residential **Reported: 05-11-2022 1441**

Report of a residential burglary. Loss of around \$1,000.

Addresses Involved

100 block of Promenade Ave, Wayzata, MN 55391

Theft from Vehicle **Reported: 05-11-2022 1415**

Report of a theft from vehicle. Catalytic converter stolen. Loss of around \$1,500.

Addresses Involved

500 block of Tamarack Ave, Long Lake, MN 55356

Damage to Property - Criminal **Reported: 05-10-2022 0956**

Report of a damage to property. Loss of around \$100.

Addresses Involved

200 block of Ferndale Rd S, Wayzata, MN 55391

Damage to Property - Criminal **Reported: 05-09-2022 1458**

Report of a damage to property. Loss of around \$200.

Addresses Involved

200 block of Superior Blvd, Wayzata, MN 55391

Theft from Vehicle **Reported: 05-08-2022 1226**

Report of a theft from vehicle. Catalytic converter stolen. Loss of around \$2,000.

Addresses Involved

16000 block of Holdridge Rd, Wayzata, MN 55391

DWI **Reported: 05-07-2022 2115**

26-year-old female from Minneapolis arrested for a DWI. Tested .26.

Addresses Involved

800 block of Lake St E, Wayzata, MN 55391

Names Involved

(Arrested)Noble, Caroline Sierrah (Age:26)

Damage to Property - Criminal **Reported: 05-05-2022 1715**

Report of damage to property. Loss of around \$200.

Addresses Involved

500 block of Brimhall Ave, Long Lake, MN 55356

2200 block of Daniels St, Long Lake, MN 55356

Warrant **Reported: 05-04-2022 2104**

24-year-old male from Wayzata arrested on an outstanding warrant. Male given a new court date and released.

Addresses Involved

200 block of Central Ave, Wayzata, MN 55391

Names Involved

(Arrested)Nechepayev, Arthur Igor (Age:24)

Damage to Property - Criminal **Reported: 05-04-2022 1502**

Report of damage to property. Loss of over \$300.

Addresses Involved

300 block of Barry Ave, Wayzata, MN 55391

Tampering with MV **Reported: 05-04-2022 1201**

Report of tampering with a motor vehicle. No damage or loss known at this time.

Addresses Involved

200 block of Brown Rd, Long Lake, MN 55356

Damage to Property - Criminal **Reported: 05-02-2022 1330**

Report of damage to property. Estimated loss is less than \$500.

Addresses Involved

800 block of Lake St, Wayzata, MN 55391

TRAFFIC – May, 2022

CITATIONS	69
WRITTEN WARNINGS	6
VERBAL WARNINGS	97

Description	May 2022
MISSING PERSON	1
MISSING ANIMAL	3
MISSING/LOST PROPERTY	2
FOUND PROPERTY	4
PIMV	6
PDMV	16
H & R PDMV	2
PDMV & OTHER ANIMAL	1
Other Fire/Smoke	6
Grass/Brush Fire	1
FIRE ALARM	5
HAZ ROAD CONDITION	13
RR Crossing Hazard	1
SUDDEN DEATH	1
OTHER MEDICAL	41
Medical Alarm	1
72 Hour Hold/Emergency Admission	2
WELFARE CHECK - ADULT	19
WELFARE CHECK - JUV	2
MENTAL HEALTH ISSUE	6
INFO REC'D	16
VERBAL DOMESTIC	2
CIVIL MATTER	5
Trespass Warn/Order	2
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	21
SUSPICION	23
OPEN DOOR/WINDOW	2
MISC. JUVENILE PROBLEM	6
DRIVING/TRAFFIC COMPLAINT	14
PARKING COMPL	13
HOUSE/BUSINESS CHECKS	12

RECORD CHECKS	23
OTHER PERMITS	1
FIREARM PERMIT	1
HC SHERIFFS PERMIT TO CARRY	8
Solicitor Permit	7
PARKING PERMIT	5
OTHER ORD VIOL (JUNK CARS, ETC)	2
NOISE VIOLATION - Written Warning	1
ANIMAL COMPLAINT/CHECK	15
DOG LICENSE ISSUED	2
PATROL REQUEST	1
ADULT PROTECTION ASSIST	1
FINGERPRINTS	2
MOTORIST ASSIST/STALL	11
UTILITY PROBLEM	12
PUBLIC ASSIST	45
LOCKOUT	9
BUSINESS ALARM	19
HOME ALARM	11
911 HANG-UP	9
ASSIST OTHER DEPT	20
WARRANT/ATTEMPT/ARREST	5
TRAFFIC CONTROL / DIRECT ENFORCEMENT	9
ASLT 5-MS-INFL OR ATTMPT BD HRM-OTH WPN-ADL ST	1
ASLT 5-MS-INFLICT ATTEMPTS HRM-HANDS-UNK RELAT	1
ASLT 5-MS-INFLICT BD HRM-HANDS-CHLD-ACQ	1
ASLT 5-MS-INFL OR ATTMPT HRM-HANDS-CHLD ST	1
DOM ASLT-MS-INFL ATTMPT BOD HRM-HANDS-UNKNOWN	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-AD-FAM	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-CH-FAM	1
BURG 2-AT FRC NRES-D-UNK WEAP-UNK ACT	1
BURG 2-UNOCC RES NO FRC-D-UNK WEAP-UNK ACT	1
FORGERY-FE-MAKE-ALT-DEST-CHK-OV 2500-PER	1
DRUGS-SM AMT IN MOT VEH-POSS-MARIJ-UNK	1
DRUGS-DRUG PARAPH-POSSESS-UNK-UNK	2
ESC-FE-FLEE AN OFFICER	1
TRAFFIC-GM-OTHER-MV	1
TRAF ACCIDENT-MS-FAIL STOP-DRVR CAUSED	2
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1

TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1
TRAF-AC-GM-3RD DEG DWI-10 OR MORE WIN 2 HRS-MV	1
TRAF-AC-GM-3RD DEG DWI-REFUSAL TO TEST-MV	1
TRAF-AC-GM-3RD DEG DWI-08 OR MORE-MV	1
TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
TRAF-ACC-MS-4TH DEG DWI-08 OR MORE -MV	1
CSC 1-NO FRC-POS AUTH- UNDER 13-F	1
LIQUOR-UNDERAGE CONSUMPTION 18-21	1
UNK LVL-VIOL ORDER FOR PROTECTION	1
DISTURB PEACE-MS-DISORDERLY CONDUCT	1
DISTURB PEACE-MS-HARRASSING COMMUNICATIONS	1
MS-VIOL HARASS RESTRAINING ORDER	1
PROP DAMAGE-MS-PRIVATE-UNK INTENT	7
PROP DAMAGE-MS-PUBLIC-UNK INTENT	3
THEFT-UNK LVL VAL-FRM BUILDING-OTH PROP	1
THEFT-MORE 35000-FE-BUILDING-OTH PROP	1
THEFT-1001-5000 DLRS FE-MTR VEHICLE-OTH PROP	1
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
THEFT-500 OR LESS MS-PARKINGLOT-OTH PROP	1
THEFT-500 OR LESS MS-OTHER-OTH PROP	1
THEFT-UNK LVL-SHOPLIFTING-UNK LOSS	1
THEFT-FE-IDENTITY THEFT-UNK LOSS	1
THEFT-MS-BY SWINDLE OR TRICK-250 OR LESS	1
THEFT-MS-SHOPLIFTING-250 OR LESS	1
VEH-UNKNOWN-MS-TAMPER WITH-ENTER-AUTO	2
VEH-501-2500-FE-PARTS-MOTOR VEH-AUTO	3



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.e
TITLE: Receipt of Building Activity Report	
PROPOSED MOTION: N/A	
PREPARED BY: Megan McCrady, Permit Technician	
REVIEWED BY: Jason Wagner, Building Official, Jeffrey Dahl, City Manager, Emily Goellner, Community Development Director	

ACTION REQUESTED:

The attached May 2022 Building Report is for informational purposes only.

FINANCIAL OR BUDGET CONSIDERATION:

N/A

BACKGROUND:

N/A

ATTACHMENTS:

1. 2021-2022 Building report

2022

	Jan-22	Feb-22	Mar-22	Apr-22	May-22	2022-YTD
BUILDING						
NUMBER OF BLDG. PERMITS	11	13	13	25	18	80
PROJECT VALUE	\$274,537.00	\$2,215,807.00	\$3,170,300.00	\$3,857,297.00	\$1,074,087.00	10,592,028
BUILDING PERMIT FEE	\$3,473.25	\$17,644.00	\$20,130.75	\$29,083.50	\$10,598.25	80,930
PLAN CHECK FEE	\$1,361.10	\$8,813.79	\$12,067.09	\$16,746.39	\$3,777.96	42,766
EXTERIOR						
NUMBER OF PERMITS	1	1	5	2	3	12
PROJECT VALUE	\$5,229.00	\$14,628.00	\$284,196.00	\$26,253.00	\$18,429.00	348,735
PERMIT FEE	\$ 132.75	\$ 265.50	\$ 3,213.50	\$ 486.75	\$ 409.75	4,508
MECHANICAL						
NUMBER OF PERMITS	14	16	15	14	16	75
PROJECT VALUE	102,007.00	185,869.00	210,202.00	345,826.00	103,237.00	947,141
PERMIT FEE	2,081.64	3,652.36	4,189.04	6,573.92	2,088.74	18,586
PLUMBING						
NUMBER OF PERMITS	8	13	7	17	13	58
PROJECT VALUE	\$38,518.00	\$123,914.00	\$72,000.00	\$184,794.00	\$74,664.00	493,890
PERMIT FEE	\$796.36	\$2,478.28	\$1,466.00	\$3,732.88	\$1,513.38	9,987
						0
TOTAL # OF PERMITS	34	43	40	58	50	225
TOTAL INCOME	\$7,845.10	\$32,853.93	\$41,066.38	\$56,623.44	\$18,388.08	\$156,776.93

INSPECTIONS

BUILDING	30	66	35	42	53	226
EXTERIOR	2	0	1	2	1	6
HVAC	29	45	42	22	45	183
PLUMBING	17	20	23	30	24	114
OTHER						0
TOTAL # OF INSPECTIONS	78	131	101	96	123	529

RENTAL

INSPECTIONS	6	37	78	37	12	170
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2021

	Jan-21	Feb-21	Mar-21	Apr-21	May-21	2021-YTD
BUILDING						
NUMBER OF BLDG. PERMITS	9	11	15	19	14	68
PROJECT VALUE	\$1,337,913.00	\$964,800.00	\$11,351,717.00	\$3,192,683.00	\$1,319,900.00	\$18,167,013.00
BUILDING PERMIT FEE	\$8,620.50	\$8,848.75	\$52,593.00	\$20,794.00	\$11,009.50	\$101,865.75
PLAN CHECK FEE	\$5,212.19	\$4,813.59	\$32,909.77	\$12,058.53	\$4,967.66	\$59,961.74
EXTERIOR						
NUMBER OF PERMITS	1	3	4	18	5	31
PROJECT VALUE	\$3,895.00	\$51,483.00	\$552,700.00	\$287,513.00	\$66,856.00	\$962,447.00
PERMIT FEE	\$ 103.25	\$ 898.50	\$ 4,483.50	\$ 4,801.75	\$ 1,239.00	\$11,526.00
MECHANICAL						
NUMBER OF PERMITS	12	8	15	11	13	59
PROJECT VALUE	206,482.00	242,992.00	142,301.00	903,172.00	195,951.00	\$1,690,898.00
PERMIT FEE	3,909.64	4,091.34	2,862.02	14,683.44	3,809.52	\$29,355.96
PLUMBING						
NUMBER OF PERMITS	9	11	14	6	8	48
PROJECT VALUE	\$359,103.00	\$408,302.49	\$76,193.00	\$211,505.00	\$44,592.00	\$1,099,695.49
PERMIT FEE	\$5,958.06	\$6,970.25	\$1,591.86	\$3,750.10	\$945.84	\$19,216.11
TOTAL # OF PERMITS	31	33	48	54	40	206
TOTAL INCOME	\$23,803.64	\$25,622.43	\$94,440.15	\$56,087.82	\$21,971.52	\$221,925.56

INSPECTIONS

BUILDING	52	53	52	57	63	277
EXTERIOR	0	0	0	6	15	21
HVAC	33	16	28	28	33	138
PLUMBING	14	16	22	25	22	99
OTHER						
TOTAL # OF INSPECTIONS	99	85	102	116	133	535

RENTAL

INSPECTIONS	0	0	17	5	0	22
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City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.f
TITLE: Award Contract for 2022 Street Rehabilitation Project to Bituminous Roadways, Inc.	
PROPOSED MOTION: To Award the Contract for the 2022 Street Rehabilitation Project to Bituminous Roadways, Inc.	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends awarding the contract for the 2022 Street Rehabilitation Project to the lowest bidder, Bituminous Roadways, Inc. for \$462,126.25.

FINANCIAL OR BUDGET CONSIDERATION:

This project is proposed to be funded using the Streets Capital Improvement Plan (CIP). There is currently \$650,000 budgeted for this project. The current construction cost estimate is \$564,526.25.

Design was completed by WSB and City staff. Construction inspection will be provided by City staff as well.

BACKGROUND:

This project proposes to mill and overlay several streets within the City. The streets include Barry Avenue North, Chicago Avenue North, Gardner Street East, Minnetonka Avenue North, Park Street East, and Walker Avenue North. Additionally, two streets have been selected to be upgraded to concrete curb and gutter. These streets are Central Avenue South (south of LaSalle Street) and Lake Street East (east of the roundabout).

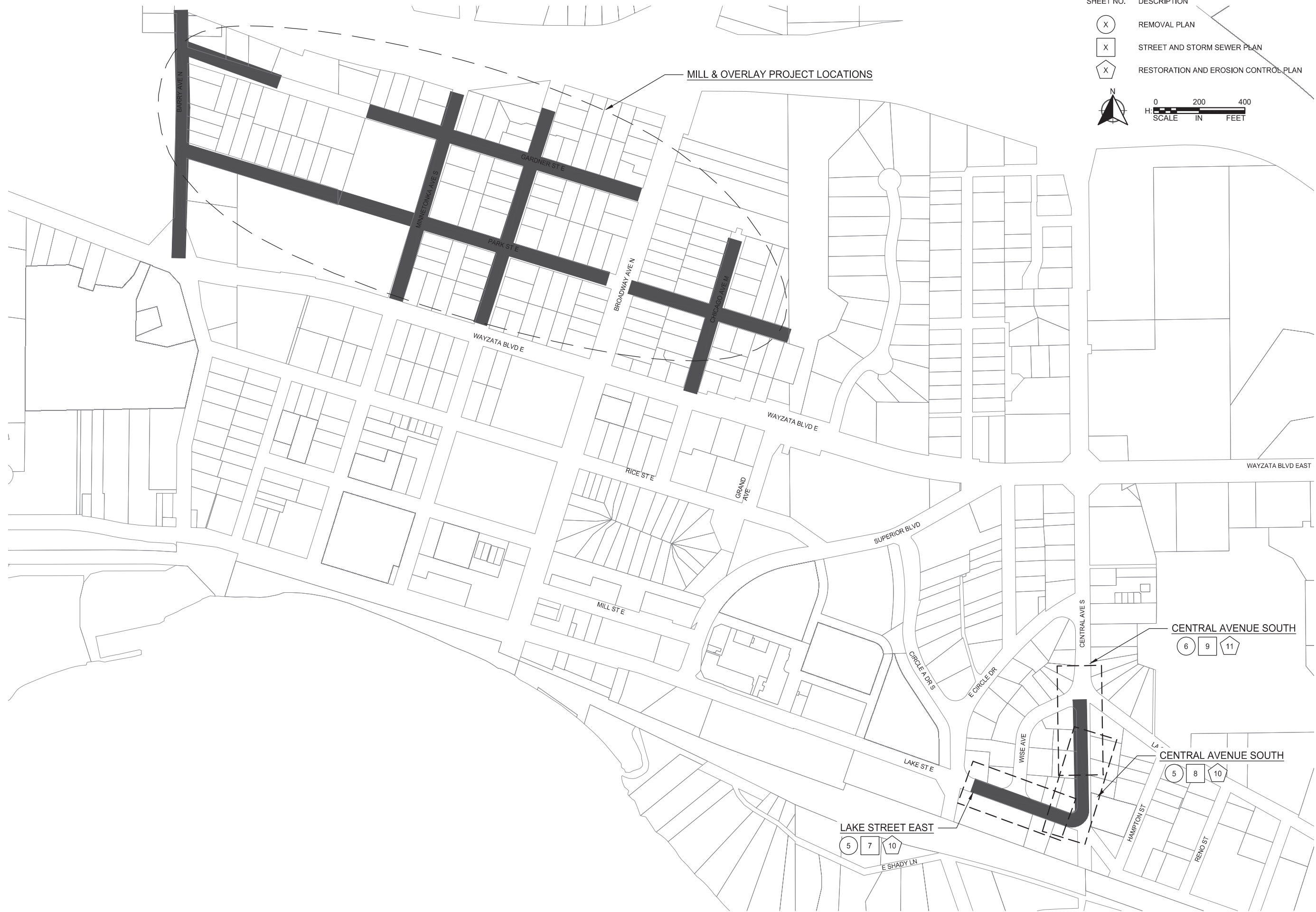
In late February, the Council directed staff to install concrete curb and gutter on all future street reconstruction projects or selected mill & overlay streets when justified and within budget. The two streets selected for concrete curb and gutter have seen significant residential construction in recent years and should be upgraded.

Bids were received and opened by the Public Works Department on June 14, 2022. A summary of the bids can be found below.

	Total Base Bid
Bituminous Roadways, Inc.	\$ 462,126.25
Omann Bros. Paving, Inc.	\$ 474,928.10
GMH Asphalt Corp.	\$ 478,665.80
Asphalt Surface Technologies Corp.	\$ 492,670.55
S. M. Hentges & Sons, Inc.	\$ 517,664.00
Valley Paving, Inc.	\$ 546,657.50
<i>Engineer's Estimate</i>	<i>\$ 564,526.25</i>

ATTACHMENTS:

1. Project Location Map
2. STR - 2022-02 Bid Results







SCALE:

AS SHOWN

PLAN BY:

MPM

DESIGN BY:

BAR

CHECK BY:

GAT

REVISIONS

NO.	DATE	DESCRIPTION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.



GAGE THOMPSON, P.E.

DATE: 05-03-2022

LIC. NO: 59349

GENERAL LAYOUT

2022 STREET REHABILITATION

CITY OF WAYZATA

CITY PROJECT NO.
STR-2022-02

WSB PROJECT NO.
019716-000

BID RESULTS
 City of Wayzata, MN
 2022 Street Rehabilitation
 City Project No. STR - 2022-02
 Bid Opening 2:00 PM June 14th, 2022

<u>Bidder Name</u>	<u>Bid Bond</u>	<u>Acknowledge Addenda</u>	<u>Contractor Affadavit</u>	<u>Contractor Verification</u>	<u>Total Base Bid</u>
<u>Asphalt Surface Technologies Corp.</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>\$492,670.55</u>
<u>Bituminous Roadways, Inc.</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>\$462,126.25</u>
<u>GMH Asphalt Corporation</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>\$478,665.80</u>
<u>Omann Bros. Paving Inc.</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>\$474,928.10</u>
<u>S. M. Hentges & Sons, Inc.</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>\$517,664.00</u>
<u>Valley Paving, Inc.</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>\$546,657.50</u>



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.g
TITLE: Authorize Purchase of Tandem Plow/Dump Truck	
PROPOSED MOTION: To Authorize Purchase of Tandem Plow/Dump Truck in 2023 for the Public Works Department	
PREPARED BY: Mike Kelly, City Engineer/Director of Public Works	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends authorization of the purchase.

FINANCIAL OR BUDGET CONSIDERATION:

The Tandem Plow/Dump Truck is proposed to be funded from the Equipment Fund within the City's Capital Improvement Plan. The fund had \$280,000 allocated for this purchase in 2021.

The chassis and body have been quoted at \$145,751 and \$163,878, respectively. Additionally, the City has been offered \$25,000 as a trade in value for the existing equipment for a net purchase price of \$284,629.

These items are being purchased through the State purchasing contract.

BACKGROUND:

The Public Works Department purchased the current Tandem Plow/Dump Truck in 2006. Staff feels that current equipment has nearly reached the end of its useful life, which is typically 15 years, and should be replaced. The equipment is used routinely for hauling materials (sand, gravel) and for winter plowing activities. It is an integral piece of equipment for the maintenance of the City's infrastructure.

The equipment will be ordered upon approval and will be delivered in the spring or summer of 2023, upon completion of manufacture and assembly.

A copy of the quotations for the chassis and body are attached for reference.

ATTACHMENTS:

1. Memo from Mechanic Kusske
2. Chassis Quotation
3. Body Quotation

Memo

To: Mike Kelly
From: Bart Kusske
Date: 2-Jun-22
Re: Tandem Plow truck Replacement

Mack Cab / Chassis from Nuss Trucks \$145,751.00
Trade-in 2006 Sterling - \$ 25,000.00

Chassis Total \$ 120,751.00

Towmaster Body Builder \$ 163,878.00

New 2024 Tandem plow truck Total \$ 284,629.00

NUSS TRUCK & EQUIPMENT

Quotation

2195 WEST COUNTY ROAD C2
ROSEVILLE, MN 55113
Phone: 651-633-4810 Fax: 651-635-0928

DATE 6/2/2022
Quotation # 2021026
Customer ID City of Wayzata
State Contract # T647(5)

Name
City of Wayzata
299 Wayzata Blvd West
Wayzata MN 55391
Phone 952-404-5368 email bart@wayzata.org

Prepared by: Brian Selvy

Purchase Order#

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	2024 Mack Granite 64FR (T) SA	\$ 145,751.00	\$ 145,751.00
1	2006 Sterling Tandem Unit #220 VIN 2FZHAWDC86AW99711	\$ (25,000.00)	\$ (25,000.00)
			\$ -
			\$ -
			\$ -
	Price is subject to Factory Material Surcharge Increases		\$ -
	Price Quoted is with not sales tax or license fees		\$ -
	Price Quoted is for builds in 2023 calendar year		\$ -
			\$ -
			\$ -
			\$ -
			\$ -
	Sales Tax	6.5%	
	Reg Fees	\$100	
			\$ -

Accepted by: _____ DATE _____

Body Builder _____ Build Date _____

SUBTOTAL	\$ 120,751.00
TOTAL	\$ 120,751.00

THANK YOU FOR YOUR OPPORTUNITY!



TOWMASTER, 61381 US HWY 12, LITCHFIELD, MN 55355
 PH: 320-693-7900 FX: 320-693-7921 TF: 800-462-4517
 TOWMASTERTRUCK.COM

Reference No.

QT 73402

** QUOTATION **

Ship To:	Cust:	3359	Phone:	Bill To:	Phone:
WAYZATA, CITY OF				WAYZATA, CITY OF	
299 WAYZATA BLVD W				299 WAYZATA BLVD W	
WAYZATA	MN 55391	USA		WAYZATA	MN 55391 USA

ATTN: BART KUSSKE

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	TIM ERICKSON	NET 30 DAYS	5/12/22	5/20/22	0/00/00

Serial No.	
------------	--

Order Comments: **STATE OF MN CONTRACT

(PENDING)**

Build Instructions F.O.B. LITCHFIELD, MN -OR- CUSTOMER LOCATION W/FUEL CHARGES ADDED

Qty	Part No.	Description	Price Ea.	Net Amt.
1	9900068	- Body 14'6" EDGE-RC/CS-56-46-46 - - 56" 3/16" Hardox 450	\$17,507.00	\$17,507.00
		Front w/CS hoist doghouse, 46" 3/16" Hardox 450 radius sides (no pockets), 46" 3/16" Hardox 450 Tailgate, 1/4" Hardox-450 Floor, 8" I-Beam Longs ills, Air-trip ready linkage, unpainted.		
1	9901704	- Painting of Dump Body; includes media blasting of entire exterior & understructure, Urethane Primed, & Urethane Top Coat s applied. CAB MATCH (YELLOW). Understructure is seam sealed, and painted GlossBlack.	\$4,093.00	\$4,093.00
1	9901701	- Installation of Dump Body to hoist	\$2,036.00	\$2,036.00
1	9900145	- Body acc'y TMTE Air trip kit, w/solenoid valve,	\$456.00	\$456.00
1	9901702	- Installation of air operated tailgate latch kit, with solenoid valve in hydraulic valve enclosure.	\$395.00	\$395.00
1	9900147	- Body acc Box Vibrator - Cougar model DC3200	\$784.00	\$784.00
1	9901703	- Installation of Box Vibrator, with solenoid located in hydraulic valve enclosure.	\$461.00	\$461.00
1	9900155	- Cabshield, 1/2 type Stationary Free-Standing style, w/painted CARBON STEEL canopy, Hot-Dipped Galvanized tubing tion support stand, (2) shovel holders, & reservior mounts, Installed.	\$3,400.00	\$3,400.00
1	9900186	- Walkrail removable both sides of 15' RC & RS body, Installed	\$2,271.00	\$2,271.00

--- Continued ---

Accepted by

Date

Price:

Total Discounts:

Net Cost:

Freight

Total:



TOWMASTER, 61381 US HWY 12, LITCHFIELD, MN 55355
 PH: 320-693-7900 FX: 320-693-7921 TF: 800-462-4517
 TOWMASTERTRUCK.COM

Reference No.

QT 73402

** QUOTATION **

Ship To:	Cust:	3359	Phone:	Bill To:	Phone:
WAYZATA, CITY OF				WAYZATA, CITY OF	
299 WAYZATA BLVD W				299 WAYZATA BLVD W	
WAYZATA	MN 55391	USA		WAYZATA	MN 55391 USA

ATTN: BART KUSSKE

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	TIM ERICKSON	NET 30 DAYS	5/12/22	5/20/22	0/00/00
Serial No.					

1	9900206 - Ladder Flip-A-Way Access ladder Pkg (Carbon Steel), Including Grab Handle above, and Interior Step, ea, Installed LOCATED LH FRONT : LH REAR	\$531.00	\$531.00
1	9900211 - Body acc'y Dual "split" sander manifolds in rear corner posts	\$485.00	\$485.00
1	9904246 - Light Warning TMTE1SS-3 PKG: (2) STAINLESS STEEL 23H 3-light LED Micro-Edge, (2) 5M-400 Super-LED, (2) Side TIR3 LED, (2) 400 Max B-T-T LED, & (2) 400 LED BU Lights, in Stainless M Housings, (1) TIR3 LED Wing light, and (2) 4" LED work lights Installed	\$4,709.00	\$4,709.00
1	9905778 - Light Mirror Mounted ABL 3800 LED HEAD LAMP PLOW LIGHTS W/ICE MELTING TECHNOLOGY Installed	\$1,325.00	\$1,325.00
1	9900267 - Fender set Minimizer M400, for Tandem Axle, black Poly, Installed	\$1,685.00	\$1,685.00
1	1965280 - Minimizer FKMAC2B Floor Mat Set for MACK SGL & TDM	\$231.00	\$231.00
1	9900276 - Tarp Pulltarp (SGL or TDM) model S-9 Supershield tarp system w/A2F tarp, sideflaps & tiedowns, installed	\$2,643.00	\$2,643.00
2	9901143 - Snow-Board Pockets set of 4 1901318 Installed, Equally spaced and cut thru top rails of side. Specify Side Here: RH & LH	\$288.00	\$576.00
1	9904691 - INSTALLATION of (Initial) Single camera system **NOTE: MOUNTED ON RH CABFIELD STROBE TUBE, FOR REAR WING VIEWING	\$396.00	\$396.00

--- Continued ---

Accepted by

Date

Price:

Total Discounts:

Net Cost:

Freight

Total:



TOWMASTER, 61381 US HWY 12, LITCHFIELD, MN 55355
 PH: 320-693-7900 FX: 320-693-7921 TF: 800-462-4517
 TOWMASTERTRUCK.COM

Reference No.

QT 73402

**** QUOTATION ****

Ship To:	Cust:	3359	Phone:	Bill To:	Phone:
WAYZATA, CITY OF				WAYZATA, CITY OF	
299 WAYZATA BLVD W				299 WAYZATA BLVD W	
WAYZATA		MN 55391	USA	WAYZATA	
					MN 55391 USA

ATTN: BART KUSSKE

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	TIM ERICKSON	NET 30 DAYS	5/12/22	5/20/22	0/00/00
Serial No.					

USAGE, WIRED AS DEFAULT.

Qty	Part No.	Description	Price Ea.	Net Amt.
1	9904692	- Camera System option, NORTECH 9100-2HC 120 degree night vision CCD weather-proof HEATED camera, only GEN 5 6100	\$182.00	\$182.00
1	9904693	- Camera System option, NORTECH 9100-4 Harness, 65' Waterproof GEN 5 6100	\$118.00	\$118.00
1	9900317	- Hoist Towmaster/MAILHOT G4 130-5-3 DOUBLE ACTING	\$4,891.00	\$4,891.00
1	9901711	- Installation of Telescopic DOUBLE acting hoist	\$1,209.00	\$1,209.00
1	9900311	- Hoist TMTE 48" Stabilizer	\$2,555.00	\$2,555.00
1	9902503	- Installation of TMTE Stabilizer & Safety Props	\$629.00	\$629.00
1	9902924	- Scraper FALLS IB-10A 1" MB, w/single lift cylinder W/12" bolt-on extension (11' total), LESS CUTTING EDGES	\$8,728.00	\$8,728.00
1	9903276	- VBL PolarFlex 3' Underchassis Complete System (includes bolts & nuts)	\$865.00	\$865.00
2	9903277	- VBL PolarFlex 4' Underchassis Complete System (includes bolts & nuts)	\$1,154.00	\$2,308.00
1	9901705	- Installation of underbody fixed angle scraper w/single lift cylinder	\$3,283.00	\$3,283.00
1	9904232	- Scraper FORCE Electric pressure transmitter to read on LCD screen, installed	\$625.00	\$625.00
1	9900351	- Scraper FORCE reverse/Auto-Lift system, ADD-A-FOLD valve, installed	\$703.00	\$703.00

--- Continued ---

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ATTN: BART KUSSKE

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	TIM ERICKSON	NET 30 DAYS	5/12/22	5/20/22	0/00/00

Serial No.	
------------	--

1	9902951 - Wing Falls RHSDL10A-HYDPB-TRIP EDGE Primed LESS CUTTING EDGES	\$14,161.00	\$14,161.00
1	9900388 - Installation Falls SDL Series Wing - w/Bulkhead Couplers	\$5,196.00	\$5,196.00
1	9901431 - Wing Falls RL (REAR LIFT) up charge SDL WING	\$549.00	\$549.00
1	9904688 - Wing Falls POST-LESS Toe Lift in lieu of Std Front post/slide system		
1	9900476 - Wing Falls Safety Yellow - Paint Wing Moldboard	\$395.00	\$395.00
1	9900567 - Plow Hitch Falls 46XB2/STD/STD/SA/SPR-RET/HITCH	\$2,825.00	\$2,825.00
1	9900589 - Installation Falls Plow Hitch - 40 Series 3Line/STDBLKHD	\$2,202.00	\$2,202.00
1	9900619 - Plow Push Unit Falls 20/26/40/46 Series Std	\$1,037.00	\$1,037.00
1	9900637 - Plow Falls High Visibility Marker Set	\$131.00	\$131.00
1	9900639 - Plow Falls Rubber Belt Deflector Kit - Installed	\$433.00	\$433.00
1	9900641 - Plow Falls Parking Stand - Screw Adj Style	\$354.00	\$354.00
1	9903074 - Plow Falls Poly PTE-1248/TRP-EDG/NOSHU/POLY-BLK Plow LESS CUTTING EDGES	\$11,574.00	\$11,574.00
2	9902871 - VBL 3/4" x 6" - 3' w/25 ¹¹ Tungsten Carbide Insert, Std Punch, Flat Blade	\$242.00	\$484.00
	**NOTE: FOR WING APPLICATION		
4	9902872 - VBL 3/4" x 6" - 4' w/25 ¹¹ Tungsten Carbide Insert, Std Punch, Flat Blade	\$323.00	\$1,292.00

--- Continued ---

Accepted by

Date

Price:

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Net Cost:

Freight

Total:



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WAYZATA		MN 55391	USA	WAYZATA	
					MN 55391 USA

ATTN: BART KUSSKE

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	TIM ERICKSON	NET 30 DAYS	5/12/22	5/20/22	0/00/00

Serial No.

****NOTE: (3) FOR FRONT PLOW, (1) FOR WING APPLICATION**

2	9902814 - VBL V45-HFR-12 RH Vallite Hard Faced Curb Runner, 12" ctrs	\$307.00	\$614.00
	**NOTE: (1) FOR FRONT PLOW, (1) FOR WING DISCHARGE		
1	9902815 - VBL V45-HFL-12 LH Vallite Hard Faced Curb Runner, 12" ctrs	\$307.00	\$307.00
	**NOTE: FOR FRONT PLOW		
1	SPECIAL REQUEST - Special Request Charges for:	\$1,154.00	\$1,154.00
	REESE 38124 Class V 25K 3" Reciever Tube Style, Weld on hitch assembly		
1	SPECIAL REQUEST - Special Request Charges for:	\$335.00	\$335.00
	REESE 38136 3" Square Hitch Bar, w/Pintle Hook mounings, Pin, & Clip		
1	9901716 - Hitch Installation of Hitch (weld in style)	\$1,051.00	\$1,051.00
1	9902495 - Hitch Electronic Brake controller w/wiring to rear socket, installed in cab of truck	\$609.00	\$609.00
1	9900776 - Hitch PH-20 Pintle Hook installed	\$213.00	\$213.00
1	9902492 - Hitch 6 Contact Round Std socket installed	\$156.00	\$156.00
	**NOTE: CUSTOMER WILL PROVIDE WIRING DIAGRAM FOR PIN-OUT. DO NOT USE CENTER PINFOR BRAKE CONTROLLER FEED.		
1	9900800 - Sander Falls 1ASD9SS-6P-1D-1S, Std 9" x 6" Auger, SS Unit, LH (or RH) Discharge, Berm Chute, Single Poly Spinner Ass'y, Complete	\$5,834.00	\$5,834.00
1	9901718 - Sander Install & dual manifold RH & LH rear	\$1,273.00	\$1,273.00
1	9900823 - Sander TMTE Exterior (removable) sander/tailgate spill plates, Stainless Steel	\$498.00	\$498.00

--- Continued ---

Accepted by

Date

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Total Discounts:

Net Cost:

Freight

Total:



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ATTN: BART KUSSKE

PO#	Salesman	Terms	Created	Last Revised	Appx Comp
	TIM ERICKSON	NET 30 DAYS	5/12/22	5/20/22	0/00/00
Serial No.					

1 9900851 - Valve System, Force Add-A-Fold MCV-ISO Valve 9 Functions, INSTALLED	\$15,465.00	\$15,465.00
**NOTE: BOX HOIST, PLOW LIFT, PLOW ANGLE, WING TOE, WING HEEL, WING PUSH-BAR, SCRAPER LIFT, AUGER R/L, & SPINNER.		
1 9902497 - Control System Force ULTRA-4-6100 Commander control, Installed	\$13,781.00	\$13,781.00
1 9906135 - Control Add-on Force Push-Button Shifter Mounting Brkt & Relocate on ULTRA Arm	\$415.00	\$415.00
1 9900882 - Reservoir TMTE 31 Gal Cabshield mt (stainless steel) w/intank filter for system, installed	\$3,975.00	\$3,975.00
1 9900888 - Pump Force FASD45L LS (6 ci) 3750 psi, installed	\$5,824.00	\$5,824.00
1 9900893 - Valve Force Cable pull-off (for use w/telescopic hoist) installed	\$675.00	\$675.00
1 9900871 - Switch TMTE BODY UP Installed (electric controls only)	\$248.00	\$248.00
1 9900884 - Sensor Force Low oil indicator system, SLIM-LINE AND CABSHIELD MOUNTED w/light mounted in cab, installed	\$366.00	\$366.00
1 9905014 - Hydraulic Valve Hose Guard installed	\$372.00	\$372.00
1 WARRANTY - TOWMASTER EXCLUSIVE WARRANTY: 5 yr Steel/Stainless Steel Body Structure; 5 yr Whelen LED Light Systems; 3 yr Palfinger		

Accepted by	Date	Price:	\$163,878.00
		Total Discounts:	
		Net Cost:	\$163,878.00
		Freight	
		Total:	\$163,878.00

SIGN HERE



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.h
TITLE: Approval of Second Reading and Adoption of Ordinance 811 Amending Zoning Ordinance Provisions on Residential, Institutional, and Commercial Zoning Districts	
PROPOSED MOTION: To Approve Second Reading and Adopt Ordinance 811 Amending Zoning Ordinance Provisions on Residential, Institutional, and Commercial Zoning Districts	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director, Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Planning Commission and staff recommend approval of the second reading and adoption of Ordinance 811.

FINANCIAL OR BUDGET CONSIDERATION:

There is no direct impact to the general fund budget as a result of this action.

BACKGROUND:

On June 7, the City Council approved a First Reading of Ordinance 811 and adopted Resolution 19-2022 Approving Amendments to Zoning Ordinance Provisions on Residential, Institutional, and Commercial Zoning Districts. One amendment was made with the motion. The Section regarding to accessory dwelling unit setbacks was amended to state that new detached ADUs must adhere to the same setbacks as the principal structure. If an existing garage or other detached structure is converted into an ADU, accessory structure setbacks apply.

Upon approval of the second reading and adoption, the new ordinance would become effective after publication in the local newspaper.

ATTACHMENTS:

1. Draft Ordinance 811 Amending Zoning Ordinance Provisions on Residential, Institutional, and Commercial Zoning Districts 06-21-22
2. Clean Zoning Ordinance Amendments to Residential, Institutional, and Commercial Zoning Districts 06-21-22

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
DRAFT ORDINANCE NO. 811

**AN ORDINANCE AMENDING ZONING ORDINANCE PROVISIONS ON
RESIDENTIAL, INSTITUTIONAL, AND COMMERCIAL ZONING DISTRICTS**

WHEREAS, City planning staff has reviewed existing language of the Zoning Ordinance related to residential, institutional, and commercial zoning districts, and recommends certain amendments to better clarify and streamline the language of the Zoning Ordinance (Part IX of City Code), and to bring it more in line with the goals and guidance of the 2040 Comprehensive Plan, all as detailed in the Report and Recommendation of the Planning Commission dated April 18, 2022 (the “PC Report”); and

WHEREAS, the City Council, pursuant to Resolution No. 19-2022 (the “Resolution”), has adopted the findings and recommendation of the PC Report.

NOW THEREFORE, THE CITY OF WAYZATA ORDAINS:

Section 1. Amendments to Part IX of City Code (Zoning Ordinance) related to Residential, Industrial and Commercial Districts. Part IX of the Wayzata City Code (Zoning Ordinance) is hereby amended to include new and revised chapters 937, 951, 952, 953, 954, 955, 956, 957, 958, 959, 970, 974, 975, 975.5, 976, 977, 977.5, 978, 979, 980, 985 and 986 as set forth on Attachment A of this Ordinance (~~struck text deleted~~, underlined text added).

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

Adopted by the City Council this 21st day of June 2022.

Johanna Mouton
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

Attachment A

CHAPTER 937 – ZONING DISTRICTS USE TABLE AND PERFORMANCE STANDARDS

937.01 – Purpose

The purpose of this Chapter is to specify and define the types of uses allowed within each zoning district, provided the uses meet the standards specified in this Chapter and elsewhere in the Zoning Ordinance.

937.02 – Use Table

The following table specifies what Permitted Uses (P), Conditional Uses (C), Interim Uses (I), Permitted Accessory Uses (A/P), Conditional Accessory Uses (A/C) and Interim Accessory Uses (A/I) are allowed in each zoning district.

<u>Residential and Institutional Districts Uses</u>										
-	<u>R-1A</u>	<u>R-1</u>	<u>R-2A</u>	<u>R-2</u>	<u>R-3A</u>	<u>R-3</u>	<u>R-4A</u>	<u>R-4</u>	<u>R-5</u>	<u>INS</u>
<u>Accessory Structure or Use, Residential</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	-
<u>Cemeteries and Memorial Gardens</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	<u>C</u>
<u>Child Day Care Facility, General</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-
<u>Child Day Care Facility, 12 or Fewer Children</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-
<u>Institutions of Higher Education</u>	-	-	-	-	-	-	-	-	-	<u>C</u>
<u>Dwellings, Accessory Units</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	<u>A/P</u>	-	-	-	<u>C</u>
<u>Dwellings, Housing for the Elderly</u>	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
<u>Dwellings, Multiple Family</u>	-	-	-	-	-	-	-	<u>C</u>	<u>P</u>	-
<u>Dwellings, Single Family Detached</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-
<u>Dwellings, Single Family or Two Family Detached</u>	-	-	-	-	-	-	-	-	-	<u>A/C</u>
<u>Dwellings, Townhomes</u>	-	-	-	-	-	-	<u>P</u>	<u>P</u>	-	-
<u>Dwellings, Two Family Detached</u>	-	-	-	-	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	-	-

Educational Facilities	-	-	-	-	-	-	-	-	-	P
Essential Services	P	P	P	P	P	P	P	P	P	P
Greenhouse, Residential	A/P	A/P	A/P	A/P	A/P	A/P	-	-	-	-
Halfway Houses	-	-	-	-	-	-	-	-	C	C
Hospitals, Residential Care Facilities, and Elderly Care Facilities	-	-	-	-	-	-	-	-	-	C
Horses, Keeping of	A/C	A/C	-	-	-	-	-	-	-	-
Parking Garages/Lots	-	-	-	-	-	-	-	-	-	C
Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services	-	-	-	-	-	-	-	-	-	-
Post offices	-	-	-	-	-	-	-	-	-	P
Publicly owned Civic or Cultural Buildings	-	-	-	-	-	-	-	-	-	P
Public Services and Utilities	C	C	C	C	C	C	C	C	C	C
Recreation, Outdoor Commercial	C	C	-	-	-	-	-	-	-	-
Recreation, Outdoor Residential, Accessory	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	-
Recreation, Outdoor Residential, Principal	C	C	C	C	-	-	-	-	-	-
Recreation, Outdoor Public	C	C	C	C	P	P	P	P	P	A/P
Places of Assembly	-	-	-	-	-	-	-	-	-	P
Residential Care Facility, Six or Fewer Residents	P	P	P	P	P	P	P	P	-	-
Residential Care Facility, 16 or Fewer Residents	-	-	-	-	-	-	-	-	P	-
Commercial Districts Uses										
-	C-1A	C-1	C-1B	C-2	C-3	C-3A	C-4A	C-4	C-4B	

Adult Day Care	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-
Amusement, Indoor	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
	<u>C-1A</u>	<u>C-1</u>	<u>C-1B</u>	<u>C-2</u>	<u>C-3</u>	<u>C-3</u>	<u>C-4A</u>	<u>C-4</u>	<u>C-4B</u>
Animal Clinic	-	-	-	<u>C</u>	-	-	-	-	-
Animal Clinics, Hospitals or Kennels	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
Car Wash, Accessory	-	-	-	<u>A/C</u>	<u>A/C</u>	<u>A/C</u>	-	-	-
Car Wash, Principal	-	-	-	-	<u>C</u>	<u>C</u>	<u>I</u>	-	-
Clubs or Lodges, Existing	<u>C</u>	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
Child Day Care Facility, General	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Child Day Care Facility, 12 or Fewer Children	<u>P</u>	-	<u>P</u>	-	-	-	-	-	-
Convenience or Grocery Store with Gasoline	-	-	-	<u>C</u>	<u>C</u>	-	-	-	-
Dry Cleaning or Laundry	-	<u>C</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Drive-Thru Sales and Service	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-
Dwellings, Multiple Family	-	-	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
Dwellings, Multiple Family, Upper Story	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwellings, Single Family Detached	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	-
Dwellings, Two Family Detached	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	-	-
Educational Facilities	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Food and Beverage Establishment	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Health Clinics	<u>C</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Liquor Store	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Lodging	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
Manufacturing	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
Micro-production facilities	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Mixed-Use Buildings	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	-	<u>A/P</u>
Monument Sales, excluding Processing	-	-	-	-	<u>P</u>	<u>P</u>	-	-	-
Mortuaries or Funeral Homes	-	<u>P</u>	-	-	<u>P</u>	<u>P</u>	-	-	-
Motor Vehicle Rental and Sales	-	-	-	-	<u>C</u>	<u>C</u>	-	-	-
Motor Vehicle Service	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-

Parking Garages/Lots	C	C	-	C	C	C	P	P	A/I
Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services	P	P	-	P	P	P	P	P	P
Post offices	-	-	-	P	P	P	P	P	P
Professional Services (inc. Finance and Office Uses)	P	P	P	P	P	P	P	P	P
Public Services and Utilities	C	C	C	C	C	C	C	C	C
Recreation, Indoor	-	-	-	P	P	P	C	C	C
Recreation, Outdoor Commercial	-	-	-	-	C	C	-	-	-
Recreation, Outdoor Public	P	P	P	P	P	P	P	P	P
Places of Assembly	-	-	-	C	C	C	C	C	C
Repair of Home, Garden or Personal Appliances	-	-	-	C	C	C	-	-	-
Retail Sales, Limited	P	-	P	P	P	P	P	P	P
Retail Sales, General	P	-	-	P	P	P	P	P	P
Sailing School	-	-	-	-	C	C	-	-	-
Sales; Garden, Greenhouses or Nursery	-	-	-	-	C	C	-	-	-
Sales, Service, or Rental; Outdoors	-	-	-	A/C	A/C	A/C	A/C	A/C	A/C
Sales, Service, or Rental; Accessory	-	-	-	-	-	-	A/C	A/C	A/C
Sidewalk Café, Outdoors	-	-	-	A/P	A/P	A/P	A/P	A/P	A/P
Storage, Indoor	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Storage, Outdoor	-	-	-	A/C	A/C	A/C	A/C	A/C	A/C
Theaters, excluding Drive-Ins	-	-	-	P	P	P	P	P	P

937.03 – Permitted Uses with Restrictions

The following uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

- A. [Dwellings, accessory units \(ADU\), defined as habitable dwelling unit subordinate to a primary residence that provides the basic requirements of shelter, heating, cooking and sanitation](#)
 1. [Area. An ADU 's total floor area may be no more than 33% of the primary residence's gross habitual space. The minimum ADU size is 300 square feet. Within the R-2A, R-2, R-3A, and R-3 districts, the maximum ADU size may be no more than 960 square feet.](#)

2. Minimum Lot Size. Within the R-3A and R-3 districts, detached ADUs are prohibited on lots smaller than 11,000 square feet in area.
3. Architecture. An ADU must be designed and maintained as to be consistent with the architectural design, style, appearance and character of the primary residence. If an ADU extends beyond the current footprint or existing height of the primary residence, such an addition must be consistent with the existing facade, roof pitch, siding and windows.
4. Parking. One off-street parking space must be available exclusively for the ADU, in addition to the two off street parking spaces required for the primary residence.
5. Owner-Occupied. The principal structure or ADU must be owner-occupied.
6. Licensing. Any principal structure or ADU that is renter-occupied must have a current rental license in compliance with Chapter 815 of City Code.
7. One per Lot. No more than one ADU shall be permitted on a single lot or parcel.
8. Setbacks. A detached ADU of new construction is subject to the minimum principal structure setback required in its zoning district. A detached accessory structure built prior to June 30, 2022 is subject to the minimum accessory structure setback required in its zoning district when improved for the purpose of creating an ADU.

B. Food and beverage establishments

1. Garden Strip. At any common boundary shared with a residential district, a strip of not less than five feet must be landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
2. Hours. The hours of operation must be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
3. Landscaping. Landscaping and screening shall be present in accordance with Chapter 918 of this Ordinance.
4. Licensing. All local, state and federal food and beverage handling licenses and/or permits must be obtained for the establishment.
5. Litter Control. The establishment shall be responsible for litter control within 500 feet of the property line, which must occur on a daily basis.
6. Loading Berth. Adequate space must be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
7. Outdoor Storage. No outdoor storage is permitted.
8. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
9. Baking. The room or rooms containing the preparation and baking process for bakeries may not have a gross floor area in excess of 2,400 square feet.

C. Retail Sales, Limited

1. The gross square area of each limited retail sales business may not exceed 2,000 square feet.

937.04 – Conditional Residential Land Uses.

The following conditional uses as indicated in Sec. 937.02, shall comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Dwelling, Multiple-family

1. The residential units do not front or border Lake Street.
2. The development does not conflict with existing or potential future commercial uses and activities.
3. The density meets the standards of the R-5 District.
4. Adequate open space and recreational space is provided on site for the benefit of the occupants.

B. Recreation, outdoor residential, principal

1. Such use is accessory to at least one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties must be under the same ownership and tied together by a deed restriction recorded with the City and Hennepin County.

2. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.
- C. Swimming pools as an outdoor residential recreation accessory use
 1. The use is fenced in accordance with Chapter 918 of this Ordinance.
 2. The use is not located within the required front yard.
 3. The use meets setbacks for accessory structures.
- D. Tennis and pickleball courts as an outdoor residential recreation accessory use
 1. The use is not located within the front yard.
 2. The courts are fenced in accordance with Chapter 918 of this Ordinance.
 3. The courts meet the setback requirements for an accessory structure.
 4. Any lighting used does not allow the light to spread to adjoining properties.
 5. A grading and drainage plan is submitted and approved by the City Engineer.
- E. Recreation, outdoor public, cemeteries, and memorial gardens
 1. The site is landscaped.
 2. The use is available and open to the "public."
 3. The land area of the property containing such use or activity meets the minimum established for the district.
 4. The use meets the minimum setback requirements for accessory structures.
 5. The site accesses on a collector or arterial street.
- F. Public services and utilities
 1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
- G. Horses, keeping of
 1. The minimum lot size for accommodating one horse is three acres, and the minimum lot size for two horses is five acres. No more than two horses may be accommodated on any one property within the City.
 2. All stables are be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas are be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the owner.
 3. All accommodations for horses occur within the rear yard of a residential lot only.
 4. The City Council shall take into account a proper location of a future residence on adjacent lots when considering the application.

937.05 – Conditional Commercial Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Child day care facility, general
 1. Compliance with Chapter 924.02.
- B. Animal Clinics
 1. The size of the clinic does not exceed 4,000 square feet.
 2. The clinic does not provide animal boarding services, kenneling or overnight stays for patients.
 3. The hours of operation coincide with those of the businesses in the area or complex in which the clinic is located.

4. The clinic does not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
 5. The clinic does not share a common demising wall and is not located directly adjacent to a restaurant.
 6. The clinic is not be located on the same property or in the same shopping area where another clinic exists.
 7. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.
- C. Animal Clinics, Hospitals or Kennels
1. Any building in which animals are kept, whether a roofed, sheltered, or enclosed structure, must be located a distance of 100 feet or more from any lot line.
 2. All animals must, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
 3. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation and safety conditions.
- D. Drive-Thru Sales and Service
1. Drive-thru, sales and services
 - a. Access. The driveway access is not on a residential street. The curb cut setbacks and parking must be in conformance with Chapter 920.
 - b. Compatibility. The service windows and driveway are be screened from view if adjacent to a residentially used property.
 - c. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet is landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
 - d. Hours. Hours of operation are be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 - e. Noise. The stacking lane, order board intercom, and service window are designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and satisfy established state regulations.
 - f. Stacking. Not less than 180 feet of segregated automobile stacking lane is provided for the service window.
 - g. Traffic Control. The stacking lane and its access is designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - h. Use of Street. No part of the public street or boulevard is used for stacking of automobiles.
- E. Dry cleaning or laundry
1. The outside storage of materials and equipment is prohibited.
 2. Operations with the primary function of in-store retail and general public customer contact are permitted.
- F. Lodging
1. The parking and loading spaces are not located within the front yard of a lot and meet all applicable provisions of the parking and loading ordinance.
- G. Professional services
1. The traffic generated does not raise traffic volumes beyond the capacity of the surrounding streets.
- H. Micro-production facilities
1. Licensing. The owner of the micro-production facility must qualify for and receive all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, issued under Minn. Stats. § 340A.

2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site requires a taproom/tasting room license from the City of Wayzata, issued under City Code Section 524.02.
 3. Off-sale. On-site sale of beer in the form of growlers require a Brewery License for Off-Sale of Malt Liquor, issued under City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, are prohibited.
 4. Production of Beer. Total production of malt liquor may not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license may not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery must annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
 5. Off-street Loading. The micro-production facility must provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
 6. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
 7. Odors. No odors from the micro-production facility may be perceptible beyond the property line. The micro-production facility operator must take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
 8. Waste. Waste products must be disposed of in a timely manner and in such a way to reduce odors.
 9. Exterior Lighting. All exterior lighting must be designed in such a way as to have no source of light visible from adjacent property, and must comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
 10. Hours of Operation. Micro-production facility operation hours must be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
- I. Sales, garden, greenhouses or nursery
1. There are no outdoor growing fields on the site.
 2. Outdoor sales/display area is limited to 30 percent of the gross lot area and is in conformance with the performance standards of Section 916.12 of this Ordinance.
- J. Repair of home, garden or personal appliances
1. The use is conducted completely indoors.
- K. Sales, service or rental; outdoors
1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit are exempted from this provision.
 1. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting residential zoning district.
 2. All lighting is hooded and so directed that the light source may not be visible from the public right-of-way or from neighboring residences.
 3. Sales, service or rental areas are asphalt or concrete surfaced.
 4. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
 5. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.

937.06 – Conditional Automobile-Orientated Uses

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Motor vehicle rental and sales

1. The use is adequately screened from view of neighboring residential uses or an abutting Residential zoning district.
2. Adequate measures are taken to control pollution and emissions exhaust.
3. Hours of operation are limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
4. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
5. Lighting. Each light standard base island and all islands in the parking lot are landscaped or covered. The light sources are hooded to prevent glare onto adjoining property and the public right-of-way.
6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet are landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings are surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
8. Refuse Storage. All refuse is stored in containers as specified by the City Code. Said containers are fully screened and enclosed by a fence or similar structure.

B. Car washes, principal

1. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and meets with the approval of the City Engineer.
2. At the boundaries of a residential district, a strip of not less than five feet are landscaped and screened in compliance with Chapter 918 of this Ordinance.
3. Each light standard island and all islands in the parking lot are landscaped or covered.
4. Parking or car storage space are screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
5. All lighting is hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and is in compliance with Section 916.06 of this Ordinance.
6. All signing and information or visual communication devices are in compliance with the applicable provisions of Chapter 927 of this Ordinance.
7. Provisions are made to control and reduce noise.

C. Convenience or Grocery Store with Gasoline

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
5. Area. That the approximate area and location devoted to non-automatic merchandise sales must be specified in general terms in the application and in the conditional use permit.
6. Hours of Operation. The hours of operation must be limited to 6.00 a.m. to 12.00 p.m., or as otherwise specified in the approval of the CUP.
7. Motor Fuel Facilities. Adequate space must be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks must be positioned to allow adequate access by

motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps must be installed on pump islands.

8. Canopy. A protective canopy located over pump island(s) may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
9. Compatibility. All sides of the principal and accessory structures must have essentially the same or a coordinated, harmonious finish treatment.
10. Area. Lot area must be at least 20,000 square feet and lot frontage must be at least 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safety handling all activities and required facilities.
11. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade must separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
12. Landscaping. At the boundaries of the lot, a strip of not less than five feet must be landscaped and provide screening in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
13. Light Standards Base Landscaped. Each light standard base must be landscaped.
14. Pedestrian Traffic. An internal site pedestrian circulation system must be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
15. Outside Storage and Sales. No outside storage is permitted except as allowed under Section 916.12. An enclosed screened area must be provided for trash and dumpsters.
16. Vehicle repair and service may not occur on the site.

D. Motor vehicle service

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, must be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
2. Sites for such facilities are freestanding and not part of a principal shopping center structure and must have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area must be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands must be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment must be used totally within an enclosed building.
5. Facilities on a site from contiguous to any neighboring residential uses or an abutting residential zoning district must not be operated between the hours of 11:00 p.m. and 6:00 a.m. or as otherwise specified in the approval of the CUP.
6. Facilities may offer minor auto repairs, but they must not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations must apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
8. Pump Islands. Wherever fuel pumps are to be installed, pump islands must be installed.
9. Green Strip. At the boundaries of a residential district, a strip of not less than five feet must be landscaped and screened in compliance with Chapter 918.
10. Lighting Standard Base Landscaped. Each light standard base must be landscaped.
11. Stacking, parking or car storage space must be screened from view of abutting residential districts in compliance with Chapter 918.

12. Vehicle Circulation. Vehicular access points must create a minimum of conflict with through traffic movement. Provisions must be made for transport delivery of fuel which will not conflict with pump island service.
13. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
14. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
15. Sales Limitations. Sale of products other than those specifically necessary for motor vehicle repair must be subject to a conditional use permit and be in compliance with Section 916.12 of this Ordinance.

937.07 – Conditional Institutional Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Colleges, seminaries and other institutions of higher education.
 1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
 2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
- B. Places of Assembly.
 1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
 2. Adequate off-street parking and access is provided, and such parking is adequately screened and landscaped from adjoining and abutting residential uses or residential zoning districts.
- C. Hospitals, residential care facilities, extended care facilities; rest homes and other elderly care facilities
 1. Interior side yards are screened.
 2. Only the rear yard is used for play or recreational areas. Said area must be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.
 3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 4. All signing and informational or visual communication devices are in compliance with Chapter 927 of this Ordinance.

937.08 – Conditional Recreational Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Clubs or Lodges, Existing.
 1. The parking and loading spaces are located within the front yard of a lot and meet all applicable provisions of Chapter 920.
- B. Amusement, indoor
 1. If located within a shopping center, the use has its own exclusive exterior access.
 2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

3. The hours of operation are specified in the CUP as a means to maintain compatibility of uses and activities.

C. Recreation, indoor

1. If located within a shopping center, the use has its own exclusive exterior access.
2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

D. Recreation, outdoor commercial

1. The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
2. The hours of operation are limited as necessary to minimize the effect of traffic noise and glare upon any existing neighboring residential uses or abutting and residential zoning district.
3. The principal use, function or activity is outdoor in character.
4. Not more than five percent of the land area of site shall be covered by buildings or structures.
5. Lighting. All lighting is hooded and so directed to prevent glare onto adjacent properties and/or roads.
6. The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance. When abutting a residential use or a residential zoning district, the property is screened and landscaped for the protection of the abutting use.
7. The land area of the property containing such use or activity meets the minimum established for the district.

937.09 Conditional Manufacturing

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Manufacturing

1. The use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.

937.10 Accessory Uses with Restrictions

The following accessory uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

A. Sales, service or rental, accessory

1. Such use is allowed as a permitted use in a C-1 or C-2 District.
2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
3. All signing and informational or visual communication devices is in compliance with Chapter 927 this Ordinance.

B. Sidewalk cafe, outdoors

1. A permit pursuant to City Code Ch. 315 is obtained if the café is in the City Right of Way.

C. Storage, indoor,

1. The indoor storage of merchandise in either principal or accessory building is solely intended to be retailed by a related and established principal use.

D. Storage, outdoor

1. The storage area is landscaped, fenced, and screened from view of neighboring uses if abutting a residential use or a residential use district.
2. Storage is landscaped and screened from view from the public right-of-way.
3. Storage area is blacktopped or concrete surfaced.
4. All lighting is hooded and so directed that the light source will not be visible from the public right-of-way or from neighboring residences.
5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

937.11 Interim Uses

The following interim uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, including Ch. 934.

A. Existing car wash and dispensing operations

All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 and conformity to Chapter 934 of the Zoning Ordinance.

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

951.01 Purpose.

The purpose of the R-1A Low Density Single Family Estate District is intended to provide a low density residential district for existing large low density residential and estate-type properties. These properties are uniquedistinctive in that they are unusually large in size and frequently include accessory structures, such as guest houses and employees' quartersaccessory dwelling units. This district also allows recreational uses.

951.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-1A" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons~~are listed in the Table shown in Section 937.02 of this Ordinance.

951.03 Interim Uses.

~~Subject to applicable provisions of this Ordinance, the following are~~No interim uses are allowed in the R-1A District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

951.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-1A" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Swimming pools.~~
- E. ~~Tennis courts.~~
- F. ~~Living quarters within the principal structure of persons employed on the premises.~~
- G. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for~~listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.
- H. ~~Accessory uses customarily incidental to the uses permitted in Sections 951.02 and 951.05~~Table shown in Section 937.02 of this Ordinance.

951.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an "the~~ R-1A" District: ~~(Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~

A. ~~One guest, carriage, or caretaker's house as an accessory use, provided that:~~

- ~~1. The structure will not be used for rental purposes.~~
- ~~2. The structure, design, building materials and color are compatible with the principal structure and surrounding land uses.~~
- ~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Off-site private recreational facilities, provided that:~~

- ~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
- ~~2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
- ~~3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
- ~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

- ~~1. The site is landscaped.~~
- ~~2. The use is available to the "public."~~
- ~~3. The land area of the property containing such use or activity meets the minimum established for the district.~~
- ~~4. The use meets the minimum setback requirements for accessory structures.~~
- ~~5. The site accesses on a collector or arterial street.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Accommodations for horses as an accessory use, in accordance with the following provisions:~~

- ~~1. The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.~~
- ~~2. All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.~~
- ~~3. All accommodations for horses shall occur within the rear yard of a residential lot.~~
- ~~4. Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities, provided that:~~

- ~~1. The principal use, function or activity is open, outdoor in character.~~
- ~~2. Not more than five percent of the land area of the site shall be covered by buildings or structures.~~
- ~~3. When abutting a residential use or a residential use district, the property is screened and landscaped for the protection of the abutting use.~~
- ~~4. The land area of the property containing such use or activity meets the minimum established for the district.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

F. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- ~~3. Planned unit development as regulated by Chapter 933 of this Ordinance.~~

951.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in ~~an~~"the R-1A" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot RequirementsSize:

1. Lot Area: 80,000 square feet.
2. Lot Width: 200 feet.
3. Lot Depth: 200 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 45 feet.
 - b) Side Yard: 20 feet.
 - c) Rear Yard: 50 feet.
2. Accessory Structure(s):
 - a) Front Yard: 50 feet.
 - b) Side Yard: Ten10 feet.
 - c) Rear Yard: Ten10 feet.

C. Water-Oriented Accessory Structures ~~Adjacent to a Shoreline Used Exclusively for the Storage of Watercraft or Facility~~:

1. Side Yard: Ten10 feet.
2. Rear Yard: None required.

951.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~requirements shall be observed~~limits apply in an ~~an~~the R-1A District:

- A. Lot coverage ~~shall~~may not exceed ten percent of lot area.
- ~~A-B.~~ Impervious surfaces on a lot ~~shall~~may not exceed 20 percent of ~~the~~ lot area.
- ~~B-C.~~ All single~~Single~~ family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and/or~~ 40 feet, ~~whichever is lesser~~.
- ~~D. C.~~ All accessory~~Accessory~~ buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of two stories ~~and/or~~ 25 feet, ~~whichever is lesser~~.

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CHAPTER 952 R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

952.01 Purpose.

The purpose of the R-1 Low Density Single Family District is to provide a district for ~~exclusive~~ low density single family detached residential dwelling units and directly related, complementary uses. These properties are large in size and commonly have accessory structures, such as ~~guest houses and employees' quarters~~ accessory dwelling units. This district also allows limited recreational uses.

952.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in an "R-1" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons are listed in the Table shown in Section 937.02 of this Ordinance.~~

952.03 Interim Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ No interim uses are allowed in the R-1 District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

952.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-1" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Swimming pools.~~
- E. ~~Living quarters within the principal structure of persons employed on the premises.~~
- F. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- G. ~~Accessory uses customarily incidental to the uses permitted in Sections 952.02 and 952.05~~ Table shown in Section 937.02 of this Ordinance.

952.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an ~~"the~~ R-1" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit ~~based upon~~ approved under the procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.)

A. ~~One guest, carriage, or caretaker's house as an accessory use, provided that:~~

- ~~1. The structure will not be used for rental purposes.~~
- ~~2. The structure, design, building materials and color are compatible with the principal structure and surrounding land uses.~~
- ~~3. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Off-site private recreational facilities, provided that:~~

- ~~1. Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
- ~~2. The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
- ~~3. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
- ~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~

- ~~1. The site is landscaped.~~
- ~~2. The use is available to the "public."~~
- ~~3. The land area of the property containing such use or activity meets the minimum established for the district.~~
- ~~4. The use meets the minimum setback requirements for accessory structures.~~
- ~~5. The site accesses on a collector or arterial street.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Accommodations for horses as an accessory use, in accordance with the following provisions:~~

- ~~1. The minimum lot size for accommodating one horse shall be three acres, and the minimum lot size for two horses shall be five acres. No more than two horses may be accommodated on any one property within the City.~~
- ~~2. All stables shall be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas shall be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the applicant.~~
- ~~3. All accommodations for horses shall occur within the rear yard of a residential lot.~~
- ~~4. Where an application for the boarding of a horse shall occur adjacent to a vacant lot, the City Council shall take into account a proper location of a future residence in considering the application.~~
- ~~5. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Commercial outdoor recreational areas including golf courses and country clubs, swimming pools and similar facilities, provided that:~~

- ~~1. The principal use, function or activity is open, outdoor in character.~~
- ~~2. Not more than five percent of the land area of the site shall be covered by buildings or structures.~~
- ~~3. When abutting a residential use or a residential use district, the property is screened and landscaped for the protection of the abutting use.~~

4. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~

5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

F. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

G. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

952.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an ~~an~~"the" R-1st District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot RequirementsSize:

1. Lot Area: 40,000 square feet.
2. Lot Width: 150 feet.
3. Lot Depth: 150 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 45 feet.
 - b) Side Yard: 20 feet.
 - c) Rear Yard: 50 feet.
2. Accessory Structure(s):
 - a) Front Yard: 50 feet.
 - b) Side Yard: ~~Ten~~10 feet.
 - c) Rear Yard: ~~Ten~~10 feet.

C. Water-Oriented Accessory Structures ~~Adjacent to a Shoreline Used Exclusively for the Storage of Watercraft or Facility~~:

1. Side Yard: ~~Ten~~10 feet.
2. Rear Yard: None required.

952.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~an~~"the" R-1st District:

A. Lot coverage ~~shall~~may not exceed 15 percent of lot area.

~~A.B.~~ Impervious surfaces on a lot ~~shall~~may not exceed 25 percent of ~~the~~ lot area.

~~B.C.~~ All single~~Single~~ family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and/or~~ 40 feet, ~~whichever is lesser~~.

~~C.D.~~ Accessory buildings ~~shall be limited to~~ may not exceed a ~~maximum~~ height of two stories and 25 feet, ~~whichever is lesser.~~

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CHAPTER 953 R-2A SINGLE FAMILY RESIDENTIAL DISTRICT

953.01 Purpose.

The purpose of the R-2A Single Family Residential District is to provide a district for low to medium density single family detached dwelling ~~unit~~units, accessory dwelling units, and directly related, complementary uses.

953.02 Permitted ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-2A" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons are listed in the Table shown in Section 937.02 of this Ordinance.~~

953.03 Interim ~~Use~~Uses.

~~Subject to applicable provisions of this Ordinance, the following are~~No interim uses are allowed in the R-2A District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

953.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in ~~he~~"the" R-2A" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Swimming pools.~~
- E. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for~~listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.
- F. ~~Accessory uses customarily incidental to the uses permitted in Sections 953.02 and 953.05~~Table shown in Section 937.02 of this Ordinance.

953.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an~~"the" R-2A" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit ~~based upon~~approved under the procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.)

- A. ~~Off site private recreational facilities, provided that:~~

1. ~~Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
2. ~~The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
3. ~~The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~
 1. ~~The site is landscaped.~~
 2. ~~The use is available to the "public."~~
 3. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~
 4. ~~The use meets the minimum setback requirements for accessory structures.~~
 5. ~~The site accesses on a collector or arterial street.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
 1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- E. ~~Tennis courts as an accessory use, provided that:~~
 1. ~~The use is not located within the front yard.~~
 2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
 3. ~~The courts shall meet the setback requirements for an accessory structure.~~
 4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
 5. ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Living quarters of persons employed on the premises, provided that:~~
 1. ~~Occupancy is limited to the principal structure.~~
 2. ~~Such accommodations are provided for no more than one family.~~
 3. ~~Two extra off-street parking spaces are provided on the lot.~~
 4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- G. ~~Sailing School, provided the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

953.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an ~~an~~"the R-2A" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot RequirementsSize:

1. Lot Area: 25,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 30 feet.
 - b) Side Yard: 15 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 35 feet.
 - b) Side Yard: 15 feet.
 - c) Rear Yard: ~~Five~~5 feet.

953.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~requirements shall be observed~~limits apply in an ~~an~~"the R-2A" District:

~~A.~~ Lot coverage shall~~coverage may~~ not exceed 20 percent of lot area.

~~A-B.~~ Impervious surfaces on a lot ~~shall~~may not exceed 30 percent of ~~the~~ lot area.

~~B-C.~~ All single~~Single~~ family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and or~~ 40 feet, ~~whichever is lesser~~.

~~C-D.~~ Accessory buildings, except for accessory ~~buildings shall be limited to~~ dwelling units, may not exceed a ~~maximum~~ height of 20 feet.

E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 954 R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

954.01 Purpose.

The purpose of the R-2 Medium Density Single Family Residential District is to provide a district for medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

954.02 Permitted ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-2" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons are listed in the Table shown in Section 937.02 of this Ordinance.~~

954.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ No interim uses are allowed in the R-2 District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

954.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-2" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off-street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Swimming pools.~~
- E. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- F. ~~Accessory uses customarily incidental to the uses permitted in Sections 954.02 and 954.05 Table shown in Section 937.02 of this Ordinance.~~

954.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an "the~~ R-2" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.)

- A. ~~Off-site private recreational facilities, provided that:~~

1. ~~Such use is accessory to one existing permitted principal use on an abutting lot or lot only separated by a public right of way. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
2. ~~The properties upon which the private recreational facilities are to be located and upon which the permitted principal use is located, are under the same ownership. Said properties are tied together by a deed restriction recorded with the City and Hennepin County.~~
3. ~~The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.~~
4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Public parks, playgrounds, cemeteries and memorial gardens, provided that:~~
 1. ~~The site is landscaped.~~
 2. ~~The use is available to the "public."~~
 3. ~~The land area of the property containing such use or activity meets the minimum established for the district.~~
 4. ~~The use meets the minimum setback requirements for accessory structures.~~
 5. ~~The site accesses on a minor arterial.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
 1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Section 801.33 of this Ordinance.~~
- E. ~~Tennis courts as an accessory use, provided that:~~
 1. ~~The use is not located within the front yard.~~
 2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
 3. ~~The courts shall meet the setback requirements for an accessory structure.~~
 4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
 5. ~~A grading and drainage plan must be submitted to and subject to approval of the City Engineer.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Living quarters of persons employed on the premises, provided that:~~
 1. ~~Occupancy is limited to the principal structure.~~
 2. ~~Such accommodations are provided for no more than one family.~~
 3. ~~Two extra off-street parking spaces are provided on the lot.~~
 4. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

954.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an ~~"the~~ R-2" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~Requirements~~Size:

1. Lot Area: 15,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 25 feet.
 - b) Side Yard: ~~Ten~~10 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 30 feet.
 - b) Side Yard: ~~Five~~5 feet.
 - c) Rear Yard: ~~Five~~5 feet.

954.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~requirements shall be observed~~limits apply in an ~~an~~ "the R-2" District:

A. Lot coverage ~~shall~~may not exceed 20 percent of lot area.

~~A-B.~~ Impervious surfaces on a lot ~~shall~~may not exceed 30 percent of ~~the~~ lot area.

~~B-C.~~ ~~All single~~Single family residences ~~shall be limited to~~may not exceed a ~~maximum~~ height of 2½ stories and/or 30 feet, ~~whichever is lesser~~.

~~C-D.~~ ~~All accessory~~Accessory buildings ~~shall be limited to, except for accessory dwelling units, may not exceed~~ a ~~maximum~~ height of 20 feet.

~~D-E.~~ ~~All detached accessory dwelling units may not exceed two stories or 25 feet.~~

CHAPTER 955 R-3A SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

955.01 Purpose.

The purpose of the R-3A Single and Two Family Residential District is to provide a district for high density single family dwelling units in the community's oldest older neighborhoods, and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

955.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-3A" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons.~~
- E. ~~Public parks and playgrounds are listed in the Table shown in Section 937.02 of this Ordinance.~~

955.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ No interim uses are allowed in the R-3A District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

955.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-3A" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Swimming pools.~~
- E. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- F. ~~Accessory uses customarily incidental to the uses permitted in Sections 955.02 and 955.05 Table shown in Section 937.02 of this Ordinance.~~

955.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an "the~~ R-3A" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit ~~based upon~~ approved under procedures and standards set forth ~~and regulated by~~ Chapter 904 of this Ordinance.)

- A. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use in a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Planned unit development as regulated by Section 801.33 of this Ordinance.~~

C. ~~Tennis courts as an accessory use, provided that:~~

1. ~~The use is not located within the front yard.~~

2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~

3. ~~The courts shall meet the setback requirements for an accessory structure.~~

4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~

5. ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~

6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Two family detached dwellings, provided that:~~

1. ~~They are located and designed so as to be compatible with the surrounding neighborhood.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered satisfactorily met.~~

955.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in ~~an~~"the R-3A" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot RequirementsSize:

1. Single Family:

a) Minimum Lot Area: 9,000 square feet.

b) Minimum Lot Width: 60 feet.

c) Minimum Lot Depth: 100 feet.

2. Two Family:

a) Minimum Lot Area: 18,000 square feet.

b) Minimum Lot Area Per Unit: 9,000 square feet.

c) Minimum Lot Width: 100 feet.

d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

a) Front Yard: 20 feet.

b) Side Yard: ~~Ten~~10 feet.

c) Rear Yard: 20 feet.

d) Corner Lots: Lots fronting two principal streets shall be considered corner lots, and shall have a minimum of a 20 foot setback for both the front yard and side yard which abut a principal street. For corner lots that ~~have~~are less than 60 feet in width, the rear yard setback ~~may~~shall be ~~reduced to ten~~10 feet, and the inside side yard (non-principal street fronting) ~~may~~shall be ~~reduced to five~~5 feet.

2. Accessory Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: ~~Five~~5 feet.
 - c) Rear Yard: ~~Five~~5 feet.

955.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~"the~~ R-3A" District:

- A. Lot coverage ~~shall~~may not exceed 30 percent of lot area.
- ~~A-B.~~ Impervious surfaces on a lot ~~shall~~may not exceed 35 percent of ~~the~~ lot area.
- ~~B-C. All residences shall be limited to~~Residences may not exceed a ~~maximum~~ height of two stories ~~and/or~~ 32 feet in vertical distance above the Grade Plane, as measured to the peak of the roof, ~~whichever is lesser.~~
- ~~C-D. All residential~~Accessory buildings, except for accessory ~~buildings shall be limited to~~dwellling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 956 R-3 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

956.01 Purpose.

The purpose of the R-3 Single Family and Two Family Residential District is to provide a district for high density single family dwelling units and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

956.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-3" District:

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons.~~
- E. ~~Public parks and playgrounds are listed in the Table shown in Section 937.02 of this Ordinance.~~

956.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ No interim uses are allowed in the R-3 District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

956.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the "R-3" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Greenhouses, provided they do not exceed 200 square feet in area.~~
- D. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.~~
- E. ~~Accessory uses customarily incidental to the uses permitted in Sections 956.02 and 956.05 Table shown in Section 937.02 of this Ordinance.~~

956.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~an "the~~ R-3" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth ~~and regulated by~~ Chapter 904 of this Ordinance.)

- A. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

C. ~~Tennis courts as an accessory use, provided that:~~

1. ~~The use is not located within the front yard.~~

2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~

3. ~~The courts shall meet the setback requirements for an accessory structure.~~

4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~

5. ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~

6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Two family detached dwellings, provided that:~~

1. ~~They are located and designed so as to be compatible with the surrounding neighborhood.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

956.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in ~~an~~the "R-3" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot RequirementsSize:

1. Single Family:

a) Minimum Lot Area: 9,000 square feet.

b) Minimum Lot Width: 60 feet.

c) Minimum Lot Depth: 100 feet.

2. Two Family:

a) Minimum Lot Area: 18,000 square feet.

b) Minimum Lot Area Per Unit: 9,000 square feet.

c) Minimum Lot Width: 100 feet.

d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Single Family, Two Family:

a) Front Yard: 20 feet.

b) Side Yard: ~~Ten~~10 feet.

c) Rear Yard: 20 feet.

2. Accessory Structure(s):

a) Front Yard: 20 feet.

b) Side Yard: ~~Five~~5 feet.

- c) Rear Yard: ~~Five~~5 feet.

956.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~an~~the R-3¹ District:

- A. Lot coverage ~~shall~~may not exceed 30 percent of lot area.
- ~~A-B.~~ Impervious surfaces on a lot ~~shall~~may not exceed 35 percent of ~~the~~lot area.
- ~~B-C.~~ ~~All residences shall be limited to~~Residences may not exceed a ~~maximum~~height of 2½ stories ~~and/or~~ 30 feet, ~~whichever is lesser.~~
- ~~C-D.~~ ~~All residential~~Accessory buildings, except for accessory ~~buildings shall be limited to~~dwelling units, may not exceed a ~~maximum~~ height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 957 R-4A LOW TO MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

957.01 Purpose.

The purpose of the R-4A Low to Medium Density Multiple Residential District is intended to provide a district which will allow for low to medium density single family, two family dwellings, townhouses and cluster housing in those areas where such development properly relates to other land uses and major streets, or where said use may such uses act as a transition between different types of land uses.

957.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the "R-4A" District:

- A. Single family detached dwellings.
- B. Essential services.
- C. Day care facilities serving 12 or fewer persons.
- D. Residential care facilities serving six or fewer persons.
- E. Public parks and playgrounds.
- F. Townhouses.
- G. Two family dwellings are listed in the Table shown in Section 937.02 of this Ordinance.

957.03 Interim UseUses.

Subject to applicable provisions of this Ordinance, the following are No interim uses are allowed in the R-4A District and are governed by Chapter 934 of this Ordinance:

- A. None.

957.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses allowed in an "the" R-4A" District:

- A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.
- B. Private garages and off street parking.
- C. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.
- D. Accessory uses customarily incidental to the uses permitted in Sections 957.02 and 957.05 Table shown in Section 937.02 of this Ordinance.
- E. Off street loading areas.

957.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in an "the" R-4A" District: (Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use based upon approved under procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)

- A. ~~Swimming pools as an accessory use, provided that:~~
 - 1. ~~The use is fenced in accordance with Chapter 918 of this Ordinance.~~
 - 2. ~~The use is not located within the front yard.~~
 - 3. ~~The use shall meet setbacks for accessory structures.~~
 - 4. ~~All City permits are obtained for the use.~~
 - 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Tennis courts as an accessory use, provided that:~~
 - 1. ~~The use is not located within the front yard.~~
 - 2. ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
 - 3. ~~The courts shall meet the setback requirements for an accessory structure.~~
 - 4. ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
 - 5. ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~
 - 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~
 - 1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 - 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

957.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an "the R-4A" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

- A. Minimum Lot RequirementsSize:
 - 1. SingleTwo Family:
 - a) Minimum Total Lot Area: ~~12,000~~18,000 square feet.
 - b) Minimum Lot ~~Width: 80 feet.~~
 - c) ~~Minimum Lot Depth: 100~~Area Per Dwelling Unit: 9,000 square feet.
 - 2. Two-Family:
 - a) ~~Minimum Total Lot Area: 24,000 square feet.~~
 - b) ~~Minimum Lot Area Per Dwelling Unit: 12,000 square feet.~~
 - c) ~~Minimum Lot Width: 100 feet.~~
 - 3. ~~Townhouses~~:
 - a) Minimum Total Lot Area: ~~30,000~~21,000 square feet.
 - b) Minimum Lot Area Per Dwelling Unit: ~~10,000~~7,000 square feet.
 - c) ~~Minimum Lot Width: 120 feet.~~
- B. Minimum Setbacks:

1. Single Family, Two-FamilyPrincipal Structure(s):

- a) Front Yard: 30 feet.
- b) Side Yard: Ten10 feet.
- c) Rear Yard: 20 feet.

2. ~~Townhouses:~~

- ~~a) Front Yard Setback: 35 feet.~~
- ~~b) Side Yard Setback: 20 feet.~~
- ~~c) Rear Yard Setback: 40 feet.~~

3. Accessory Structure(s):

- a) Front Yard Setback: 40 feet.
- b) Side Yard Setback: Ten10 feet.
- c) Rear Yard Setback: Ten10 feet.

- C. Should a structure containing four or more units be built upon a property which abuts another property that is zoned and used for a less intensive use, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which ~~calls for~~requires the greater setbacks.

957.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~"the~~ R-4A" District:

- A. Lot coverage ~~and impervious surface shall~~may not exceed 35 percent of lot area. ~~All buildings shall be limited to~~
- B. Impervious surfaces may not exceed 35 percent of lot area.
- ~~A.C.~~ Buildings may not exceed a ~~maximum~~ height of 2½ stories ~~and 35 or 30 feet, whichever is lesser.~~

CHAPTER 958 R-4 MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

958.01 Purpose.

The purpose of the R-4 Medium Density Multiple Residential District is intended to provide a district which will allow for medium density one or two family dwellings, townhouses and cluster multiple dwelling housing in those areas where such development properly relates well to other land uses and thoroughfares, or where said use may such uses act as a transition between different types of land uses.

958.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the "R-4" District:

- A. Single family detached dwellings.
- B. Essential services.
- C. Day care facilities serving 12 or fewer persons.
- D. Residential care facilities serving six or fewer persons.
- E. Public parks and playgrounds.
- F. Townhouses.
- G. Two family dwellings are listed in the Table shown in Section 937.02 of this Ordinance.

958.03 Interim UseUses.

Subject to applicable provisions of this Ordinance, the following are No interim uses are allowed in the R-4 District and are governed by Chapter 934 of this Ordinance:

- A. None.

958.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses allowed in an "the R-4" District:

- A. Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.
- B. Private garages and off street parking.
- C. Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.
- D. Accessory uses customarily incidental to the uses permitted in Sections 801.58.2 and 801.58.5 Table shown in Section 937.02 of this Ordinance.
- E. Off street loading areas.

958.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in an "the R-4" District: (Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional use based upon uses require a conditional use approved under procedures set forth in and regulated by Chapter 904 of this Ordinance.)

- A. ~~Swimming pools as an accessory use, provided that:~~
- ~~The use is fenced in accordance with Chapter 918 of this Ordinance.~~
 - ~~The use is not located within the front yard.~~
 - ~~The use shall meet setbacks for accessory structures.~~
 - ~~All City permits are obtained for the use.~~
 - ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- B. ~~Tennis courts as an accessory use, provided that:~~
- ~~The use is not located within the front yard.~~
 - ~~The courts shall be fenced in accordance with Chapter 918 of this Ordinance.~~
 - ~~The courts shall meet the setback requirements for an accessory structure.~~
 - ~~Any lighting used shall not allow the light to spread to adjoining properties.~~
 - ~~A grading and drainage plan must be submitted and approved by the City Engineer.~~
 - ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~
- ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 801.18 of this Ordinance.~~
 - ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

958.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in ~~an~~the R-4 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

- A. Minimum Lot ~~RequirementsSize~~:
- ~~SingleTwo~~ Family:
 - ~~Minimum Total Lot Area: 9,00014,000~~ square feet.
 - ~~Minimum Lot Width: 60 feet.~~
 - ~~Minimum Lot Depth: 100Area Per Dwelling Unit: 7,000 square~~ feet.
 - ~~Two~~ Family:
 - ~~Minimum Total Lot Area: 18,000 square feet.~~
 - ~~Minimum Lot Area Per Dwelling Unit: 9,000 square feet.~~
 - ~~Minimum Lot Width: 100 feet.~~
 - ~~Townhouses~~:
 - ~~Minimum Total Lot Area: 27,00015,000~~ square feet.
 - ~~Minimum Lot Area Per Dwelling Unit: 9,0005,000~~ square feet.
 - ~~Minimum Lot Width: 100 feet.~~

3. Multiple Family Dwellings:

- a) Minimum Total Lot Area: 30,000 square feet.
- b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.

4. Multiple Family Dwelling-Elderly Housing:

- a) Minimum Total Lot Area: 30,000 square feet.
- b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.

B. Minimum Setbacks:

1. Single Family, Two-Family Principal Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: ~~Ten~~10 feet.
- c) Rear Yard: ~~20~~10 feet.

2. ~~Townhouses:~~

- a) ~~Front Yard Setback: 35 feet.~~
- b) ~~Side Yard Setback: 20 feet.~~
- c) ~~Rear Yard Setback: 40 feet.~~

3. Accessory Structure(s):

- a) Front Yard Setback: ~~40~~20 feet.
- b) Side Yard Setback: ~~Ten~~5 feet.
- c) Rear Yard Setback: ~~Ten~~5 feet

- C. Should a structure containing ~~four~~six or more units be built ~~upon~~on a property which abuts another property that is zoned ~~and used for a less intensive use~~R-1A, R-1, R-2A, R-2, R-3A or R-3, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which ~~calls for~~requires the greater setbacks.

958.07 Lot Coverage, Impervious Surfaces and Height.

The following ~~lot coverage and height requirements shall be observed~~limits apply in an ~~an~~"the R-4" District:

- A. Lot coverage ~~and impervious surface shall~~may not exceed 35 percent of lot area. ~~B. All buildings shall be limited to~~
- B. Impervious surfaces may not exceed 45 percent of the lot area.
- ~~A.C. Buildings may not exceed~~ a ~~maximum~~ height of ~~2 1/2~~3 stories ~~and of~~ 35 feet, ~~whichever is lesser.~~

CHAPTER 959 R-5 ~~AVERAGE~~HIGH DENSITY MULTIPLE RESIDENTIAL DISTRICT

959.01 Purpose.

The purpose of the R-5 High Density Multiple Residential District is ~~intended~~ to provide a ~~general multiple residence~~ district ~~of average for high~~ density residential uses in those areas where such development ~~property~~ relates well to other land uses and ~~thoroughfare~~thoroughfares, or where ~~said~~such use may act as a transition between different types of land uses.

959.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "R-5" District: are listed in the Table shown in Section 937.02 of this Ordinance.

- A. ~~Single family detached dwellings.~~
- B. ~~Essential services.~~
- C. ~~Day care facilities serving 12 or fewer persons.~~
- D. ~~Residential care facilities serving six or fewer persons in single family detached dwellings.~~
- E. ~~Public parks and playgrounds.~~
- F. ~~Townhouses.~~
- G. ~~Two family dwellings.~~
- H. ~~Multiple family dwellings.~~
- I. ~~Manor homes.~~
- J. ~~Quadraminiums.~~
- K. ~~Residential care facilities in multiple family structures having 16 or fewer persons.~~

959.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the following are ~~No~~ interim uses are allowed in the R-5 District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

959.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in an "the R-5" District:

- A. ~~Tool houses, sheds and other such structures for the storage of domestic supplies and equipment.~~
- B. ~~Private garages and off street parking.~~
- C. ~~Living quarters of persons employed on the premises.~~
- D. ~~Except as otherwise limited, private recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for~~listed in the enjoyment and convenience of the residents of the principal use and their occasional guests.
- E. ~~Accessory uses customarily incidental to the uses permitted in Sections 959.02 and 959.05~~Table shown in Section 937.02 of this Ordinance.

F. ~~Off street loading areas.~~

959.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in an "R-5" District: ~~(Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures set forth in an regulated by Chapter 904 of this Ordinance.)~~

A. ~~Swimming pools as an accessory use, provided that:~~

1. ~~The use is fenced in accordance with Chapter 918 of this Ordinance.~~
2. ~~The use is not located within the front yard.~~
3. ~~The use shall meet setbacks for accessory structures.~~
4. ~~All City permits are obtained for the use.~~
5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Halfway houses, as defined in Chapter 902 of this Ordinance, provided that:~~

1. ~~The use is licensed by the State.~~
2. ~~Provisions are made to ensure compatibility with surrounding uses.~~
3. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Housing for the elderly, as defined by Section 902.02 of this Ordinance, in accordance with the following special provisions:~~

1. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
3. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

959.06 Lot ~~AreaSize~~ and ~~Setback RequirementsSetbacks~~.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an ~~"the~~ "R-5" District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot ~~RequirementsSize~~:

1. ~~Single Family:~~

- a) ~~Minimum Lot Area: 9,000 square feet.~~
- b) ~~Minimum Lot Width: 60 feet.~~
- c) ~~Minimum Lot Depth: 100 feet.~~

2. ~~Two Family:~~

- a) ~~Minimum Lot Area Per Dwelling Unit: 5,300 square feet.~~
- b) ~~Minimum Total Lot Area: 10,600 square feet.~~

3. ~~Townhouses, Quadraminiums, Manor Homes:~~

a) ~~Minimum Lot Area Per Dwelling Unit: 5,300 square feet.~~

b) ~~Minimum Total Lot Area: 10,600 square feet.~~

24. Multiple Family Dwellings:

a) Minimum Lot Area Per Dwelling Unit: ~~2,500~~2,175 square feet.

b) Minimum Total Lot Area: 20,000 square feet.

53. Multiple Family Dwelling-Elderly Housing:

a) Minimum Lot Area Per Dwelling Unit: 1,000 square feet per unit.

b) Minimum Total Lot Area: 20,000 square feet.

B. Minimum Setbacks:

1. ~~Single Family, Two Family~~Principal Structure(s):

a) Front Yard: 20 feet.

b) Side Yard: ~~Ten~~10 feet.

c) Rear Yard: ~~20~~10 feet.

2. Accessory Structure(s):

a) Front Yard: 20 feet.

b) Side Yard: ~~Five~~5 feet.

c) Rear Yard: ~~Five~~5 feet.

959.07 Schedule of Allowances for Minimum Lot Area.

Except for elderly housing, the lot areas per multiple family dwelling unit ~~prescribed~~that are required above shall be ~~further subject to the following schedule of allowances, which shall be added to or subtracted from the minimum lot area per dwelling unit as prescribed, thereby relating density requirements to the location, use and access provided the property increased or reduced as follows:~~

- A. For each parking space provided under the living area of a building or underground, subtract 300 square feet.
- B. ~~If an adjacent site is zoned R-1A, R-1, R-2A, R-2, R-3A or R-3 Residential use, add 300 square feet per unit for that portion of any building within 200 feet of said district. the project includes a renewable energy component or meets a sufficient energy certification as defined by the City's Sustainability Policy that produces 100% of the energy usage per unit, subtract 300 square feet per unit.~~
- C. ~~If an adjacent site is zoned for commercial use~~For each 1,000 square feet of privately owned, publicly accessible open space, subtract 300~~100 square feet per unit for that portion of any building within 200 feet of said district.~~
- D. If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet per unit. For each unit containing bedrooms in excess of two, add 300 square feet.
- E. The maximum allowance which may be subtracted under Section 959.07.A, B and C shall be ~~500~~675 square feet per unit.

959.08 Lot Coverage, Impervious Surfaces and Height ~~and Bulk.~~

The following ~~lot coverage, height and bulk requirements shall be observed~~limits apply in the "R-5" District:

A. Lot coverage ~~shall~~may not exceed ~~43~~40 percent of lot area.

~~A-B.~~ Impervious surfaces on a lot ~~shall~~may not exceed ~~35~~30 percent of the lot area.

~~B.~~ The maximum floor area ratio (F.A.R.) shall be 0.7.

C. ~~All buildings shall be limited to~~Buildings may not exceed a ~~maximum~~ height of three stories ~~and or~~ 35 feet, ~~whichever is lesser.~~

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CHAPTER 970 INS INSTITUTIONAL DISTRICT

970.01 Purpose.

The purpose of the INS Institutional District is intended to provide a district for facilities devoted to serving the that provide public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services services and places of assembly, as opposed to commercial or residential uses. It is intended that uses within such a this district will be compatible with adjoining development districts and uses, and they normally will that property within this district generally be located on an arterial street or thoroughfare.

970.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the INS District: are listed in the Table shown in Section 937.02 of this Ordinance.

- A. Pre-school, elementary, junior or senior high schools having a regular course of study accredited by the State of Minnesota.
- B. Religious institutions, such as churches, chapels, temples and synagogues.
- C. Publicly owned civic or cultural buildings, such as libraries, City offices, auditoriums, public administration buildings, public parking structures as a principal and sole use, and historical developments.

970.03 Interim UseUses.

Subject to applicable provisions of this Ordinance, the following are No interim uses are allowed in the INS District and are governed by Chapter 934 of this Ordinance:

- A. None.

970.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses allowed in the INS District:

- A. Accessory uses customarily incidental to the uses permitted in Sections 970.02 and 970.05 are listed in the Table shown in Section 937.02 of this Ordinance.
- B. Parks, playgrounds or athletic fields.
- C. Off-street parking and loading areas.

970.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the following are conditional uses in an INS District: (Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures set forth in and regulated by Chapter 904 of this Ordinance.)

- A. Automobile parking lots as a principal use, provided that:
 - 1. The use and design is in conformance with Chapter 920 of this Ordinance.
 - 2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- B. Cemeteries or memorial gardens, provided that:

1. — The site is landscaped.
2. — The use is available to the "public."
3. — The land area of the property containing such use or activity meets the minimum established for the district.
4. — The use meets the minimum setback requirements for accessory structures.
5. — The site accesses on a collector or arterial street.
6. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- C. — Colleges, seminaries and other institutions of higher education, provided that:
 1. — Adequate parking is provided in conformance with Chapter 920 of this Ordinance.
 2. — Provisions are made to buffer and screen any surrounding residential uses.
 3. — The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 4. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- D. — Community centers, provided that:
 1. — Adequate screening from abutting and adjoining residential uses and landscaping is provided.
 2. — Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and abutting residential uses.
 3. — Adequate off-street loading and service entrances are provided and regulated where applicable by Chapter 920 of this Ordinance.
 4. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- E. — Hospitals and residential care facilities including extended care facilities for mentally retarded, rest homes and care for the aged, ill and infirmed, provided that:
 1. — Interior side yards are screened.
 2. — Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.
 3. — The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 4. — All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.
 5. — All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
 6. — Adequate off-street parking is provided in compliance with Chapter 920 of this Ordinance.
 7. — Off-street loading space in compliance with Chapter 920 of this Ordinance is provided.
 8. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- F. — Housing for the elderly, provided that:
 1. — The development is in conformance to standards established in Section 959.06 of this Ordinance.
 2. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- G. — Halfway houses, provided that:

1. ~~_____ The use is licensed by the State.~~
2. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~_____ Living quarters which are provided as an accessory use to a principal use in Section 970.02 or to a conditional use in this Section, provided that:~~
 1. ~~_____ The use shall not be used as rental property.~~
 2. ~~_____ A maximum of one such dwelling shall be allowed.~~
 3. ~~_____ There shall be a demonstrated and documented need for such a facility.~~
 4. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~_____ Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:~~
 1. ~~_____ Equipment and vehicles are completely enclosed in a permanent structure or if stored outside, are screened and landscaped from neighboring uses as provided in Chapter 918 of this Ordinance.~~
 2. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- J. ~~_____ Public recreational facilities, provided that:~~
 1. ~~_____ The site is landscaped.~~
 2. ~~_____ The use is available to the "public."~~
 3. ~~_____ The land area of the property containing such use or activity meets the minimum established for the district.~~
 4. ~~_____ The use meets the minimum setback requirements for accessory structures.~~
 5. ~~_____ The site accesses on a minor arterial.~~
 6. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~_____ Single family or two family residential dwellings, provided that:~~
 1. ~~_____ The development shall be in compliance with the provisions of the R-3 Zoning District.~~
 2. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- L. ~~_____ The lot area requirement for permitted uses may be reduced, provided that:~~
 1. ~~_____ The use existed prior to July 1, 1990.~~
 2. ~~_____ Compatibility with surrounding existing and potential uses is maintained.~~
 3. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- M. ~~_____ Other uses of the same general character as those listed in Sections 970.02, 970.04 and 970.05 of this Ordinance.~~
- N. ~~_____ Planned unit development as regulated by Chapter 933 of this Ordinance.~~

970.06 Lot AreaSize and Setback RequirementsSetbacks.

The following minimum requirements ~~shall~~must be ~~observed~~met for all lots and structures in an ~~an~~"the INS" District, subject to additional requirements, exceptions, modifications set forth in this Ordinance:

A. Lot Area:

1. Minimum SiteLot Area:

a) ~~Religious Institutions~~ Places of Assembly: ~~Three~~3 acres.

b) ~~Elementary Schools~~: ~~15~~ acres.

c) ~~Junior High Schools~~: ~~30~~ acres.

d) ~~Senior High Schools~~: ~~50~~ acres.

~~be~~) Hospitals: ~~Ten~~10 acres.

f) ~~Community Centers~~: ~~Three~~ acres.

g) _____

c) Public Parking Structure: ~~One~~1 acre.

2. All ~~school~~ area requirements for Places of Assembly prescribed above may be reduced if ~~and when~~ the site is combined with or included within a neighborhood park.

B. Minimum Setbacks:

1. Schools:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

2. Hospitals:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

3. Public Works Facilities:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

4. Public Parking Structures: ~~There shall be no~~No minimum front yard, side yard or rear yard setback requirements, ~~except that there shall be a minimum required setback when such boundary is unless~~ adjacent to a residential district. ~~In, in~~ which case, the minimum ~~required~~ setback shall be the same as the setback for the adjacent residential district. In addition, the minimum requirements of Section 970.06.B.6 do not apply to a public parking structure.

5. All Other Institutional Uses:

- a) Front Yard: 50 feet.
- b) Side Yard: 50 feet.
- c) Rear Yard: 50 feet.

6. In addition to these minimum requirements, setbacks of buildings located within the Institutional District shall be at least equal to the height of such buildings.

970.07 Lot Coverage and Height ~~Requirements~~.

The following ~~lot coverage and height requirements shall be observed~~limits apply in the "INS" District:

-
- A. The total lot coverage of all buildings ~~shall~~may not exceed 30 percent, except that rest homes and housing for the elderly ~~shall~~may not exceed a lot coverage of 40 percent, and public parking structures ~~shall~~may not exceed a lot coverage of 60 percent.
- B. ~~All principal~~Principal structures and their accessory buildings ~~shall be limited to~~may not exceed a ~~maximum~~ height of three stories ~~and~~or 40 feet.

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CHAPTER 974 C-1A NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT

974.01 Purpose.

The purpose of the C-1A Neighborhood Office and Limited Commercial District is intended to provide a district which is related to and may reasonably adjoin compatible with adjoining residential districts for the location, and development of which uses may include limited office, service, and retail uses. The uses allowed in this district are those in which where there is limited contact with the public and provide for mixed. Mixed commercial and residential uses are permitted.

974.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the C-1A District:

- A. Art galleries or studios.
- B. Barber, beauty shops, and day spas.
- C. Commercial/professional offices.
- D. Day care facilities serving 12 or fewer persons.
- E. Florist shops.
- F. Interior decorating studios.
- G. Mixed use buildings with a combination of residential and allowable retail, office and service use.
- H. Municipal parks and playgrounds.
- I. Photographic studios.
- J. Residential use as a principal use subject to the density standards of the R-3 District.

All new residential buildings with a footprint of 3,000 square feet or more are encouraged to be developed with more than one use. are listed in the Table shown in Section 937.02 of this Ordinance.

974.03 Interim UseUses.

Subject to applicable provisions of this Ordinance, the following are No interim uses are allowed in the C-1A District and are governed by Chapter 934 of this Ordinance:

- A. None.

974.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses allowed in at the C-1A District:

A. Accessory uses and structures customarily incidental to the uses permitted are listed in the Table shown in Section 974.02 and 974.05 937.02 of this Ordinance.

B. Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.

C. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

974.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a C-1A District: ~~(Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~

A. ~~Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~

1. ~~The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Governmental and public related utility buildings and structures necessary for the health, safety, and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Existing clubs or lodges, provided that:~~

1. ~~All State regulations are complied with including obtaining all required permits and/or licenses.~~
 2. ~~Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 3. ~~The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 4. ~~The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- E. ~~Medical or Dental Clinics.~~

974.06 ~~Yard and Setback Requirements~~Setbacks.

The following minimum setback requirements ~~shall must~~ be ~~observed met~~ for all lots and structures in ~~at the~~ C-1A District, ~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

- A. Front Yard: 20 feet.
- B. Side Yard: ~~Ten~~10 feet.
- C. Side Yard: ~~Directly directly~~ abutting an R District: 20 feet.
- D. Rear Yard: 20 feet.

974.07 Lot Coverage, F.A.R., Height and BulkLot Area.

The following ~~lot coverage, height and bulk shall be observed~~standards apply to all lots and buildings in ~~at the~~ C-1A District:

- A. ~~The lot coverage. The maximum lot coverage of all buildings shall be may not exceed~~ 30 percent ~~of lot area.~~

- B. ~~The Floor Area Ratio. The maximum floor~~ area ratio (F.A.R.) ~~shall be~~ may not exceed 2.0.
- C. ~~Height. All buildings shall be limited to~~ Buildings may not exceed a ~~maximum~~ height of 2.5 stories ~~and/or~~ 30 feet, ~~whichever is lesser.~~
- D. ~~Lot Area.~~ The ~~minimum total~~ lot area ~~shall~~ must be at least 9,000 square feet.

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CHAPTER 975 C-1 OFFICE AND LIMITED COMMERCIAL DISTRICT

975.01 Purpose.

The purpose of the C-1 Office and Limited Commercial District is ~~intended~~ to provide a district which is related to and may reasonably adjoin high density or ~~other~~ residential districts ~~for the location,~~ and ~~development of include~~ administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public ~~and no manufacture, exterior display or selling of merchandise to the general public.~~

975.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in the "C-1" District:

- A. ~~Barber and beauty shops.~~
- B. ~~Commercial offices.~~
- C. ~~Interior decorating studios.~~
- D. ~~Medical offices or clinics.~~
- E. ~~Mortuaries or funeral homes.~~
- F. ~~Music or dance studios.~~
- G. ~~Photographic or art studios.~~
- H. ~~Municipal parks and playgrounds.~~
- I. ~~Residential use as a principal use subject to the density standards of the R-3 District.~~
- J. ~~Mixed-use buildings with upper story residential and ground floor office/service commercial use.~~
- K. ~~All new residential buildings with a footprint of 3,000 square feet or more shall be developed with more than one use.~~

Are listed in the Table shown in Section 937.02 of this Ordinance.

975.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~No interim uses are allowed in the C-1 District and are governed by Chapter 934 of this Ordinance:

- A. ~~None.~~

975.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in a ~~"the"~~ C-1 District:

- A. ~~Accessory uses and structures customarily incident to the uses permitted in Sections 975.02 and 975.05 are listed in the Table shown in Section 937.02 of this Ordinance.~~
- B. ~~Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
- C. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

975.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a ~~"the C-1"~~ District: ~~(Requires are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~

A. ~~Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~

- ~~1. The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Banks or savings and loan institutions, not including drive-in facilities, provided that:~~

- ~~1. The services which are provided are for the local area rather than the region.~~
- ~~2. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.~~
- ~~3. The architectural appearance and scale of the building shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.~~
- ~~4. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Dry cleaning or laundry establishments as a principal use, provided that:~~

- ~~1. The development meets all applicable performance standards of the C-1 Zoning District, including, but not limited to, all setbacks, screening and landscaping and parking requirements.~~
- ~~2. The emission of odor or noise by any use shall be in compliance with and regulated by applicable state of Minnesota pollution control standards, as amended.~~
- ~~3. The outside storage of materials and equipment is prohibited.~~
- ~~4. The location of exterior steam vents shall be such as to minimize the impacts on surrounding structures and uses. A plan demonstrating such shall be submitted to City staff for review.~~
- ~~5. The development is to be architecturally compatible with and sensitive to nearby structures.~~
- ~~6. The development does not conflict or result in incompatible land use arrangements as related to abutting land uses.~~
- ~~7. Operations with the primary function of in-store retail and general public customer contact are permitted. Operations which are primarily to serve other businesses on a wholesale level are prohibited.~~
- ~~8. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

- ~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
- ~~2. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

975.06 ~~Yard and Setback Requirements~~ Setbacks.

~~The following minimum requirements shall be observed~~ Front yard, side yard and rear yard setbacks must be a minimum distance of 10 feet for all structures on lots in a "C-1" District, subject to additional requirements,

exceptions, and modifications set forth in this Ordinance setbacks. ~~Front yard, side yard and rear yard setbacks all shall be a minimum distance of ten feet.~~

975.07 Lot Coverage, F.A.R., Height and ~~Bulk~~Lot Area.

The following ~~lot coverage, height and bulk shall be observed~~ standards apply to all lots and buildings in a ~~"the C-1"~~ District:

- A. ~~Lot Coverage.~~ The ~~maximum~~ lot coverage of all buildings ~~shall be~~ may not exceed 50 percent.
- B. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~ may not exceed 2.0.
- C. ~~Height.~~ All buildings shall be limited to Buildings may not exceed a ~~maximum~~ height of three stories ~~and/or~~ 35 feet, ~~whichever is lesser.~~
- D. ~~Lot Area.~~ The ~~minimum total~~ lot area ~~shall~~ must be at least 9,000 square feet.

CHAPTER 975.5 C-1B MIXED USE RESIDENTIAL DISTRICT

975.5.01 Purpose.

The purpose of the C-1B Mixed Use Residential District is intended to provide a district which is related to and may reasonably adjoin residential districts for the location, and development of where mixed use buildings with residential use as the predominant use may be located, in addition to limited office, service, and retail uses.

975.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.

A. Mixed use buildings with no less than 60 percent of the building square footage (SF) comprising residential use, and the balance comprising of one or more of the following (or similar) type retail, office, or service use:

1. Art galleries or studios.
2. Commercial/professional offices.
3. Day care facilities serving 12 or fewer persons.
4. Florist shops.
5. Interior decorating studios.
6. Photographic studios.
7. Hobby Stores.
8. Variety, gift, boutique, or soft goods stores.
9. Wearing apparel stores.

B. Municipal parks and playgrounds.

C. Residential use as a principal use subject to the density standards of the R-3A District.

975.5.03 Interim UseUses.

Subject to applicable provisions of this Ordinance, the following areNo interim uses are allowed in the C-1B District and are governed by Section 801.34 of this Ordinance.

A. None.

975.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses allowed in athe C-1B District:

A. Accessory uses and structures customarily incidental to the uses permitted are listed in the Table shown in Section 801.81.2 and 801.81.5937.02 of this Ordinance.

B. Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.

~~C. Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

975.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in ~~the~~ C-1B District: ~~(Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Section 801.04 of this Ordinance.)~~

~~A. Governmental and public related utility buildings and structures necessary for the health, safety, and general welfare of the City, provided that:~~

~~1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Section 801.18 of this Ordinance.~~

~~2. The provisions of Section 801.04.2.F. of this Ordinance are considered and satisfactorily met.~~

~~B. Planned unit development as regulated by Section 801.33904 of this Ordinance.~~

975.5.06 Yard and ~~Setback Requirements~~Setbacks.

The following minimum setback requirements ~~shall must~~ be ~~observed met for all lots and structures~~ in ~~the~~ C-~~B1B~~ District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

A. Principal Structures.

1. Front Yard: ~~Ten~~10 feet.

2. Side Yard: ~~Ten~~10 feet.

3. Rear Yard: 20 feet.

B. Accessory Structure(s).

1. Front Yard: 20 feet.

2. Side Yard: ~~Five~~5 feet.

3. Rear Yard: ~~Five~~5 feet.

975.5.07 Lot Coverage, ~~F.A.R.~~, Height, ~~Bulk~~, and ~~Other Regulations~~Lot Area.

The following ~~lot coverage, height and bulk shall be observed~~standards apply to all lots and buildings in ~~the~~ C-1B District: ~~;~~

~~A. The lot Coverage. The maximum lot coverage of all buildings shall be may not exceed 30 percent of lot area.~~

~~B. Impervious Surface. The maximum impervious surface coverage on a lot shall be 35 percent.~~

~~C. The floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be may not exceed 2.0.~~

~~D. Height. All buildings shall be limited to Buildings may not exceed a maximum height of two and one-half stories and/or 30 feet in vertical distance above the Grade Plane to the highest point of a flat, mansard, shed, round or arch type roof, or 32 feet in vertical distance above the Grade Plane, as measured to the highest peak of a pitched, hipped, or gambrel roof.~~

~~E. Lot Area. The minimum total lot area shall must be at least 7,000 square feet.~~

~~F. All accessory buildings shall be limited to a maximum height of 20 feet.~~

CHAPTER 976 C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 Purpose.

The purpose of the C-2 Shopping Center Business District is ~~intended~~ to provide a district ~~which may be applied to land in for shopping centers under~~ single ownership or unified control ~~for the purpose of developing a planned shopping center with a unified and organized arrangement of buildings and service facilities at locations which are suitable for such use. All of the following principal uses, except for required off street parking facilities, shall be conducted wholly within an enclosed building.~~

976.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a ~~"the C-2"~~ District:

- A. ~~Adult Use—Principal and Accessory.~~
- B. ~~Antique shops.~~
- C. ~~Appliance sales or service stores.~~
- D. ~~Art galleries or studios.~~
- E. ~~Art supply, school supply, book or stationery stores.~~
- F. ~~Automotive accessory stores.~~
- G. ~~Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet are listed in the Table shown in Section 937.02 of this Ordinance.~~
- H. ~~Banks, savings, lending or other financial institutions, excluding drive-in facilities.~~
- I. ~~Barber shops.~~
- J. ~~Beauty parlors.~~
- K. ~~Bicycle stores, including bicycle rental, repair or sales.~~
- L. ~~Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
- M. ~~Business machine sales or services stores.~~
- N. ~~Camera and photo stores.~~
- O. ~~Candy or ice cream stores.~~
- P. ~~Carpet and rug stores.~~
- Q. ~~Catering establishments.~~
- R. ~~Clothes pressing or tailoring shops.~~
- S. ~~Department stores.~~
- T. ~~Drug stores.~~
- U. ~~Dry cleaning or laundry establishments.~~
- V. ~~Florist shops.~~
- W. ~~Food, grocery, meat, fish, bakery or delicatessen stores.~~
- X. ~~Furniture stores.~~
- Y. ~~Hardware stores.~~

Z. — Hobby or toy stores.

AA. — Interior decorating studios.

BB. — Jewelry stores.

CC. — Laboratories (medical or dental).

DD. — Leather goods or luggage shops.

EE. — Libraries.

FF. — Locksmith shops.

GG. — Medical or dental clinics.

HH. — Newsstands.

II. — "Off sale" liquor stores.

JJ. — Offices, including both business and professional uses.

KK. — "On sale" liquor stores.

LL. — Optical stores.

MM. — Orthopedic or medical appliance stores.

NN. — Paint or wallpaper stores.

OO. — Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.

PP. — Pet shops.

QQ. — Phonograph, record or sheet music stores.

RR. — Photography studios.

SS. — Physical fitness, health service establishments, or reducing salons.

TT. — Picture framing or picture stores.

UU. — Pipe or tobacco shops.

VV. — Post offices.

WW. — Plumbing sales.

XX. — Public utility service stores.

YY. — Schools, such as music, dance, business or vocational schools.

ZZ. — Sporting goods stores.

AAA. — Taxidermy shops.

BBB. — Theaters, excluding drive-ins.

CCC. — Variety, gift, notion or soft good stores.

DDD. — Wearing apparel stores.

EEE. — Coffee shops.

FFF. — Municipal parks and playgrounds.

976.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the following are ~~No~~ interim uses are allowed in the C-2 ~~district~~ and are governed by Chapter 934 of this Ordinance:

A. ~~Auto glass installation, internal to a shopping center complex~~District.

976.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in a ~~"the~~ C-2" District:

A. ~~Accessory uses customarily incidental to~~ are listed in the ~~uses allowed in Sections 976.02 and 976.05~~Table shown in Section 937.02 of this Ordinance.

B. ~~Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

C. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

D. ~~Bus or taxi loading and unloading facilities.~~

E. ~~Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

976.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-2" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit ~~based upon approved under the~~ procedures and standards set forth ~~in and regulated by~~ Chapter 904 of this Ordinance.)

A. ~~Freestanding Automobile Service Station and/or Motor Repair Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:~~

1. ~~No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.~~

2. ~~Sites for such facilities are freestanding and not part of a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.~~

3. ~~Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.~~

4. ~~Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.~~

5. ~~Facilities on a site contiguous to any residential district shall not be operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.~~

6. ~~Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.~~

7. ~~—— Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.~~
8. ~~—— Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.~~
9. ~~—— Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~
10. ~~—— Drainage. A drainage system subject to the approval of the City shall be installed.~~
11. ~~—— Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.~~
12. ~~—— Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.~~
13. ~~—— Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.~~
14. ~~—— Lighting Standard Base Landscaped. Each light standard base shall be landscaped.~~
15. ~~—— Stacking, parking or car magazine storage space shall be screened from view of a butting residential districts in compliance with Chapter 918.~~
16. ~~—— Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.~~
17. ~~—— Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.~~
18. ~~—— Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.~~
19. ~~—— Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.~~
20. ~~—— Sales Limitations. Sale of products other than those specifically mentioned in this Section shall be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.~~
21. ~~—— The provisions of Section 904.02.F are considered and satisfactorily met.~~
- B. ~~—— Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:~~
1. ~~—— Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.~~
2. ~~—— Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.~~
3. ~~—— Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.~~
4. ~~—— Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.~~
5. ~~—— Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.~~

6. ~~Area. That the approximate area and location devoted to non-automatic merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.~~
7. ~~Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.~~
8. ~~Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.~~
9. ~~Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off site is maintained.~~
10. ~~Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.~~
11. ~~Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~
12. ~~Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.~~
13. ~~Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.~~
14. ~~Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.~~
15. ~~Light Standards Base Landscaped. Each light standard base shall be landscaped.~~
16. ~~Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.~~
17. ~~Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.~~
18. ~~Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.~~
19. ~~Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for rubbish and dumpsters.~~
20. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Drive-in facilities for banks, or savings and loan associations, provided that:~~
 1. ~~Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.~~
 2. ~~Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.~~
 3. ~~Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.~~

4. ~~Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:~~

a) ~~Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.~~

b) ~~Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~

c) ~~Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.~~

d) ~~Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.~~

e) ~~Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~

f) ~~Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.~~

g) ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Indoor amusement or recreational establishments, such as commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks, or tennis courts as a principal use, provided that:~~

1. ~~If located within a shopping center, the use has its own exclusive exterior access.~~

2. ~~Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~

3. ~~The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~

4. ~~The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.~~

5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Repair stores or "fix it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:~~

1. ~~The use is conducted completely indoors.~~

2. ~~The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.~~

3. ~~The provisions of Section 904.02.F are considered and satisfactorily met.~~

F. ~~Restaurants, excluding drive-ins or convenience food operations, provided that:~~

1. ~~The use obtains all local, state and federal food and beverage handling licenses and/or permits.~~

2. ~~There shall be no excessive noise or odors emitted from the use.~~

3. ~~There shall be no outdoor storage and/or display.~~

4. ~~The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~

5. ~~The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.~~

6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

G. ——— Restaurant, convenience food, provided that:

1. ——— Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.
2. ——— Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
3. ——— Lighting Standard Base Landscaping. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
4. ——— Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.
5. ——— Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
6. ——— Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
7. ——— Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
8. ——— Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi tractor trailers.
9. ——— Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.
10. ——— Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
11. ——— Drive Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:
 - a) ——— Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.
 - b) ——— Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
 - c) ——— Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.
 - d) ——— Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.
 - e) ——— Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
12. ——— The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

H. ——— Open and outdoor storage as an accessory use, provided that:

1. ——— The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.
2. ——— Storage is landscaped and screened from view from the public right-of-way.
3. ——— Storage area is blacktopped or concrete surfaced.

4. ~~———— All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of way or from neighboring residences.~~
5. ~~———— The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
6. ~~———— The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~———— Open or outdoor services, sale and rental as a principal or accessory use, provided that:~~
1. ~~———— Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.~~
2. ~~———— Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
3. ~~———— All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of way or from neighboring residences.~~
4. ~~———— Areas are asphalt or concrete surfaced.~~
5. ~~———— The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
6. ~~———— Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.~~
7. ~~———— The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- J. ~~———— Child care facilities as an accessory use, provided that:~~
1. ~~———— The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.~~
2. ~~———— The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.~~
3. ~~———— The ages of the children attending range from 16 months to 12 years.~~
4. ~~———— The hours of operation coincide with those of the commercial retail stores in the area or complex.~~
5. ~~———— The employees and facility are licensed by the State Department of Human Services.~~
6. ~~———— Fire codes as applicable are complied with.~~
7. ~~———— Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.~~
8. ~~———— The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~———— Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~
1. ~~———— The provisions of Chapter 920, of this Ordinance are considered and satisfactorily met.~~
2. ~~———— The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- L. ~~———— Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
1. ~~———— When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~———— The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- M. ~~———— Planned unit development as regulated by Chapter 933 of this Ordinance.~~

N. ~~Micro-production Facility, provided that:~~

1. ~~Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according Minn. Stats. § 340A.~~

2. ~~Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~

3. ~~Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~

4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~

5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~

6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~

7. ~~Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights-of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~

8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~

9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~

10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~

11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~

12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~

13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~

14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

O. ~~Animal Clinics, provided that:~~

1. ~~_____ The size of the clinic may not exceed 4,000 square feet.~~
2. ~~_____ The clinic may not provide animal boarding services, kenneling, or overnight stays for patients.~~
3. ~~_____ The hours of operation must coincide with those of the businesses in the area or complex in which the clinic is located.~~
4. ~~_____ The clinic may not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).~~
5. ~~_____ The clinic may not share a common demising wall or be located directly adjacent to a restaurant.~~
6. ~~_____ The clinic may not be located on the same property or in the same shopping area where another clinic exists.~~
7. ~~_____ The clinic must comply with all other applicable state, local, and federal regulations, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.~~
8. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

976.06 Special Limitations and Conditions on All Uses.

- A. ~~_____ All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~
- B. Each business establishment ~~shall~~must be operated as a separate and distinct business entity. Each business establishment shall be physically separate from ~~any other such establishment~~establishments by solid walls, partitions or windows, although ~~nothing in this paragraph is intended to prevent either both~~ common ownership ~~or~~and free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections ~~is~~allowed. All business establishments ~~shall~~must be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

976.07 Height, Yard and Setbacks, F.A.R., Lot Area, Lot Coverage Requirements, Impervious Surfaces and Landscaping.

The following ~~minimum requirements shall be observed~~standards apply to all lots and buildings in a "the C-2" District ~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

- A. ~~Height. No building shall be erected or structurally altered to~~Buildings may not exceed ~~three~~a height of two stories ~~and 35 or 30 feet in height, whichever is lesser.~~
- B. Setback~~Minimum Setbacks.~~
 1. There ~~shall~~must be a side yard on each side of any building having a width of not less than 20 feet, except that no building ~~shall~~may be located within 50 feet of any side lot line abutting a lot in any residential district.
 2. There ~~shall~~must be a rear yard having a depth of not less than 20 feet, except that no buildings ~~shall~~may be located within 50 feet of any residential district.
 3. The minimum building setback from any commercial district boundary ~~shall~~must be as set forth herein or the average height of the building, whichever is greater.
- C. ~~The floor Area Ratio. The maximum floor~~ area ratio (F.A.R.) ~~shall be~~may not exceed 1.0.
- D. ~~Lot Area.~~The ~~minimum total~~ lot area ~~shall~~must be at least 20,000 square feet.

E. ~~The lot coverage may not exceed 50 percent of lot area.~~

F. ~~The impervious surfaces may not exceed 75 percent of lot area.~~

G. **Required Landscaping.** A minimum of 20 percent of the total lot area ~~shall~~**must** be landscaped. A landscaped buffer strip of at least eight feet wide ~~shall~~**must** be provided between parking areas and adjacent streets or sidewalks. The buffer strip shall consist of shade trees at maximum intervals of 30 feet, and a decorative fence, masonry wall, or hedge.

~~976.08. Administrative Procedure.~~

~~Requests for shopping centers within the C-2 Zoning District shall be processed in accordance with the requirements and procedures of Chapter 933 (Planned Unit Development) of this Ordinance.~~

DRAFT

CHAPTER 977 C-3 SERVICE DISTRICT

977.01 Purpose.

The purpose of the C-3 Service District is intended to provide an area of a district for service facilities orientated to the motoring public vehicular traffic and access. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a business district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a "the C-3" District ~~are listed in the Table shown in Section 937.02 of this Ordinance~~.

- A. ~~Adult Use—Principal and Accessory.~~
- B. ~~Antique shops.~~
- C. ~~Appliance sales or service stores.~~
- D. ~~Art galleries or studios.~~
- E. ~~Art supply, school supply, book or stationery stores.~~
- F. ~~Automotive accessory stores.~~
- G. ~~Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
- H. ~~Banks, savings, lending or other financial institutions, excluding drive-in facilities.~~
- I. ~~Barber shops.~~
- J. ~~Beauty parlors.~~
- K. ~~Bicycle stores, including bicycle rental, repair or sales.~~
- L. ~~Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.~~
- M. ~~Business machine sales or services stores.~~
- N. ~~Camera and photo stores.~~
- O. ~~Candy or ice cream stores.~~
- P. ~~Carpet and rug stores.~~
- Q. ~~Catering establishments.~~
- R. ~~Clothes pressing or tailoring shops.~~
- S. ~~Department stores.~~
- T. ~~Drug stores.~~
- U. ~~Dry cleaning or laundry establishments.~~
- V. ~~Florist shops.~~

W. — Food, grocery, meat, fish, bakery or delicatessen stores.

X. — Furniture stores.

Y. — Hardware stores.

Z. — Hobby or toy stores.

AA. — Interior decorating studios.

BB. — Jewelry stores.

CC. — Laboratories (medical or dental).

DD. — Leather goods or luggage shops.

EE. — Libraries.

FF. — Locksmith shops.

GG. — Medical or dental clinics.

HH. — Monument sales, excluding processing.

II. — Mortuaries or funeral homes.

JJ. — Newspaper distribution agencies.

KK. — Newsstands.

LL. — "Off sale" liquor stores.

MM. — Offices, including both business and professional uses.

NN. — "On sale" liquor stores.

OO. — Optical stores.

PP. — Orthopedic or medical appliance stores.

QQ. — Paint or wallpaper stores.

RR. — Pickup and delivery food establishments, provided that no seating is provided and that no facilities exist for customer dining on the premises.

SS. — Pet shops.

TT. — Phonograph, record or sheet music stores.

UU. — Photography studios.

VV. — Physical fitness, health service establishments, or reducing salons.

WW. — Picture framing or picture stores.

XX. — Pipe or tobacco shops.

YY. — Post offices.

ZZ. — Plumbing sales.

AAA. — Public utility service stores.

BBB. — Recording studios.

CCC. — Rental agencies for the rental of automobiles, trucks or carriage trailers.

DDD. — Repair stores or "fix it" shops which provide services for the repair of home, garden, yard or personal appliances.

EEE. — Schools, such as music, dance, business or vocational schools.

FFF. — Sporting goods stores.

GGG. — Taxidermy shops.

HHH. — Theaters, excluding drive-ins.

III. — Trading stamp redemption centers.

JJJ. — Variety, gift, notion or soft good stores.

KKK. — Wearing apparel stores.

LLL. — Coffee shops.

MMM. — Municipal parks and playgrounds.

977.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the following are ~~No~~ interim uses are allowed in the C-3 District and are governed by Chapter 934 of this Ordinance:

A. — None.

977.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in a "the C-3" District:

A. — ~~Accessory uses customarily incident to the uses permitted in Sections 977.02 and 977.05 are listed in the Table shown in Section 937.02 of this Ordinance.~~

B. — ~~Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

C. — ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

D. — ~~Bus or taxi loading and unloading facilities.~~

E. — ~~Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

977.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-3" District: ~~(Requires a permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit

A. — ~~Freestanding Automobile Service Station and Auto Repair—Minor. Motor fuel station, auto repair—minor, tire and battery stores and service, and/or other such limited services, provided that:~~

1. — ~~No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, shall be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public road right-of-way.~~

2. — Sites for such facilities are freestanding and not internal to a principal shopping center structure and shall have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area shall be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. — Pump islands shall be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. — Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment shall be used totally enclosed within a building.
5. — Facilities on a site contiguous to any residential district shall be not operated between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise allowed by formal action of the City Council.
6. — Facilities may offer minor auto repairs, but they shall not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. — Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and requirements imposed by this Ordinance for motor fuel stations shall apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.
8. — Compatibility. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
9. — Surfacing. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.
10. — Drainage. A drainage system subject to the approval of the City shall be installed.
11. — Curbing. A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicles service areas.
12. — Pump Islands. Wherever fuel pumps are to be installed, pump islands shall be installed.
13. — Green Strip. At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918.
14. — Lighting Standard Base Landscaped. Each light standard base shall be landscaped.
15. — Stacking. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918.
16. — Vehicle Circulation. Vehicular access points shall create a minimum of conflict with through traffic movement. Provisions shall be made for transport delivery of fuel which will not conflict with pump island service.
17. — Noise. Provisions are made to control and reduce noise in accordance with the Noise Control Section of this Ordinance.
18. — Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
19. — Sales Limitations. Sale of products other than those specifically mentioned in this Section be subject to a conditional use permit and be in compliance with Section 976.05.I of this Ordinance.
20. — The provisions of Section 904.02.F are considered and satisfactorily met.
- B. — Convenience Store with Gasoline. Grocery and/or food operations, with convenience gas (no vehicle service or repair), provided that:
 1. — Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.

2. ~~Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed are devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.~~
3. ~~Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.~~
4. ~~Licenses. That the non-automotive sales shall qualify for and be granted an annual food handling, retail sales license or other license, as circumstances shall require, in addition to the conditional use permit.~~
5. ~~Litter Control. The operation shall be responsible for litter control within 300 feet of the premises and is to occur on a daily basis.~~
6. ~~Area. That the approximate area and location devoted to non-automotive merchandise sales shall be specified in general terms in the application and in the conditional use permit. Exterior sales shall be subject to a separate conditional use permit.~~
7. ~~Hours of Operation. The hours of operation shall be limited to 6.00 a.m. to 12.00 p.m., unless extended by the City Council.~~
8. ~~Motor Fuel Facilities. Motor fuel facilities are installed in accordance with State and City standards. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.~~
9. ~~Canopy. A protective canopy located over pump island may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off site is maintained.~~
10. ~~Compatibility. The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot. All sides of the principal and accessory structures are to have essentially the same or a coordinated, harmonious finish treatment.~~
11. ~~Dust Control and Drainage. The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the City.~~
12. ~~Area. A minimum lot area of 20,000 square feet and minimum lot frontage of 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.~~
13. ~~Curb Separation. A continuous and permanent concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.~~
14. ~~Landscaping. At the boundaries of the lot, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.~~
15. ~~Light Standard Base Landscaped. Each light standard base shall be landscaped.~~
16. ~~Access. Vehicular access points shall create a minimum of conflict with through traffic movement, and shall be subject to the approval of the City.~~
17. ~~Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.~~
18. ~~Noise. Noise control shall be as required in the Noise Control Section of this Ordinance.~~
19. ~~Outside Storage and Sales. No outside storage except as allowed in compliance with Section 916.12. An enclosed screened area is to be provided for outside rubbish and dumpsters.~~

20. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

C. — Drive-in facilities for banks, or savings and loan associations, provided that:

1. — Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

2. — Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.

3. — Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.

4. — Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

a) — Stacking. Not less than 180 feet of segregated automobile stacking lane(s) must be provided for the service window.

b) — Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

c) — Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.

d) — Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.

e) — Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

f) — Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.

g) — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

D. — Indoor amusement or recreational establishments, commercial bowling alleys, billiard halls, game centers, swimming pools, skating rinks or tennis courts as a principal use, provided that:

1. — If located within a shopping center, the use has its own exclusive exterior access.

2. — Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.

3. — The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.

4. — The hours of operation shall be subject to City Council control and change as a means to maintain compatibility of uses and activities.

5. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

E. — Repair stores or "fix-it" shops which provide services for the repair of home, garden, yard or personal appliances, provided that:

1. — The use is conducted completely indoors.

2. — The site shall accommodate sufficient parking and loading areas in conformance with Chapter 920 of this Ordinance.

3. — The provisions of Section 904.02.F are considered and satisfactorily met.

F. ~~Restaurants, excluding drive-ins or convenience food operations, provided that:~~

- ~~1. The use obtains all local, state and federal food and beverage handling licenses and/or permits.~~
- ~~2. There shall be no excessive noise or odors emitted from the use.~~
- ~~3. There shall be no outdoor storage and/or display.~~
- ~~4. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~
- ~~5. The use must be landscaped and screened in accordance with Chapter 918 of this Ordinance.~~
- ~~6. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

G. ~~Restaurant, convenience food, provided that:~~

- ~~1. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.~~
- ~~2. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.~~
- ~~3. Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.~~
- ~~4. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six inches high above the parking lot or driveway grade.~~
- ~~5. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.~~
- ~~6. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.~~
- ~~7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.~~
- ~~8. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi tractor trailers.~~
- ~~9. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.~~
- ~~10. Litter Control. The operation shall be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.~~
- ~~11. Drive Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:~~
 - ~~a) Stacking. Not less than 180 feet of segregated automobile stacking lane must be provided for the service window.~~
 - ~~b) Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
 - ~~c) Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.~~
 - ~~d) Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.~~

e) ~~Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.~~

12. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

H. ~~Open and outdoor storage as an accessory use, provided that:~~

1. ~~The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~

2. ~~Storage is landscaped and screened from view from the public right-of-way.~~

3. ~~Storage area is blacktopped or concrete surfaced.~~

4. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~

5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~

6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

I. ~~Open or outdoor services, sale and rental as a principal or accessory use, provided that:~~

1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.~~

2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~

3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~

4. ~~Areas are asphalt or concrete surfaced.~~

5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~

6. ~~Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.~~

7. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

J. ~~Child care facilities as an accessory use, provided that:~~

1. ~~The attendance of children is on a temporary sporadic basis as compared to a long-term schedule enrollment.~~

2. ~~The facility must allow the children to stay for a period longer than three hours. The maximum length of stay per individual child is five hours.~~

3. ~~The ages of the children attending range from 16 months to 12 years.~~

4. ~~The hours of operation coincide with those of the commercial retail stores in the area or complex.~~

5. ~~The employees and facility are licensed by the State Department of Human Services.~~

6. ~~Fire codes as applicable are complied with.~~

7. ~~Liability insurance coverage for the operation is demonstrated to the satisfaction of the City, and includes the City as an additional named insured.~~

8. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

K. ~~Animal hospitals, animal clinics or kennels, excluding establishments with outside runs, provided that:~~

1. — Any building in which animals are kept, whether roofed sheltered or enclosed structure, shall be located a distance of 100 feet or more from any lot line.
2. — The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. — The provisions of Minnesota Pollution Control Agency Regulations SW-53(2) are complied with.
4. — All other applicable state and local regulations pertaining to nuisance, health and safety conditions, etc. are complied with.
5. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- L. — Automobile agencies, used car lots, automobile washes, boat or marine stores or agencies and major auto repair which as a principal or accessory use, in accordance with the provisions of Section 977.06, provided that:
 1. — The use is adequately screened from view of neighboring residential uses.
 2. — Adequate measures are taken to control noise levels.
 3. — Adequate measures are taken to control pollution and emissions exhaust.
 4. — Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
 5. — Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.
 6. — Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.
 7. — Compatibility. The architectural appearance, scale, construction materials, and function plan of the building and site shall not be dissimilar to the existing nearby commercial buildings and shall not cause impairment in property values, or constitute a blighting influence within reasonable distance of the site.
 8. — Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
 9. — Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 10. — Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
 11. — Parking and Loading. Adequate parking and loading spaces shall be provided on the site including adequate room to accommodate the parking and maneuvering of cars and/or semi-tractor trailers in conformance with Chapter 920 of this Ordinance.
 12. — Refuse Storage. All refuse shall be stored in containers as specified by the City Code. Said containers are to be fully screened and enclosed by a fence or similar structure.
 13. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- M. — Miniature golf courses, par three golf courses, archery ranges, tennis courts or golf driving ranges, provided that:
 1. — The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
 2. — The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
 3. — Lighting. All lighting shall be hooded and so directed to prevent glare onto adjacent properties and/or roads.

4. — The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance.
5. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- N. — Motels, hotels, lodges, or boarding houses, provided that:
1. — All State regulations are complied with including obtaining all required permits and/or licenses.
 2. — Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
 3. — The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
 4. — The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
 5. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- O. — Nursery or garden stores or retail greenhouses, provided that:
1. — There are no growing fields on the site.
 2. — Outdoor sales/display area shall be limited to 30 percent of the gross lot area and be in conformance with the performance standards of Section 916.12 of this Ordinance.
 3. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- P. — Outdoor sale and display of fruits or vegetables, provided that:
1. — The provisions of Section 916.12 of this Ordinance are considered and satisfactorily met.
 2. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- Q. — Commercial car washes (drive through, mechanical and self service), provided that:
1. — The architectural appearance, scale, and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
 2. — Magazine or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30 minute period and shall be subject to the approval of the City Engineer.
 3. — At the boundaries of a residential district, a strip of not less than five feet shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
 4. — Each light standard island and all islands in the parking lot shall be landscaped or covered.
 5. — Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
 6. — The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer.
 7. — The entire area shall have a drainage system which is subject to the approval of the City Engineer.
 8. — All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with Section 916.06 of this Ordinance.
 9. — Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
 10. — All signing and information or visual communication devices shall be in compliance with the applicable provisions of Chapter 927 of this Ordinance.
 11. — Provisions are made to control and reduce noise.
 12. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.

R. ~~Automobile parking lots of four or more spaces as a principal use or other than those accessory to the principal use, provided that:~~

1. ~~The provisions of Chapter 920 of this Ordinance are considered and satisfactorily met.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

S. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~

2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

T. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

U. ~~Micro-production Facility, provided that:~~

1. ~~Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~

2. ~~Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~

3. ~~Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~

4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~

5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~

6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~

7. ~~Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~

8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~

9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~

10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~

11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~

12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~

13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~

14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

977.06 Height, ~~Setback and~~Setbacks, F.A.R., Lot Area, Lot Coverage ~~Requirements, Impervious Surfaces and Landscaping Standards.~~

The following ~~minimum requirements shall be observed in a "C-3" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance. The following lot coverage, height and bulk shall be observed in a "~~standards apply to all lots and buildings in the C-3" District:

- A. ~~Height. No building shall be erected or structurally altered to~~Buildings may not exceed a height of two stories ~~and/or 30 feet in height, whichever is lesser.~~
- B. ~~Setback~~Minimum Setbacks.
 - 1. Front. There ~~shall~~must be a front yard having a depth of not less than ten feet.
 - 2. Side. There ~~shall~~must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building ~~shall~~may be located within 50 feet of any side lot line abutting a residential district.
 - 3. Rear. There ~~shall~~must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building ~~shall~~may be located within 50 feet of any rear lot line abutting a residential district.
- C. ~~Lot Coverage. The maximum lot coverage of all buildings shall be 50 percent.~~The floor area ratio (F.A.R.) may not exceed 1.5.
- D. ~~Lot Area. The minimum total lot area shall~~must be at least 15,000 square feet.
- E. ~~Floor Area Ratio. The maximum floor area ratio (F.A.R.) shall be 1.0.~~
- E. The lot coverage of may not exceed 50 percent of lot area.
- F. The impervious surfaces may not exceed 75 percent of lot area.
- G. **Required Landscaping.** A minimum of 20 percent of the total lot ~~shall~~must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide ~~shall~~must be provided between parking areas and adjacent streets or sidewalks. The buffer strip ~~shall~~must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 977.5 C-3A SERVICE DISTRICT

977.5.01 Purpose.

The purpose of the C-3A Service District is to provide a district for service facilities orientated to vehicular traffic and access near Wayzata Boulevard. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a mixed-use district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.03 Interim Uses.

No interim uses are allowed in the C-3 District.

977.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

977.5.06 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping Standards.

The following standards apply to all lots and buildings in the C-3 District:

- A. Buildings may not exceed a height of three stories or 35 feet.
- B. Minimum Setbacks.
 - 1. Front. There must be a front yard having a depth of not less than ten feet.
 - 2. Side. There must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any side lot line abutting a residential district.

3. Rear. There must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any rear lot line abutting a residential district.

C. The floor area ratio (F.A.R.) may not exceed 1.5.

D. The lot area must be at least 15,000 square feet.

E. The lot coverage of may not exceed 50 percent of lot area.

F. The impervious surfaces may not exceed 75 percent of lot area.

G. Required Landscaping. A minimum of 20 percent of the total lot must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide must be provided between parking areas and adjacent streets or sidewalks. The buffer strip must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 978 C-4 CENTRAL BUSINESS DISTRICT

978.01 Purpose.

The purpose of the C-4 Central Business District is intended to provide a district accommodating those for retail, service and office functions which are characteristic to of a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses. Planned commercial development as provided for in this Ordinance will be encouraged so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

978.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the following are permitted uses in a "the C-4" District: are listed in the Table shown in Section 937.02 of this Ordinance.

- A. Adult Use—Accessory.
- B. Antique shops.
- C. Appliance sales or service stores.
- D. Art galleries or studios.
- E. Art supply, school supply, book or stationery stores.
- F. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.
- G. Banks, savings, lending or other financial institutions.
- H. Barber shops.
- I. Beauty parlors.
- J. Blueprinting, photostatting or instant printing establishments under 2,000 square feet in gross floor area.
- K. Business machine sales or service stores.
- L. Camera and photo stores.
- M. Candy or ice cream stores.
- N. Carpet and rug stores (sample showrooms only).
- O. Catering establishments.
- P. Clothes pressing or tailoring shops.
- Q. Department stores.
- R. Drug stores.
- S. Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry cleaning.
- T. Florist shops.
- U. Food, grocery, meat, fish, bakery or delicatessen stores.
- V. Furniture stores.
- W. Hardware stores.
- X. Hobby stores.

Y. — Interior decorating studios.

Z. — Jewelry stores.

AA. — Laboratories (medical or dental).

BB. — Leather goods or luggage shops.

CC. — Libraries.

DD. — Locksmith shops.

EE. — Medical or dental clinics.

FF. — Newsstands which are not free-standing.

GG. — "Off sale" liquor stores.

HH. — Offices, including both business and professional uses.

II. — "On sale" liquor stores.

JJ. — Optical stores.

KK. — Paint or wallpaper stores.

LL. — Parking or garages, other than those accessory to a principal use, for the parking and storage of private passenger automobiles only.

MM. — Pawn shops.

NN. — Pet shops.

OO. — Phonograph, record or sheet music stores.

PP. — Photography studios.

QQ. — Picture framing or picture stores.

RR. — Pipe tobacco shops.

SS. — Post offices.

TT. — Public utility service stores.

UU. — Restaurants excluding the service of liquor and excluding convenience food establishments.

VV. — Schools, such as music, dance, business or vocational schools.

WW. — Sporting goods stores.

XX. — Taxidermy shops.

YY. — Theaters, excluding drive-ins.

ZZ. — Variety, gift, notion or soft good stores.

AAA. — Wearing apparel stores.

BBB. — Coffee shops.

CCC. — Municipal parks and playgrounds.

DDD. Upper-story dwelling units subject the density standards of the R-5 District.

978.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the following are ~~No~~ interim uses are allowed in the C-4 District and are governed by Chapter 934 of this Ordinance:

A. ~~_____ None.~~

978.04 Accessory Uses.

~~The following are permitted~~Subject to applicable provisions of the Ordinance, the accessory uses allowed in a "the C-4" District:

A. ~~_____ Accessory uses customarily incident to the uses permitted in Sections 978.02 and 978.05 are listed in the Table shown in Section 937.02 of this Ordinance.~~

B. ~~_____ Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

C. ~~_____ Telephone booths.~~

D. ~~_____ Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

E. ~~_____ Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

F. ~~_____ Bus or taxi loading and unloading facilities.~~

G. ~~_____ Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

978.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-4" District: ~~(Requires a are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit based upon approved under the procedures and standards set forth in and regulated by Chapter 904 of this Ordinance.)~~

A. ~~_____ Drive-in facilities for banks or savings and loan associations, provided that:~~

1. ~~_____ The driveway access shall not be on a residential street.~~

2. ~~_____ The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~

3. ~~_____ The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~

4. ~~_____ The service windows and driveway shall be screened from view if adjacent to a residentially used property.~~

5. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~_____ Physical, culture or health service establishments or reducing salons, provided that:~~

1. ~~_____ The use shall not serve alcoholic beverages.~~

2. ~~_____ If located within a shopping center, the use has its own exclusive exterior access.~~

3. ~~_____ The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~

4. ~~Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~
5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:~~
1. ~~Such use is allowed as a permitted use in a "B-1" or "B-2" District.~~
 2. ~~Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.~~
 3. ~~Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.~~
 4. ~~All signing and informational or visual communication devices shall be in compliance with Chapter 927 this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Drive-inns or convenience food establishments, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- E. ~~Residential use as a principal use, provided that:~~
1. ~~The development does not front or border Lake Street.~~
 2. ~~The development does not conflict with existing or potential future commercial uses and activities.~~
 3. ~~The density standards imposed as part of the R-5 Zoning District are complied with.~~
 4. ~~Adequate open space and recreational space is provided on site for the benefit of the occupants.~~
 5. ~~The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses or commercial uses.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Open and outdoor storage as an accessory use, provided that:~~
1. ~~The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
 2. ~~Storage is landscaped and screened from view from the public right-of-way.~~
 3. ~~Storage area is blacktopped or concrete surfaced.~~
 4. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
 5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
 6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- G. ~~Open or outdoor service, sale and rental as a principal or accessory use, provided that:~~
1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.~~
 2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
 3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~

4. ~~Areas are asphalt or concrete surfaced.~~
5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
 1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- J. ~~Existing clubs or lodges, provided that:~~
 1. ~~All State regulations are complied with including obtaining all required permits and/or licenses.~~
 2. ~~Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 3. ~~The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 4. ~~The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~Micro-production Facility, provided that:~~
 1. ~~Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~
 2. ~~Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~
 3. ~~Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~
 4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~
 5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~
 6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~
 7. ~~Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~

- ~~8. ——— Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~
- ~~9. ——— Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~
- ~~10. ——— Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~
- ~~11. ——— Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~
- ~~12. ——— Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~
- ~~13. ——— Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~
- ~~14. ——— Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

978.06 Special Limitations and Conditions.

- ~~A. ——— All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~
- B.** Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment
- CB.** Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and should comprise at least 50 percent of the ground floor building footprint.
- DC.** New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more shall be developed with more than one of the following uses. retail, service, residential, and office. Upper floors may be used for any permitted use including residential.
- ED.** All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas or recess entries.
- FE.** Parking in the front yard is prohibited.

978.07 Height, ~~Setback~~Setbacks, F.A.R. and Lot ~~Coverage Requirements~~Area.

The following ~~minimum requirements shall be observed in a "C-4" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance. The following lot coverage, height and bulk shall be observed in a "C-4"~~standards to all lots and buildings in the C-4 District:

- A. ~~Height. No building shall be erected or structurally altered to~~Buildings may not exceed the height of three stories ~~and/or 35 feet in height, whichever is lesser. Three story buildings are subject to the following additional standards:~~
 - 1. ~~The third story must be set back from the building's front facade a minimum distance of ten feet; or~~
 - 2. ~~A portion of the third story, equal to no more than 25 percent of the building's street frontage may be located in the same plane as the building's front facade if the remainder of the third story is setback a minimum distance of 20 feet~~Chapter 909.
- B. ~~Setback.~~
 - 1. ~~Minimum Setbacks.~~ There ~~shall~~must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~must be a required setback from C-4 District boundaries when such boundaries are adjacent to a residential district the same as the setback for the adjacent district.
- C. ~~Floor Area Ratio.~~ The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.
- D. ~~Area.~~ The ~~minimum total~~ lot area ~~shall~~must be ~~12,000~~at least 8,000 square feet.

CHAPTER 979 C-4A LIMITED CENTRAL BUSINESS DISTRICT

979.01 Purpose.

The purpose of the C-4A Limited Central Business District is ~~intended~~ to provide a district accommodating those retail, service, office and residential functions which are characteristic ~~to of~~ a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses with continuous linear low level building designs. Such areas are to be characterized by individual store fronts with public sidewalk access, as contrasted to shopping mall type development. Planned commercial development as provided for in this Ordinance will be encouraged, so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

979.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses within the "C-4A" District: are listed in the Table shown in Section 937.02 of this Ordinance.

- A. ~~Adult Use Accessory.~~
- B. ~~Antique shops.~~
- C. ~~Appliance sales or service stores.~~
- D. ~~Art galleries or studios.~~
- E. ~~Art supply, school supply, book or stationery stores.~~
- F. ~~Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
- G. ~~Banks, savings, lending or other financial institutions.~~
- H. ~~Barber shops.~~
- I. ~~Beauty parlors.~~
- J. ~~Blueprinting, photostating or instant printing establishments under 2,000 square feet in gross floor area.~~
- K. ~~Business machine sales or service stores.~~
- L. ~~Camera and photo stores.~~
- M. ~~Candy or ice cream stores.~~
- N. ~~Carpet and rug stores (sample showrooms only).~~
- O. ~~Catering establishments.~~
- P. ~~Clothes pressing or tailoring shops.~~
- Q. ~~Department stores.~~
- R. ~~Drug stores.~~
- S. ~~Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry cleaning.~~
- T. ~~Florist shops.~~
- U. ~~Food, grocery, meat, fish, bakery or delicatessen stores.~~
- V. ~~Furniture stores.~~

W. — Hardware stores.

X. — Hobby stores.

Y. — Interior decorating studios.

Z. — Jewelry stores.

AA. — Laboratories (medical or dental).

BB. — Leather goods or luggage shops.

CC. — Libraries.

DD. — Locksmith shops.

EE. — Medical or dental clinics.

FF. — Newsstands which are not free-standing.

GG. — "Off-sale" liquor stores.

HH. — Offices, including both business and professional uses.

II. — "On-sale" liquor stores.

JJ. — Optical stores.

KK. — Paint or wallpaper stores.

LL. — Parking or garages, other than those accessory to a principal use, for the parking and storage of private passenger automobiles only.

MM. — Pawn shops.

NN. — Pet shops.

OO. — Phonograph, record or sheet music stores.

PP. — Photography studios.

QQ. — Picture framing or picture stores.

RR. — Pipe tobacco shops.

SS. — Post offices.

TT. — Public utility service stores.

UU. — Restaurants excluding the service of liquor and excluding convenience food establishments.

VV. — Schools, such as music, dance, business or vocational schools.

WW. — Sporting goods stores.

XX. — Taxidermy shops.

YY. — Theaters, excluding drive-ins.

ZZ. — Variety, gift, notion or soft good stores.

AAA. — Wearing apparel stores.

BBB. — Coffee shops.

CCC. — Municipal parks and playgrounds.

DDD. Upper story dwelling units subject to the density standards of the R-5 District.

979.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ interim uses allowed in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance:

A. ~~Existing car wash and dispensing operations, provided that:~~

1. ~~All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 of the Zoning Ordinance.~~

979.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ accessory uses allowed in the C-4A District:

A. ~~Accessory uses customarily incident to the uses permitted in Sections 979.02 and 979.05 are listed in the Table shown in Section 937.02 of this Ordinance.~~

B. ~~Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~

C. ~~Telephone booths.~~

D. ~~Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

E. ~~Bus or taxi loading and unloading facilities.~~

F. ~~Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

979.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-4A" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit ~~based upon approved under the~~ procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.)

A. ~~Drive-in facilities for banks or savings and loan associations, provided that:~~

1. ~~The driveway access shall not be on a residential street.~~

2. ~~The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~

3. ~~The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~

4. ~~The service windows and driveway shall be screened from view if adjacent to a residentially used property.~~

5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~Physical, culture or health service establishments or reducing salons, provided that:~~

1. ~~The use shall not serve alcoholic beverages.~~

2. ~~If located within a shopping center, the use has its own exclusive exterior access.~~

3. ~~The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~

4. ~~Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~
5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- C. ~~Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:~~
1. ~~Such use is allowed as a permitted use in a "B-1, or "B-2" District.~~
2. ~~Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.~~
3. ~~Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.~~
4. ~~All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.~~
5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- D. ~~Drive-ins and delicatessens with seating facilities, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- E. ~~Residential use as a principal use, provided that:~~
1. ~~The development does not front or border Lake Street.~~
2. ~~The development does not conflict with existing or potential future commercial uses and activities.~~
3. ~~The density standards imposed as part of the R-5 Zoning District are complied with.~~
4. ~~Adequate open space and recreational space is provided on site for the benefit of the occupants.~~
5. ~~The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- F. ~~Open and outdoor storage as an accessory use, provided that:~~
1. ~~The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
2. ~~Storage is landscaped and screened from view from the public right-of-way.~~
3. ~~Storage area is blacktopped or concrete surfaced.~~
4. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- G. ~~Open or outdoor service, sale and rental as a principal or accessory use, provided that:~~
1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.~~
2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~

4. ~~Areas are asphalt or concrete surfaced.~~
5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- H. ~~Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:~~
 1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
 2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- I. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~
- J. ~~Existing clubs or lodges, provided that:~~
 1. ~~All State regulations are complied with including obtaining all required permits and/or licenses.~~
 2. ~~Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.~~
 3. ~~The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.~~
 4. ~~The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.~~
 5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~
- K. ~~Micro-production Facility, provided that:~~
 1. ~~Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.~~
 2. ~~Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.~~
 3. ~~Off-Sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.~~
 4. ~~Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.~~
 5. ~~Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.~~
 6. ~~Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.~~
 7. ~~Off-Street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.~~

8. ~~Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.~~
9. ~~Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~
10. ~~Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~
11. ~~Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~
12. ~~Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~
13. ~~Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~
14. ~~Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

979.06 Special Limitations and Conditions.

- A. ~~All business establishments shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~
- B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.
- CB. Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.
- DC. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential and office. Upper floors may be used for any permitted use including residential.
- ED. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor Seating, plazas, or recessed entries.
- FE. Parking in the front yard is prohibited.

979.07 Height, SetbackSetbacks, F.A.R. and Lot CoverageArea.

The following ~~minimum requirements shall be observed~~standards apply to all lots and buildings in a ~~"the C-4A"~~ District ~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

- A. ~~Height. No building shall be erected or structurally altered to~~Buildings may not exceed the height of two stories ~~and/or~~ 30 feet ~~in height, whichever is lesser.~~
- B. Minimum Setbacks. There ~~shall~~must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~must be a required setback within C-4A District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback ~~shall~~must be the same as the setback for the adjacent district.
- C. ~~Floor Area Ratio.~~The ~~maximum~~ floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.
- D. ~~Area.~~The ~~minimum total~~ lot area ~~shall~~must be at least 12,000 square feet.

DRAFT

CHAPTER 980 C-4B CENTRAL BUSINESS DISTRICT

980.01 Purpose.

The purpose of the C-4B Central Business District is ~~intended~~ to provide a district accommodating for those retail sales, service, office and residential functions which are characteristic ~~to of~~ a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and retail uses with continuous linear low level building designs, while maintaining this desired character. Such areas are to be characterized by individual storefronts with public sidewalk access, as contrasted to shopping mall type development. The district requires retail use at street grade.

980.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ permitted uses in a "the C-4B" District:

~~A. At street grade, the following specifically identified retail sale and service uses:~~

- ~~1. Adult Use Accessory.~~
- ~~2. Antique shops.~~
- ~~3. Art galleries or studios.~~
- ~~4. Art supply, school supply, book or stationery stores.~~
- ~~5. Bakeries, provided the room or rooms containing the preparation and baking process shall not have a gross floor area in excess of 2,400 square feet.~~
- ~~6. Banks, savings, lending or other financial institutions, (excluding drive-ins).~~
- ~~7. Barber shops.~~
- ~~8. Beauty parlors.~~
- ~~9. Blueprinting, photostatting or instant printing.~~
- ~~10. Business machine sales or service stores.~~
- ~~11. Camera and photo stores.~~
- ~~12. Candy or ice cream stores.~~
- ~~13. Carpet and rug stores (sample showrooms only).~~
- ~~14. Clothes pressing or tailoring shops.~~
- ~~15. Department stores.~~
- ~~16. Drug stores.~~
- ~~17. Dry cleaning receiving and pick up or laundry self-service establishments, excluding commercial laundering and dry cleaning.~~
- ~~18. Florist shops.~~
- ~~19. Food, grocery, meat, fish, bakery or delicatessen stores.~~
- ~~20. Furniture stores.~~
- ~~21. Hardware stores.~~
- ~~22. Hobby stores.~~
- ~~23. Interior decorating studios.~~

24. ~~Jewelry stores.~~
25. ~~Leather goods or luggage shops.~~
26. ~~Libraries.~~
27. ~~Locksmith shops.~~
28. ~~Medical or dental clinics.~~
29. ~~Newsstands which are not free-standing.~~
30. ~~Optical stores.~~
31. ~~Paint or wallpaper stores.~~
32. ~~Pet shops.~~
33. ~~Phonograph, record or sheet music stores.~~
34. ~~Photography studios.~~
35. ~~Picture framing or picture stores.~~
36. ~~Pipe tobacco shops.~~
37. ~~Post offices.~~
38. ~~Public utility service stores.~~
39. ~~Restaurants including the service of liquor and excluding convenience food establishments.~~
40. ~~Sporting goods stores.~~
41. ~~Taxidermy shops.~~
42. ~~Theaters, excluding drive-ins.~~
43. ~~Variety, gift, notion or soft goods stores.~~
44. ~~Wearing apparel stores.~~
45. ~~Coffee shops.~~
46. ~~Municipal parks and playgrounds.~~
47. ~~Municipal "Off-sale" and "On-sale" Liquor Stores.~~
- B. ~~Other than at street grade.~~
 1. ~~All uses identified in Section 980.02.A above.~~
 2. ~~Laboratories (medical and dental).~~
 3. ~~Offices, including both business and professional uses.~~
 4. ~~Schools such as music, dance, business or vocational schools.~~
 5. ~~Upper story dwelling units subject to the density standards of the R-5 District are listed in the Table shown in Section 937.02 of this Ordinance.~~

980.03 Interim ~~Use~~Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ interim uses in the C-4B District listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance:

- A. ~~Accessory parking lot fronting on Lake Street, provided that:~~

1. ~~_____ The use is accessory to a principal use or is a principal use under public ownership.~~
2. ~~_____ The design and construction of the facility is in compliance with applicable provisions of this Ordinance.~~
3. ~~_____ The use of the site for parking is temporary in nature with the intent of development of the site for commercial purposes.~~

980.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the ~~following are permitted~~ accessory uses allowed in the C-4B District:

A. ~~_____ Accessory uses customarily incident to the uses permitted in Sections 980.02 and 980.05 are listed in the Table shown in Section 937.02 of this Ordinance.~~

B. ~~_____ Off Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight. Unless approved as an interim use, such area shall not border or front Lake Street.~~

C. ~~_____ Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~

D. ~~_____ Bus or taxi loading and unloading facilities.~~

E. ~~_____ Outdoor sidewalk cafes in the public right of way for which a permit has been issued by the City pursuant to City Code Ch. 315.~~

980.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the ~~following are~~ conditional uses in a "C-4B" District: ~~(Requires a~~ are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit ~~based upon approved under the~~ procedures and standards set forth in ~~and regulated by~~ Chapter 904 of this Ordinance.)

A. ~~_____ Drive-in facilities for banks or savings and loan associations, provided that:~~

1. ~~_____ The driveway access shall not be on a residential street.~~
2. ~~_____ The curb cut setbacks and parking shall be in conformance with Chapter 920, the Parking Ordinance.~~
3. ~~_____ The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.~~
4. ~~_____ The service windows and driveway shall be screened from view if adjacent to a residentially used property.~~
5. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

B. ~~_____ Physical, culture or health service establishments or reducing salons, provided that:~~

1. ~~_____ The use shall not serve alcoholic beverages.~~
2. ~~_____ If located within a shopping center, the use has its own exclusive exterior access.~~
3. ~~_____ The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.~~
4. ~~_____ Any and all applicable local, state and federal laws, permits licenses and operational regulations are complied with.~~
5. ~~_____ The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

C. ~~Accessory, enclosed retail, rental or service activity other than that allowed as a permitted use or conditional use within this Section, provided that:~~

1. ~~Such use is allowed as a permitted use in a "B-1" or "B-2" District.~~
2. ~~Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.~~
3. ~~Adequate off-street parking and off-street loading in compliance with the requirements of Chapter 920 of this Ordinance is provided.~~
4. ~~All signing and informational or visual communication devices shall be in compliance with Chapter 927 of this Ordinance.~~
5. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

D. ~~Drove-ins and delicatessens with seating facilities, provided that the provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

E. ~~Residential use as a principal use, provided that:~~

1. ~~The development does not front or border Lake Street.~~
2. ~~The development does not conflict with existing or potential future commercial uses and activities.~~
3. ~~The density standards imposed as part of the R-5 Zoning District are complied with.~~
4. ~~Adequate open space and recreational space is provided on site for the benefit of the occupants.~~
5. ~~The development does not conflict or result in incompatible land use arrangements as related to abutting residential uses.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

F. ~~Open and outdoor storage as an accessory use, provided that:~~

1. ~~The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~
2. ~~Storage is landscaped and screened from view from the public right-of-way.~~
3. ~~Storage area is blacktopped or concrete surfaced.~~
4. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

G. ~~Open or outdoor service, sale and rental as a principal or accessory use, provided that:~~

1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use.~~
2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
4. ~~Areas are asphalt or concrete surfaced.~~
5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~

6. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- H. — Governmental and public related utility buildings and structures necessary for the health, safety and general welfare of the City, provided that:
1. — When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
 2. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- I. — Planned unit development as regulated by Chapter 933 of this Ordinance.
- J. — Existing clubs or lodges provided that:
1. — All State regulations are complied with including obtaining all required permits and/or licenses.
 2. — Parking and loading areas are in conformance with the parking and loading ordinances outlined in Chapter 920 of this Ordinance.
 3. — The parking and loading spaces shall not be located within the front yard of a lot and must meet all applicable provisions of the parking and loading ordinance.
 4. — The site shall be landscaped and screened in compliance with Chapter 918 of this Ordinance.
 5. — The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.
- K. — Micro-production Facility, provided that:
1. — Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minn. Stats. § 340A.
 2. — Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
 3. — Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
 4. — Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
 5. — Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
 6. — Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
 7. — Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
 8. — Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.

~~9. — Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.~~

~~10. — Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.~~

~~11. — Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.~~

~~12. — Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Chapter 920 of the Wayzata Zoning Ordinance, as applicable.~~

~~13. — Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.~~

~~14. — Other Provisions. The provisions of Section 904.02.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.~~

~~980.06 Existing Uses.~~

~~Any established use which legally existed within its respective zoning district prior to the enactment and application of a C-4B classification and which requires a conditional use permit under the C-4B designation, may be continued in like fashion and activity and shall automatically be considered as having received conditional use approval. A change in ownership of such property shall not affect the conditional use permit approval status so long as the business or use continues in a like fashion and activity.~~

980.07 Special Limitations and Conditions.

~~A. — All business establishments at street grade shall be retail or service establishments which deal directly with the customer for whom the goods or services are furnished.~~

~~B. All business establishments at street grade shall be complementary to the retail character of the district and enhance pedestrian traffic.~~

~~C.B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located either by a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.~~

~~D.C. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.~~

~~E.D. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential, and office. Upper floors may be used for any permitted use including residential.~~

~~F.E. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas, or recessed entries.~~

~~G.F. Parking is prohibited in the front yard is prohibited.~~

980.08 Height, ~~Yard~~Setbacks, F.A.R. and Lot ~~Coverage Requirements~~Area.

The following ~~minimum requirements shall be observed~~standards apply to all lots and buildings in a "the C-4B" District ~~subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

- A. ~~Height. No building shall be erected or structurally altered to~~Buildings may not exceed the height of two stories ~~and/or 30 feet in height, whichever is lesser.~~
- B. ~~Setback~~Minimum Setbacks. There ~~shall~~must be no front yard, exterior side yard or rear yard requirements, except that there ~~shall~~must be a required setback within C-4B District boundaries when such boundaries are adjacent to a residential district. In such cases, the setback ~~shall~~must be the same as the setback for the adjacent district.
- C. ~~Floor Area Ratio.~~The ~~maximum~~floor area ratio (F.A.R.) ~~shall be~~may not exceed 2.0.
- ~~D. Area. The minimum total lot area shall be 12,000 square feet.~~
- D. The lot area must be at least 6,000 square feet.

~~CHAPTER 985 R-D RESEARCH AND DEVELOPMENT DISTRICT~~

~~985.01 Purpose.~~

~~The R-D District is intended to allow restrictive industrial type growth for certain uses with high standards of performance which do not create appreciable nuisances or hazards. The regulations for this District are intended to encourage development which will be very similar to office uses, which will be compatible with and can reasonably adjoin higher density residential development, and which will promote desirable concentrations of similar such uses.~~

~~985.02 Special Limitations and Conditions.~~

- ~~A. All applications to use or plat property for research and development purposes shall be considered in accordance with the procedures and provisions of Chapter 933, Planned Unit Development.~~
- ~~B. All uses within the R-D District shall be conditional uses and shall be considered in accordance with the procedures and provisions of Chapter 904, Conditional Uses. Such uses shall be limited to administrative, wholesale, testing, light manufacturing and similar or related uses which can be conducted in an unobtrusive manner.~~
- ~~C. All research and development projects shall contain sufficient open space, landscaping and off-street parking areas, and all such projects shall maintain a high standard of appearance, with all external effects to be adequately controlled (e.g., noise and smoke).~~

~~CHAPTER 986 B-W BUSINESS/WAREHOUSING DISTRICT~~

~~986.01 Purpose.~~

~~The purpose of the "B-W" Business/Warehousing District is to provide for the establishment of wholesale and retail trade of large volume or bulk commercial items, storage and warehousing. The overall character of the "B-W" District is intended to be transitional in nature, thus industrial uses allowed within this District shall be limited to those which can compatibly exist adjacent to commercial and lower intensity activities.~~

~~986.02 Permitted Uses.~~

~~Subject to applicable provisions of this Ordinance, the following are permitted uses within the "B-W" District:~~

- ~~A. — Automobile repair—minor.~~
- ~~B. — Commercial printing establishments.~~
- ~~C. — Commercial/professional offices.~~
- ~~D. — Conference centers.~~
- ~~E. — Essential services.~~
- ~~F. — Governmental and public utility buildings and structures.~~
- ~~G. — Indoor commercial recreation.~~
- ~~H. — Laboratories.~~
- ~~I. — Wholesale showrooms.~~

~~986.03 Interim Use.~~

~~Subject to applicable provisions of this Ordinance, the following are interim uses in the B-W District and are governed by Chapter 934 of this Ordinance.~~

- ~~A. — None.~~

~~986.04 Accessory Uses.~~

~~Subject to applicable provisions of this Ordinance, the following are permitted accessory uses within the "B-W" District:~~

- ~~A. — Accessory uses customarily incidental to the uses allowed in Sections 986.02 and 986.05 of this Ordinance.~~
- ~~B. — Off-Street Parking and Loading Areas and Structures. Parking of trucks used in the conduct of a permitted principal use, other than delivery trucks parked for not more than two consecutive hours, shall be limited to vehicles of not more than 12,000 pounds gross vehicle weight.~~
- ~~C. — Enclosed storage of merchandise in either principal or accessory building, solely intended to be retailed by a related and established principal use.~~
- ~~D. — Bus or taxi loading and unloading facilities.~~

~~986.05 Conditional Uses.~~

~~Subject to applicable provisions of this Ordinance, the following are conditional uses in a "B-W" District: (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 904 of this Ordinance.)~~

- ~~A. — Open and outdoor storage including the parking of commercial vehicles in excess of that allowed as a permitted accessory use as an accessory use, provided that:~~
 - ~~1. — The storage area is landscaped, fenced, and screened from view of neighboring uses and abutting "R" Districts.~~

2. ~~Storage is landscaped and screened from view from the public right-of-way.~~
3. ~~Storage area is blacktopped or concrete surfaced.~~
4. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
5. ~~The storage area does not take up parking space or loading space as required for conformity to this Ordinance.~~
6. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~B. Open or outdoor services, sale and rental as a principal or accessory use, provided that:~~

1. ~~Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.~~
2. ~~Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.~~
3. ~~All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.~~
4. ~~Areas are asphalt or concrete surfaced.~~
5. ~~The use does not take up parking space or loading areas as required for conformity to this Ordinance.~~
6. ~~Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.~~
7. ~~The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.~~

~~C. Manufacturing, compounding, assembly, packaging, treatment or storage of products and materials, provided that:~~

1. ~~The proposed use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.~~
2. ~~The provisions of Section 904.02.G of this Ordinance are considered and satisfactorily met.~~
3. ~~Planned unit development as regulated by Chapter 933 of this Ordinance.~~

~~D. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City shall be allow as a conditional use, provided that:~~

1. ~~When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.~~
2. ~~The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met.~~

~~986.06 Height, Yard and Lot Coverage Requirements.~~

~~The following minimum requirements shall be observed in a "B-W" District subject to additional requirements, exceptions, and modifications set forth in this Ordinance:~~

- A. ~~Height. No building shall be erected or structurally altered to exceed two stories and 25 feet in height, whichever is lesser.~~
- B. ~~Setback.~~
 1. ~~Front Yard: 25 feet.~~
 2. ~~Side Yard: There shall be a side yard on each side of any building having a width of not less than 20 feet, except that no building shall be located within 50 feet of any side lot line abutting a lot in any residential district.~~

3. ~~Rear Yard: There shall be a rear yard having a depth of not less than 20 feet, except that no buildings shall be located within 50 feet of any residential district.~~

C. ~~Floor Area Ratio: The maximum floor area ratio (F.A.R.) shall be 1.0.~~

D. ~~Lot Area: The minimum total lot area shall be 30,000 square feet.~~

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CHAPTER 937 – ZONING DISTRICTS USE TABLE AND PERFORMANCE STANDARDS

937.01 – Purpose

The purpose of this Chapter is to specify and define the types of uses allowed within each zoning district, provided the uses meet the standards specified in this Chapter and elsewhere in the Zoning Ordinance.

937.02 – Use Table

The following table specifies what Permitted Uses (P), Conditional Uses (C), Interim Uses (I), Permitted Accessory Uses (A/P), Conditional Accessory Uses (A/C) and Interim Accessory Uses (A/I) are allowed in each zoning district.

Residential and Institutional Districts Uses										
	R-1A	R-1	R-2A	R-2	R-3A	R-3	R-4A	R-4	R-5	INS
Accessory Structure or Use, Residential	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	
Cemeteries and Memorial Gardens	C	C	C	C						C
Child Day Care Facility, General	C	C	C	C	C	C	C	C	C	
Child Day Care Facility, 12 or Fewer Children	P	P	P	P	P	P	P	P	P	
Institutions of Higher Education										C
Dwellings, Accessory Units	A/P	A/P	A/P	A/P	A/P	A/P			-	C
Dwellings, Housing for the Elderly								C	C	C
Dwellings, Multiple Family								C	P	
Dwellings, Single Family Detached	P	P	P	P	P	P				
Dwellings, Single Family or Two Family Detached										A/C
Dwellings, Townhomes							P	P		
Dwellings, Two Family Detached					C	C	P	P		
Educational Facilities										P
Essential Services	P	P	P	P	P	P	P	P	P	P

Greenhouse, Residential	A/P	A/P	A/P	A/P	A/P	A/P				
Halfway Houses									C	C
Hospitals, Residential Care Facilities, and Elderly Care Facilities										C
Horses, Keeping of	A/C	A/C								
Parking Garages/Lots										C
Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services										
Post offices										P
Publicly owned Civic or Cultural Buildings										P
Public Services and Utilities	C	C	C	C	C	C	C	C	C	C
Recreation, Outdoor Commercial	C	C								
Recreation, Outdoor Residential, Accessory	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	
Recreation, Outdoor Residential, Principal	C	C	C	C						
Recreation, Outdoor Public	C	C	C	C	P	P	P	P	P	A/P
Places of Assembly										P
Residential Care Facility, Six or Fewer Residents	P	P	P	P	P	P	P	P		
Residential Care Facility, 16 or Fewer Residents									P	
Commercial Districts Uses										
	C-1A	C-1	C-1B	C-2	C-3	C-3A	C-4A	C-4	C-4B	
Adult Day Care	P		P	P	P	P				
Amusement, Indoor				C	C	C				
	C-1A	C-1	C-1B	C-2	C-3	C-3	C-4A	C-4	C-4B	
Animal Clinic				C						

Animal Clinics, Hospitals or Kennels					C	C			
Car Wash, Accessory				A/C	A/C	A/C			
Car Wash, Principal					C	C	I		
Clubs or Lodges, Existing	C						C	C	C
Child Day Care Facility, General	C	C	C	C	C	C	C	C	C
Child Day Care Facility, 12 or Fewer Children	P		P						
Convenience or Grocery Store with Gasoline	-	-	-	C	C	-	-	-	-
Dry Cleaning or Laundry		C		P	P	P	P	P	P
Drive-Thru Sales and Service				C	C	C			
Dwellings, Multiple Family							C	C	C
Dwellings, Multiple Family, Upper Story				P	P	P	P	P	P
Dwellings, Single Family Detached	P	P	P						
Dwellings, Two Family Detached	C	C	C						
Educational Facilities				P	P	P	P	P	P
Food and Beverage Establishment				P	P	P	P	P	P
Health Clinics	C	P		P	P	P	P	P	P
Liquor Store				P	P	P	P	P	P
Lodging					C	C			
Manufacturing					C	C			
Micro-production facilities				C	C	C	C	C	C
Mixed-Use Buildings	P	P	P						A/P
Monument Sales, excluding Processing					P	P			
Mortuaries or Funeral Homes		P			P	P			
Motor Vehicle Rental and Sales					C	C			
Motor Vehicle Service				C	C	C			
Parking Garages/Lots	C	C		C	C	C	P	P	A/I

Parking and Loading Areas and Structures	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Personal Services	P	P		P	P	P	P	P	P
Post offices				P	P	P	P	P	P
Professional Services (inc. Finance and Office Uses)	P	P	P	P	P	P	P	P	P
Public Services and Utilities	C	C	C	C	C	C	C	C	C
Recreation, Indoor		-		P	P	P	C	C	C
Recreation, Outdoor Commercial					C	C			
Recreation, Outdoor Public	P	P	P	P	P	P	P	P	P
Places of Assembly	-	-	-	C	C	C	C	C	C
Repair of Home, Garden or Personal Appliances				C	C	C			
Retail Sales, Limited	P		P	P	P	P	P	P	P
Retail Sales, General	P			P	P	P	P	P	P
Sailing School					C	C			
Sales; Garden, Greenhouses or Nursery					C	C			
Sales, Service, or Rental; Outdoors				A/C	A/C	A/C	A/C	A/C	A/C
Sales, Service, or Rental; Accessory							A/C	A/C	A/C
Sidewalk Café, Outdoors				A/P	A/P	A/P	A/P	A/P	A/P
Storage, Indoor	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P
Storage, Outdoor				A/C	A/C	A/C	A/C	A/C	A/C
Theaters, excluding Drive-Ins				P	P	P	P	P	P

937.03 – Permitted Uses with Restrictions

The following uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

- A. Dwellings, accessory units (ADU), defined as habitable dwelling unit subordinate to a primary residence that provides the basic requirements of shelter, heating, cooking and sanitation
 1. Area. An ADU 's total floor area may be no more than 33% of the primary residence's gross habitual space. The minimum ADU size is 300 square feet. Within the R-2A, R-2, R-3A, and R-3 districts, the maximum ADU size may be no more than 960 square feet.
 2. Minimum Lot Size. Within the R-3A and R-3 districts, detached ADUs are prohibited on lots smaller than 11,000 square feet in area.
 3. Architecture. An ADU must be designed and maintained as to be consistent with the architectural design, style, appearance and character of the primary residence. If an ADU extends beyond the current footprint or existing height of the primary residence, such an addition must be consistent with the existing facade, roof pitch, siding and windows.

4. Parking. One off-street parking space must be available exclusively for the ADU, in addition to the two off street parking spaces required for the primary residence.
 5. Owner-Occupied. The principal structure or ADU must be owner-occupied.
 6. Licensing. Any principal structure or ADU that is renter-occupied must have a current rental license in compliance with Chapter 815 of City Code.
 7. One per Lot. No more than one ADU shall be permitted on a single lot or parcel.
 8. Setbacks. A detached ADU of new construction is subject to the minimum principal structure setback required in its zoning district. A detached accessory structure built prior to June 30, 2022 is subject to the minimum accessory structure setback required in its zoning district when improved for the purpose of creating an ADU.
- B. Food and beverage establishments
1. Garden Strip. At any common boundary shared with a residential district, a strip of not less than five feet must be landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
 2. Hours. The hours of operation must be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
 3. Landscaping. Landscaping and screening shall be present in accordance with Chapter 918 of this Ordinance.
 4. Licensing. All local, state and federal food and beverage handling licenses and/or permits must be obtained for the establishment.
 5. Litter Control. The establishment shall be responsible for litter control within 500 feet of the property line, which must occur on a daily basis.
 6. Loading Berth. Adequate space must be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.
 7. Outdoor Storage. No outdoor storage is permitted.
 8. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
 9. Baking. The room or rooms containing the preparation and baking process for bakeries may not have a gross floor area in excess of 2,400 square feet.
- C. Retail Sales, Limited
1. The gross square area of each limited retail sales business may not exceed 2,000 square feet.

937.04 – Conditional Residential Land Uses.

The following conditional uses as indicated in Sec. 937.02, shall comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Dwelling, Multiple-family
1. The residential units do not front or border Lake Street.
 2. The development does not conflict with existing or potential future commercial uses and activities.
 3. The density meets the standards of the R-5 District.
 4. Adequate open space and recreational space is provided on site for the benefit of the occupants.
- B. Recreation, outdoor residential, principal
1. Such use is accessory to at least one existing permitted principal use on an abutting lot or lot only separated by a public right-of-way. Said properties must be under the same ownership and tied together by a deed restriction recorded with the City and Hennepin County.
 2. The uses and activities are operated only for the enjoyment and convenience of the residents of the principal use to which the property is tied and their occasional guests.
- C. Swimming pools as an outdoor residential recreation accessory use

1. The use is fenced in accordance with Chapter 918 of this Ordinance.
 2. The use is not located within the required front yard.
 3. The use meets setbacks for accessory structures.
- D. Tennis and pickleball courts as an outdoor residential recreation accessory use
1. The use is not located within the front yard.
 2. The courts are fenced in accordance with Chapter 918 of this Ordinance.
 3. The courts meet the setback requirements for an accessory structure.
 4. Any lighting used does not allow the light to spread to adjoining properties.
 5. A grading and drainage plan is submitted and approved by the City Engineer.
- E. Recreation, outdoor public, cemeteries, and memorial gardens
1. The site is landscaped.
 2. The use is available and open to the "public."
 3. The land area of the property containing such use or activity meets the minimum established for the district.
 4. The use meets the minimum setback requirements for accessory structures.
 5. The site accesses on a collector or arterial street.
- F. Public services and utilities
1. When abutting a residential use or a residential use district, the property is screened and landscaped in compliance with Chapter 918 of this Ordinance.
- G. Horses, keeping of
1. The minimum lot size for accommodating one horse is three acres, and the minimum lot size for two horses is five acres. No more than two horses may be accommodated on any one property within the City.
 2. All stables are to be located a minimum distance of 300 feet from any adjacent residential structure, excluding the structure of the applicant, and all corral areas are to be located a minimum distance of 200 feet from any adjacent residential structure, excluding the residence of the owner.
 3. All accommodations for horses occur within the rear yard of a residential lot only.
 4. The City Council shall take into account a proper location of a future residence on adjacent lots when considering the application.

937.05 – Conditional Commercial Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Child day care facility, general
1. Compliance with Chapter 924.02.
- B. Animal Clinics,
1. The size of the clinic does not exceed 4,000 square feet.
 2. The clinic does not provide animal boarding services, kenneling or overnight stays for patients.
 3. The hours of operation coincide with those of the businesses in the area or complex in which the clinic is located.
 4. The clinic does not provide services or treatment of exotic animals (such as reptiles, amphibians, birds, and most mammals).
 5. The clinic does not share a common demising wall and is not located directly adjacent to a restaurant.
 6. The clinic is not to be located on the same property or in the same shopping area where another clinic exists.

7. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation, and safety conditions.

C. Animal Clinics, Hospitals or Kennels

1. Any building in which animals are kept, whether a roofed, sheltered, or enclosed structure, must be located a distance of 100 feet or more from any lot line.
2. All animals must, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
3. The clinic must comply with all other applicable state, local and federal regulation, including those that pertain to animal clinics and to nuisance, health, sanitation and safety conditions.

D. Drive-Thru Sales and Service.

1. Drive-thru, sales and services

- a. Access. The driveway access is not on a residential street. The curb cut setbacks and parking must be in conformance with Chapter 920.
- b. Compatibility. The service windows and driveway are be screened from view if adjacent to a residentially used property.
- c. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet is landscaped and maintained so as to create an effective visual screen and sound buffer and separation of uses.
- d. Hours. Hours of operation are be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
- e. Noise. The stacking lane, order board intercom, and service window are designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and satisfy established state regulations.
- f. Stacking. Not less than 180 feet of segregated automobile stacking lane is provided for the service window.
- g. Traffic Control. The stacking lane and its access is designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.
- h. Use of Street. No part of the public street or boulevard is used for stacking of automobiles.

E. Dry cleaning or laundry

1. The outside storage of materials and equipment is prohibited.
2. Operations with the primary function of in-store retail and general public customer contact are permitted.

F. Lodging

1. The parking and loading spaces are not located within the front yard of a lot and meet all applicable provisions of the parking and loading ordinance.

G. Professional services

1. The traffic generated does not raise traffic volumes beyond the capacity of the surrounding streets.

H. Micro-production facilities

1. Licensing. The owner of the micro-production facility must qualify for and receive all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of

malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, issued under Minn. Stats. § 340A.

2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site requires a taproom/tasting room license from the City of Wayzata, issued under City Code Section 524.02.
 3. Off-sale. On-site sale of beer in the form of growlers require a Brewery License for Off-Sale of Malt Liquor, issued under City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, are prohibited.
 4. Production of Beer. Total production of malt liquor may not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license may not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery must annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
 5. Off-street Loading. The micro-production facility must provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
 6. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
 7. Odors. No odors from the micro-production facility may be perceptible beyond the property line. The micro-production facility operator must take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
 8. Waste. Waste products must be disposed of in a timely manner and in such a way to reduce odors.
 9. Exterior Lighting. All exterior lighting must be designed in such a way as to have no source of light visible from adjacent property, and must comply with the requirements of Section 916.06 of the Wayzata Zoning Ordinance.
 10. Hours of Operation. Micro-production facility operation hours must be limited to the hours specified in Minn. Stats. Ch. 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
- I. Sales, garden, greenhouses or nursery
1. There are no outdoor growing fields on the site.
 2. Outdoor sales/display area is limited to 30 percent of the gross lot area and is in conformance with the performance standards of Section 916.12 of this Ordinance.
- J. Repair of home, garden or personal appliances
1. The use is conducted completely indoors.
- L. Sales, service or rental; outdoors
1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit are exempted from this provision.
 1. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting residential zoning district.
 2. All lighting is hooded and so directed that the light source may not be visible from the public right-of-way or from neighboring residences.
 3. Sales, service or rental areas are asphalt or concrete surfaced.
 4. The use does not take up parking space or loading areas as required for conformity to this Ordinance.
 5. Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.

937.06 – Conditional Automobile Orientated Uses

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

A. Motor vehicle rental and sales

1. The use is adequately screened from view of neighboring residential uses or an abutting Residential zoning district.
2. Adequate measures are taken to control pollution and emissions exhaust.
3. Hours of operation are limited as necessary to minimize the effect of nuisance factors such as traffic noise and glare upon any existing neighboring residential uses.
4. Vehicle Access. Vehicular access points are limited and shall create a minimum of conflict with through traffic movements.
5. Lighting. Each light standard base island and all islands in the parking lot are landscaped or covered. The light sources are hooded to prevent glare onto adjoining property and the public right-of-way.
6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five feet are landscaped and screened so as to create an effective visual and sound buffer and separation of uses.
7. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings are surfaced with a material which will control dust and drainage and which is subject to the approval of the City.
8. Refuse Storage. All refuse is stored in containers as specified by the City Code. Said containers are fully screened and enclosed by a fence or similar structure.

B. Car washes, principal

1. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30-minute period and meets with the approval of the City Engineer.
2. At the boundaries of a residential district, a strip of not less than five feet are landscaped and screened in compliance with Chapter 918 of this Ordinance.
3. Each light standard island and all islands in the parking lot are landscaped or covered.
4. Parking or car storage space are screened from view of abutting residential districts in compliance with Chapter 918 of this Ordinance.
5. All lighting is hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and is in compliance with Section 916.06 of this Ordinance.
6. All signing and information or visual communication devices are in compliance with the applicable provisions of Chapter 927 of this Ordinance.
7. Provisions are made to control and reduce noise.

C. Convenience or Grocery Store with Gasoline

1. Permitted Uses. The retail sales involve uses or activities which are allowed in a C-1, C-2 or C-3 District.
2. Take-Out Food. Convenience/deli food is of the take-out type only and that no provision for seating or consumption on the premises is provided. Furthermore, that the enclosed area devoted to such activity, use and merchandise shall not exceed 15 percent of the gross floor area.
3. Sanitation. That any sale of food items is subject to the approval of the City Health Inspector who shall provide specific written sanitary requirements for each proposed sale location based upon applicable State and County regulations.
4. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.

5. Area. That the approximate area and location devoted to non-automatic merchandise sales must be specified in general terms in the application and in the conditional use permit.
6. Hours of Operation. The hours of operation must be limited to 6.00 a.m. to 12.00 p.m., or as otherwise specified in the approval of the CUP.
7. Motor Fuel Facilities. Adequate space must be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks must be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps must be installed on pump islands.
8. Canopy. A protective canopy located over pump island(s) may be an accessory structure on the property and may be located 20 feet or more from the front lot line, provided adequate visibility both on and off-site is maintained.
9. Compatibility. All sides of the principal and accessory structures must have essentially the same or a coordinated, harmonious finish treatment.
10. Area. Lot area must be at least 20,000 square feet and lot frontage must be at least 125 feet. The City Council may exempt previously developed or previously platted property from this requirement, provided that the site is capable of adequately and safely handling all activities and required facilities.
11. Curb Separation. A continuous and permanent concrete curb not less than six inches above grade must separate the public sidewalk from motor vehicle areas, pursuant to the provisions of Chapter 920.
12. Landscaping. At the boundaries of the lot, a strip of not less than five feet must be landscaped and provide screening in compliance with Chapter 918 of this Ordinance, pursuant to the provisions of Chapter 920.
13. Light Standards Base Landscaped. Each light standard base must be landscaped.
14. Pedestrian Traffic. An internal site pedestrian circulation system must be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles.
15. Outside Storage and Sales. No outside storage is permitted except as allowed under Section 916.12. An enclosed screened area must be provided for trash and dumpsters.
16. Vehicle repair and service may not occur on the site.

D. Motor vehicle service

1. No building or structure, permanent or temporary, driveway surfaces, parking areas, advertising devices or other similar site improvements, except driveways traversing a public road boulevard, must be located within 110 feet of any part of a residential district which is separated from the automobile service station by a public right-of-way or within 50 feet of a residential district if they are not separated by a public right-of-way.
2. Sites for such facilities are freestanding and not part of a principal shopping center structure and must have not less than 125 feet of frontage on the side or sides of the site to or from which access or egress at two or more locations is possible and not less than 120 feet of frontage if there is only one point of access. The total site area must be not less than 20,000 square feet for each service bay, to a maximum of 60,000 total square feet.
3. Pump islands must be set back not less than 30 feet from any property line and not less than 50 feet from any residential district boundary.
4. Hydraulic hoists or pits and all lubrication, greasing, washing, repair or diagnostic equipment must be used totally within an enclosed building.
5. Facilities on a site from contiguous to any neighboring residential uses or an abutting residential zoning district must not be operated between the hours of 11:00 p.m. and 6:00 a.m. or as otherwise specified in the approval of the CUP.
6. Facilities may offer minor auto repairs, but they must not offer major auto repairs, the sale or storage of junked cars, or automobile wrecking.
7. Safety. Regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business, the standards and

requirements imposed by this Ordinance for motor fuel stations must apply. These standards and requirements are, however, in addition to other requirements which are imposed for other uses of the property.

8. Pump Islands. Wherever fuel pumps are to be installed, pump islands must be installed.
9. Green Strip. At the boundaries of a residential district, a strip of not less than five feet must be landscaped and screened in compliance with Chapter 918.
10. Lighting Standard Base Landscaped. Each light standard base must be landscaped.
11. Stacking, parking or car storage space must be screened from view of abutting residential districts in compliance with Chapter 918.
12. Vehicle Circulation. Vehicular access points must create a minimum of conflict with through traffic movement. Provisions must be made for transport delivery of fuel which will not conflict with pump island service.
13. Outside Storage. No outside storage except as allowed in compliance with Section 916.12 of this Ordinance.
14. Litter Control. The operation must be responsible for litter control within 500 feet of the property line and is to occur on a daily basis.
15. Sales Limitations. Sale of products other than those specifically necessary for motor vehicle repair must be subject to a conditional use permit and be in compliance with Section 916.12 of this Ordinance.

937.07 – Conditional Institutional Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Colleges, seminaries and other institutions of higher education.
 1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
 2. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
- B. Places of Assembly.
 1. Provisions are made to buffer and screen from view of neighboring residential uses or an abutting residential zoning district.
 2. Adequate off-street parking and access is provided, and such parking is adequately screened and landscaped from adjoining and abutting residential uses or residential zoning districts.
- C. Hospitals, residential care facilities, extended care facilities; rest homes and other elderly care facilities
 1. Interior side yards are screened.
 2. Only the rear yard is used for play or recreational areas. Said area must be fenced and controlled and screened in compliance with Chapter 918 of this Ordinance.
 3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 4. All signing and informational or visual communication devices are in compliance with Chapter 927 of this Ordinance.

937.08 – Conditional Recreational Land Uses.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Clubs or Lodges, Existing.
 - 1. The parking and loading spaces are located within the front yard of a lot and meet all applicable provisions of Chapter 920.
- B. Amusement, indoor
 - 1. If located within a shopping center, the use has its own exclusive exterior access.
 - 2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
 - 3. The hours of operation are specified in the CUP as a means to maintain compatibility of uses and activities.
- C. Recreation, indoor
 - 1. If located within a shopping center, the use has its own exclusive exterior access.
 - 2. The use is located and developed so as not to create an incompatible operation problem with adjoining and neighboring commercial and/or residential uses.
- D. Recreation, outdoor commercial
 - 1. The entire perimeter of the site is fenced in accordance with Chapter 918 of this Ordinance.
 - 2. The hours of operation are limited as necessary to minimize the effect of traffic noise and glare upon any existing neighboring residential uses or abutting and residential zoning district.
 - 3. The principal use, function or activity is outdoor in character.
 - 4. Not more than five percent of the land area of site shall be covered by buildings or structures.
 - 5. Lighting. All lighting is hooded and so directed to prevent glare onto adjacent properties and/or roads.
 - 6. The site is well maintained, landscaped and screened in accordance with Chapter 918 of this Ordinance. When abutting a residential use or a residential zoning district, the property is screened and landscaped for the protection of the abutting use.
 - 7. The land area of the property containing such use or activity meets the minimum established for the district.

937.09 – Conditional Manufacturing.

The following conditional uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, and a conditional use permit is approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

- A. Manufacturing
 - 1. The use complies with the performance standards outlined in Chapters 916, 917, 918, 919, 920 and all other applicable provisions of this Ordinance.

937.10 – Accessory Uses with Restrictions

The following accessory uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use.

- A. Sales, service or rental, accessory
 - 1. Such use is allowed as a permitted use in a C-1 or C-2 District.
 - 2. Such use does not constitute more than 30 percent of the lot area and not more than 50 percent of the gross floor area of the principal use.
 - 3. All signing and informational or visual communication devices is in compliance with Chapter 927 this Ordinance.

- B. Sidewalk cafe, outdoors
 - 1. A permit pursuant to City Code Ch. 315 is obtained if the café is in the City Right of Way.
- C. Storage, indoor,
 - 1. The indoor storage of merchandise in either principal or accessory building is solely intended to be retailed by a related and established principal use.
- D. Storage, outdoor
 - 1. The storage area is landscaped, fenced, and screened from view of neighboring uses if abutting a residential use or a residential use district.
 - 2. Storage is landscaped and screened from view from the public right-of-way.
 - 3. Storage area is blacktopped or concrete surfaced.
 - 4. All lighting is hooded and so directed that the light source will not be visible from the public right-of-way or from neighboring residences.
 - 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

937.11 – Interim Uses

The following interim uses are permitted where indicated in the Table shown in Sec. 937.02, provided they comply with the additional standards specified in this Section and elsewhere in this Ordinance for each use, including Ch. 934.

- A. Existing car wash and dispensing operations
 - 1. All proposed alterations and/or modifications to the building and site are subject to the issuance of a conditional use permit as set forth in Chapter 904 and conformity to Chapter 934 of the Zoning Ordinance.

CHAPTER 951 R-1A LOW DENSITY SINGLE FAMILY ESTATE DISTRICT

951.01 Purpose.

The R-1A Low Density Single Family Estate District is to provide a district for existing large low density residential and estate-type properties. These properties are distinctive in that they are unusually large in size and frequently include accessory structures, such as accessory dwelling units. This district also allows recreational uses.

951.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

951.03 Interim Uses.

No interim uses are allowed in the R-1A District.

951.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

951.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-1A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

951.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-1A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 80,000 square feet.
2. Lot Width: 200 feet.
3. Lot Depth: 200 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 45 feet.
 - b) Side Yard: 20 feet.
 - c) Rear Yard: 50 feet.
2. Accessory Structure(s):
 - a) Front Yard: 50 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 10 feet.

C. Water-Oriented Accessory Structures or Facility:

1. Side Yard: 10 feet.
2. Rear Yard: None required.

951.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-1A District:

- A. Lot coverage may not exceed ten percent of lot area.
- B. Impervious surfaces on a lot may not exceed 20 percent of lot area.
- C. Single family residences may not exceed a height of three stories or 40 feet.
- D. Accessory buildings may not exceed a height of two stories or 25 feet.

CHAPTER 952 R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

952.01 Purpose.

The purpose of the R-1 Low Density Single Family District is to provide a district for low density single family detached residential dwelling units and directly related, complementary uses. These properties are large in size and commonly have accessory structures, such as accessory dwelling units. This district also allows limited recreational uses.

952.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in an R-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

952.03 Interim Uses.

No interim uses are allowed in the R-1 District.

952.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

952.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-1 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

952.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-1 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 40,000 square feet.
2. Lot Width: 150 feet.
3. Lot Depth: 150 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 45 feet.
 - b) Side Yard: 20 feet.
 - c) Rear Yard: 50 feet.
2. Accessory Structure(s):
 - a) Front Yard: 50 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 10 feet.

C. Water-Oriented Accessory Structures or Facility:

1. Side Yard: 10 feet.
2. Rear Yard: None required.

952.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-1 District:

- A. Lot coverage may not exceed 15 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 25 percent of lot area.
- C. Single family residences may not exceed a height of three stories or 40 feet.
- D. Accessory buildings may not exceed a height of two stories or 25 feet.

CHAPTER 953 R-2A SINGLE FAMILY RESIDENTIAL DISTRICT

953.01 Purpose.

The purpose of the R-2A Single Family Residential District is to provide a district for low to medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

953.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-2A District are listed in the Table shown in Section 937.02 of this Ordinance.

953.03 Interim Uses.

No interim uses are allowed in the R-2A District.

953.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-2A District are listed in the Table shown in Section 937.02 of this Ordinance.

953.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-2A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

953.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-2A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 25,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 30 feet.
 - b) Side Yard: 15 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 35 feet.
 - b) Side Yard: 15 feet.
 - c) Rear Yard: 5 feet.

953.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-2A District:

- A. Lot coverage may not exceed 20 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 30 percent of lot area.
- C. Single family residences may not exceed a height of three stories or 40 feet.
- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 954 R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

954.01 Purpose.

The purpose of the R-2 Medium Density Single Family Residential District is to provide a district for medium density single family detached dwelling units, accessory dwelling units, and directly related, complementary uses.

954.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

954.03 Interim Uses.

No interim uses are allowed in the R-2 District.

954.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

954.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-2 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth in Chapter 904 of this Ordinance.

954.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-2 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Lot Area: 15,000 square feet.
2. Lot Width: 100 feet.
3. Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:
 - a) Front Yard: 25 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 30 feet.
 - b) Side Yard: 5 feet.
 - c) Rear Yard: 5 feet.

954.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-2 District:

- A. Lot coverage may not exceed 20 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 30 percent of lot area.
- C. Single family residences may not exceed a height of 2½ stories or 30 feet.
- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. All detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 955 R-3A SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

955.01 Purpose.

The purpose of the R-3A Single and Two Family Residential District is to provide a district for high density single family dwelling units in older neighborhoods, and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

955.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-3A District are listed in the Table shown in Section 937.02 of this Ordinance.

955.03 Interim Uses.

No interim uses are allowed in the R-3A District.

955.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-3A District are listed in the Table shown in Section 937.02 of this Ordinance.

955.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-3A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth Chapter 904 of this Ordinance.

955.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-3A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Single Family:

- a) Minimum Lot Area: 9,000 square feet.
- b) Minimum Lot Width: 60 feet.
- c) Minimum Lot Depth: 100 feet.

2. Two Family:

- a) Minimum Lot Area: 18,000 square feet.
- b) Minimum Lot Area Per Unit: 9,000 square feet.
- c) Minimum Lot Width: 100 feet.
- d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Principal Structure:

- a) Front Yard: 20 feet.
- b) Side Yard: 10 feet.
- c) Rear Yard: 20 feet.
- d) Corner Lots: Lots fronting two principal streets shall be considered corner lots, and shall have a minimum of a 20 foot setback for both the front yard and side yard which abut a principal street. For corner lots that are less than 60 feet in width, the rear yard setback shall be 10 feet, and the inside side yard (non-principal street fronting) shall be 5 feet.

2. Accessory Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: 5 feet.

- c) Rear Yard: 5 feet.

955.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-3A District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 35 percent of lot area.
- C. Residences may not exceed a height of two stories or 32 feet in vertical distance above the Grade Plane, as measured to the peak of the roof,
- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 956 R-3 SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

956.01 Purpose.

The purpose of the R-3 Single Family and Two Family Residential District is to provide a district for high density single family dwelling units and to introduce on a restricted basis, two family dwelling units, accessory dwelling units, and directly related, complementary uses.

956.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

956.03 Interim Uses.

No interim uses are allowed in the R-3 District.

956.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

956.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth Chapter 904 of this Ordinance.

956.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-3 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Single Family:
 - a) Minimum Lot Area: 9,000 square feet.
 - b) Minimum Lot Width: 60 feet.
 - c) Minimum Lot Depth: 100 feet.
2. Two Family:
 - a) Minimum Lot Area: 18,000 square feet.
 - b) Minimum Lot Area Per Unit: 9,000 square feet.
 - c) Minimum Lot Width: 100 feet.
 - d) Minimum Lot Depth: 100 feet.

B. Minimum Setbacks:

1. Single Family, Two Family:
 - a) Front Yard: 20 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 20 feet.
2. Accessory Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: 5 feet.
 - c) Rear Yard: 5 feet.

956.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-3 District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 35 percent of lot area.
- C. Residences may not exceed a height of 2½ stories or 30 feet.

- D. Accessory buildings, except for accessory dwelling units, may not exceed a height of 20 feet.
- E. Detached accessory dwelling units may not exceed two stories or 25 feet.

CHAPTER 957 R-4A LOW TO MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

957.01 Purpose.

The purpose of the R-4A Low to Medium Density Multiple Residential District is to provide a district for low to medium density two family dwellings, townhouses and cluster housing in those areas where such development properly relates to other land uses and major streets, or where such uses act as a transition between different types of land uses.

957.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

957.03 Interim Uses.

No interim uses are allowed in the R-4A District.

957.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

957.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-4A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use approved under procedures and standards set forth in Chapter 904 of this Ordinance.

957.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-4A District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Two Family:

- a) Minimum Total Lot Area: 18,000 square feet.
- b) Minimum Lot Area Per Dwelling Unit: 9,000 square feet.

2. Townhouses:

- a) Minimum Total Lot Area: 21,000 square feet.
- b) Minimum Lot Area Per Dwelling Unit: 7,000 square feet.

B. Minimum Setbacks:

1. Principal Structure(s):

- a) Front Yard: 30 feet.
- b) Side Yard: 10 feet.
- c) Rear Yard: 20 feet.

2. Accessory Structure(s):

- a) Front Yard Setback: 40 feet.
- b) Side Yard Setback: 10 feet.
- c) Rear Yard Setback: 10 feet.

C. Should a structure containing four or more units be built on a property which abuts another property that is zoned and used for a less intensive use, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which requires the greater setbacks.

957.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-4A District:

- A. Lot coverage may not exceed 35 percent of lot area.
- B. Impervious surfaces may not exceed 35 percent of lot area.
- C. Buildings may not exceed a height of 2½ stories or 30 feet.

CHAPTER 958 R-4 MEDIUM DENSITY MULTIPLE RESIDENTIAL DISTRICT

958.01 Purpose.

The purpose of the R-4 Medium Density Multiple Residential District is to provide a district for medium density two family dwellings, townhouses and multiple dwelling housing in those areas where such development relates well to other land uses and thoroughfares, or where such uses act as a transition between different types of land uses.

958.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

958.03 Interim Uses.

No interim uses are allowed in the R-4 District.

958.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

958.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the R-4 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use approved under procedures set forth in Chapter 904 of this Ordinance.

958.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-4 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Two Family:
 - a) Minimum Total Lot Area: 14,000 square feet.
 - b) Minimum Lot Area Per Dwelling Unit: 7,000 square feet.
2. Townhouses:
 - a) Minimum Total Lot Area: 15,000 square feet.
 - b) Minimum Lot Area Per Dwelling Unit: 5,000 square feet.
3. Multiple Family Dwellings:
 - a) Minimum Total Lot Area: 30,000 square feet.
 - b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.
4. Multiple Family Dwelling-Elderly Housing:
 - a) Minimum Total Lot Area: 30,000 square feet.
 - b) Minimum Lot Area per Dwelling Unit: 3,750 square feet.

B. Minimum Setbacks:

1. Principal Structure(s):
 - a) Front Yard: 20 feet.
 - b) Side Yard: 10 feet.
 - c) Rear Yard: 10 feet.
2. Accessory Structure(s):
 - a) Front Yard Setback: 20 feet.
 - b) Side Yard Setback: 5 feet.

- c) Rear Yard Setback: 5 feet
- C. Should a structure containing six or more units be built on a property which abuts another property that is zoned R-1A, R-1, R-2A, R-2, R-3A or R-3, the yard and setback requirements where the properties are contiguous shall conform to those which would be required in the zoning district which requires the greater setbacks.

958.07 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-4 District:

- A. Lot coverage may not exceed 35 percent of lot area.
- B. Impervious surfaces may not exceed 45 percent of the lot area.
- C. Buildings may not exceed a height of 3 stories or 35 feet.

CHAPTER 959 R-5 HIGH DENSITY MULTIPLE RESIDENTIAL DISTRICT

959.01 Purpose.

The purpose of the R-5 High Density Multiple Residential District is to provide a district for high density residential uses in those areas where such development relates well to other land uses and thoroughfares, or where such use may act as a transition between different types of land uses.

959.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the R-5 District are listed in the Table shown in Section 937.02 of this Ordinance.

959.03 Interim Uses.

No interim uses are allowed in the R-5 District.

959.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the R-5 District are listed in the Table shown in Section 937.02 of this Ordinance.

959.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in an R-5 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures set forth in Chapter 904 of this Ordinance.

959.06 Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the R-5 District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

A. Minimum Lot Size:

1. Multiple Family Dwellings:

- a) Minimum Lot Area Per Dwelling Unit: 2,175 square feet.
- b) Minimum Total Lot Area: 20,000 square feet.

2. Multiple Family Dwelling-Elderly Housing:

- a) Minimum Lot Area Per Dwelling Unit: 1,000 square feet per unit.
- b) Minimum Total Lot Area: 20,000 square feet.

B. Minimum Setbacks:

1. Principal Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: 10 feet.
- c) Rear Yard: 10 feet.

2. Accessory Structure(s):

- a) Front Yard: 20 feet.
- b) Side Yard: 5 feet.
- c) Rear Yard: 5 feet.

959.07 Schedule of Allowances for Minimum Lot Area.

Except for elderly housing, the lot areas per multiple family dwelling unit that are required above shall be increased or reduced as follows:

- A. For each parking space provided under the living area of a building or underground, subtract 300 square feet.

- B. If the project includes a renewable energy component or meets a sufficient energy certification as defined by the City's Sustainability Policy that produces 100% of the energy usage per unit, subtract 300 square feet per unit.
- C. For each 1,000 square feet of privately owned, publicly accessible open space, subtract 100 square feet.
- D. If the project includes affordable housing units as defined by the City's Affordable Housing Policy, subtract 300 square feet per unit.
- E. The maximum allowance which may be subtracted under Section 959.07.A, B and C shall be 675 square feet per unit.

959.08 Lot Coverage, Impervious Surfaces and Height.

The following limits apply in the R-5 District:

- A. Lot coverage may not exceed 40 percent of lot area.
- B. Impervious surfaces on a lot may not exceed 50 percent of the lot area.
- C. Buildings may not exceed a height of three stories or 35 feet.

CHAPTER 970 INS INSTITUTIONAL DISTRICT

970.01 - Purpose.

The purpose of the INS Institutional District is to provide a district for facilities that provide public services and places of assembly, as opposed to commercial or residential uses. It is intended that uses within this district be compatible with adjoining districts and uses, and that property within this district generally be located on an arterial street or thoroughfare.

970.02 - Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the INS District are listed in the Table shown in Section 937.02 of this Ordinance.

970.03 - Interim Uses.

No interim uses are allowed in the INS District.

970.04 - Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the INS District are listed in the Table shown in Section 937.02 of this Ordinance.

970.05 - Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in an INS District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures set forth in Chapter 904 of this Ordinance.

970.06 - Lot Size and Setbacks.

The following minimum requirements must be met for all lots and structures in the INS District, subject to additional requirements, exceptions, modifications set forth in this Ordinance:

A. Lot Area:

1. Minimum Lot Area:

- a) Places of Assembly: 3 acres.
- b) Hospitals: 10 acres.
- c)
- d) Public Parking Structure: 1 acre.

- 2. All area requirements for Places of Assembly prescribed above may be reduced if the site is combined with or included within a neighborhood park.

B. Minimum Setbacks:

1. Schools:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

2. Hospitals:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

3. Public Works Facilities:

- a) Front Yard: 50 feet.
- b) Side Yard: 100 feet.
- c) Rear Yard: 100 feet.

4. Public Parking Structures: No minimum front yard, side yard or rear yard setback requirements unless adjacent to a residential district, in which case the minimum setback shall be the same as the setback for the adjacent residential district. In addition, the minimum requirements of Section 970.06.B.6 do not apply to a public parking structure.
5. All Other Institutional Uses:
 - a) Front Yard: 50 feet.
 - b) Side Yard: 50 feet.
 - c) Rear Yard: 50 feet.
6. In addition to these minimum requirements, setbacks of buildings located within the Institutional District shall be at least equal to the height of such buildings.

970.07 - Lot Coverage and Height.

The following limits apply in the INS District:

- A. The total lot coverage of all buildings may not exceed 30 percent, except that rest homes and housing for the elderly may not exceed a lot coverage of 40 percent, and public parking structures may not exceed a lot coverage of 60 percent.
- B. Principal structures and their accessory buildings may not exceed a height of three stories or 40 feet.

CHAPTER 974 C-1A NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT

974.01 Purpose.

The purpose of the C-1A Neighborhood Office and Limited Commercial District is to provide a district which is related to and compatible with adjoining residential districts, and which uses may include limited office, service, and retail uses where there is limited contact with the public. Mixed commercial and residential uses are permitted.

974.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

974.03 Interim Uses.

No interim uses are allowed in the C-1A District.

974.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-1A District are listed in the Table shown in Section 937.02 of this Ordinance.

974.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-1A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth in Chapter 904 of this Ordinance.

974.06 Setbacks.

The following minimum setback requirements must be met for all lots and structures in the C-1A District:

- A. Front Yard: 20 feet.
- B. Side Yard: 10 feet.
- C. Side Yard directly abutting an R District: 20 feet.
- D. Rear Yard: 20 feet.

974.07 Lot Coverage, F.A.R., Height and Lot Area.

The following standards apply to all lots and buildings in the C-1A District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Floor area ratio (F.A.R.) may not exceed 2.0.
- C. Buildings may not exceed a height of 2.5 stories or 30 feet.
- D. The lot area must be at least 9,000 square feet.

CHAPTER 975 C-1 OFFICE AND LIMITED COMMERCIAL DISTRICT

975.01 Purpose.

The purpose of the C-1 Office and Limited Commercial District is to provide a district which is related to and may reasonably adjoin high density or residential districts, and include administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public.

975.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

975.03 Interim Uses.

No interim uses are allowed in the C-1 District.

975.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance.

975.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the C-1 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under procedures and standards set forth in Chapter 904 of this Ordinance.

975.06 Setbacks.

Front yard, side yard and rear yard setbacks must be a minimum distance of 10 feet for all structures on lots in a C-1 District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance setbacks.

975.07 Lot Coverage, F.A.R., Height and Lot Area.

The following standards apply to all lots and buildings in the C-1 District:

- A. The lot coverage of all buildings may not exceed 50 percent.
- B. The floor area ratio (F.A.R.) may not exceed 2.0.
- C. Buildings may not exceed a height of three stories or 35 feet.
- D. The lot area must be at least 9,000 square feet.

CHAPTER 975.5 C-1B MIXED USE RESIDENTIAL DISTRICT

975.5.01 Purpose.

The purpose of the C-1B Mixed Use Residential District is to provide a district which is related to and may reasonably adjoin residential districts, and where mixed use buildings with residential use as the predominant use may be located, in addition to limited office, service, and retail uses.

975.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.

975.5.03 Interim Uses.

No interim uses are allowed in the C-1B District.

975.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance.

975.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in the C-1B District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Section 904 of this Ordinance.

975.5.06 Yard and Setbacks.

The following minimum setback requirements must be met for all lots and structures in the C-1B District, subject to additional requirements, exceptions, and modifications set forth in this Ordinance.

A. Principal Structures.

1. Front Yard: 10 feet.
2. Side Yard: 10 feet.
3. Rear Yard: 20 feet.

B. Accessory Structure(s).

1. Front Yard: 20 feet.
2. Side Yard: 5 feet.
3. Rear Yard: 5 feet.

975.5.07 Lot Coverage, F.A.R., Height and Lot Area.

The following standards apply to all lots and buildings in the C-1B District:

- A. Lot coverage may not exceed 30 percent of lot area.
- B. Floor area ratio (F.A.R.) may not exceed 2.0.
- C. Buildings may not exceed a height of two and one-half stories or 30 feet in vertical distance above the Grade Plane to the highest point of a flat, mansard, shed, round or arch type roof, or 32 feet in vertical distance above the Grade Plane, as measured to the highest peak of a pitched, hipped, or gambrel roof.
- D. The lot area must be at least 7,000 square feet.

CHAPTER 976 C-2 SHOPPING CENTER BUSINESS DISTRICT

976.01 Purpose.

The purpose of the C-2 District is to provide a district for shopping centers under single ownership or unified control.

976.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

976.03 Interim Uses.

No interim uses are allowed in the C-2 District.

976.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-2 District are listed in the Table shown in Section 937.02 of this Ordinance.

976.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-2 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth Chapter 904 of this Ordinance.

976.06 Special Limitations and Conditions on All Uses.

A. Each business establishment must be operated as a separate and distinct business entity. Each business establishment shall be physically separate from other establishments by solid walls, partitions or windows, although both common ownership and free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections is allowed. All business establishments must be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

976.07 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping.

The following standards apply to all lots and buildings in the C-2 District:

A. Buildings may not exceed a height of two stories or 30 feet.

B. Minimum Setbacks.

1. There must be a side yard on each side of any building having a width of not less than 20 feet, except that no building may be located within 50 feet of any side lot line abutting a lot in any residential district.
2. There must be a rear yard having a depth of not less than 20 feet, except that no buildings may be located within 50 feet of any residential district.
3. The minimum building setback from any commercial district boundary must be as set forth herein or the average height of the building, whichever is greater.

C. Floor area ratio (F.A.R.) may not exceed 1.0.

D. The lot area must be at least 20,000 square feet.

E. Lot coverage may not exceed 50 percent of lot area.

F. Impervious surfaces may not exceed 75 percent of lot area.

G. Required Landscaping. A minimum of 20 percent of the total lot area must be landscaped. A landscaped buffer strip of at least eight feet wide must be provided between parking areas and adjacent streets or sidewalks. The buffer strip shall consist of shade trees at maximum intervals of 30 feet, and a decorative fence, masonry wall, or hedge.

CHAPTER 977 C-3 SERVICE DISTRICT

977.01 Purpose.

The purpose of the C-3 Service District is to provide a district for service facilities orientated to vehicular traffic and access. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a business district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.03 Interim Uses.

No interim uses are allowed in the C-3 District.

977.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

977.06 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping Standards.

The following standards apply to all lots and buildings in the C-3 District:

- A. Buildings may not exceed a height of two stories or 30 feet.
- B. Minimum Setbacks.
 - 1. Front. There must be a front yard having a depth of not less than ten feet.
 - 2. Side. There must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any side lot line abutting a residential district.
 - 3. Rear. There must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any rear lot line abutting a residential district.
- C. The floor area ratio (F.A.R.) may not exceed 1.5.
- D. The lot area must be at least 15,000 square feet.
- E. The lot coverage of may not exceed 50 percent of lot area.
- F. The impervious surfaces may not exceed 75 percent of lot area.
- G. Required Landscaping. A minimum of 20 percent of the total lot must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide must be provided between parking areas and adjacent streets or sidewalks. The buffer strip must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 977.5 C-3A SERVICE DISTRICT

977.5.01 Purpose.

The purpose of the C-3A Service District is to provide a district for service facilities orientated to vehicular traffic and access near Wayzata Boulevard. Because of the unique character of this type of commercial activity and its great dependence upon transient trade and traffic, and because of the greater than normal adverse effects created by the uses within this district, the location of such activities are critical and should be developed either within other commercial spheres adjacent to arterial traffic routes or as well-buffered areas adjacent to major streets. This district also is intended as a mixed-use district which may be located adjacent to shopping centers or other retail business districts, thus keeping the basic retail areas compact and convenient, or in separate areas which may be located in close proximity to a major street or highway, in order that highway service types of land uses can be provided.

977.5.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.03 Interim Uses.

No interim uses are allowed in the C-3 District.

977.5.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-3 District are listed in the Table shown in Section 937.02 of this Ordinance.

977.5.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-3 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

977.5.06 Height, Setbacks, F.A.R., Lot Area, Lot Coverage, Impervious Surfaces and Landscaping Standards.

The following standards apply to all lots and buildings in the C-3 District:

- A. Buildings may not exceed a height of three stories or 35 feet.
- B. Minimum Setbacks.
 - 1. Front. There must be a front yard having a depth of not less than ten feet.
 - 2. Side. There must be a side yard on each side of any building having a width of not less than ten feet, except where a greater side yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any side lot line abutting a residential district.
 - 3. Rear. There must be a rear yard having a depth of not less than ten feet, except where a greater rear yard is required to provide parking and loading, as required by Chapters 914 and 915, and except that no building may be located within 50 feet of any rear lot line abutting a residential district.
- C. The floor area ratio (F.A.R.) may not exceed 1.5.
- D. The lot area must be at least 15,000 square feet.
- E. The lot coverage of may not exceed 50 percent of lot area.
- F. The impervious surfaces may not exceed 75 percent of lot area.
- G. Required Landscaping. A minimum of 20 percent of the total lot must be landscaped and maintained. A landscaped buffer strip of at least eight feet wide must be provided between parking

areas and adjacent streets or sidewalks. The buffer strip must consist of shade trees at maximum intervals of 30 feet and a decorative fence, masonry wall, or hedge.

CHAPTER 978 C-4 CENTRAL BUSINESS DISTRICT

978.01 Purpose.

The purpose of the C-4 Central Business District is to provide a district for retail, service and office uses which are characteristic of a "downtown" area.

978.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

978.03 Interim Uses.

No interim uses are allowed in the C-4 District.

978.04 Accessory Uses.

Subject to applicable provisions of the Ordinance, the accessory uses allowed in the C-4 District are listed in the Table shown in Section 937.02 of this Ordinance.

978.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-4 District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in 904 of this Ordinance.

978.06 Special Limitations and Conditions.

A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment

B. Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and should comprise at least 50 percent of the ground floor building footprint.

C. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more shall be developed with more than one of the following uses. retail, service, residential, and office. Upper floors may be used for any permitted use including residential.

D. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas or recess entries.

E. Parking in the front yard is prohibited.

978.07 Height, Setbacks, F.A.R. and Lot Area.

The following standards to all lots and buildings in the C-4 District:

A. Buildings may not exceed the height of three stories or 35 feet. Three story buildings are subject to the additional standards of Chapter 909.

B. Minimum Setbacks.

1. There must be no front yard, exterior side yard or rear yard requirements, except that there must be a required setback from C-4 District boundaries when such boundaries are adjacent to a residential district the same as the setback for the adjacent district.

C. The floor area ratio (F.A.R.) may not exceed 2.0.

D. The lot area must be at least 8,000 square feet.

CHAPTER 979 C-4A LIMITED CENTRAL BUSINESS DISTRICT

979.01 Purpose.

The purpose of the C-4A Limited Central Business District is to provide a district for those retail, service, office and residential functions which are characteristic of a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and office uses with continuous linear low level building designs. Such areas are to be characterized by individual store fronts with public sidewalk access, as contrasted to shopping mall type development. Planned commercial development as provided for in this Ordinance will be encouraged, so as to provide a cohesive and unified central business district in general accordance with the Comprehensive Plan.

979.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses within the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

979.03 Interim Uses.

Subject to applicable provisions of this Ordinance, the interim uses allowed in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance.

979.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-4A District are listed in the Table shown in Section 937.02 of this Ordinance.

979.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-4A District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

979.06 Special Limitations and Conditions.

A. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or leased by all adjoining establishments or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located by either a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

B. Retail or Commercial Use. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.

C. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential and office. Upper floors may be used for any permitted use including residential.

D. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor Seating, plazas, or recessed entries.

E. Parking in the front yard is prohibited.

979.07 Height, Setbacks, F.A.R. and Lot Area.

The following standards apply to all lots and buildings in the C-4A District:

A. Buildings may not exceed the height of two stories or 30 feet.

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

C. The floor area ratio (F.A.R.) may not exceed 2.0.

D. The lot area must be at least 12,000 square feet.

CHAPTER 980 C-4B CENTRAL BUSINESS DISTRICT

980.01 Purpose.

The purpose of the C-4B District is to provide a district for those retail sales, service, office and residential functions which are characteristic of a "downtown" area and to allow the present downtown area to expand, develop and redevelop, with emphasis on specialty shops and retail uses with continuous linear low level building designs, while maintaining this desired character. Such areas are to be characterized by individual storefronts with public sidewalk access, as contrasted to shopping mall type development. The district requires retail use at street grade.

980.02 Permitted Uses.

Subject to applicable provisions of this Ordinance, the permitted uses in the C-4B District are listed in the Table shown in Section 937.02 of this Ordinance.

980.03 Interim Uses.

Subject to applicable provisions of this Ordinance, the interim uses in the C-4B District listed in the Table shown in Section 937.02 of this Ordinance, and are governed by Chapter 934 of this Ordinance:

980.04 Accessory Uses.

Subject to applicable provisions of this Ordinance, the accessory uses allowed in the C-4B District are listed in the Table shown in Section 937.02 of this Ordinance.

980.05 Conditional Uses.

Subject to applicable provisions of this Ordinance, the conditional uses in a C-4B District are listed in the Table shown in Section 937.02 of this Ordinance. All conditional uses require a conditional use permit approved under the procedures and standards set forth in Chapter 904 of this Ordinance.

980.07 Special Limitations and Conditions.

A. All business establishments at street grade shall be complementary to the retail character of the district and enhance pedestrian traffic.

B. Each business establishment shall be operated as a separate and distinct business entity. Each business establishment shall be physically separate from any other such establishment by solid walls, partitions or windows, although nothing in this paragraph is intended to prevent either common ownership or free pedestrian movement from one establishment to another through either an area commonly owned or through direct doorway connections. All business establishments shall be accessible from the exterior of the building in which they are located either by a direct door to the exterior or by direct access to a "common area" which in turn has adequate access to the exterior of the building without passing through another business establishment.

C. At least 50 percent of the building frontage on the ground floor along Lake Street must be used for retail or service commercial use and must comprise at least 50 percent of the ground floor building footprint.

D. New Lake Street Buildings. All new buildings along Lake Street with a building footprint of 4,000 square feet or more must be developed with more than one of the following uses: retail, service, residential, and office. Upper floors may be used for any permitted use including residential.

E. All buildings shall meet the defined sidewalk line except for small setbacks to provide outdoor seating, plazas, or recessed entries.

F. Parking is prohibited in the front yard is prohibited.

980.08 Height, Setbacks, F.A.R. and Lot Area.

The following standards apply to all lots and buildings in the C-4B District:

A. Buildings may not exceed the height of two stories or 30 feet.

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

C. The floor area ratio (F.A.R.) may not exceed 2.0.

D. The lot area must be at least 6,000 square feet.



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.i
TITLE: Approve Amendment to Professional Services Agreement with New History	
PROPOSED MOTION: To Approve the Amendment to the Professional Services Agreement with New History	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Jeffrey Dahl, City Manager, Emily Goellner, Community Development Director	

ACTION REQUESTED:

Staff recommends approval of the amendment to the agreement with New History.

FINANCIAL OR BUDGET CONSIDERATION:

The additional \$5,000-\$9,000 will be reimbursed by the Wayzata Conservancy.

BACKGROUND:

The purpose of the agreement amendment with New History is to allow for additional services for the design and architectural phases of the Section Foreman House. New History provides needed consultant advisory work specifically pertaining to the varying requirements of historic preservation and grant assistance.

The added scope would add an additional \$5,000-\$9,000 to the original agreement which increases the contract from \$40,500 to \$49,500 in total costs. The Wayzata Conservancy has agreed to cover the added costs to allow for the additional scope of services. This amendment is to the attached original agreement.

ATTACHMENTS:

1. New History Amendment to City of Wayzata Professional Services_June 2022

**CITY OF WAYZATA
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (this “Amendment”) is made effective June 21, 2022 (“Effective Date”) by and between the City of Wayzata, Minnesota (the “City”) and Preservation Design Works, LLC, d/b/a New History with offices at 575 SE 9th St., Ste. 215, Minneapolis, Minnesota 55414 (“Contractor”), and amends the existing professional services agreement between the parties, dated June 1, 2021 (the “Agreement”).

In consideration of the mutual promises and covenants contained in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree that the Scope of Services and Deliverables in the Agreement shall be amended to include consulting services through the end of the design phase of the Project, as described in the Contractor’s June 14, 2022 letter to the City, and the total maximum budget for the Services shall increase five thousand dollars to nine thousand dollars (\$5,000-\$9,000), from forty thousand five hundred dollars (\$40,500) to forty-nine thousand five hundred dollars (\$49,500).

In all other respects, the Agreement shall remain unchanged, and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY:

City of Wayzata,
a Minnesota Municipal corporation

CONTRACTOR:

Preservation Design Works, LLC,
d/b/a New History

By: _____
Johanna Mouton, Mayor

By: _____
Meghan Elliott, Founding Principal

By: _____
Jeffrey Dahl, City Manager

NEW HISTORY

May 24, 2022
Revised June 14, 2022

City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Attn: Jeffrey Dahl, City Manager, jdahl@wayzata.org
CC: Emily Goellner, Community Development Director, egoellner@wayzata.org
Nick Kieser, Assistant Planner, nkieser@wayzata.org

Regarding: Proposal Letter for Additional Historic Building Consulting Services for the
Panoway on Wayzata Bay: Phase 2, Section Foreman House Reuse project
738 Lake Street East
Wayzata, MN 55391
New History Project Number: 2019-C20-316

Dear Jeff:

We appreciate the opportunity to continue working with the City of Wayzata and other project stakeholders on the Section Foreman House as part of Phase 2 of Panoway on Wayzata Bay. The purpose of this letter is to propose our additional Scope of Services for the Design Phase of the Section Foreman House in 2022. If you approve, we understand that our current contract with the City, dated June 1, 2021, would be amended. We look forward to continuing to work with you and your team on this project.

Project Understanding

The Section Foreman House is being transformed into a new lakefront learning center providing indoor and outdoor classroom and community spaces linked to the new Eco Park. In May 2022, City Council approved the Schematic Design – 30% level design - proposed for the building. The design phase will now move forward with the Design Development and Construction Documents phases – 60% and 90% level design, respectively. Our current contract was based on a project schedule that assumed completion of the design phase in July 2022. We understand that the design phase will now be completed by the end of December 2022 instead of July 2022. We recommend that we continue to be engaged through the end of the design phase.



Completed Scope of Services for Phase 2

We have completed the following scope items for Phase 2:

1. **Design Phase.**
 - a. **Team Selection (completed).** We drafted a RFP and provided support during the selection process of the project architect.
 - b. **Design Production (in progress).** We are currently collaborating with the project team to advise on design solutions that meet historic preservation design standards and best practices, funding requirements, project goals, and budget while retaining historic integrity.
2. **Program Confirmation (completed).** We assisted City staff and the architect with confirming the proposed reuse program as a lakefront learning center.

Proposed Additional Scope of Services and Fees

We propose to continue providing consulting services through the end of the design phase on an as-needed basis. We anticipate that our effort during the extended design phase would include:

- Attending select core project team, community, and city council meetings
- Reviewing architectural drawing sets
- Advising on design solutions that meet historic preservation design standards

We propose to add \$5,000 - \$9,000 to scope item **1.b Design Production** to provide consulting services on an hourly basis between August 2022 and December 2022. Our total maximum budget for this contract would change from \$40,500 to \$49,500.

We look forward to continuing to work with you and the project team. I may be reached at the contact information below for any comments or questions.

Sincerely,



Meghan Elliott, Founding Principal
elliott@newhistory.com
(612) 843-4140



Quentin Collette, PhD, Director
collette@newhistory.com
(612) 843-4270

**CITY OF WAYZATA
PROFESSIONAL SERVICES AGREEMENT**

THIS PROFESSIONAL SERVICES AGREEMENT (the “Agreement”) is made effective June 1, 2021 (“Effective Date”) by and between the City of Wayzata, Minnesota (the “City”) and Preservation Design Works, LLC, d/b/a New History with offices at 575 SE 9th St., Ste. 215, Minneapolis, Minnesota 55414 (“Contractor”) for the professional services and related deliverables described herein, and contains the terms and conditions applicable to all of Contractor’s services and associated deliverables for the City.

In consideration of the mutual promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

I. SCOPE OF SERVICES AND DELIVERABLES

Contractor will provide the professional services and deliverables (collectively, the “Services”) that are described in the May 17, 2021 Memorandum for “Panoway on Wayzata Bay: Phase 2, Section Foreman House: New History Proposed Scope of Services and Fees,” attached hereto as Attachment A, according to the project team, project scope, services descriptions, deliverables, timeline, and other terms therein, and in accordance with best practices and industry standards.

II. PROJECT REPRESENTATIVES

- A. City’s main point of contact shall be the Community Development Director Emily Goellner.
- B. Contractor’s main point of contact for the Services shall be the Project Director Quentin Collette.

III. COMPENSATION AND BILLING

As consideration for the provision of the Services and all costs associated therewith, the City agrees to pay the Contractor for the Services provided to the City, at the hourly rate specified in Attachment A, not to exceed a total of thirty-five thousand five hundred dollars (\$35,500.00) for completion of all of the Services outlined in Attachment A.

Contractor will invoice the City monthly for the Services provided in accordance with Agreement, and include with such invoices detailed descriptions of the Services provided by the Contractor to the City. City shall pay Contractor for all undisputed invoices within thirty (30) days of receipt of such invoices.

IV. CHANGE OF SCOPE OF SERVICES

City may request, and Contractor may suggest, changes or additions to the Services. In such event, City and Contractor will work together on the details of such changes (including any adjustments to Contractor's compensation and the specifications, timeline and deliverables described in **Attachment A**), and if agreed upon in writing by both City and Contractor, such changes shall be an amendment to this Agreement.

V. INSURANCE

Contractor, at its expense, shall procure and maintain in force for the duration of this Agreement the following minimum insurance coverages:

A. General Liability. Contractor agrees to maintain commercial general liability insurance in a minimum amount of \$1,000,000 per occurrence; \$2,000,000 annual aggregate. The policy shall cover liability arising from premises, operations, products ~~completed operations, personal injury, advertising injury, and contractually assumed~~ liability. City shall be endorsed as additional insured.

B. Automobile Liability. If Contractor operates a motor vehicle in performing the Services under this Agreement, Contractor shall maintain commercial automobile liability insurance, including owned, hired, and non-owned automobiles, with a minimum liability limit of \$1,000,000 combined single limit.

C. Professional (Errors and Omissions) Liability Insurance. Contractor will maintain professional liability insurance for all claims Contractor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Contractor's professional services required under this Agreement. Contractor is required to carry the following minimum limits: \$1,000,000 per claim; \$1,000,000 annual aggregate. The retroactive or prior acts date of such coverage shall not be after the Effective Date, and Contractor shall maintain such insurance for a period of at least three (3) years following completion of the Services. If such insurance is discontinued, extended reporting period coverage must be obtained by Contractor to fulfill this requirement.

D. Workers' Compensation. Contractor agrees to provide workers' compensation insurance for all its employees in accordance with the statutory requirements of the State of Minnesota. Contractor shall also carry employers' liability coverage with minimum limits as follows: (i) \$100,000 – Bodily Injury by Disease per employee; (ii) \$500,000 – Bodily Injury by Disease aggregate; and (iii) \$100,000 – Bodily Injury by Accident.

Contractor shall, prior to commencing the Services, deliver to the City a Certificate of Insurance as evidence that the above coverages are in full force and effect. The insurance requirements may be met through any combination of primary and umbrella/excess insurance. Contractor's policies shall be the primary insurance to any other valid and collectible insurance available to City with respect to any claim arising out of Contractor's performance under this Agreement. Contractor's policies and Certificate of Insurance shall contain a provision that coverage afforded under the policies shall not be cancelled without at least thirty (30) days advanced written notice to the City except for non-payment of principal.

VI. INDEPENDENT CONTRACTOR RELATIONSHIP

City and Contractor agree that Contractor is an "independent contractor" and not an employee of City. Contractor shall be solely and entirely responsible for its acts and for the acts of its employees, agents, and subcontractors in connection with the Services. Contractor shall be responsible for the compensation and benefits of Contractor's employees and for payment of all federal, state and local taxes payable with respect to any amounts paid to Contractor under this Agreement. No payroll or employment taxes of any kind shall be withheld or paid by City with respect to payments to Contractor, including but not limited to, FICA, FUTA, federal and state personal income tax, state disability insurance tax and state unemployment tax. Contractor shall not be entitled to any benefits from City, including, without limitation, insurance benefits, sick and vacation leave, workers' compensation benefits, unemployment compensation, disability, severance pay, or retirement benefits.

VII. TERMINATION

This Agreement shall continue in effect until terminated by either party upon such party giving the other no less than 30 days prior written notice of termination. Termination of this Agreement for any reason shall not affect any provision of this Agreement that by its nature is intended to survive termination.

VIII. OTHER TERMS

A. Entire Agreement; Amendments. This Agreement and the attachments referenced herein represent the entire agreement between Contractor and City. Any terms in attachments which conflict with the main body of this Agreement shall be limited, controlled and superseded by the terms in the main body of this Agreement. This Agreement supersedes any prior or contemporaneous representations or agreements, either written or oral. No amendment or modification of the terms of this Agreement, except as may be expressly authorized herein, may be made and will not be effective unless agreed upon in writing by City and Contractor.

B. Assignability. The rights and obligations of Contractor under this Agreement shall not be assignable or transferable without the prior written approval of the City.

C. Compliance of all Laws; Ability to Perform; Representations. Contractor shall comply with all applicable federal, state, and local laws, rules, regulations, codes, ordinances and orders. Contractor has in effect and will maintain in effect all permits, licenses, and other authorizations necessary for the performance of the Services. Contractor is not aware of any fact or circumstance which would prevent Contractor from performing in accordance with this Agreement. Contractor agrees that Contractor has the requisite training, skills, and experience necessary to provide the Services contemplated by this Agreement, and that the Services will be performed using personnel, equipment, and material qualified and suitable to perform the Services requested. Contractor shall be solely responsible for its negligent acts, errors and omissions while performing Services under this Agreement. Contractor will perform the Services with reasonable care and skill, in a diligent and professional manner and in accordance with accepted professional practices and industry standards.

D. Assurances and Indemnification. Contractor assures the City, and represents and warrants, that the information it has provided in Attachment A is accurate and not misleading in any material respect. Contractor shall defend and indemnify City, its employees, officials, and agents, against all claims, demands and actions, and all related costs and expenses (including reasonable attorneys' fees) for injury, death, disability or illness of any person, or damage to property, to the extent they arise out of the negligent performance of the Services or any breach of any representation or term of this Agreement by Contractor.

E. Payment of Others. Contractor shall pay all of Contractor's employees, agents, and subcontractors furnishing services, labor, equipment, or materials incidental to the performance of Contractor's obligations under this Agreement.

F. Rights in Deliverables. All deliverables associated with the Services, and all data, information, ideas, designs, plans and creative works associated therewith, shall be the exclusive property of City, including all intellectual property rights therein. City and Contractor agree that such are works made for hire for City, and to the extent they do not qualify as such, Contractor hereby assigns all rights therein to City. The vesting of the City's rights in the transferred intellectual property is contingent upon its fulfillment of its payment obligations hereunder.

G. Contractor's Obligations Upon Termination. Upon the expiration or termination of this Agreement, Contractor shall furnish City with all deliverables and work in progress associated with the Services as of the effective date of termination. City shall have the unfettered right and freedom to use all such deliverables and work in progress as it sees fit, and to hire third parties to complete all outstanding Services as of the effective date of termination.

H. Headings. The headings in this Agreement are intended solely for convenience of reference and shall be given no effect in the construction or interpretation of this Agreement.

I. Notices. All notices or communications relating to this Agreement shall be in writing and shall be deemed given upon hand delivery or deposit in the United States mail, return receipt requested, and addressed as follows:

To the City:
Wayzata City Hall
299 Wayzata Blvd. W.
Wayzata, MN 55391
Attention: City Engineer

To Contractor:
New History
575 SE 9th St., Ste. 215
Minneapolis, MN 55414
Attention: Meghan Elliott

J. Governing Law; Jurisdiction; Data Practices Act. This Agreement shall be construed in accordance with governed by the laws of the State of Minnesota. The parties agree to submit to the jurisdiction of the courts of the State of Minnesota, and that any litigation regarding this Agreement will be brought in the state or federal courts that lie in Hennepin County, Minnesota. Contractor agrees to abide by the applicable provisions of

the Minnesota Government Data Practice Act, Minnesota Statutes, Chapter 13. Contractor understands that all of the data created, collected, received, stored, used, maintained, or disseminated by Contractor in performing those functions that the City would perform is subject to the requirements of Chapter 13, and Contractor must comply with those requirements as if it were a government entity. This does not create a duty on the part of Contractor to provide the public with access to public data if the public data is available from the City, except as required by the terms of this Agreement.

K. Waiver. The waiver by either party of any breach or failure to comply with any provision of this Agreement by the other party shall not be construed as or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.

L. Savings Clause. If any court finds any portion of this Agreement to be contrary to law, invalid, or unenforceable, the remainder of this Agreement will remain in full force and effect.

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

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY:

City of Wayzata, a Minnesota Municipal corporation

By:


Johanna Mouton, Mayor

By:


Jeffrey Dahl, City Manager

CONTRACTOR:

New History

By:


Meghan Elliott, Founding Principal

ATTACHMENT A

May 17, 2021 Memorandum “Panoway on Wayzata Bay: Phase 2, Section Foreman House: New History Proposed Scope of Services and Fees”

NEW HISTORY

ATTACHMENT A: MEMORANDUM

Date: May 17, 2021
To: City of Wayzata and Wayzata Conservancy
Attn: Jeff Dahl, City of Wayzata, jdahl@wayzata.org
Emily Goellner, City of Wayzata, egoellner@wayzata.org
Beth Pfeifer, Wayzata Conservancy, beth@assemblymn.com
Andrew Mullin, Wayzata Conservancy, mullin.andrew@gmail.com
Project: Panoway on Wayzata Bay: Phase 2
Regarding: Section Foreman House: New History Proposed Scope of Services and Fees
Written By: Meghan Elliott, elliot@newhistory.com

We are delighted to see that the Section Foreman House is a high priority for Phase 2 of Panoway on Wayzata Bay, and we hope that we can continue to be a part of it! Based on our recent conversations and meetings, I have described our proposed Scope of Services for Phase 2. If this Scope of Services and fee proposal are acceptable, then I understand that this Exhibit will be attached to a standard City contracting document.

Proposed Scope of Services for Phase 2

The purposes of our next phase of services are to:

1. Align the Section Foreman House reuse with Phase 2 of the overall Panoway on Wayzata Bay project, schedule, and budget
2. Position the Section Foreman House reuse project for success in the design and construction phases

This scope assumes that New History remains engaged as the historic preservation and building reuse consultant for the Section Foreman House. Our Scope of Services will include:

1. **Design Phase.** We understand that the City and/or Conservancy will be retaining an architect or design team to produce construction documents. Funding has been secured, and design team selection will occur in May/June. Our proposed scope items include:
 - a. **Team Selection.** We can assist the City and Conservancy with the selection of the project architect for the Section Foreman House. The architect's team might also include building systems consultants (structural, mechanical, electrical, plumbing, and/or fire suppression). This scope item could include:
 - i. Development of a preferred design delivery model (i.e. traditional-design-bid-build versus design-build for the House and systems)
 - ii. Definition of program narrative, design requirements, and design scope



- iii. Drafting of architect selection process (public RFP, invited solicitation, etc.)
 - iv. Support during selection process (such as drafting or reviewing RFP, review and comment on proposals, participation in interviews, or review of contract)
- b. **Design Production.** We will continue to be a member of the design team, including:
- i. Design collaboration with the project architect, City, and Conservancy on design solutions that meet historic preservation design standards and best practices, funding requirements, project goals, and budget while retaining historic integrity.
 - ii. Provide recommendations on the repair and restoration of historic materials and features.
 - iii. Review and comment on architectural drawings at each phase (SD, DD, CD) with respect to historic preservation requirements or goals.
 - iv. Coordination with the Wayzata Heritage Preservation Board and other preservation stakeholders, as needed.
2. **Program Confirmation.** We can assist City staff and the architect with confirming the proposed reuse program as a “lakefront learning center,” including:
- a. Preparation of talking points with respect to reuse and historic preservation best practices
 - b. Provide support in the preparation of the program definition for City Council approval that supports fundraising needs and programmatic requirements while allowing for long-term flexibility in the City’s ownership and operations of the building

Potential Future Scope of Services

As the Section Foreman House advances into bidding and construction in 2022, we would be delighted to be a part of these next phases of the project. We recognize that the project budget and timeline will continue to be critical factors in the success of the reuse of this house. The goals of our services during the bid and construction phases would be:

- Coordination of the bidding and construction of the Section Foreman House with other components of the Panoway on Wayzata Bay construction that may be occurring simultaneously or in sequence in order to promote overall cost efficiency and scope coordination
- Guidance and construction oversight on best practices for historic materials and preservation
- Development of a cost-effective construction delivery, including selection of qualified contractors and/or subcontractors

Because the Section Foreman House is so different, in terms of materials and size, from the other components of Panoway on Wayzata Bay, it may be most efficient to select one qualified contractor that can self-perform most of the physical scope, such as exterior restoration and interior renovation. We would be happy to assist the City and Conservancy in this selection process, and then continue to represent the City and Conservancy during bid and construction. While we are not construction managers, we have substantial

experience in assisting owners with construction administration, review, and oversight for building reuse and material repair.

Typical ways that we engage during the bid and construction phases are listed below. These services would be further defined and retained under a future and separate agreement.

3. **Bid Assistance.** We can support City staff and the Wayzata Conservancy with the following activities:
 - a. Identification of qualified general contractors and/or subcontractors
 - b. Providing or reviewing notes to bidders (e.g. general contractors or subcontractors for historic materials) and bid instructions in order to obtain comparable bids
 - c. Leading a pre-bid meeting
 - d. Answering and coordinating questions from bidders
 - e. Reviewing bids and providing comments
 - f. Leading a bid review meeting with the project team and/or owner
4. **Construction Administration.** Some examples of how we can provide construction administration assistance include:
 - a. Management of project communication on behalf of the City and Conservancy
 - b. Leading a pre-construction meeting with the selected contractor, and/or with subcontractors for historic materials
 - c. Facilitating regular owner-architect-contractor (OAC) meetings and providing records of meeting discussions and decisions
 - d. Review and coordination of construction correspondence, such as RFIs and product submittals
 - e. Review of and advising on change order requests
 - f. Review of and advising on use of contractor and owner contingencies
 - g. Regular site visits to review progress during construction, as well as completed work
 - h. Final review and punch list in coordination

Consulting Fees

We propose to provide our consulting services on an hourly basis as shown below. Invoices will be sent monthly to the City of Wayzata, unless requested otherwise.

Scope Item	Timeline	Estimated Fee Range
Proposed Scope of Services		
1. Design Phase a. Team Selection b. Design Production	a. July to August 2021 b. July 2021-April 2022	a. \$6,000-\$10,000 b. \$16,500-\$22,500
2. Program Confirmation	June to August 2021	Approx. \$1,500-\$3,000
Total for Scope Items #1 and #2 (Not to exceed without written approval)		\$24,000 - \$35,500
Potential Future Scope of Services (for reference)		
3. Bid Assistance	March to April 2022	Approx. \$6,000-\$12,000
4. Construction Administration	May to Dec 2022	Approx. 24,000-\$42,000 depending on construction phase duration

As with any project of this nature, our scope, and your requirements, can change quickly and substantially as the project moves forward. We will provide regular project reports so that we can adjust, augment, or curtail our scope of services to be compatible with your process. If our Scope of Services must be adjusted, then we will work with you to revise our Agreement.

Thank you again for the opportunity to continue working with you on this important project. We may be reached at the contact information below for further questions or discussion. We look forward to continuing to work with you and your project team in 2021.

Sincerely,



Meghan Elliott, Founding Principal
(612) 501-6832
elliott@newhistory.com



Quentin Collette, Project Director
(612) 843-4140
collette@newhistory.com

NEW HISTORY

HOURLY BILLING RATES

Project Role	Hourly Billing Rate
Meghan Elliott, Principal	\$275
Peter Brown, Acting Principal	\$250
Quentin Collette, Project Director	\$185
Project Team Member	\$160
Administrative Support	\$90

Project Billing. Invoices are typically sent monthly, unless stated otherwise.

Reimbursable Expenses. We will not pass on any of our minor and incidental project-related expenses such as mileage, parking, or photograph printing. Extraordinary expenses are billed at 1.1 times the cost. Extraordinary expenses typically include, but are not limited to:

- Travel expenses, such as mileage outside of the seven-county Twin Cities metropolitan area
- Professional photography
- Large-format scanning of historic drawings
- Sub-consultant fees, when applicable
- Application fees

Billing rates may be increased annually.



#1763

**CITY OF WAYZATA
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

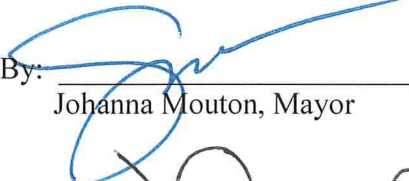
THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (this "Amendment") is made effective March 8, 2022 ("Effective Date") by and between the City of Wayzata, Minnesota (the "City") and Preservation Design Works, LLC, d/b/a New History with offices at 575 SE 9th St., Ste. 215, Minneapolis, Minnesota 55414 ("Contractor"), and amends the existing professional services agreement between the parties, dated June 1, 2021 (the "Agreement").

In consideration of the mutual promises and covenants contained in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree that the Scope of Services and Deliverables in the Agreement shall be amended to include consulting services through the end of the design phase of the Project, as described in the Contractor's January 20, 2022 letter to the City, and the total maximum budget for the Services shall increase five thousand dollars (\$5,000), from thirty-five thousand five hundred dollars (\$35,500) to forty thousand five hundred dollars (\$40,500).

In all other respects, the Agreement shall remain unchanged, and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

CITY:
City of Wayzata,
a Minnesota Municipal corporation

By: 

Johanna Mouton, Mayor

By: 

Jeffrey Dahl, City Manager

CONTRACTOR:
Preservation Design Works, LLC,
d/b/a New History

By: 

Meghan Elliott, Founding Principal



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.j
TITLE: Approval of Amendment to Memorandum of Understanding with Xcel Energy	
PROPOSED MOTION: To Approve the Amendment to the Memorandum of Understanding with Xcel Energy.	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff and the Energy and Environment Committee recommend the approval of the Memorandum of Understanding Amendment with Xcel Energy.

FINANCIAL OR BUDGET CONSIDERATION:

There is no impact to the general fund budget. The City will receive 100 hours of free professional expertise from the Partners in Energy staff through December 31, 2022 to assist the City in achieving the remaining work outlined in the Energy Action Plan.

BACKGROUND:

In 2020, the City was accepted into the Partners in Energy (PiE) Program offered by Xcel Energy. This led to the adoption of Wayzata's Energy Action Plan (EAP). The EAP is being implemented by the Energy and Environment (E&E) Committee through the assistance of Xcel Energy and their consultant, Center for Energy and Environment. The E&E Committee has implemented strategies with multiple focus groups, including municipal buildings, private buildings, multi-family buildings, and residential buildings.

A valuable relationship has been built with the Partners in Energy staff and the E&E Committee for the past 2+ years, so the opportunity for an extension of the PiE program was offered to the City for an additional six months. The original MOU with the PiE team is set to expire on June 30, 2022. During the proposed six-month extension, the E&E Committee will focus on two items:

- A focus on the implementation of faith organization outreach through building relationships, creating educational materials, and providing utility program support.
- Host an energy event sometime in the fall. The exact topic of this event is still to be determined.

The E&E Committee recommends that this extension to assist with implementation of the Energy Action Plan and accomplish what their vision statement entails: "Wayzata is a forward-thinking community on the forefront of sustainability. We will lead by example to reduce our energy use through conservation and increase access to renewable energy sources for all residents, businesses, and institutions. Our community and its members will thrive and become more resilient through promoting values of energy stewardship and supporting everyone in our community in our work".

ATTACHMENTS:

1. PiE-MN-Wayzata-Implementation Extension MOU Draft
2. PiE-Mn-Wayzata-Planning MOU-Fully Executed

**Memorandum of Understanding
2022 July-December Implementation Extension**

Jeff Dahl
City of Wayzata
600 Rice St. East
Wayzata, MN 55391

DRAFT

The intent of this Memorandum of Understanding is to recognize the achievement of the City of Wayzata continuing to prioritize energy action in the community.

During the first phase of implementation, Wayzata made progress toward achieving their goals, including successfully implementing the following strategies outlined in the Energy Action Plan:

- Complete municipal building audits, benchmarking, renewable energy subscriptions and on-site renewable energy exploration.
- Complete a municipal fleet study.
- Host an electric vehicle event.
- Conduct Home Energy Squad® campaigns.
- Engage multi-family buildings to complete energy audits.
- Engage businesses in energy outreach and audits.
- Create renewable energy outreach flyers for businesses and residents.
- Distribute LED kits to residents.

This document outlines how the City of Wayzata and Xcel Energy will continue to work together to implement the City's Energy Action Plan. The term of this joint support, as defined in this document, will cover July 1, 2022 through December 31, 2022.

This is a voluntary agreement and not intended to be legally binding for either party. This Memorandum of Understanding has no impact, nor does it alter or modify any other existing agreements between Xcel Energy and Wayzata.

Xcel Energy will support Wayzata in achieving the goals of its Energy Action Plan in the following ways:

- Facilitate updates to the Energy Action Plan where requested, including identifying new tactics or strategies toward achieving their goals.
- Host monthly virtual project management meetings.
- Support implementation of the existing Energy Action Plan strategy of "faith organization outreach" in the following ways:
 - Outlining and creating materials for an outreach campaign to faith organizations.
 - Providing utility program support and information geared toward faith organizations.
- Support implementation of the existing Energy Action Plan strategy of "host an energy event" in the following ways:
 - Creating promotional materials and language to be shared on City channels.

- Assist in securing speakers or topic experts.
- Promotion and logistics assistance in hosting an energy related event.
- Provide up to \$1,000 for reimbursed expenses related to printing and distribution of co-branded marketing materials and other related needs associated with outreach and education. Xcel Energy funding will not be provided for the purchase of alcohol.

Support funded by Xcel Energy for is not to exceed 100 hours. These hours will include those provided through the Partners in Energy team from Center for Energy and Environment and do not include support provided by Xcel Energy internal program staff.

The City of Wayzata commits to supporting the Energy Action Plan to the best of its ability by:

- Targeting the energy savings impacts outlined in the energy action plan and shown in the table below:

	Electricity Savings (in kWh)
Baseline Historic Energy Savings	267,356
Incremental Plan Energy Savings (1/1/21-6/30/22)	400,497
Total Plan Energy Savings (baseline + plan energy savings)	667,853

- Coordinate and implement campaigns for existing Energy Action Plan strategy of “faith organization outreach” in the following ways:
 - Designate an outreach lead from the Energy and Environment Committee.
 - Conduct outreach as outlined in the campaign details.
 - Keep ongoing documentation of outreach notes.
- Coordinate and implement campaigns for existing Energy Action Plan strategy of “host an energy event” in the following ways:
 - Reserve space for the event.
 - Outline the energy topic and host speakers.
- Participate in coordination and tracking of scheduled check-ins, activities, and events.
- Provide Xcel Energy an opportunity to review marketing materials to assure accuracy when they incorporate the Xcel Energy logo or reference any of Xcel Energy’s products or services.
- Share the plan document, supporting work documents, collateral, and implementation results from the Energy Action Plan with the public. The experience, successes, and lessons learned from this community will inform others looking at similar or expanded initiatives.

- Share progress on upcoming sustainability planning as it relates to activities outlined in the Energy Action Plan.

Legal Applicability and Waiver

This Memorandum of Understanding is to memorialize the intent of the Parties regarding Partners in Energy but does not create a legal agreement between the Parties. It is agreed by the Parties that nothing in this Memorandum of Understanding will be deemed or construed as creating a joint venture, trust, partnership, or any other legal relationship among the Parties. This Memorandum of Understanding is for the benefit of the Parties and does not create third party rights. Nothing in this Memorandum of Understanding constitutes a waiver of Wayzata's ordinances, regulatory jurisdiction, or Minnesota's utility regulatory jurisdiction.

Single Points of Contact

All communications pertaining to this agreement shall be directed to Nick Kieser on behalf of the City of Wayzata and Tami Gunderzik on behalf of Xcel Energy.

Xcel Energy is excited about this opportunity to support Wayzata in advancing its goals. The resources outlined above and provided through Partners in Energy are provided as a part of our commitment to the communities we serve and Xcel Energy's support of energy efficiency and renewable energy as important resources to meet your future energy needs.

For Wayzata:

For Xcel Energy:

Signature:

Signature:

Name:

Name:

Title:

Title:

Date:

Date:

Memorandum of Understanding Phase 1 – Plan Development

Jeffrey Dahl
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Congratulations on being selected to participate in Xcel Energy's Partners in Energy. This offering is designed to provide your community with the tools and resources necessary to develop and implement an energy action plan that reflects the vision your community has for shaping energy use and supply in its future. Participation is intended to span 24 months with the initial 6-8 months dedicated to developing a strategic energy action plan and the remaining time focused on implementing that plan.

The intent of this Memorandum of Understanding is to confirm City of Wayzata's intent to participate in the initial plan development phase of Partners in Energy and outline the commitment that your community and Xcel Energy are making to this collaborative initiative. The primary objective of this phase of Partners in Energy is to develop your energy action plan.

In order to achieve this Xcel Energy will provide:

- Consulting support to assist in identifying potential community stakeholders and constructing or delivering an invitation or informational announcement regarding the planning process.
- Data analysis of community energy use and Xcel Energy program participation to the extent that it is legally and technically prudent and feasible. The results can be used to identify potential opportunities to implement plan strategies. Xcel Energy will attempt to integrate data provided by the City of Wayzata into the analysis if feasible.
- Professional facilitation of 3-5 plan development work sessions with the community stakeholder group to develop the energy action plan's vision, focus areas, goals and implementation strategies.
- Assistance as needed in synthesizing the community and program data collected with the vision of the community to identify attainable goals that align with suitable strategies and tactics.
- Development of the documented energy action plan that will incorporate inputs from the stakeholder planning team and will be accessible to the community.
- Commitment to delivering an actionable and complete energy action plan within 8 months of the City of Wayzata and Xcel Energy signing this Memorandum of Understanding.

Although participation in the Plan Development phase of Partners In Energy requires no monetary contribution, City of Wayzata does agree to provide:

- A single contact point to recruit active and engaged stakeholders, coordinate planning meeting logistics and distribute deliverables, and lead participation of the community in the planning process.
- Community staff engagement in developing workshop agendas, participating in regular check-in meetings, and supporting follow-up work between workshops.
- Commitment to ensuring community stakeholder engagement throughout the planning workshops. This could include consultation with key community stakeholders who may be relevant to the plan but not present on the energy action planning team to gain input on proposed goals and strategies.
- Timely review of the energy action plan document, as well as shepherding the completed plan through stakeholder review process.
- Good-faith evaluation of the recommendations and analysis provided, as well as fair consideration of the potential strategies and tactics identified to ensure alignment with the City's goals and priorities.
- Meeting facilities to host the stakeholder group during the development of the plan.
- Identification of existing community energy plans, programs, or initiatives that could be leveraged in successful development and delivery of this plan.
- Commitment to delivering an actionable and complete energy action plan within a 9-month timeframe of the City of Wayzata and Xcel Energy signing this Memorandum of Understanding. Within this period, the City of Wayzata is committed to completing the formation of the energy action planning team and the development and approval of the energy action plan.
- Public distribution of the work products developed with the support of Xcel Energy's Partners in Energy.

Resource Commitment Summary Plan Development Phase

City of Wayzata	Xcel Energy
• Single point of contact • Support in maintaining community stakeholder engagement throughout the planning process. • Involvement in development and review of energy action plan content. • Meeting facilities • Access to existing energy-related plans and programs • Commitment to completing the plan development and approval • Agreement that the energy action plan resulting from this work will be available to the public	• Assistance identifying and recruiting stakeholders • Analysis of community energy use and program participation • Facilitation of planning sessions • Training and guidance developing goals and strategies • Documentation and delivery of the energy action plan • Commitment to completing energy action plan development

The Memorandum of Understanding for the Implementation Phase of Partners in Energy will be developed upon completion of the energy action plan and will outline City of Wayzata's goals and the resource commitment from Xcel Energy and City of Wayzata.

Legal Applicability and Waiver

This is a voluntary agreement and not intended to be legally binding for either party. This Memorandum of Understanding has no impact, nor does it alter or modify any existing Franchise Agreement or other existing agreements between Xcel Energy and City of Wayzata. Parties agree that this Memorandum of Understanding is to memorialize the intent of the Parties regarding Partners in Energy but does not create a legal agreement between the Parties. It is agreed by the Parties that nothing in this Memorandum of Understanding will be deemed or construed as creating a joint venture, trust, partnership, or any other legal relationship among the Parties. This Memorandum of Understanding is for the benefit of the Parties and does not create third party rights. Nothing in this Memorandum of Understanding constitutes a waiver of City of Wayzata ordinances, Wayzata regulatory jurisdiction, or Minnesota's utility regulatory jurisdiction.

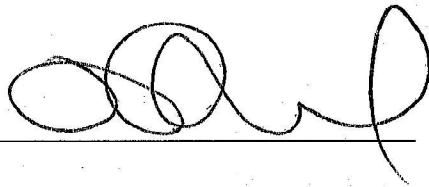
Single Points of Contact

All communications pertaining to this agreement shall be directed to Nick Kieser on behalf of the City of Wayzata and Tami Gunderzik on behalf of Xcel Energy.

Xcel Energy is excited about this opportunity to support the City of Wayzata in advancing its goals. The resources outlined above and provided through Partners in Energy are provided as a part of our commitment to the communities we serve and Xcel Energy's support of energy efficiency and renewable energy as important resources to meet your future energy needs.

Thank you again for your continued interest in Xcel Energy's Partner in Energy. We look forward to assisting the City of Wayzata in developing its energy action plan.

For City of Wayzata:

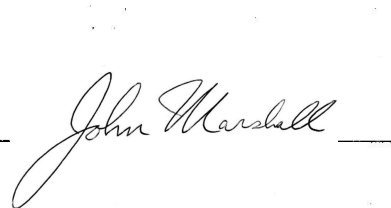
Signature: 

Name: Jeffrey Dahl

Title: City Manager, City of Wayzata

Date: 5.19.20

For Xcel Energy:

Signature: 

Name: John Marshall

Title: Director Community Relations

Date: 8/10/20



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.k
TITLE: Adoption of Resolution 28-2022 Appointing Election Judges for the 2022 Elections	
PROPOSED MOTION: To Adopt Resolution 28-2022 Appointing Election Judges for the 2022 Elections	
PREPARED BY: Kathy Leervig, City Clerk	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends adoption of the Resolution appointing Election Judges for the 2022 Elections.

FINANCIAL OR BUDGET CONSIDERATION:

The City has budgeted \$10,400 for the compensation of Election Judges in 2022.

BACKGROUND:

The City Clerk recommends election judges to be appointed for the upcoming elections, and then in accordance with Minnesota Statutes 204B.21, the City Council makes the appointments at least 25 days before the primary and regular election.

ATTACHMENTS:

1. Resolution 28-2022

RESOLUTION NO. 28-2022
RESOLUTION APPOINTING ELECTION JUDGES FOR THE 2022 ELECTIONS

WHEREAS, in accordance with Minnesota Statutes 204B.21, the governing body of the municipality shall appoint election judges for precincts in that municipality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the City Council of Wayzata approves the appointment of the following election judges who are eligible to serve as election judges for the voting precinct in the City of Wayzata for the 2022 elections (primary and general), and authorizes the City Clerk to make any substitutions or additions of election judges as necessary.

Elaine	Ambrose
Robert	Ambrose
Sue	Ankeny
Lindsay	Bashioum
Jane	Cole
Carol	Danner
Kim	Gharrity
Kelly	Gratton
Donna	Hanson
Peter	Hawthorne
Rebecca	Hawthorne
Pete	Ice (Head Judge)

Lisa	Jarosh
Susan	Johnson
Lori	Krismer
Emily	McGrath
Sharon	McGowan
Cameron	Olig
Elizabeth	Olig
Jim	Richter
Bonita	Schwalbe
Brad	Sleeper
Lynda	Sleeper
Judith	Starkey

Adopted by the Wayzata City Council this 21th day of June, 2022.

Johanna Mouton, Mayor

Attest: _____
Jeffrey Dahl, City Manager

CERTIFICATION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the attached and foregoing resolution is a true and correct copy of the Resolution Appointing Election Judges for the 2022 Elections duly adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 21, 2022.

Kathy Leervig, City Clerk

SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.I
TITLE: Approval to Authorize City Manager and Mayor to Execute a Professional Services Agreement with Delaney Consulting	
PROPOSED MOTION: To Approve Authorization for the City Manager and Mayor to Execute a Professional Services Agreement between the City of Wayzata and Delaney Consulting	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the attached professional services agreement.

FINANCIAL OR BUDGET CONSIDERATION:

The Liquor Fund's Capital Improvement Plan (CIP) allocates \$22,500 for marketing analysis purposes. This proposal's services are not to exceed \$14,000.

BACKGROUND:

Thanks to strong leadership at the store and broad community support, the City's Wine and Spirits operations have provided the organization with millions of dollars of funds that have gone back to the community---to enhance the infrastructure of the community without burdening property owners through taxes. In order to sustain and maximize "Muni" operations, in 2015 Delaney Consulting completed a marketing analysis and assessment of both the Bar and Grill and Liquor Store operations. The 2015 assessment of the wine and spirits operation is attached. It has been seven years since the last assessment.

As liquor operations are a unique enterprise for municipal governments and due to the impacts of the pandemic, in March of this year the City Council took a step back and evaluated its Muni operations by analyzing future business alternatives.

Ultimately, the City Council's direction was to continue operating its off-sale/wine and spirits enterprise and move forward with an updated assessment that would help to maximize wine and spirits operations into the future (See attachment---Option 1B).

Staff received proposals from two firms, Delaney Consulting (See attached) and Linnehan Foy, that would include a customer survey, marketing assessment, and swot analysis. In addition to previously working with the City, Delaney Consulting's proposal was approximately \$13,000 less than Linnehan Foy, primarily due to differences in the customer surveying methods.

ATTACHMENTS:

1. Delaney - Wayzata SOW 2022 V1.0
2. _03222022-1193
3. Wayzata Wine and Spirits Delaney Assesement



City of Wayzata::Delaney Consulting Working Agreement

This Agreement ("Agreement") is made on the ____ day of _____, 2022, between the City of Wayzata, Minnesota, whose business address is 600 Rice Street East, Wayzata MN 55391, and Delaney Consulting, a Minnesota LLC, whose business address is 883 250th Ave, Luck WI 54853.

Delaney Consulting will provide business consulting services to the City of Wayzata and the Wayzata Liquor store as outlined in the attached Exhibit A Statement of Work.

This is a mutual agreement which is nonbinding. Either party can terminate this agreement without cause. Both parties agree to act like grown ups and handle any issues honestly and always with the intent of leaving the other party happy with the outcome.

Delaney Consulting and Michael Bitzer, Account Leader will work with the Wayzata Liquor team to create and deliver an assessment of the Wayzata Wine & Spirits retail store. The goal is to create a short-term and long-term "Roadmap" to improve the brand's strengths with current customers and new customers within the expected competitive environment. This project has an estimated duration of 6 weeks. See the attached high-level work plan.

Included in this work will be:

- 1) A detailed **customer survey** to gain insights into the current Wayzata Wines & Spirits customer base as well as non-Wayzata customers who are residents of Wayzata. Work includes all analytic support, data tabulation, and statistically meaningful result interpretation. Survey development, hosting and services included in total price. Results will be compared to the previous survey conducted for Wayzata in 2014-15.

Deliverable: Full report of all survey results broken out by Wayzata & non-Wayzata respondents, demographics, zip code, gender and other relevant data "slices." Data is the property of the City of Wayzata.

- 2) An objective **marketing review** of Wayzata Liquor versus the marketplace in terms of marketing and messaging outside the store, merchandising and in-store promotions. The assessment will include digital, social and traditional media channels and messaging. Wayzata may choose up to 4 key competitors for the caparison analysis.

Deliverable: Current state assessment along with prioritized recommendations for high-impact improvements and next steps.

- 3) A SWOT analysis created in conjunction with the Wayzata team to include up to 3 listening sessions with store staff, store management and city stakeholders and other key critical partners. Delaney Consulting will facilitate all sessions and consolidate findings as well as add their expert advice and guidance to the final SWOT.



Deliverable: Strategic plan for Wayzata Liquor stores with recommendations to address key SWOT areas.

- 4) **FINAL DELIVERABLE:** A final written report to include the survey analysis, marketing analysis and SWOT. Up to 2 final presentations, as requested, for store management and/or city officials.

The work will be delivered at a total cost of \$14,000 with 50% paid at the onset of the contract and 50% paid upon completion.

HIGH LEVEL PROJECT PLAN:

Jun 15-30	July 1-15	July 15-30	August 1-15
Kickoff select 4 key competitors for marketing analysis agree to survey questions (based on previous) create survey Provide URL for survey to Wayzata Schedule SWOT Listening Sessions	Data Gathering Marketing Assessment Wayzata instore reviews Social Media Reviews Traditional Media Reviews Survey launches - first responses SWOT Listening Sessions	Data Gathering Marketing Assessment Wayzata instore reviews Social Media Reviews Traditional Media Reviews Survey closes - final responses SWOT Listening Sessions Schedule Final Presentations	Analysis Development Final Survey Results Tabulation Marketing Assessment Development SWOT Development Final Report Development Final Presentations

Executed as of the day and year first written above.

DELANEY CONSULTING

CITY OF WAYZATA

Flora Delaney, President

Title:

Enterprise Operation Review – Proposed Process and Timeline

Date	Who's Involved	Estimated Cost
March 22 Workshop		
Review history of Wayzata's muni operations, Key Performance Indicators, and preliminary discussion of alternatives	Council/Staff/Abdo	\$5,000
- Determine next steps - options could include: Option 1-Bring Strategic Assessment for approval at future Council Meeting for: a) Bar & Grill and/or b) Wine & Spirits Option 2-Bring additional information related to exploring alternative future options for Bar & Grill and/or Wine & Spirits Option 3-Request additional information/research for future workshop		

April - August Actions

Actions dependent on direction given at March 22 workshop.

Option 1a Bar & Grill contract with Consultant for Strategic Planning begins	Council/Staff/Abdo/Task Force	\$20,000
Option 1b Wine & Spirits contract with Consultant for Strategic Planning begins	Council/Staff/Abdo/Task Force	\$20,000
Option 2 Develop detailed assessment of alternative options for Bar and Grill and/or Wine & Spirits operations	Council/Staff/Abdo/Task Force	TBD
Option 3 Review additional information and determine next steps	TBD	TBD

August - End of Year Actions

Option 1a Bar & Grill implements recommendations from Strategic Plan	Council/Staff/Consultant	TBD
Option 1b Wine & Spirits implements recommendations from Strategic Plan	Council/Staff/Consultant	TBD
Option 2 Council consideration of action steps for Bar & Grill and/or Wine & Spirits alternatives	Council/Staff/Consultant	TBD
	TBD	TBD
Option 3 TBD		

Final Report for Wayzata Wine & Spirits

January 23, 2015

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Assessment Summary

Wayzata Wine & Spirits has the physical plant and desirable location to make it a long-term competitor in the Metropolitan liquor business. Past management has overlooked opportunities and ignored some key retail practices over time, which means that the operation will have to make some serious adjustments to remain competitive. The city's investments in programs like the Savour Rewards program can reap more rewards than it is currently enjoying. The good news is that the changes that need to occur to make the store a more thriving operation are not expensive to execute: they take appropriate training, resources and consistency in management to improve.

Strengths, Weaknesses, Threats, Opportunities

Based on all of our findings and the assessment process, we have created the following SWOT. In a SWOT, Strengths and Weaknesses are functions of internal realities within Wayzata's business model while Opportunities and Threats are external realities. Additionally, these are long-term actualities and will take time and diligence to change, if they can be changed.

Strengths	Weaknesses
▪ New facility in desirable location with an affluent customer base. ▪ Management views decisions in the long term which supports strategic investments and management choices. ▪ Profits are returned to the community to support desirable services and amenities. ▪ A legacy for being a community asset. ▪ A high proportion of wine sales creates a more profitable sales mix.	▪ New management team. ▪ Little to no marketing with a focus on Trial>Repeat>Loyalty offers to build customer engagement. ▪ Lack of customer service standards for staff. Need for some product training. ▪ A lack of merchandising within the store to call out values and drive incremental, unplanned sales. ▪ An inability to support minimal marketing and promotional activities with the current resources. ▪ The staff doesn't have a clear purpose regarding the customer experience. ▪ Current in-store events are not attracting and retaining customer loyalty to the degree that would be expected.
Opportunities	Threats
▪ The Savour Rewards database is not being used for promotional offers and urgent calls to activate the shopper base. ▪ The restaurant pulls in traffic within feet of the store but there are no cross-promotional offers to diners. ▪ An unclear pricing strategy gives away margins with the Savour program without driving incremental sales with it. Staff should be trained in how to use the Savour program to drive incremental sales. ▪ Delivery and summer marina delivery options could expand sales and profitability while sharing costs with the restaurant. ▪ Tastings at local events are not used as a promotional opportunity to drive new customers to the store. ▪ A wine cellar and strong wine selection should differentiate WW&S from the competition. Need to identify early affluent drinking trends and change the store selection accordingly.	▪ New competition that will attract current shoppers with low prices and unique offerings. WW&S could see loyal shoppers move from shopping for all their needs to shopping for convenient “fill in trips” which will reduce dollars per transaction and overall transaction counts. ▪ Possible regulatory changes will mean that the store will have to operate differently and with a different labor model.

Mystery Shop Findings

The Wayzata Wine & Spirits store gets high marks for its visual appearance inside. However, the exterior is so non-descript and the windows/shared vestibule and exterior signing makes it difficult to identify immediately as a liquor store. All shoppers commented on the attractiveness of the store, but its “clean, upscale brand image” makes it difficult to determine what is on sale. Many endcap items do not have signs and the sale price signage is inconsistent. It is clearest that there is promotional activity when the vendors place their signs on sale items.

From our Mystery Shoppers’ perspectives, there was a genuine intent to serve if a store associate was engaged with the customer. In other words, they tried to help. But a lack of product knowledge and sales focus left a lot of opportunities unmet. No shopper conversation included information about the Savour Rewards program that would have informed potential shoppers that they could save on their purchase until they were at the cash register (too late to induce an incremental sale.) Sales associates asked about the Savour program at the cash register about half of the time. It was used to provide a discount at the cash register without capturing emails for three new members who signed up. The program could be a much more powerful promotional and loyalty program that binds customers to the store, but is currently used to reduce prices that, while a pleasant surprise to customers, may simply erode margins without driving loyalty.

Greetings at the store were not crisp. We define greetings as “Hello”, “Good Morning” or “Welcome” - something to that effect. Most associates begin conversations with “Can I help you find something?” or the surprising “Yes Sir!” Setting an intention to greet customers before helping them is not part of the WW&S customer service platform.

Assistance was friendly and tried to be helpful if they were engaged, but product knowledge is uneven across the staff. Given the “White Glove” appearance of the store, not one shopper had a “White Glove” customer experience. No shopper stated that they were “wowed” but an associate who provided great service. A standard line of helpful open-ended questions followed by on-point suggestions as a standard practice to assist and then close the sale was missing.

Transactions at the counter were swift and friendly. While customers were usually acknowledged/thanked in some fashion, they were not invited to return.

Truthfully, the competition did not excel at customer service either. Shopping Vicksburg liquor, Long Lake, Total Wine, Big Top, and Haskells during this holiday season, our mystery shoppers commented on assortment and selection but did not experience great customer service anywhere. This is an outstanding window for WW&S to create a point of differentiation by providing a level of service that is unusual for the area. If WW&S could

elevate its in-store experience through improved product knowledge and a successful sales process, sales and profits could improve without requiring a commensurate increase in expenses.

Survey Findings

To Date, the Survey has been an unsuccessful customer gauge.

Despite a history with four other municipalities that held their survey open for a shorter period of time and had significantly higher responses, the Wayzata Wine & Spirits store has managed to have only 57 responses in December and 23 responses in January that did not come from the Facebook advertisement. (As a comparison the other 4 municipalities average over 500 responses per month.) Additionally, the Bar & Grill has more than double the response rate for the same period of time.

More than anything, this seems to indicate the lack of focus and execution on the part of the store management to communicate the survey to the staff and to customers to make this a priority. The survey remains open.

More details about the survey findings will be reported when it officially closes.

Pricing

Wayzata Wine & Spirits pricing is slightly above market (5%) on the top 50 SKU's that were measured. However, once the Savour Rewards discount AND the "everyday" promotional prices are accounted for, Wayzata is at or below market averages – even with Total Wines.

What is missing in the pricing equation is:

- 1) A **pricing strategy** that accounts for Savour Rewards discounting. For example, the wines we comparison shopped were 3% above market. Given the 10% discount, it would seem that there is room for adjusting the prices upward and still give Savour members a fair price. Compare this to Spirits which were 10% above market average – exactly what we would expect given the rewards program discount. Beers were within the market by -2%. However, low value, high volume domestics like Coors Light, Mich Golden Light and Budweiser were 8-12% below market averages. Why? Those brands seem unlikely to fit with the clientele. If there is a pricing strategy, it is not evident.
- 2) A way to sign the prices so that customers can see the value of the Savour Rewards program at the shelf while making their purchasing decisions.
- 3) A consistent endcap and case stack pricing sign package so that customers know the price of all products not in their home locations.
- 4) Signs in the store that explain the Savour program and its implication on prices.

Finally, while promotional pricing laws can be difficult, it is generally known that

extending a promotional price and signing it as a savings off the “regular price” to such a degree that it becomes an “everyday price” is a form of consumer fraud as outlined in :

Minnesota Statute 325F.69 UNLAWFUL PRACTICES.

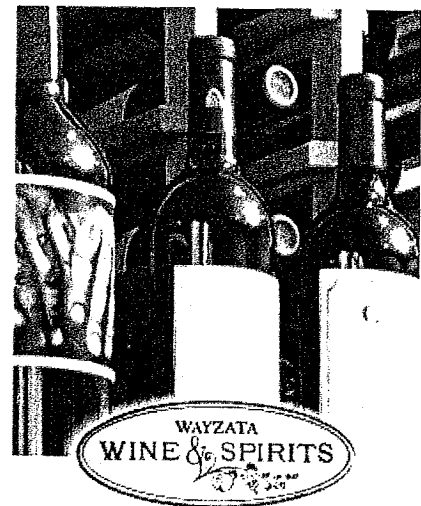
Subdivision 1. Fraud, misrepresentation, deceptive practices. The act, use, or employment by any person of any fraud, false pretense, false promise, misrepresentation, misleading statement or deceptive practice, with the intent that others rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived, or damaged thereby, is enjoined as provided in section 325F.70.

It is our observation that the management of WW&S has (unknowingly) been using this promotional pricing practice for years. It needs to be addressed immediately.

Promotion

The current marketing that has been done by Linnahan Foy seems to have been created with a goal of branding and brand awareness. Only 5 of 13 of the ads created for 2014 showcased a product and price. Even the wine sale at 15% off did not have an urgent call to action. It simply stated “Spring Wine Sale March 10-29. 15% off all regularly priced wine selections with purchase of 3 bottles or more.” The organization must create a promotional plan that delivers urgent calls to action that drive trial and repeat visits to maintain its market share. As evidence of this, of the 61 respondents to the survey to date who say they shop Wayzata regularly, no one mentioned that they shopped it because of “A great deal on products on sale” or “a coupon or email offer.” Our past results show that those levers usually drive 3-9% of all shopping trips to liquor stores.

Wayzata Wines & Spirits does have promotions and events in the store. A recent example would be the Pappy Van Winkle give away that collected over 300 entries. A savvy marketer would collect emails on those entries and use that list of 300 to market bourbons, scotches and whiskeys to this niche audience. (Same note re: Goose Island Bike Giveaway and Wine Cooler Giveaway in December.) Similarly, collecting emails at tasting events could create stratified customer lists so that emails could be targeted and effective in driving customers to the store. There is no evidence that the tastings and events in the store are driving increased sales and loyalty. Furthermore, the events are not catered by the restaurant and used to



SPRING WINE SALE

MARCH 10-29

15% OFF

**ALL REGULARLY PRICED WINE SELECTIONS
WITH PURCHASE OF 3 BOTTLES OR MORE!**

247 Mill Street, Wayzata • 952-473-7191
WayzataWineAndSpirits.com

facilitate loyalty to both establishments.

Whether Linnahan Foy or Wayzata management is the root cause of the situation, the loyalty program and its ensuing email list is not being used regularly and effectively to drive promotional sales. WW&S needs a promotional plan, an email and marketing plan and execution to improve the situation. To date, the city has made investments into the loyalty program with sub-optimized payback. Furthermore, there needs to be effective measurements of promotional campaigns to drive future improvements in promotional effectiveness.

Wayzata Wine & Spirits communication at large is ineffective compared with the Bar & Grill. Case in point, the facebook fans of both pages:

Wayzata Bar & Grill	1226
Wayzata Wine & Spirits	295
Glen Lake	374
Haskells (Excelsior)	566
Lakeside Wine & Spirits	502

Of the promotions we have seen advertised outside of the store, only 5 of 13 of the ads created for 2014 showcased a product and price. While WW&S does not want to compete on price, it does need to make a price impression on customers. The recent summer promotion on select cases of beer drove sales and is an example of how calling out specific brands, sizes and prices can drive incremental sales.

Selection

The store prides itself on its wine selection and its deep niche products in spirits. However, there was only one ad that informed customers outside of the store that they can expect an above-average selection in wines or spirits. (“From our cellar to yours”) If a retailer wants to use selection and assortment as a differentiating attribute, it **MUST** make that a focus of its communications. Customers are very slow to recognize assortment differences on their own. (As opposed to pricing or customer service which is easier for customers to recognize.) Wayzata needs to use its niche products to talk to its potential customers about the variety of cocktails and unique offerings they could have if they took advantage of WW&S’s assortment of hard-to-find items. Otherwise, it is carrying slow-moving inventory without a customer-relevant strategy behind it.

While selection is an important attribute, maintaining an aggressive inventory turn rate is imperative to remain financially sound. We did not identify any standard process or reporting to highlight inventory issues or slow sales reporting nor a standard for clearing out old product to free inventory dollars for more attractive items. The beer freshness requirements by the distributors and brewers keep the beer moving at an acceptable level.

However, that is managed by the delivery teams rather than the store management team. The store management team needs to implement a regular cycle of inventory reports and evaluation to highlight slow movers and make adjustments accordingly. Financial considerations need to be made when weighing selection diversity with sales rates.

Service

To provide the optimal level of service, the store needs to have staff available on the floor who understand that their primary responsibility is helping customers and the knowledge to achieve that goal. The store has recently had a history of inadequate staffing at some peak periods. Nevertheless, even with adequate staffing, role definition is not clear among the entire staff that assisting customers is their first priority. In short-staffed situations, task management can get prioritized over customers.

The store does not have a defined method for product knowledge training for new hires. There is a reliance on a few select individuals and an expectation of “tribal knowledge” getting passed on from associate to associate. While there is a strong relationship with many vendors who provide ancillary training through their tastings with the staff, there is not a planned program to identify knowledge gaps within the staff and address those gaps.

The staff and management relies on personalities and personal knowledge to provide customers with assistance. The organization does not have nor sustain a professional expectation for guiding a customer through the sales process. Because of this gap, customer service is inconsistent and is not the advantage that some staff members believe.

Wayzata Wine & Spirits does not “officially” offer delivery. However, the staff has taken it upon themselves to deliver large orders to a select customer base. Besides opening up the city to possible liability claims should there be an accident while a staff member is making a delivery, it is also an asset that is not being promoted among potential delivery customers who would be loyal to WW&S if the service was made public. A suggestion to test delivery – even within a limited range - could increase sales and defend market share as new competitors enter the neighborhood.

Environment

The store is new and uniformly described as high end. This is primarily due to the interior finish choices, the wine boat at the front entrance, the wine cellar, cigar humidor and lack of vendor point of purchase materials. However, in the pendulum of upscale/clean to gritty/loud the store may have become too sterile to effectively induce impulse sales.

Promotional signs and sales are difficult to find. It is hard to identify “what’s a good deal in the store this week.” This COULD be mitigated if customer service was superb and customers did not have to serve themselves throughout the store. But that is not the case.

The Wine Cellar creates its own difficulty in a serve-yourself environment. Customers may be intimidated to go in there assuming everything inside is over their budget. Even if customers enter the Wine Cellar, we found that the staff is not providing the immediate assistance you would expect when it is clear that a potential customer is considering purchasing upscale wines. Perhaps even the staff is intimidated to sell the wines in the Cellar. The challenge is to use the space effectively to make it friendly and inviting and to make it easier to close sales.

The front of the store is less productive than it should be.

- 1) The wall carrying the *Winery of the Month* is rarely full. Perhaps the issue is that as the inventory draws down, it contains more and more “holes.” Perhaps the transition from one month to the next is not occurring quickly enough. Perhaps the program does not require so much store space. In any case, that is a location in the store that could be more productively used with a “stack it high and let it fly” approach. Making it the location for the “best deal in the store” with a strong signed presence could boost impulse sales.

Question: could the *Winery of the Month* program move into the Wine Cellar?

- 2) The wine boat at the front with the highly rated wines is a stagnant presence in the store. Is it possible to use the same fixture to highlight a revolving selection of products? One quarter it is Spanish Wines, the next American Chardonnays, the next wines over 90 points, the next French sparkling wines, etc. For the space and the location in the store, it should reinforce your brand message about your deep wine selection and expertise. The best way to do that is to keep the assortment and selection on it fresh.
- 3) The register counter area does not support impulse add-on sales. There should be items within easy reach that could be suggestively sold to customers to help them complete a satisfying transaction. Adding even one more \$1.00 to every sale can change the profitability of the store. Merchandising around the register has to be organized, fresh and combined with staff training to make the incremental sale.

Competition

We have listened to the common objection that Wayzata is a small community and the limits that sets for the store and its potential customer base. The truth is; Wayzata is a magnet for lake activity that draws for miles. As the only liquor store within walking distance to the lakeshore and the thriving downtown, it has the ability to deliver the best kind of profits to the city of Wayzata – profits from sales to non-residents.

Other municipalities would be deeply envious to have a destination shorefront that pulls non-residents in as prospective customers. As Wayzata begins to increase its marketing, it should extend its messages beyond the city’s borders to include all the neighboring communities that are on the lake and share similar commuting traffic patterns.

Risk/Opportunity

- Cross promotions with the Bar & Grill store could increase shared customers and profits with near immediate results.
- Staff training and development that emphasizes customer service along with product knowledge would delight customers and stimulate sales and profits within the same client base.
- External and vestibule signs that change with seasonal messages could remind customers to enter to make their purchases.
- A robust in-store signage program that highlights promotional and new items as well as the savings of the Savour Rewards program would incentivize customers to make incremental unplanned purchases.
- Creating a robust email marketing campaign to Savour members as well as emails collected through give aways and local events would have a number of benefits: 1) it could create a strong sense of community and reinforce a “my store” relationship with loyal customers; 2) it could reactive lapsed shoppers with exclusive offers; 3) it could accelerate new item sales by announcing new products to customers most likely to be interested in them; 4) it could be the most cost effective way to market sales and promotions; 5) it could improve attendance at in-store tastings and events.
- Delivery and summer marina delivery options could expand sales and reduce the city’s liability to the “unofficial” delivery being done today.
- The front of the store and its merchandising needs to be re-conceived. Included in the re-merchandising scope should be the cigar humidor, the wine cellar and the cash register area.
- A promotional plan that is well-executed and communicated across the potential geographic customer base could keep WB&G top of mind for dining destinations, despite a small population base within Wayzata.

Prioritized Recommendations

There are steps to meet the strategic goals outlined in this report. We recommend that the organization tackle them in this order.

1. The Savour Rewards database is not being used for promotional offers and urgent calls to activate the shopper base. A focus on email marketing could be a cost efficient way to activate shopping trips.

2. Implement a customer service model that focuses the staff on assisting customers as their top priority and gives them the tools to be effective on the sales floor. Concurrently develop a plan for addressing product knowledge gaps amongst the staff. Reinforce all training with consistent management, mentoring and oversight to ensure that old habits do not creep back into how the store operates.

3. Management needs to hold the organization responsible for creating a promotional plan and communicating that plan. Measuring sales on promotions,

transactions during the promotion and % of transactions containing a promotional product. A micro-targeted media campaign that could use the Sun Sailor, Facebook, Pandora radio, Community newsletters, Lakeshore News, and other neighborhood channels needs to be implemented to get messages beyond the store regulars.

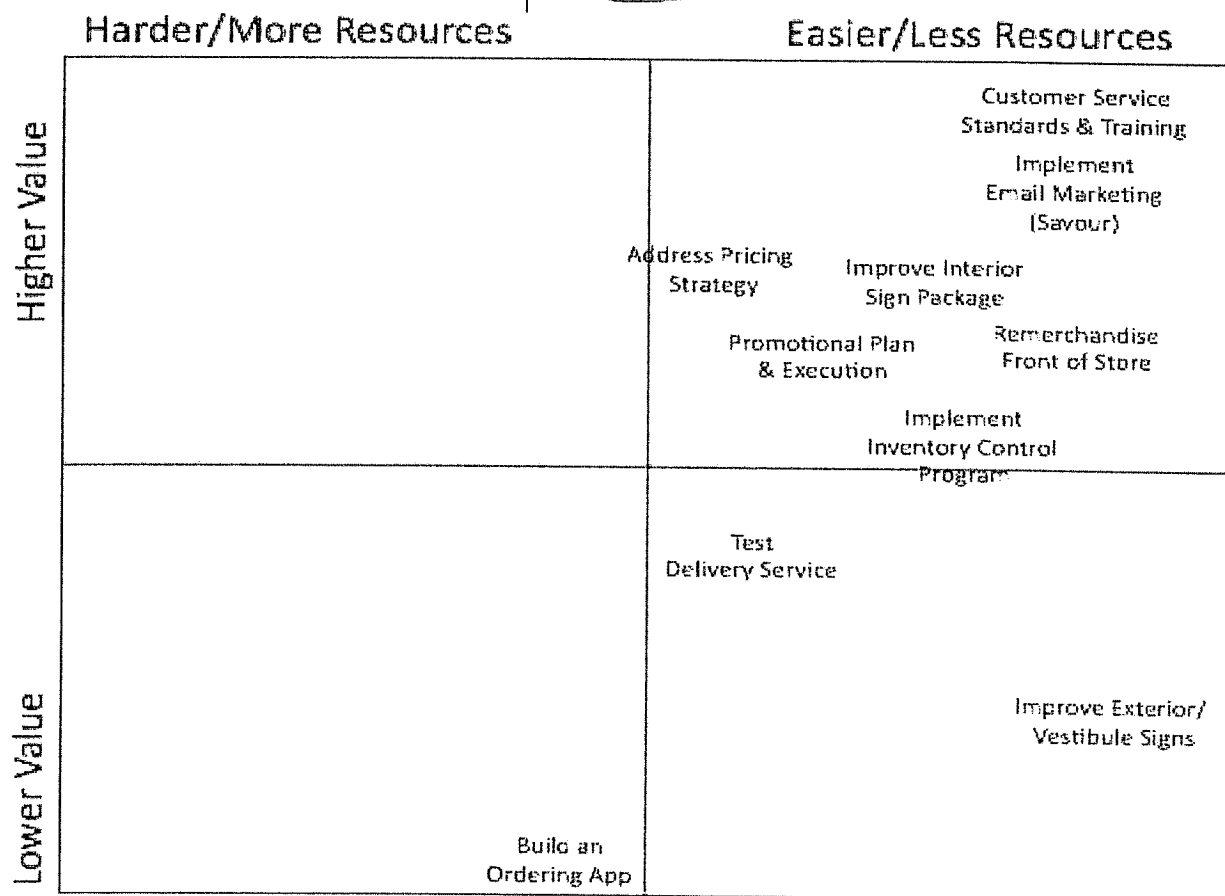
4. Implement a pricing strategy for new and current items which takes into account the Savour Rewards program. Construct a pricing plan that delivers the required margins overall while allowing for pricing flexibility within subcategories and brands to remain attractive.

5. Implement a shelf pricing label for wines and spirits that shows the Savour Discount for every bottle. Customers are making purchase decisions at the shelf assuming they will pay the full price only to be pleasantly surprised at the cash register when they either use their card or enroll in the program to get a 10% discount. Informing customers of the savings through the program at the shelf will encourage larger purchases through additional sales or larger bottles. Today, the way the rewards program is practiced, customers learn about the savings too late to make an additional purchase.

6. The store management team needs to implement a regular cycle of inventory reports and evaluation to highlight slow movers and make adjustments accordingly.

7. Test a delivery service that can be shared with the Bar & Grill. We suggest leasing a vehicle that can be wrapped with brand messages. Besides residents and local event locations, we identify summer marinas as a strong market opportunity. To create true differentiation, build an app for ordering while on the lake for marina delivery.

8. The signs that can be seen from the exterior of the store and in the vestibule need to give shoppers an urgent reason to shop. The store does not have to lose its upscale brand image by using flamboyant and garish promotional signs. But there needs to be more seasonal signing and more calls to action to induce shopping visits.



DELANEY

January 23, 2015

Conclusions

Under new management and with a new focus on sales and customer service, we are optimistic that Wayzata Wine & Spirits can improve its past performance even in the face of new competition. To succeed, it needs to be laser focused on its customer base and differentiate itself on SERVICE, SELECTION and EXPERIENCE while maintaining a reasonably competitive stance on PRICING. As the only liquor store in Wayzata, it is a convenient choice for many potential customers. Having said that, it is urgent to make changes happen soon as the competitive environment will change swiftly and tentative changes will not be enough to address the exodus of customers that can happen once a Total Wines opens in Maple Grove.



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 7.m
TITLE: Approval of Second Reading and Adoption of Ordinance 813 Granting a Franchise to Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC to Construct, Operate, and Maintain a Cable System in the City of Wayzata	
PROPOSED MOTION: Approval of the Second Reading and Adoption of Ordinance 813 Granting a Franchise to Comcast of Arkansas/ Louisiana/Minnesota/ Mississippi/Tennessee, LLC to Construct, Operate, and Maintain a Cable System in the City of Wayzata	
PREPARED BY: Jeffrey Dahl, City Manager	
REVIEWED BY: N/A	

ACTION REQUESTED:

Staff recommends approval of the Second Reading and Adoption of the Ordinance.

FINANCIAL OR BUDGET CONSIDERATION:

In addition to the \$10,000 fee as a part of the Franchise Application, the draft agreement includes language that all city-incurred legal fees are reimbursed by Comcast. Also, the draft agreement includes cable-related fees that are directed into the City's Cable Fund. It is not anticipated as a result of this new franchise, that total revenues will change significantly.

BACKGROUND:

The First Reading of this item was unanimously approved at the June 7th City Council Meeting. Attached is a more detailed memo from the City's Telecommunications Attorney, Brian Grogan of Moss and Barnett, regarding the draft agreement. This agreement is the culmination of a three-month public process that included the City Manager, City Attorney David Schelzel, City Clerk Kathy Leervig, Mr. Grogan's Legal Team, and Comcast.

The overall goal of this process and consideration of the attached draft agreement is to provide enhanced cable and technology services to the community. Upon approval of the second reading, the ordinance will be enacted upon publication in the local paper.

ATTACHMENTS:

1. Staff Memo re Comcast Franchise - Wayzata
2. Ordinance 813 - Comcast Cable Television Franchise Ordinance

MEMORANDUM

To: Jeffrey Dahl, Wayzata City Manager

From: Brian Grogan

Date: June 1, 2022

Re: Comcast Cable Television Franchise – Wayzata, Minnesota

The Wayzata City Council held a public hearing on April 19, 2022, to consider an application from Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC (“Comcast”) requesting a cable television franchise from the City of Wayzata, Minnesota (“City”) to provide cable services in the City. Attorney Brian Grogan, Moss & Barnett, reviewed and prepared a report regarding the Comcast application. A resolution was adopted by the City Council concluding that Comcast does possess the requisite legal, technical, and financial qualifications to own and operate a cable system in the City.

The City thereafter conducted franchise negotiations with Comcast. The City used the existing Mediacom cable franchise as the template document for the negotiations with Comcast. The goal in using the Mediacom franchise as a starting point was to ensure that competing cable operators are franchised under similar terms and conditions.

Comcast commits to building out and providing cable service to the entire geographic area of the City no later than December 31, 2023. The proposed franchise at Section 3 addresses specific provisions regarding permitting and construction standards. The goal of these provisions is to speed the granting of construction permits to facilitate the short construction season available in Minnesota and to provide the necessary protections to the City to verify that construction is proceeding in accordance with applicable city code provisions as well as the terms of the franchise.

The franchise also includes strong customer service provisions to protect the interests of Wayzata residents. The Franchise also includes local public, educational and governmental (“PEG”) access provisions, which meet or exceed those requirements imposed upon Mediacom, to ensure that local programming content will be available on the cable system. The franchise also contains a number of financial security provisions including insurance, indemnification and bonding to protect the City’s interests over the 10-year franchise term.

Financial Impacts:

The franchise includes a 5% franchise fee and a \$1.20 per subscriber, per month PEG Fee. These requirements are consistent with the existing Mediacom franchise and are permitted to be included in a local cable franchise under state and federal law.

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CABLE TELEVISION FRANCHISE ORDINANCE
City of Wayzata, Minnesota

May 26, 2022

DRAFT

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ORDINANCE NO. 813

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF ARKANSAS/LOUISIANA/MINNESOTA/MISSISSIPPI/TENNESSEE, LLC TO CONSTRUCT, OPERATE, AND MAINTAIN A CABLE SYSTEM IN THE CITY OF WAYZATA, MINNESOTA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

The City Council of the City of Wayzata ordains.

STATEMENT OF INTENT AND PURPOSES

The City of Wayzata intends, by the adoption of this Franchise, to bring about the development of a Cable System, and the continued operation of it. Such a development can contribute significantly to the communications needs and desires of the residents and citizens of the City and the public generally. Further, City may achieve better utilization and improvement of public services and enhanced economic development with the development and operation of a Cable System.

FINDINGS

In the review of the request for a franchise by Grantee and negotiations related thereto, and as a result of a public hearing, the City Council makes the following findings:

1. Grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;
2. Grantee's plans for constructing and operating the Cable System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard;
3. The Franchise granted to Grantee by City complies with the existing applicable State statutes, federal laws and regulations; and
4. The Franchise granted to Grantee is nonexclusive.

SECTION 1 SHORT TITLE AND DEFINITIONS

1.1 Short Title. This Franchise shall be known and cited as the Cable Television Franchise Ordinance.

1.2 Definitions. For purposes of this franchise, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the

singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this section. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

(a) “Applicable Laws” means any local law, City Code or federal or State statute, law, regulation or other final legal authority governing any of the matters addressed in this Franchise.

(b) “Basic Cable Service” means any service tier which includes the lawful retransmission of local television broadcast signals. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. § 522(3).

(c) “Cable Act” means the Cable Communications Policy Act of 1984, Pub. L. No. 98-549, 98 Stat. 2779 (1984) (codified at 47 U.S.C. §§ 521-611 (1982 & Supp. V 1987)) as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385 and the Telecommunications Act of 1996, Pub. L. No. 104-458 and as the same may, from time to time, be amended.

(d) “Cable Service” or “Service” means:

(i) The one-way transmission to Subscribers of (i) video programming, or (ii) other programming service; and

(ii) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(e) “Cable System,” or “System” means a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within a community, but such term does not include:

(i) A facility that serves only to retransmit the television signals of one (1) or more television broadcast stations;

(ii) A facility that serves Subscribers without using any public rights-of-way;

(iii) A facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§ 201-226, except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. § 541) to the extent such facility is used in the transmission of video programming directly to Subscribers; unless the extent of such use is solely to provide interactive on-demand services;

(iv) An open video system that complies with Section 653 of the Cable Act; or

- (v) Any facilities of any electric utility used solely for operating its electric utility system.
- (f) “Channel” or “Cable Channel” means a portion of the electromagnetic frequency spectrum which is used in a Cable System and which is capable of delivering a television Channel as defined by the Federal Communications Commission.
- (g) “City” means the City of Wayzata, Minnesota.
- (h) “Converter” means an electronic device which converts signals to a frequency acceptable to a television receiver of a Subscriber and by an appropriate selector permits a Subscriber to view all Subscriber signals included in the service.
- (i) “Council” means the City Council of the City of Wayzata, Minnesota.
- (j) “Demarcation Point” shall have the meaning set forth in FCC regulations 47 C.F.R. § 76.5 (mm) as may from time to time be amended. Generally it shall mean a point agreed upon by Grantee and the City up to twelve (12) inches outside of the building wall.
- (k) “Drop” means the cable that connects the ground block on the Subscriber’s residence to the nearest Feeder Cable of the System.
- (l) “FCC” means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (m) “Feeder Cable” means coaxial cables that run along Streets within the served area and connects between the individual Taps which serve the Drops.
- (n) “Franchise” means this Franchise and the regulatory and contractual relationship established hereby.
- (o) “Franchise Fee” means any tax, fee or assessment of any kind imposed by the City or any other Governmental Authority on a Grantee or cable Subscriber, or both, solely because of their status as such. The term “Franchise Fee” does not include: (i) any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services but not including a tax, fee, or assessment which is unduly discriminatory against cable operators or cable Subscribers); (ii) capital costs which are required by the Franchise to be incurred by the Grantee for PEG Access Facilities; (iii) requirements or charges incidental to the awarding or enforcing of the Franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or (iv) any fee imposed under Title 17 of the United States Code.
- (p) “GAAP” means generally accepted accounting principles as promulgated and defined by the Financial Accounting Standards Board (“FASB”), Emerging Issues Task Force (“EITF”) and/or the U.S. Securities and Exchange Commission (“SEC”).

(q) “Governmental Authority” means any court or other federal, State, county, municipal or other governmental department, commission, board, agency or instrumentality.

(r) “Grantee” is Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC, its lawful successors, transferees or assignees.

(s) “Gross Revenues” means any and all revenues derived by the Grantee from the operation of the Cable System to provide Cable Services in the Service Area. Gross Revenues shall include, by way of example but not limitation, revenues from Basic Cable Service, all Cable Service fees, premium, pay-per-view, pay television, late fees, guides, home shopping revenue, Installation and reconnection fees, revenues from program guides and electronic guides, additional outlet fees, Franchise Fees required by this Franchise upgrade and downgrade fees, advertising revenue, Converter rental fees and lockout device fees. Revenues which are not directly attributable to specific customers, such as advertising revenue and home shopping commissions, shall be allocated to systems and jurisdictions on a per subscriber basis measured in a consistent manner from period to period. “Gross Revenues shall not include any bad debt, refundable deposits, investment income, FCC fees, taxes, fees or assessments of general applicability imposed or assessed by any Governmental Authority including any PEG Fee. A Franchise Fee is not such a tax, fee or assessment. The City acknowledges and accepts that Grantee shall maintain its books and records in accordance with GAAP.

(t) “Installation” means the connection of the System from feeder cable to the point of connectivity.

(u) “Normal Business Hours” means those hours during which most similar businesses in the City are open to serve customers. In all cases, “Normal Business Hours” must include some evening hours at least one (1) night per week and/or some weekend hours.

(v) “Normal Operating Conditions” means those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the System.

(w) “PEG” means public, educational and governmental.

(x) “Person” means any individual or any association, firm, general partnership, limited partnership, joint stock company, joint venture, trust, corporation, limited liability company or other legally recognized entity, private or public, whether for-profit or not-for-profit.

(y) “Public, Educational or Government Access Facilities” or “PEG Access Facilities” means:

- (i) Channel capacity designated for public, educational or governmental use; and
- (ii) Facilities and equipment for the use of such Channel capacity.
- (z) “Section 621 Order” means the Third Report and Order in MB Docket No. 05-311 adopted by the FCC on August 1, 2019, as modified by any subsequent order.
- (aa) “Service Area” means the entire geographic area within the City as it is now constituted or may in the future be constituted, unless otherwise specified in this Franchise.
- (bb) “Service Interruption” means the loss of picture or sound on one (1) or more Cable Channels.
- (cc) “Standard Installation” means the first one hundred twenty-five (125) feet of a residential Drop.
- (dd) “State” means the State of Minnesota.
- (ee) “Street” means any street, alley, other land or waterway, dedicated or commonly used for utility purposes, including general or utility easements in which the City has the right and authority to authorize, regulate or permit the location of facilities other than those of the City. “Street” shall not include any real or personal City property that is not specifically described in the previous sentence and shall not include City buildings, fixtures and other structures or improvements, regardless of whether they are situated in the public right-of-way.
- (ff) “Subscriber” means any Person who lawfully elects to subscribe to Cable Service via the System. In the case of multiple office buildings or multiple dwelling units, the “Subscriber” means the lessee, tenant or occupant.
- (gg) “Tap” means a device installed in the Cable System which connects a Drop to the Feeder Cable.
- (hh) “Wireline MVPD” means a multichannel video programming distributor that utilizes the Streets to install cable or fiber and is engaged in the business of making available for purchase, by Subscribers, multiple Channels of video programming in the City.

1.3 Written Notice. The Grantee shall designate an agent upon whom process against it may be served on behalf of the City. All notices, reports or demands required or permitted to be given under this Franchise shall be in writing and shall be deemed to be given when delivered personally to the party designated below, or when five (5) days have elapsed after it has been deposited in the United States mail in a sealed envelope, with registered or certified mail, postage prepaid thereon, or on the next business day if sent by express mail or nationally recognized overnight air courier addressed to the party to which notice, report or demand is being given, as follows:

If to City: City Manager
600 Rice Street
Wayzata, MN 55391

If to Grantee: Comcast Regional Vice President
Comcast Twin Cities
10 River Park Plaza
St. Paul, MN 55331

Such addresses may be changed by either party upon notice to the other party given as provided in this section.

SECTION 2 GRANT OF AUTHORITY

2.1 Franchise Required. It shall be unlawful for any Person, unless specifically required by Applicable Laws, to construct, install, operate or maintain a Cable System or to offer Cable Service in the City, unless such Person or the Person for whom such action is being taken shall have first obtained and shall currently hold a valid franchise.

2.2 Grant of Franchise. This nonexclusive Franchise is granted pursuant to the terms and conditions contained herein. The City hereby authorizes Grantee to occupy or use the City's Streets to construct and operate a Cable System subject to: 1) the provisions of this non-exclusive Franchise to provide Cable Service within the City; and 2) all applicable provisions of the City Code. Nothing in this Franchise shall be construed to prohibit Grantee from: (1) providing services other than Cable Services to the extent not prohibited by Applicable Law; or (2) challenging any exercise of the City's legislative or regulatory authority in an appropriate forum. The City hereby reserves all of its rights to regulate such other services to the extent not prohibited by Applicable Law and no provision herein shall be construed to limit or give up any right to regulate.

2.3 Grant of Nonexclusive Authority.

(a) The Franchise granted herein shall be nonexclusive. The City specifically reserves the right to grant, at any time, such additional franchises for a Cable System as it deems appropriate provided, however, such additional grants shall not operate to materially modify, revoke, or terminate any rights previously granted to Grantee other than as described herein. If any other Wireline MVPD enters into any agreement with the City to provide multi channel video programming or its equivalent to residents in the City, the City, upon written request of the Grantee, shall permit the Grantee to construct and/or operate its Cable System and provide multi channel video programming or its equivalent to Subscribers in the City under a substantially similar agreement as determined in City's reasonable discretion, as applicable to the new MVPD. Within one hundred eighty (180) days after the Grantee submits a written request to the City, the Grantee and the City shall enter into an agreement or other appropriate authorization (if necessary) containing the substantially similar terms and conditions, as determined in City's reasonable discretion, as are applicable to the new Wireline MVPD.

(b) The Cable System constructed and maintained by Grantee or its agents shall not interfere with other uses of Streets. Grantee shall make use of existing poles and other facilities available to Grantee to the extent commercially reasonable. Nothing in this section authorizes the Grantee to construct poles in the City without prior City consent consistent with the City Code.

(c) Notwithstanding the above grant to use Streets, no Street shall be used by Grantee if City, in its sole opinion, determines that such use is inconsistent with the terms, conditions, or provisions by which such Street was created or dedicated, or with the present use of the Street.

(d) Grantee shall have the authority to use Streets for the distribution of Grantee's System. The City may require all developers of future subdivisions to allow and accommodate the construction of the System as part of any provisions for utilities to serve such subdivisions.

(e) The Grantee specifically agrees to comply with the generally applicable and lawful provisions of the City's Right-of-Way Code and applicable regulations of the City. Subject to the police power exception below, in the event of a conflict between A) the lawful provisions of the City's Right-of-Way Code or applicable regulations of the City and B) this Franchise, the express provisions of the City's Right-of-Way Code shall govern. Subject to express federal and state preemption, the material terms and conditions contained in this Franchise may not be unilaterally altered by the City through subsequent amendments to the City Code, ordinances or any regulation of City, except in the lawful exercise of City's police power. Grantee acknowledges that the City may modify its regulatory policies by lawful exercise of the City's police powers throughout the term of this Franchise. Grantee agrees to comply with such lawful modifications to the City Code; however, Grantee reserves any rights it may have to challenge such modifications to the City Code whether arising in contract or at law. The City reserves all of its rights and defenses to such challenges whether arising in contract or at law.

(f) Nothing in this Franchise shall (A) abrogate the right of the City to perform any public works or public improvements of any description, (B) be construed as a waiver of any codes or ordinances promulgated by the City, or (C) be construed as a waiver or release of the rights of the City in and to the Streets.

(g) This Franchise complies with the Minnesota franchise standards set forth in Minnesota Statutes Section 238.084. The City and the Grantee shall conform to Minnesota laws promulgated subsequent to the date of this Franchise. The City and the Grantee shall conform to federal laws and regulations as they become effective.

2.4 Term. The term of this Franchise shall be for the period of ten (10) years from the date of acceptance by Grantee, unless renewed, revoked or, terminated sooner as herein provided ("Initial Term"). Upon mutual agreement by City and Grantee, the Initial Term may be extended for an additional five (5) years.

2.5 [RESERVED].

2.6 Rules of Grantee. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said Grantee to exercise its rights and perform its obligation under this Franchise and to assure uninterrupted service to each and all of its Subscribers; provided that such rules, regulations, terms and conditions shall not be in conflict with provisions hereto, the City Code or Applicable Law.

2.7 Territorial Area Involved.

(a) This Franchise is granted for the Service Area.

(b) Grantee shall design, construct and maintain the Cable System to pass every dwelling unit and commercial building in the Service Area. Grantee shall deploy Cable Services throughout the Service Area no later than December 31, 2023.

(c) Upon completion of the Cable System buildout set forth in Section 2.7(b) above, Grantee shall thereafter extend plant to all areas of the City where the density reaches or exceeds seven (7) homes per on-quarter (1/4) linear strand mile of cable as measured from the nearest Tap required to deliver a signal that complies with the FCC Technical Standards, if applicable.

(d) After Service has been established by activating trunk and/or distribution cables for the Service Area, Grantee shall provide Cable Service to any requesting Subscriber within that Service Area within thirty (30) days from the date of request, provided that the Grantee is able to secure access to all rights-of-way necessary to extend Service to such Subscriber within such thirty (30) day period on reasonable terms and conditions and Grantee can provide Cable Service using a Standard Installation.

(e) If a Subscriber requires a non-Standard Installation (*e.g.* a Drop in excess of 250 feet), Grantee shall, upon request, provide a quote for construction of the non-Standard Installation and shall establish a mutually acceptable payment schedule not to exceed one (1) calendar year. For residential Installations only, Grantee shall be responsible for all costs of the Standard Installation and the Subscriber shall be responsible for one half (1/2) of the Actual Cost of any construction required beyond the cost of the Standard Installation; Grantee shall be responsible for the balance of the costs for the non-Standard Installation.

(f) Grantee shall promptly bury all Drops to Subscribers' dwellings when required by local construction standards. In the event the ground is frozen or otherwise unsuitable to permit immediate burial, Grantee shall be permitted to delay such burial until the ground becomes suitable for burial and shall complete said burial no later than June 1st of each year.

2.8 Governing Requirements and Non-waiver of Rights. City and Grantee shall comply with all lawful requirements of this Franchise and Applicable Law. Grantee acknowledges that it has had an opportunity to review the terms and conditions of this Franchise and has the right to enter into, execute and perform its obligations under this Franchise and that Grantee believes that said terms and conditions are not unreasonable and are valid and binding

obligations. Subject to the foregoing, nothing in this Franchise shall be construed as a waiver of any rights of the City or Grantee.

SECTION 3 CONSTRUCTION STANDARDS

3.1 System Construction. The Cable System will utilize a fiber node architecture, with fiber optic cable deployed from Grantee's headend to Grantee's fiber nodes, tying into Grantee's coaxial Cable System serving Subscribers, that will provide Cable Services throughout the Service Area no later than December 31, 2023. Grantee shall not construct any Cable System facilities until Grantee has secured the necessary permits from City or other Governmental Authority. Grantee shall comply with Chapter 315 of the City Code. The City and Grantee agree that the permit application requirements set forth at: [Permits & Licensing | Wayzata, MN - Official Website](#) set forth all of the information the Grantee will be required to submit to the City to obtain a construction permit from the City. Within thirty (30) business days of the submittal of a complete application, as determined by the City, for a construction permit, the City will issue Grantee a blanket construction permit to install aerial and underground facilities within City Streets. Each blanket construction permit will cover a large geographic area of the City consisting of up to three hundred (300) homes and/or businesses. Submission of blanket construction permits shall be staggered in intervals of no greater than thirty (30) days, to allow the City adequate time for review, approval, and oversight.

3.2 Grantee's Facilities and Equipment.

(a) In those areas of the City where transmission or distribution facilities of all the public utilities providing telephone and electric power service are underground, the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities therein underground.

(b) When installing its facilities underground, Grantee will install its fiber utilizing boring technology and procedures. In areas with high construction costs and/or where the deployment of conduit is not cost effective or feasible, on a case-by-case basis, subject to City approval, Grantee may be permitted to install its fiber utilizing open trench or micro-trenching technology and procedures.

(c) Grantee shall be granted access to any easements granted to a public utility, municipal utility or utility district in any areas annexed by City or new developments.

(d) In those areas of the City where Grantee's cables are located on the above-ground transmission or distribution facilities of the public utility providing telephone or electric power service, and in the event that the facilities of both such public utilities subsequently are placed underground, then the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities underground in accordance with the City Code.

(e) Certain of Grantee's equipment, such as pedestals, amplifiers and power supplies, which normally are placed above ground, may continue to remain in above-

ground closures; however, the City specifically reserves all of its rights to approve above-ground or underground locations for pedestals subject to Applicable Laws. Grantee shall be responsible for any costs associated with these obligations to the same extent other users of the Streets in accordance with Applicable Laws.

3.3 System Upgrades/Extensions. Subject to Section 3.1 herein, Grantee shall obtain all necessary permits from City before commencing any construction upgrade or extension of the System, including the opening or disturbance of any Street, or private or public property within City. Grantee shall strictly adhere to Applicable Law regarding the construction, operation or maintenance of the System in City and shall give due consideration at all times to the aesthetics of the property.

3.4 Construction Communications Plan. During construction of the System in the Service Area, Grantee will implement a construction communications plan and will use commercially reasonable efforts to meet the following timelines and standards, as they relate to each approved construction application permit area:

(a) At least four (4) days, but no more than ten (10) days, prior to the commencement of construction, Grantee will place doorhangers on each residential dwelling or commercial property in that area advising occupants of upcoming construction activities and providing a phone number to contact with questions or concerns.

(b) At least fourteen (14) days, but no more than thirty (30) days, prior to the commencement of construction in any area of the community, Grantee will have an internet landing page (website) where the City can direct community members.

(c) Each communication provided to an address, including the doorhangers, will include the URL to Grantee's construction website: <https://twincities.comcast.com/wayzataexpansion/>. On this website residents can find updated information regarding the construction plans in their area including;

(i) Frequently Asked Questions about what to expect during the construction process;

(ii) Information on how residents will be notified that service is available in their neighborhood and how to order services; and

(iii) Construction completion updates.

(d) Consistent with Applicable Law, the City shall have the right to inspect all construction or installation work performed pursuant to the provisions of this Franchise and to make such tests as it shall find necessary to ensure compliance with the terms of this Franchise and Applicable Law.

3.5 Repair of Streets and Property.

(a) Consistent with Applicable Law, any and all Streets or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly and fully restored to its previous condition by Grantee. Any disputes Grantee may have with property owners shall not serve to unreasonably delay the City's processing of permits for construction of the System.

(b) Consistent with Chapter 315 of the City Code, Grantee will use commercially reasonable efforts to restore property as outlined within the permit, subject to factors beyond Grantee's reasonable control. Consideration will be given to the amount of restoration needed with each boring and Grantee will endeavor to conduct borings in a manner which requires the least amount of restoration (e.g. when appropriate using streets and sidewalks for equipment rather than lawns, etc.). After boring under the street / curb and sidewalks, Grantee will inspect for any heaving that may have occurred from the boring process. City reserves its right to inspect Grantee's restoration work in accordance with Chapter 315 of the City Code.

3.6 Conditions on Street Use.

(a) Nothing in this Franchise shall be construed to prevent City from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any Street; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating, or repairing any sidewalk or other public work.

(b) The Grantee shall furnish to and file with City Manager strand maps of the System, including the location of any underground plant and Grantee shall file with City updates of such map annually if changes have been made in the System. City shall have the right to travel to Grantee's office, which shall be located no further than the Lake Minnetonka region or the City of Chanhassen, to review as-built maps to be made available by the Grantee in accordance with Section 7.5 of this Franchise.

(c) The Grantee shall, on request of any Person holding a moving permit issued by City, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and the Grantee shall be given not less than ten (10) days advance notice to arrange for such temporary changes.

3.7 Tree Trimming. Grantee shall have the authority, pursuant to the City Code, to trim trees upon and hanging over Streets and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee.

3.8 Protection of facilities. Nothing contained in this section shall relieve any Person from liability arising out of the failure to exercise reasonable care to avoid damaging Grantee's facilities while performing any work connected with grading, regrading or changing the line of any Rights-of-Way or public place or the construction or reconstruction of any sewer or water system.

3.9 Use of Grantee's Facilities. The City shall, at its own expense, have the right to install and maintain upon the poles and within the underground pipes and conduits owned by Grantee, any wires and fixtures desired by the City only to the extent and under such terms and conditions as are mutually agreed upon by City and Grantee.

3.10 Construction Hours. Grantee and its contractors may perform construction activities including, but not limited to, boring, aerial construction, pulling cable, splicing and clean-up work ("Construction Activities") from 7 AM until 6 PM, except in the case of urgent necessity in the interest of public health and safety, in which case the City Manager may grant a permit for such work for a period of not to exceed three (3) days. No Construction Activities on Sundays or Holidays.

SECTION 4 DESIGN PROVISION

4.1 Minimum Channel Capacity.

(a) Grantee shall maintain and continue to provide for the term of this Franchise a Cable System that utilizes a fiber to the fiber node architecture, with fiber optic cable deployed from Grantee's headend to Grantee's fiber nodes, tying into Grantee's coaxial Cable System serving Subscribers which shall be capable of delivering a minimum of eighty (80) video program Channels.

(b) All programming decisions remain the sole discretion of Grantee subject to City's rights pursuant to 47 U.S.C. § 545.

(c) Grantee shall comply with federal law regarding notice to City and Subscribers prior to any Channel additions, deletions, or realignments.

4.2 Technical Standards. The System shall at all times meet the technical standards established by the FCC as they may be amended from time to time and shall be operated so as to minimize disruption of signal to Subscribers. The System specifications are outlined in Exhibit A for information purposes.

4.3 Special Testing. City may require special testing of a location or locations within the System if there is a particular matter of controversy or unresolved complaints pertaining to such location(s). Demand for such special tests may be made on the basis of complaints received or other evidence indicating an unresolved controversy or noncompliance. Such tests shall be limited to the particular matter in controversy or unresolved complaints. The City shall endeavor to so arrange its request for such special testing so as to minimize hardship or inconvenience to Grantee or to the Subscribers caused by such testing. Before ordering such tests, Grantee shall be afforded thirty (30) days to correct problems or complaints upon which tests were ordered. The City shall meet with Grantee prior to requiring special tests to discuss the need for such and, if possible, visually inspect those locations which are the focus of concern. If, after such meetings and inspections, City wishes to commence special tests and the thirty (30) days have elapsed without correction of the matter in controversy or unresolved complaints, the tests shall be conducted by a qualified engineer selected by City. In the event that special testing is required by City to determine the source of technical difficulties, the cost of said testing shall be

borne by the Grantee if the testing reveals the source of the technical difficulty to be within Grantee's reasonable control. If the testing reveals the difficulties to be caused by factors which are beyond Grantee's reasonable control then the cost of said test shall be borne by City.

4.4 FCC Reports. The results of tests required to be filed by Grantee with the FCC shall also be copied to City within ten (10) days of the conduct of the date of the test.

4.5 Emergency Alert Capability. At all times during the term of this Franchise, Grantee shall provide and maintain an Emergency Alert System (EAS) consistent with applicable federal law and regulations including 47 C.F.R., Part 11, and any Minnesota State Emergency Alert System requirements. The City may identify authorized emergency officials for activating the EAS consistent with the Minnesota State Emergency Statewide Plan ("EAS Plan"). The City may also develop a local plan containing methods of EAS message distribution, subject to Applicable Laws and the EAS Plan. Nothing in this section is intended to expand Grantee's obligations beyond that which is required by the EAS Plan and Applicable Law.

4.6 Parental Control Lock. Grantee shall provide the capability to inhibit the video and audio portions of any Channels offered by Grantee.

4.7 Right of Inspection. City shall have the right to inspect all construction, reconstruction or installation work performed by Grantee pursuant to all applicable provisions of the City Code.

SECTION 5 SERVICE PROVISIONS

5.1 Rate Regulation. The City reserves the right to regulate rates for Basic Cable Service and any other services offered over the Cable System, to the extent not prohibited by Applicable Laws. The Grantee shall be subject to the rate regulation provisions provided for herein, and those of the FCC at 47 C.F.R., Part 76, Subpart N, as the same may be amended from time to time. The City shall follow the rules relating to cable rate regulation promulgated by the FCC at 47 C.F.R., Part 76, Subpart N, as the same may be amended from time to time.

5.2 Leased Channel Service. Grantee shall offer leased channel service on reasonable terms and conditions and in accordance with Applicable Laws.

5.3 Consumer Protection and Service Standards. Grantee shall maintain a convenient local customer service or bill payment location for receiving Subscriber payments; provided, however, this section does not require Grantee to maintain an office in the City. Grantee shall also maintain or arrange for a location where equipment can be dropped off or exchanged as is necessary or, in the alternative, establish a system for having Subscriber equipment picked up at the Subscriber residence free-of-charge. Grantee shall also comply with the following consumer protection standards for Cable Service under Normal Operating Conditions:

- (a) Cable System office hours and telephone availability.

(i) Grantee will maintain a local, toll-free or collect call telephone access line which will be available to its Subscribers twenty-four (24) hours a day, seven (7) days a week.

1. Trained Grantee representatives will be available to respond to customer telephone inquiries during Normal Business Hours.

2. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after Normal Business Hours must be responded to by a trained Grantee representative on the next business day.

(ii) Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety percent (90%) of the time under Normal Operating Conditions, measured on a quarterly basis.

(iii) Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

(iv) Under Normal Operating Conditions, the customer will receive a busy signal less than three percent (3%) of the time.

(v) Customer service center and bill payment locations will be open at least during Normal Business Hours and will be conveniently located.

(b) Installations, Outages and Service Calls. Under Normal Operating Conditions, each of the following standards will be met no less than ninety-five percent (95%) of the time measured on a quarterly basis:

(i) Standard Installations will be performed within seven (7) business days after an order has been placed. "Standard" Installations are those that are located up to one hundred twenty-five (125) feet from the existing distribution system.

(ii) Excluding conditions beyond the control of Grantee, Grantee will begin working on "Service Interruptions" promptly and in no event later than twenty-four (24) hours after the interruption becomes known. Grantee must begin actions to correct other Service problems the next business day after notification of the Service problem.

(iii) The "appointment window" alternatives for Installations, Service calls, and other Installation activities will be either a specific time or, at maximum, a four (4) hour time block during Normal Business Hours. (Grantee

may schedule Service calls and other Installation activities outside of Normal Business Hours for the express convenience of the customer.)

(iv) Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v) If Grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(c) Communications between Grantee and Subscribers. Grantee shall comply with the provisions of 47 CFR §76.1601-1604 regarding communications with Subscribers in the City:

(i) Refunds. Refund checks will be issued promptly, but no later than either:

1. The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

2. The return of the equipment supplied by Grantee if Cable Service is terminated.

(ii) Credits. Credits for Cable Service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(d) Billing:

(i) Consistent with 47 C.F.R. § 76.1619, bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, Basic Cable Service and premium Cable Service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(ii) In case of a billing dispute, Grantee must respond to a written complaint from a Subscriber within thirty (30) days.

(e) Subscriber Information. Grantee will provide written information on each of the following areas at the time of Installation of Service, at least annually to all Subscribers, and at any time upon request:

(i) Products and Services offered;

(ii) Prices and options for programming services and conditions of subscription to programming and other services;

- (iii) Installation and Service maintenance policies;
- (iv) Instructions on how to use the Cable Service;
- (v) Channel positions of programming carried on the System; and
- (vi) Billing and complaint procedures, including the address and telephone number of the City's cable office.

Subscribers shall be advised of the procedures for resolution of complaints about the quality of the television signal delivered by Grantee, including the address of the responsible officer of the City. Subscribers will be notified of any changes in rates, programming services or Channel positions as soon as possible in writing. Notice must be given to Subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of Grantee. In addition, Grantee shall notify Subscribers thirty (30) days in advance of any significant changes in the information required by this Section 5.3(e).

(f) Notice or Rate Programming Change. In addition to the requirement of this subparagraph (f) regarding advance notification to Subscribers of any changes in rates, programming services or Channel positions, Grantee shall give thirty (30) days written notice to both Subscribers and the City before implementing any rate or Service change consistent with applicable federal law. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, change in external costs or the addition/deletion of Channels). When the change involves the addition or deletion of Channels, each Channel added or deleted must be separately identified. No notice needs to be provided to the City for additional channels that do not involve a rate change. For purposes of the carriage of digital broadcast signals, Grantee need only identify for Subscribers, the television signal added and not whether that signal may be multiplexed during certain dayparts.

(g) Subscriber Contracts. Grantee shall, upon written request, provide the City with any standard form residential Subscriber contract utilized by Grantee. If no such written contract exists, Grantee shall file with the City a document completely and concisely stating the length and terms of the Subscriber contract offered to customers. The length and terms of any standard form Subscriber contract(s) shall be available for public inspection during Normal Business Hours. A list of Grantee's current Subscriber rates and charges for Cable Service shall be maintained on file with City and shall be available for public inspection.

(h) Refund Policy. If a Subscriber's Cable Service is interrupted or discontinued, without cause, for twenty-four (24) or more consecutive hours, Grantee shall, upon request by the Subscriber, credit such Subscriber pro rata for such interruption. For this purpose, every month will be assumed to have thirty (30) days.

(i) Late Fees. Grantee shall comply with all applicable state and federal laws with respect to any assessment, charge, cost, fee or sum, however characterized, that

Grantee imposes upon a Subscriber for late payment of a bill. The City reserves the right to enforce Grantee's compliance with all Applicable Laws to the maximum extent legally permissible.

(j) Disputes. All Subscribers and members of the general public may direct complaints, regarding Grantee's Service or performance to the chief administrative officer of the City or the chief administrative officer's designee, which may be a board or Commission of the City.

(k) Failure to Resolve Complaints. Grantee shall resolve a complaint within thirty (30) days. In addition, Grantee shall respond to written complaints from the City in a timely manner, and provide a copy of each response to the City within fifteen (15) days.

(l) Notification of Complaint Procedure. Grantee shall have printed clearly and prominently on each Subscriber bill and in the customer service agreement provided for in Section 5.3(e), the twenty-four (24) hour Grantee phone number for Subscriber complaints. Additionally, Grantee shall provide information to customers concerning the procedures to follow when they are unsatisfied with measures taken by Grantee to remedy their complaint. This information will include the phone number of the City office or Person designated to handle complaints. Additionally, Grantee shall state that complaints should be made to Grantee prior to contacting the City.

(m) Grantee Identification. Grantee shall provide all customer service technicians and all other Grantee employees entering private property with appropriate picture identification so that Grantee employees may be easily identified by the property owners and Subscribers.

SECTION 6 PUBLIC ACCESS PROVISIONS

6.1 **Public, Educational and Government Access.** City or its designee is hereby designated to operate, administer, promote, and manage public, educational, and governmental programming (hereinafter "PEG Access") to the Cable System established pursuant to this Section 6. Grantee shall have no responsibility whatsoever for PEG Access except as expressly stated in this Section 6 and Exhibit B attached hereto and hereby incorporated by reference as if fully set forth herein.

6.2 **Grantee Support for PEG Usage.** In accordance with the provisions of the Cable Act and Minnesota Statutes Section 238.084, Grantee shall provide and make available for PEG Access usage within the Service Area the following:

(a) **Provision and use of the grant funds and Channels designated in Exhibit B** of this Franchise for local educational and governmental programming and access use at no charge in accordance with the requirements of Exhibit B.

(b) **Maintenance of the PEG Access Facilities and Channels, and support of educational and governmental programming to the extent specified in Exhibit B** of this Franchise.

(c) Provision of free public building Installation and Cable Service and the provision of two-way capability as more clearly specified in Exhibit B.

(d) PEG Access Facilities shall be operated by the City.

SECTION 7

OPERATION AND ADMINISTRATION PROVISIONS

7.1 Franchise Fee.

(a) During the term of the Franchise, Grantee shall pay quarterly to the City a Franchise Fee of five percent (5%) of Gross Revenues. In the event Grantee bundles or combines Cable Services (which are subject to the Franchise Fee) with non-Cable Services (which are not subject to the Franchise Fee) so that Subscribers pay a single fee for more than one (1) class of service resulting in a discount on Cable Services, Grantee agrees that for the purpose of calculation of the Franchise Fee, it shall allocate to Cable Service revenue no less than a pro rata share of the revenue received for the bundled or combined services. The pro rata share shall be computed on the basis of the published charge for each service in the bundled or combined classes of services when purchased separately.

(b) Each Franchise Fee payment shall be paid quarterly not later than thirty (30) days following the end of a given quarter and each payment shall be accompanied by a Franchise Fee Payment Worksheet substantially in the form attached hereto as Exhibit D.

(c) Except as otherwise provided by law, no acceptance of any payment by the City shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable as a Franchise Fee under this Franchise or for the performance of any other obligation of the Grantee.

(d) Any Franchise Fees owing pursuant to this Franchise which remain unpaid more than thirty (30) days after the end of a given quarter shall be delinquent and shall immediately thereafter accrue interest at twelve percent (12%) per annum or two percent (2%) above prime lending rate as quoted by the Wall Street Journal, whichever is greater. Enforcement of unpaid Franchise Fees shall be handled in accordance with Section 9.6; however, Grantee shall in all cases be subject to interest on any payment more than thirty (30) days after the end of a given quarter.

(e) Upon ten (10) days prior written notice, City shall have the right to conduct an independent audit of Grantee's records. If such audit indicates a Franchise Fee underpayment of five percent (5%) or more, the Grantee shall assume all of City's out-of-pocket costs associated with the conduct of such an audit and shall remit to City all applicable Franchise Fees due and payable together with interest at twelve percent (12%) per annum or two percent (2%) above prime lending rate as quoted by the Wall Street Journal, whichever is greater.

7.2 Not Franchise Fees.

(a) Grantee acknowledges and agrees that the Franchise Fees payable by Grantee to the City pursuant to Section 7.1 hereof shall take precedence over all other payments, contributions, Services, equipment, facilities, support, resources or other activities to be provided or performed by the Grantee pursuant to this Franchise and that the Franchise Fees provided for in Section 7.1 of this Franchise shall not be deemed to be in the nature of a tax, and shall be in addition to any and all taxes of general applicability and other fees and charges which the Grantee shall be required to pay to the City and/or to any other Governmental Authority, all of which shall be separate and distinct obligations of Grantee.

(b) Grantee shall not apply or seek to apply or make any claim that all or any part of the Franchise Fees or other payments or contributions to be made by Grantee to City pursuant to this Franchise and shall be deducted from or credited or offset against any taxes, fees or assessments of general applicability levied or imposed by the City or any other Governmental Authority, including any such tax, fee or assessment imposed on both utilities and cable operators or their services.

(c) Grantee shall not apply or seek to apply all or any part of any taxes, fees or assessments of general applicability levied or imposed by the City or any other Governmental Authority (including any such tax, fee or assessment imposed on both utilities and cable operators or their services) as a deduction or other credit from or against any of the Franchise Fees each of which shall be deemed to be separate and distinct obligations of the Grantee

7.3 Periodic Evaluation, Review and Modification. City and Grantee acknowledge and agree that the field of cable television is rapidly changing and one which may see many regulatory, technical, financial, marketing and legal changes during the term of this Franchise. Therefore, in order to provide for the maximum degree of flexibility in this Franchise, and to help achieve a continued, advanced and modern Cable System, the following evaluation provisions will apply:

(a) Grantee shall be subject to the procedures and the subjects described in this Section 7.3.

(b) The City may require, in its sole discretion, that the Grantee participate in evaluation sessions with the City at any time and from time to time during the term of this Franchise; provided, however, there shall not be more than one (1) evaluation session during any three (3) year period.

(c) Topics which may be discussed at any evaluation session include, but are not limited to, rates, Channel capacity, the System performance, programming, PEG Access, municipal uses of the System, Subscriber complaints, judicial rulings, FCC rulings and any other topics the City or Grantee may deem relevant.

(d) During an evaluation session, Grantee shall fully cooperate with the City and shall provide without cost and in a timely manner such information and documents as the City may request to perform the evaluation.

(e) As a result of an evaluation session, the City or Grantee may determine that an amendment in the terms of this Franchise may be mutually agreed upon.

7.4 Reports.

(a) All reports and records required under this Franchise shall be furnished at the sole expense of Grantee, except as otherwise provided in this Franchise.

(b) Grantee shall provide City with an annual statement, within ninety (90) days of the close of each calendar year end, certified by an officer of the Grantee, reflecting the total amounts of Gross Revenues and all payments, and computations of the Franchise Fee for the previous calendar year.

(c) Grantee shall, upon written request of the City Manager, provide City with a quarterly customer service compliance report which shall, at a minimum, demonstrate Grantee's compliance with the terms and provisions of Section 5.3 of this Franchise.

(d) Upon request of the City and in no event later than thirty (30) days from the date of receipt of such request, Grantee shall make available to City such reports, maps and information or data with respect to Grantee's compliance with this Franchise. Neither City nor Grantee shall unreasonably demand or withhold information requested pursuant to this section.

7.5 Records Required and City's Right to Inspect

(a) Grantee shall at all times maintain the following records and information relating specifically to the Cable System serving the City as identified by the FCC Community Unit Identifier ("CUID") as opposed to a regional cable system or other operating unit of Grantee and shall provide such information to City upon no less than thirty (30) days advance written request:

(i) A full and complete set of plans, records and "as-built" drawings and/or maps which shall be updated annually showing the location of the Cable System installed or in use in the City, exclusive of Subscriber service Drops and equipment provided in Subscribers' homes.

(ii) a summary of service calls, identifying the number, general nature and disposition of such calls, in a form reasonably acceptable to the City; and

(iii) a summary of Grantee's compliance with the terms and provision of the customer service requirements set forth in Section 5.3 of this Franchise.

(b) Upon request of the City and in no event later than thirty (30) days from the date of receipt of such request, Grantee shall, free of charge, prepare and furnish to the City such additional reports with respect to its operation, affairs, transactions, or property, as may be reasonably necessary to ensure compliance with the terms of this Franchise. Neither City nor Grantee shall unreasonably demand or withhold information requested pursuant with the terms of this Franchise.

(c) The City agrees to request access to only those books and records, in exercising its rights under this section, which it deems reasonably necessary for the enforcement and administration of this Franchise.

7.6 Recovery of Processing Costs. To aid in the analysis and resolution of any future disputed matters relative to this Franchise, the City and Grantee may, by mutual written agreement (both as to whether to hire and whom to hire), employ the services of technical, financial and/or legal consultants, as mediators. All reasonable fees of the consultants incurred by the City and/or the Grantee in this regard shall, unless the parties otherwise agree, be borne equally by City and Grantee.

7.7 Confidentiality. Subject to Applicable Law, Grantee may choose to provide any confidential or proprietary records that it is obligated to make available to the City pursuant to this Franchise, by allowing the City, or its designated representative(s), to view the records at a conference room in City Hall or at Grantee's office located in the City or a location no further than the Lake Minnetonka region, without City obtaining its own copies of such records. Grantee may also choose to provide any confidential or proprietary records pursuant to a mutually acceptable non-disclosure agreement with a City designated agent. The intent of the parties is to work cooperatively to insure that those records reasonably necessary for City's monitoring and enforcement of Franchise obligations are provided to City. City agrees to keep said records confidential and proprietary to the fullest extent permitted by Applicable Law. Grantee shall be responsible for clearly and conspicuously identifying the records confidential or proprietary. Grantee acknowledges that the Minnesota Data Practices Act ("MDPA") places limitations on the ability of the City to protect certain information unless such information meets the statutory requirements set forth in the MDPA. If the City believes it must release any such confidential or proprietary records in the course of enforcing this Franchise, or for any other reason including compliance with the MDPA, it shall advise Grantee in advance so that Grantee may take appropriate steps to protect its interests. The City agrees that, to the extent permitted by the MDPA and Applicable Law, it shall deny access to any of Grantee's Records marked confidential, as set forth above, to any Person and that it shall furnish only that portion of the Grantee's records required under the MDPA and Applicable Law.

7.8 Administration of Franchise. The City Manager or its designee shall have continuing regulatory jurisdiction and supervision over the Cable System and the Grantee's operation under the Franchise. The City Manager shall have authority to issue notice of franchise violations to Grantee under this Franchise; provided, however, the Council shall have sole authority to conduct any required hearings regarding such alleged violations and issue any decisions regarding enforcement the Franchise.

SECTION 8

GENERAL FINANCIAL AND INSURANCE PROVISIONS

8.1 Security Fund.

(a) Upon acceptance of this Franchise, Grantee shall establish and provide to City a security fund, as security for the full and timely payment and performance by Grantee of all of its obligations under this Franchise in the amount of Ten Thousand and

No/100 Dollars (\$10,000) in the form of an irrevocable letter of credit, established in a local bank and maintained throughout the term of this Franchise. City may, in its sole discretion, reduce the amount of the letter of credit. If, at any time during the term of this Franchise, Grantee seeks consent to a transfer or assignment of its rights hereunder, City may unilaterally increase the security fund up to Twenty Thousand Dollars (\$20,000) if it so chooses.

(b) The security fund may be drawn upon by City for those purposes specified in Section 8.1(d) hereof. Grantee's recourse, in the event Grantee believes that City's actions in taking any security funds is improper, shall be through legal action after the security has been drawn upon. Actions brought by Grantee hereunder may be subject to 47 U.S.C. §555A – Limitations of Franchising Authority Liability – which is hereby incorporated by reference as if fully set forth herein.

(c) Nothing herein shall be deemed a waiver of the normal permit requirements made of all contractors working within the City's rights-of-way.

(d) In addition to recovery of any monies owed by Grantee to City or damages to City as a result of any acts or omissions by Grantee pursuant to the Franchise, City in compliance with this section may charge to and collect from the letter of credit the following penalties:

(i) For failure to provide data, documents, reports or information or to cooperate with City during an application process or system review or as otherwise provided herein, the liquidated damage shall be One Hundred Fifty and No/100 Dollars (\$150) per day for each day, or part thereof, such failure occurs or continues.

(ii) For failure to meet the Cable System construction obligations of Section 3.1 herein, the liquidated damage shall be Two Hundred Fifty and No/100 Dollars (\$250) per day for each day, or part thereof, such failure occurs or continues

(iii) For failure to comply with construction, operation or maintenance standards the liquidated damage shall be One Hundred Twenty-five and No/100 Dollars (\$125) per day for each day, or part thereof, such failure occurs or continues.

(iv) For failure to provide the services Grantee has proposed including, but not limited to, the implementation and the utilization of the access channels and the maintenance and/or replacement of the equipment and other facilities, the liquidated damage shall be One Hundred Fifty and No/100 Dollars (\$150) per day for each day, or part thereof, such failure occurs or continues.

(v) For failure to comply with any of the provisions of this Franchise, or other City ordinance related to Franchise operations for which a liquidated damage is not otherwise specifically provided pursuant to this subparagraph (d),

the liquidated damage shall be One Hundred Fifty and No/100 Dollars (\$150) per day for each day, or part thereof, such failure occurs or continues.

(e) Each violation of any provision of this Franchise shall be considered a separate violation for which a separate liquidated damage can be imposed.

(f) Whenever City finds that Grantee has violated one (1) or more terms, conditions or provisions of this Franchise, or for any other violation contemplated in subparagraph (d), above, a written notice shall be given to Grantee informing it of such violation. At any time after thirty (30) days (or such longer reasonable time which, in the sole determination of City, is necessary to cure the alleged violation) following local receipt of notice, provided Grantee remains in violation of one (1) or more terms, conditions or provisions of this Franchise, in the opinion of City, City may draw from the letter of credit all liquidated damages and other monies due City from the date of the local receipt of notice. Nothing herein is intended to modify the standard of review applicable to the City's determination.

(g) Upon receipt of the violation notice from the City, the Grantee may within thirty (30) days of such receipt, notify City in writing that there is a dispute as to whether a violation or failure has in fact occurred. Such written notice by Grantee to City shall specify with particularity the matters disputed by Grantee. Such notice by Grantee shall toll the accrual of all liquidated damages from the security fund and the timeframe allowed for cure until the City issues a decision following the required hearing in Section 8.1(g) (i) herein. If Grantee does not dispute the alleged violation set forth in the violation notice, Grantee shall have thirty (30) days from the receipt of the violation notice to cure the alleged default before the City may impose damages as set forth Section 8.1(d) herein.

(i) City shall hear Grantee's dispute within sixty (60) days and render a final decision within sixty (60) days thereafter.

(ii) Upon the determination of City that no violation has taken place, City shall refund to Grantee, without interest, all monies drawn from the letter of credit by reason of the alleged violation.

(h) If said letter of credit or any subsequent letter of credit delivered pursuant thereto expires during the term of this Franchise, it shall be renewed or replaced during the term of this Franchise. The renewed or replaced letter of credit shall be of the same form and with a bank authorized herein and for the full amount stated in subparagraph (a) of this section.

(i) If City draws upon the letter of credit or any subsequent letter of credit delivered pursuant hereto, in whole or in part, Grantee shall replace or replenish to its full amount the same within ten (10) days and shall deliver to City a like replacement letter of credit or certification of replenishment for the full amount stated in Section 8.1(a) as a substitution of the previous letter of credit. This shall be a continuing obligation for any draws upon the letter of credit.

(j) The failure to replace or replenish any letter of credit may also, at the option of the City, be deemed a default by Grantee under this Franchise. The drawing on the letter of credit by City, and use of the money so obtained for payment or performance of the obligations, duties and responsibilities of Grantee which are in default, shall not be a waiver or release of such default.

(k) The collection by City of any liquidated damages or monies from the letter of credit shall not affect any other right or remedy available to City, nor shall any act, or failure to act, by City pursuant to the letter of credit, be deemed a waiver of any right of City pursuant to this Franchise or otherwise.

8.2 Liability Insurance.

(a) Grantee shall with its acceptance of this Franchise, and at its sole expense, take out and maintain during the term of this Franchise public liability insurance with a company licensed to do business in the State of Minnesota with a rating by A.M. Best & Co. of not less than "A-" that shall protect the Grantee, the City and their officials, officers, directors, employees and agents from claims which may arise from operations under this Franchise, whether such operations be by the Grantee, its officials, officers, directors, employees and agents or any subcontractors of Grantee. This liability insurance shall include, but shall not be limited to, protection against claims arising from bodily and personal injury and damage to property, resulting from Grantee's vehicles, products and operations. The amount of insurance for single limit coverage applying to bodily and personal injury and property damage shall not be less than Three Million Dollars (\$3,000,000.00). The following endorsements shall be attached to the liability policy:

- (i) The policy shall provide coverage on an "occurrence" basis.
- (ii) The policy shall cover personal injury as well as bodily injury.
- (iii) The policy shall cover blanket contractual liability subject to the standard universal exclusions of contractual liability included in the carrier's standard endorsement as to bodily injuries, personal injuries and property damage.
- (iv) Broad form property damage liability shall be afforded.
- (v) The City shall be named as an additional insured on the policy.
- (vi) An endorsement shall be provided which states that the coverage is primary insurance and that no other insurance maintained by the City will be called upon to contribute to a loss under this coverage.
- (vii) Standard form of cross-liability shall be afforded.
- (viii) An endorsement stating that the policy shall not be canceled without thirty (30) days' notice of such cancellation given to the City.

(b) Grantee shall submit to City documentation of the required insurance, including a certificate of insurance signed by the insurance agent and companies named, as well as all properly executed endorsements.

8.3 Indemnification.

(a) Grantee shall indemnify, defend and hold City, its officers, boards, commissions, agents and employees (collectively the “Indemnified Parties”) harmless from and against any and all lawsuits, claims, causes of action, actions, liabilities, demands, damages, judgments, settlements, disability, losses, expenses (including attorney’s fees and disbursements of counsel) and costs of any nature that any of the Indemnified Parties may at any time suffer, sustain or incur arising out of, based upon or in any way connected with the grant of this Franchise, the operation of Grantee’s System, the breach by Grantee of its obligations under this Franchise and/or the activities of Grantee, its subcontractor, employees and agents hereunder. Grantee shall be solely responsible for and shall indemnify, defend and hold the Indemnified Parties harmless from and against any and all matters relative to payment of Grantee’s employees, including compliance with Social Security and withholdings.

(i) The indemnification obligations of Grantee set forth in this Franchise are not limited in any way by the amount or type of damages or compensation payable by or for Grantee under Workers’ Compensation, disability or other employee benefit acts, acceptance of insurance certificates required under this Franchise, or the terms, applicability or limitations of any insurance held by Grantee.

(ii) City does not, and shall not, waive any rights against Grantee which it may have by reason of the indemnification provided for in this Franchise, because of the acceptance by City, or the deposit with City by Grantee, of any of the insurance policies described in this Franchise.

(iii) The indemnification of City by Grantee provided for in this Franchise shall apply to all damages and claims for damages of any kind suffered by reason of any of the Grantee’s operations referred to in this Franchise, regardless of whether or not such insurance policies shall have been determined to be applicable to any such damages or claims for damages.

(iv) Grantee shall not be required to indemnify City for negligence or misconduct on the part of City or its officials, boards, commissions, agents, or employees. City shall hold Grantee harmless, subject to the limitations in Minnesota Statutes Chapter 466, for any damage resulting from the negligence or misconduct of the City or its officials, boards, commissions, agents, or employees in utilizing any PEG Access Channels, equipment, or facilities and for any such negligence or misconduct by City in connection with work performed by City and permitted by this Franchise, on or adjacent to the Cable System.

(b) In order for City to assert its rights to be indemnified, defended, and held harmless, City must, with respect to each claim:

(i) Promptly notify Grantee within ten (10) business days in writing of any claim or legal proceeding which gives rise to such right;

(ii) Afford Grantee the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of any claim or proceeding; and

(iii) Fully cooperate with reasonable requests of Grantee, at Grantee's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to subparagraph (ii) above.

8.4 Grantee's Insurance. Grantee shall not commence any Cable System reconstruction work or permit any subcontractor to commence work until all insurance required under this Franchise has been obtained. Said insurance shall be maintained in full force and effect until the expiration of this Franchise.

8.5 Workers' Compensation Insurance. Grantee shall obtain and maintain Workers' Compensation Insurance for all of Grantee's employees, and in case any work is sublet, Grantee shall require any subcontractor similarly to provide Workers' Compensation Insurance for all of their employees, all in compliance with State laws, and to fully indemnify the City from and against any and all claims arising out of occurrences on the work. Grantee hereby indemnifies City for any and all costs, expenses (including attorneys' fees and disbursements of counsel), damages and liabilities incurred by City as a result of any failure of either Grantee or any subcontractor to take out and maintain such insurance. Grantee shall provide the City with a certificate of insurance indicating Workers' Compensation coverage upon its acceptance of this Franchise.

SECTION 9

SALE, ABANDONMENT, TRANSFER AND REVOCATION

9.1 Franchise Non-transferable.

(a) Grantee shall not voluntarily or involuntarily, by operation of law or otherwise, sell, assign, transfer, lease, sublet or otherwise dispose of, in whole or in part, the Franchise and/or Cable System or any of the rights or privileges granted by the Franchise, without the prior written consent of the Council and then only upon such terms and conditions as may be prescribed by the Council with regard to the proposed transferee's legal, technical and financial qualifications, which consent shall not be unreasonably denied or delayed. Any attempt to sell, assign, transfer, lease, sublet or otherwise dispose of all or any part of the Franchise and/or Cable System or Grantee's rights therein without the prior written consent of the Council shall be null and void and shall be grounds for termination of the Franchise pursuant to Section 9.6 hereof and the applicable provisions of any Franchise.

(b) Without limiting the nature of the events requiring the Council's approval under this section, the following events shall be deemed to be a sale, assignment or other transfer of the Franchise and/or Cable System requiring compliance with this section: (i) the sale, assignment or other transfer of all or a majority of Grantee's assets or the assets comprising the Cable System to any Person; (ii) the merger of the Grantee or any of its parents with or into another Person (including the merger of Grantee or any parent with or into any parent or subsidiary corporation or other Person); (iii) the consolidation of the Grantee or any of its parents with any other Person; (iv) the creation of a subsidiary corporation or other entity; (v) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in Grantee or any of its parents by one or more of its existing shareholders, partners, members or other equity owners so as to create a new Controlling Interest in Grantee; (vi) the issuance of additional capital stock or partnership, membership or other equity interest by Grantee or any of its parents so as to create a new Controlling Interest in Grantee; and (vii) the entry by the Grantee into an agreement with respect to the management or operation of the Grantee, any of Grantee's parents and/or the System or the subsequent amendment thereof. The term "Controlling Interest" as used herein is not limited to majority equity ownership of the Grantee, but also includes actual working control over the Grantee, any parent of Grantee and/or the System in whatever manner exercised.

(c) Grantee shall notify City in writing of any foreclosure or any other judicial sale of all or a substantial part of the property and assets comprising the Cable System of the Grantee or upon the termination of any lease or interest covering all or a substantial part of said property and assets. Such notification shall be considered by City as notice that a change in control or ownership of the Franchise has taken place and the provisions under this section governing the consent of City to such change in control or ownership shall apply.

(d) For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, City may inquire into the qualifications of the prospective transferee or controlling party, and Grantee shall assist City in any such inquiry. In seeking City's consent to any change of ownership or control, Grantee shall have the responsibility of insuring that the transferee completes an application in form and substance reasonably satisfactory to City, which application shall include the information required under this Franchise and Applicable Laws. The transferee shall be required to establish to the satisfaction of the City that it possesses the legal, technical and financial qualifications to operate and maintain the System and comply with all Franchise requirements for the remainder of the term of this Franchise. If, after considering the legal, financial, character and technical qualities of the transferee and determining that they are satisfactory, the City finds that such transfer is acceptable, the City shall permit such transfer and assignment of the rights and obligations of this Franchise as may be in the public interest. The consent of the City to such transfer shall not be unreasonably denied.

(e) Any financial institution having a security interest in any and all of the property and assets of Grantee as security for any loan made to Grantee or any of its affiliates for the construction and/or operation of the Cable System must notify the City

that it or its designee satisfactory to the City shall take control of and operate the Cable System, in the event of a default in the payment or performance of the debts, liabilities or obligations of Grantee or its affiliates to such financial institution. Further, said financial institution shall also submit a plan for such operation of the System within thirty (30) days of assuming such control that will insure continued service and compliance with all Franchise requirements during the term the financial institution or its designee exercises control over the System. The financial institution or its designee shall not exercise control over the System for a period exceeding one (1) year unless extended by the City in its discretion and during said period of time it shall have the right to petition the City to transfer the Franchise to another Grantee.

(f) In addition to the aforementioned requirements in this Section 9.1, the City and Grantee shall, at all times, comply with the requirements of Minnesota Statutes Section 238.083 regarding the sale or transfer of a franchise and with all other Applicable Laws.

9.2 City's Right to Purchase System.

(a) The City shall have a right of first refusal to purchase the Cable System in the event the Grantee receives a bona fide offer to purchase the Cable System from any Person. Bona fide offer as used in this section means a written offer which has been accepted by Grantee, subject to the City's rights under this Franchise. The price to be paid by the City shall be the amount provided for in the bona fide offer, including the same terms and conditions as the bona fide offer. The City shall notify Grantee of its decision to purchase within sixty (60) days of the City's receipt from Grantee of a copy of the written bona fide offer and such other relevant and pertinent information as the City shall deem appropriate.

(b) Consistent with Section 627 of the Cable Act and all other Applicable Laws, at the expiration, cancellation, revocation or termination of this Franchise, the City shall have the option to purchase, condemn or otherwise acquire and hold the Cable System.

9.3 Abandonment or Removal of Franchise Property.

(a) Grantee may not abandon the Cable System or any portion thereof without having first given three (3) months written notice to the City. Grantee may not abandon the Cable System or any portion thereof without compensating the City for damages resulting from the abandonment.

(b) In the event that the use of any property of Grantee within the Service Area or a portion thereof is discontinued for a continuous period of twelve (12) months, Grantee shall be deemed to have abandoned that property.

(c) City, upon such terms as City may impose, may give Grantee permission to abandon, without removing, any System facility or equipment laid, directly constructed, operated or maintained in, on, under or over the Service Area. Unless such permission is granted or unless otherwise provided in this Franchise, the Grantee shall

remove all abandoned facilities and equipment upon receipt of written notice from City and shall restore any affected Street consistent with Applicable Law. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation made by or on behalf of Grantee and shall leave all Streets and other public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. City shall have the right to inspect and approve the condition of the Streets, public ways, public places, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Franchise and any security fund provided for in this Franchise shall continue in full force and effect during the period of removal and until full compliance by Grantee with the terms and conditions of this section.

(d) Upon abandonment of any Franchise property in place, the Grantee, if required by the City, shall submit to City a bill of sale and/or other an instrument, satisfactory in form and content to the City, transferring to the City the ownership of the Franchise property abandoned.

(e) At the expiration or termination of the term for which this Franchise is granted, or upon its earlier revocation or termination, as provided for herein, in any such case without renewal, extension or transfer, the City shall have the right to require Grantee to remove, at its own expense, all above-ground portions of the Cable System from all Streets and public ways within the City within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

(f) Notwithstanding anything to the contrary set forth in this Franchise, the Grantee may, with the consent of the City, abandon any underground Franchise property in place so long as it does not materially interfere with the use of the Street or public rights-of-way in which such property is located or with the use thereof by any public utility or other cable operator.

(g) Nothing herein shall require the removal of any portion of the System lawfully used to provide non-Cable Services in the City.

9.4 Extended Operation and Continuity of Services.

(a) Upon termination or forfeiture of this Franchise, Grantee shall remove its cable, wires, and appliances from the Streets, alleys, or other public places within the Service Area if the City so requests. Failure by the Grantee to remove its cable, wires, and appliances as referenced herein shall be subject to the requirements of Section 9.3 of this Franchise.

9.5 Receivership and Foreclosure

(a) The Franchise granted hereunder shall, at the option of City, cease and terminate one hundred twenty (120) days after appointment of a receiver or receivers, or trustee or trustees, to take over and conduct the business of Grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such

receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless: (1) such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this Franchise granted pursuant hereto, and the receivers or trustees within said one hundred twenty (120) days shall have remedied all the defaults and violations under this Franchise or provided a plan for the remedy of such defaults and violations which is satisfactory to the City; and (2) such receivers or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of this Franchise.

(b) In the case of a foreclosure or other judicial sale of the Franchise property, or any material part thereof, City may give notice of termination of this Franchise upon Grantee and the successful bidder at such sale, in which the event this Franchise and all rights and privileges of the Grantee hereunder shall cease and terminate thirty (30) days after such notice has been given, unless (1) City shall have approved the transfer of the Franchise in accordance with the provisions of this Franchise; and (2) such successful bidder shall have covenanted and agreed with City to assume and be bound by all terms and conditions of this Franchise.

9.6 Procedures for Revocation, Termination or Cancellation.

(a) City shall provide Grantee with written notice of a cause for revocation, termination, or cancellation and the intent to revoke, terminate or cancel and shall allow Grantee thirty (30) days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance with the Franchise. In the notice required therein, City shall provide Grantee with the basis of the revocation, termination or cancellation.

(b) Grantee shall be provided the right to a public hearing affording due process before the City Council prior to the effective date of revocation, termination, or cancellation, which public hearing shall follow the thirty (30) day notice provided in subparagraph (a) above. City shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.

(c) Only after the public hearing and upon written notice of the determination by City to revoke, terminate or cancel the Franchise may Grantee appeal said decision with an appropriate state or federal court or agency.

(d) During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires or unless continuation of the Franchise would endanger the health, safety and welfare of any Person or the public.

9.7 Reservation of Rights. City and Grantee reserve all rights that they may possess under Applicable Laws unless expressly waived herein.

SECTION 10 MISCELLANEOUS PROVISIONS

10.1 Franchise Renewal. Any renewal of this Franchise shall be in accordance with Applicable Laws. The term of any renewed Franchise shall be limited to a period not to exceed fifteen (15) years.

10.2 Amendment of Franchise. Grantee and City may agree, from time to time, to amend this Franchise. Such written amendments may be made subsequent to a review session pursuant to Section 7.3 or at any other time if City and Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in Applicable Laws. City shall act pursuant to local law pertaining to the ordinance amendment process.

10.3 Right of Individuals.

(a) Grantee shall comply at all times with all other Applicable Laws, relating to nondiscrimination. Access to Cable Service shall not be denied to any group of potential Subscribers because of the income of the residents of the local area.

(b) Grantee shall adhere to the applicable equal employment opportunity requirements of Applicable Laws, as now written or as amended from time to time including 47 U.S.C. § 554.

(c) Subscriber Privacy. To the extent required by Minn. Stat. § 238.084 Subd. 1(s) Grantee shall comply with the following:

(i) No signals including signals of a Class IV Channel may be transmitted from a Subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the Subscriber. The request for permission must be contained in a separate document with a prominent statement that the Subscriber is authorizing the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time not to exceed one (1) year which may be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew such permission. The permission shall be revocable at any time by the Subscriber without penalty of any kind whatsoever.

(ii) No information or data obtained by monitoring transmission of a signal from a Subscriber terminal, including but not limited to lists of the names and addresses of Subscribers or any lists that identify the viewing habits of Subscribers shall be sold or otherwise made available to any party other than to Grantee or its agents for Grantee's business use, and also to the Subscriber subject of that information, unless Grantee has received specific written permission from the Subscriber to make such data available.

(iii) Written permission from the Subscriber shall not be required for the conducting of system wide or individually addressed electronic sweeps for the purpose of verifying System integrity or monitoring for the purpose of billing.

Confidentiality of such information shall be subject to the provision set forth in subparagraph (ii) of this section.

(iv) “Class IV Cable Communications Channel” means a signaling path provided by a Cable System to transmit signals of any type from a Subscriber terminal to another point in the System.

(d) Grantee shall at all times comply with 47 U.S.C. § 551 regarding protection of Subscriber’s personally identifiable information.

10.4 Rights Reserved to City. In addition to any rights specifically reserved to the City by this Franchise, the City reserves to itself every right and power which is required to be reserved by a provision of this Franchise.

10.5 Severability. If any provision of this Franchise is held by any Governmental Authority of competent jurisdiction, to be invalid as conflicting with any Applicable Laws now or hereafter in effect, or is held by such Governmental Authority to be modified in any way in order to conform to the requirements of any such Applicable Laws, such provision shall be considered a separate, distinct, and independent part of this Franchise, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such Applicable Laws are subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof which had been held invalid or modified is no longer in conflict with such laws, said provision shall thereupon return to full force and effect and shall thereafter be binding on City and Grantee, provided that City shall give Grantee thirty (30) days written notice of such change before requiring compliance with said provision or such longer period of time as may be reasonably required for Grantee to comply with such provision.

10.6 Force Majeure. In the event Grantee’s performance of any of the terms, conditions, obligations or requirements of this Franchise is prevented or impaired due to any cause beyond its reasonable control, such inability to perform shall be deemed to be excused for the period of such inability and no penalties or sanctions shall be imposed as a result thereof provided Grantee has notified City in writing within a reasonable time of its discovery of the occurrence of such an event. Such causes beyond Grantee’s reasonable control shall include, but shall not be limited to, acts of God, civil emergencies and labor unrest or strikes, untimely delivery of equipment, inability of Grantee to obtain access to an individual’s property and inability of Grantee to secure all necessary permits to utilize utility poles and conduit so long as Grantee utilizes due diligence to timely obtain said permits.

10.7 In-Kind Cable-Related Contributions.

(a) At any time after this Franchise is approved by the City Council, the Grantee may, if Grantee is permitted by Applicable Law, provide the City with a written list of “in-kind cable-related contributions” (as that term is defined by the FCC in the Section 621 Order) that the Franchise requires Grantee to provide (including but not limited to the Complimentary Service requirements in Exhibit B, paragraph 12(a-f) and any PEG Transport required by Exhibit B, paragraph 12(g)) and the marginal cost(s) associated with the provision of the in-kind cable-related contributions. Within ninety

(90) days of receiving the aforementioned list and associated marginal cost(s), the City will notify the Grantee whether, with respect to each identified in-kind cable-related contribution, the Grantee is relieved, or temporarily relieved, of its obligations or is required to comply, subject either to the Grantee taking an offset to the Franchise Fee payments payable under Section 7.1 as may be permitted by the Section 621 Order or to the Grantee and the City agreeing to a separately negotiated charge payable by the City to the Grantee.

(b) In the event the Section 621 Order is stayed or overturned in whole or in part by action of the FCC or through judicial review, the City and the Grantee will meet promptly to discuss what impact such action has on the provision of the in-kind cable-related contributions to which this section applies. It is the intent of the parties that the City shall be treated by the Grantee in a reasonably comparable manner as other Minnesota jurisdictions served by Grantee with respect to any offsets or charges imposed by Grantee for the provision of in-kind cable-related contributions. Nothing herein waives the City's right to enforce Grantee's compliance with all lawful obligations contained in this Franchise..

SECTION 11

PUBLICATION EFFECTIVE DATE; ACCEPTANCE AND EXHIBITS

11.1 Publication; Effective Date. This Franchise shall be published in accordance with Applicable Law. The Summary of Ordinance for Publication attached hereto as Exhibit E, shall be published at least once in the official newspaper of the City, at Grantee's sole cost, to clearly inform the public of the intent of the ordinance. This Franchise shall be effective upon the date of Grantee's acceptance, in accordance with the provisions of Section 11.2.

11.2 Acceptance.

(a) Grantee shall accept this Franchise within thirty (30) of its enactment by the City Council, unless the time for acceptance is extended by City. Such acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes. In the event acceptance does not take place, this Franchise and any and all rights previously granted to Grantee shall be null and void.

(b) Upon acceptance of this Franchise, Grantee shall be bound by all the terms and conditions contained herein.

(c) The City's "Notice of Intent to Consider an Application for a Franchise" ("Notice") provided, consistent with Minnesota Statutes Section 238.081, Subd. 8, that applicants would be required to reimburse the City for all necessary costs of processing a cable communications franchise. Grantee submitted a fee with its application to the City. The Notice further provided that any unused portion of the application fee would be returned, and any additional fees required to process the application and franchise, beyond the application fee, would be assessed to the successful applicant. The Grantee shall therefore submit to the City at the time of acceptance of this Franchise, a check made payable to the City of Wayzata, Minnesota for all additional fees and costs incurred

by the City. Within thirty (30) days of City Council approval, the City shall provide Grantee with a letter specifying such additional costs following approval of this Franchise by the City Council.

(d) Grantee shall accept this Franchise in the following manner:

(i) This Franchise will be properly executed and acknowledged by Grantee and delivered to City.

(ii) With its acceptance, Grantee shall also deliver any performance bond, security fund and insurance certificates required herein.

CITY OF WAYZATA, MINNESOTA

By: _____

Its: _____

ATTEST:

By: _____

Its: _____

1st Reading: _____, 2022

2nd Reading: _____, 2022

Publication Date: _____, 2022

ACCEPTED: This Franchise is accepted, and we agree to be bound by its terms and conditions.

**COMCAST OF ARKANSAS/ LOUISIANA/
MINNESOTA/MISSISSIPPI/TENNESSEE, LLC**

Dated: _____, 2022

By: _____

Its: _____

SWORN TO BEFORE ME this
_____ day of _____, 2022

Notary Public

EXHIBIT A
DESCRIPTION OF SYSTEM
For Information only

1. The Cable System shall be designed, constructed, routinely inspected, and maintained to guarantee that the Cable System meets or exceeds the requirements of the most current editions of the National Electrical Code (NFRA 70) and the National Electrical Safety Code (ANSI C2). In all matters requiring interpretation of either of these codes, the City's interpretation shall control over all other sources and interpretations.

2. Design. The design of the System shall be based upon a "Fiber to the node" architecture that will deliver the signals by fiber optics directly to each neighborhood. Grantee's initial design includes a minimum of six (6) fibers to each node site having a neighborhood group average of approximately three hundred (300) homes. If Grantee splits nodes into smaller sizes, fewer fibers will extend to such smaller nodes. There shall be no more than seven (7) active amplifiers in a cascade from each node to the residential dwelling. The incorporation of stand-by power supplies, strategically placed throughout the system including all hubs, will further reduce the likelihood of Service Interruptions.

3. Technical Standards. The System shall meet or exceed FCC requirements. To the extent the below standards apply to the Cable System, the Cable System shall not fall below the following standards:

- a. The System shall be capable of meeting the following distortion parameters:
 - 1. Carrier to RMS Noise 48 dB
 - 2. Carrier to Second Order 53 dB
 - 3. Carrier to Cross Modulation 51 dB
 - 4. Carrier to Composite Triple Beat 53 dB
- b. The frequency response of a single Channel as measured across any 6 MHz analog Channel shall not exceed +/- 2 dB.
- c. The frequency response of the entire passband shall not exceed $N/10 + 2$ dB for the entire System where N is the number of amplifiers in cascade.
- d. The System shall be designed such that at a minimum all technical specifications of this Franchise are met.
- e. The System shall be designed such that no noticeable degradation in signal quality will appear at the Subscriber terminal.

EXHIBIT B
PEG ACCESS FACILITIES AND EQUIPMENT

1. PUBLIC, EDUCATIONAL AND GOVERNMENT (PEG) ACCESS CHANNELS.

a) Grantee shall provide two (2) channels for use by the City to provide educational and governmental access ("PEG Channels").

b) Whenever the PEG Channels are in use during eighty percent (80%) of the weekdays, Monday to Friday, for eighty percent (80%) of the time for any consecutive three (3) hour period for six (6) weeks running, and there is demand for use of an additional Channel for the same purpose, the Grantee shall then have six (6) months in which to provide a new PEG Channel for the same purpose, provided that provision of the additional Channel or Channels must not require the Cable System to install Converters.

c) The PEG Channels shall be dedicated for PEG use for the term of the Franchise, provided that Grantee may, utilize any portions of the PEG Channels not scheduled for PEG use. City shall establish rules and procedures for such scheduling in accordance with Section 611 of the Cable Act (47 U.S.C. § 531).

d) Grantee shall designate the standard Channel 6 for uniform regional channel usage currently provided by "Metro Channel 6" as required by Minnesota Statutes Section 238.43. Programming on this regional channel shall include a broad range of informational, educational, and public service programs and materials to cable television subscribers throughout the Twin Cities metropolitan area.

2. DIGITAL AND HD PEG CARRIAGE REQUIREMENTS.

a) Grantee shall provide the Access Channels on the Basic Cable Service tier or the lowest tier of service offered by Grantee in accordance with the Cable Act.

b) Upon commencement of Cable Service by Grantee to its first Subscriber in the City, Grantee shall carry all PEG Access Channels in both standard digital (SD) format and in high definition (HD) format.

c) Grantee shall be responsible for all costs associated with the transport and distribution of the PEG SD/HD Channels on its side of the Demarcation Point including any required headend equipment or hubs/node equipment or similar distribution facilities necessary to deliver the PEG SD/HD Channels to Subscribers.

d) The City shall be responsible for all costs associated with the creation and production of the PEG SD/HD Channels on its side of the Demarcation Point.

e) The City acknowledges that receipt of an HD format Access Channel may require Subscribers to buy or lease special equipment, or pay additional HD charges applicable to all HD services.

3. ACCESS CHANNEL LOCATIONS.

- a) Grantee shall make every reasonable effort to coordinate the cablecasting of PEG Access programming on the Cable System on the same Channel designations as such programming is currently cablecast within the City. In no event shall any PEG Access Channel reallocations be made prior to ninety (90) days written notice to the City by Grantee, except for circumstances beyond Grantee's reasonable control. The PEG Access Channels will be located in the channel neighborhood within reasonable proximity (4-7 channel slots) to other commercial video or broadcast Channels in Grantee's reasonable discretion, excluding pay-per-view programming offered by Grantee in the City.
- b) Grantee agrees not to encrypt the PEG Access Channels differently than other commercial Channels available on the Cable System.
- c) In conjunction with any occurrence of any Access Channel(s) relocation, Grantee shall provide a minimum of Three Thousand Dollars (\$3,000) of in-kind air time per event on advertiser supported Channels (e.g. USA, TNT, TBS, Discovery Channel, or other comparable Channels) for the purpose of airing City's, or its designees', pre-produced thirty (30) second announcement explaining the change in location.

4. ANCILLARY EQUIPMENT. Any ancillary equipment operated by Grantee for the benefit of PEG Access Channels on Grantee's fiber paths or Cable System, whether referred to switchers, routers or other equipment, will be maintained by Grantee, at no cost to the City or schools for the life of the Franchise. Grantee is responsible for any ancillary equipment on its side of the Demarcation Point and the City or school is responsible for all other production/playback equipment.

5. PEG TECHNICAL QUALITY.

- a) Grantee shall not be required to carry a PEG Access Channel in a higher quality format than that of the Channel signal delivered to Grantee, but Grantee shall not implement a change in the method of delivery of PEG Access Channels that results in a material degradation of signal quality or impairment of viewer reception of PEG Access Channels, provided that this requirement shall not prohibit Grantee from implementing new technologies also utilized for commercial Channels carried on its Cable System.
 - i) Grantee shall meet FCC signal quality standards when offering Access Channels on its Cable System and shall continue to comply with closed captioning pass-through requirements. There shall be no significant deterioration in an Access Channels signal from the point of origination upstream to the point of reception downstream on the Cable System.
 - ii) Within twenty-four (24) hours of a written request from City to the Grantee identifying a technical problem with a Access Channel and requesting

assistance, Grantee will provide technical assistance or diagnostic services to determine whether or not a problem with a PEG signal is the result of matters for which Grantee is responsible and if so, Grantee will take prompt corrective action. If the problem persists and there is a dispute about the cause, then the parties shall meet with engineering representation from Grantee and the City in order to determine the course of action to remedy the problem.

b) Grantee shall cablecast the entire programming stream of each PEG channel including any Program Related Material, as defined below in this Paragraph 6(d)), “Program Related Material” shall mean (i) closed-captioning information, (ii) program identification codes, (iii) program ratings information, (iv) such other material as may be essential, necessary or appropriate for the delivery or distribution of the signal, and (v) information and material that is directly related to the subject matter of the programs on the PEG channels, if such information or material is transmitted concurrently or substantially concurrently with its associated program content.

6. CHANGE IN TECHNOLOGY. In the event Grantee makes any change in the Cable System and related equipment and facilities or in its signal delivery technology, which requires new equipment in order to transport PEG Channel programming, Grantee shall be responsible for any equipment, free of charge to the City, required on its side of the Demarcation Point.

7. RELOCATION OF GRANTEE’S HEADEND. In the event Grantee relocates its headend, Grantee will be responsible for replacing or restoring the existing dedicated fiber connections at Grantee’s cost so that all the functions and capacity remain available, operate reliably and satisfy all applicable technical standards and related obligations of the Franchise free of charge to the City or its designated entities.

8. PEG OPERATIONS. City may in its sole discretion, negotiate agreements with neighboring jurisdictions served by the same Cable System, educational institutions or others to share the operating expenses of the PEG Channels. City and Grantee may negotiate an agreement for management of PEG Access Facilities, if so desired by both parties.

9. TITLE TO PEG EQUIPMENT. City shall retain title to all PEG equipment and facilities purchased or otherwise acquired.

10. NAVIGATION TO PEG ACCESS CHANNELS/ELECTRONIC PROGRAMMING GUIDE. Grantee agrees that if it utilizes a visual interface under its control on its Cable System for all Channels, the PEG Access Channels shall be treated in a non-discriminatory fashion consistent with Applicable Laws so that Subscribers will have ready access to PEG Access Channels. Grantee will continue to make available to City the ability to place PEG Access Channel programming information on the interactive channel guide via the electronic programming guide (“EPG”) vendor (“EPG provider”) that Grantee utilizes to provide the guide service. Grantee will be responsible for providing the designations and instructions necessary for the PEG Access Channels to appear on the EPG. All costs and operational requirements of the EPG provider shall be the responsibility of the City. City acknowledges that the EPG is not

technically possible for all PEG Access Channel programming, and that Grantee is not responsible for operations of the EPG provider.

11. PEG ACCESS OPERATING SUPPORT.

- a) Upon commencement of Cable Service by Grantee to its first Subscriber in the City and through the end of the term of this Franchise, Grantee shall collect and remit to the City a per Subscriber fee of One Dollar and 20/100 (\$1.20) per month solely to fund public, educational and governmental access capital expenditures consistent with federal laws (hereinafter "PEG Fee").
- b) The City Council may vote to increase the PEG Fee up to a per Subscriber fee of One Dollar and 50/100 (\$1.50) per month.
- c) The City agrees that it will impose an identical PEG Fee upon any other cable operator holding a cable franchise issued by the City. The purpose of this provision is to ensure that all cable operators holding a cable franchise in the City will remit the same PEG Fee to the City. Grantee agrees to match any PEG fee, higher or lower, required of any other franchised cable operator in the City, upon ninety (90) days advance written notice from the City.
- d) The PEG Fee shall be used by City in its sole discretion to fund PEG Access expenditures in a manner consistent with federal law.
- e) The PEG Fee is not intended to represent part of the Franchise Fee and is intended to fall within one (1) or more of the exceptions in 47 U.S.C. § 542. The PEG Fee may be categorized, itemized, and passed through to Subscribers as permissible, in accordance with 47 U.S.C. §542 or other Applicable Laws. Grantee shall pay the PEG Fee to the City quarterly at the same time as the payment of Franchise Fees under Section 7.1 of the Franchise. Grantee agrees that it will not offset or reduce its payment of past, present or future Franchise Fees required as a result of its obligation to remit the PEG Fee.
- f) Any PEG Fees owing pursuant to this Franchise which remain unpaid more than thirty (30) days after the end of a given quarter shall be delinquent and shall immediately thereafter accrue interest at twelve percent (12%) per annum or two percent (2%) above prime lending rate as quoted by the Wall Street Journal, whichever is greater. Enforcement of unpaid PEG Fees shall be handled in accordance with Section 9.6 of the Franchise; however, Grantee shall in all cases be subject to interest on any payment more than thirty (30) days after the end of a given quarter.

12. SERVICE TO PUBLIC BUILDINGS.

- a) Subject to subparagraph 12(e) of this Exhibit B, throughout the term of this Franchise, Grantee shall provide, free of charge, one (1) service Drop, one (1) Converter, if necessary and requested, and Basic Cable Service and the next highest penetrated level of Cable Service generally available to all Subscribers (as of the effective date referred to

as Expanded Basic Cable Service) (“Complimentary Service”), to all of the sites listed on Exhibit C attached hereto that are not currently receiving service from any other cable operator holding a cable franchise issued by the City.

b) The City, however, shall have the right to request the disconnection of any other franchised cable operator’s Complimentary Service and require Grantee to provide Complimentary Service to that location provided the City maintains a fair distribution of service to public buildings between all franchised cable operators serving the City.

c) The City or the building occupant shall have the right to extend Cable Service throughout the building to additional outlets for the provision of Complimentary Service to such additional outlets. If ancillary equipment, such as a Converter, is required to receive the signal at additional outlets beyond the one (1) complimentary Converter referenced in paragraph a) above, the institution shall be required to pay the same monthly rate that Subscribers pay.

d) Notwithstanding anything to the contrary set forth in this section, Grantee shall not be required to provide Complimentary Service to such buildings unless it is technically feasible.

e) Notwithstanding subparagraph 12(a) of this Exhibit B, Grantee may implement fees or charges for Complimentary Service or additional outlets in the City (or seek to offset or deduct from Franchise Fees) only if Grantee also imposes the same fees or charges in other municipalities located within the Lake Minnetonka region.

f) Grantee shall, in any public building hereinafter built, provide all materials, design specifications and technical advice to provide Complimentary Service to such building. If the Installation to such building exceeds three hundred fifty (350) feet, Grantee will accommodate the Installation up to three hundred fifty (350) feet if the City or other agency provides the necessary attachment point for aerial service or conduit pathway for underground service. If the necessary pathway is not provided, the City or other agency shall pay the incremental cost of such Installation in excess of two hundred fifty (250) feet for an aerial service Installation or in excess of one hundred fifty (150) feet for an underground service Installation. For purposes of this paragraph, “incremental cost” means Grantee’s actual cost to provide the Installation beyond the applicable distances, with no mark-up for profit. The recipient of the service will secure any necessary right of entry.

g) PEG Transport. Grantee shall provide, free of charge, throughout the life of this Franchise, transport of the PEG Access Channels from the below listed locations to Grantee’s headend to facilitate the exchange of programming including live cablecast programming on the Grantee’s Cable System. Grantee shall further provide, free of charge, all interface equipment at each of the below listed locations (modulator/demodulator) which allows the City to cablecast programming to Grantee’s headend for cablecast on Grantee’s Cable System.

Fire Station
City Hall
Wayzata Public Library

600 Rice Street
600 Rice Street
620 Rice Street

DRAFT

EXHIBIT C
SERVICE TO PUBLIC FACILITIES

	FACILITY NAME	ADDRESS
1.	City Council Chambers	600 Rice Street
2.	Wayzata West Junior High	149 Barry Avenue North
3.	Fire Station	600 Rice Street
4.	Wayzata Public Works	299 Wayzata Boulevard West
5.	Wayzata Public Library	620 Rice Street
6.	Historic Depot	402 East Lake Street
7.	Water Treatment Plant 3	408 Gardner Street
8.	Water Treatment Plant 2	499 Lake Street West
9.	Section Foreman House	738 Lake Street East
10.	Panoway Plaza Public Bathroom	694 Lake Street East

EXHIBIT D
FRANCHISE FEE PAYMENT WORKSHEET

TRADE SECRET/CONFIDENTIAL - TO THE EXTENT PERMISSIBLE UNDER
APPLICABLE LAW

	Month/Year	Month/Year	Month/Year	Total
Cable Service Revenue				
Installation Charge				
Franchise Fee Revenue				
Advertising Revenue				
Home Shopping Revenue				
Equipment rental				
Other Revenue				
REVENUE				
Fee Calculated				
Franchise Fees				

Fee Factor: 5%

Nothing in this Franchise Fee Payment Worksheet shall serve to modify the definition of "Gross Revenues" set forth in the Franchise.

EXHIBIT E
SUMMARY OF ORDINANCE FOR PUBLICATION

AN ORDINANCE GRANTING A FRANCHISE TO COMCAST OF ARKANSAS/LOUISIANA/MINNESOTA/MISSISSIPPI/TENNESSEE, LLC TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF WAYZATA, MINNESOTA SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY; AND PRESCRIBING LIQUIDATED DAMAGES FOR THE VIOLATION OF THE PROVISIONS HEREIN.

On _____, 2022, the City of Wayzata, Minnesota (“City”) adopted an ordinance granting a Cable Television Franchise to Comcast of Arkansas/Louisiana/Minnesota/Mississippi/Tennessee, LLC (“Grantee”). The Franchise serves two (2) purposes. First, it is intended to provide for and specify the means to attain the best possible Cable Service for the public by providing requirements for cable with respect to technical standards, customer service obligations, and related matters. Second, it grants a non-exclusive Cable Television Franchise to Grantee, to operate, construct and maintain a Cable System within the City and contains specific requirements for Grantee to do so.

The Franchise includes the following: 1) a Franchise Fee of five percent (5%) of Grantee’s annual Gross Revenues; 2) a Franchise term of ten (10) years; 3) a list of schools and public buildings entitled to receive complimentary Cable Service; 4) dedicated channel capacity for Public, Educational and Governmental (“PEG”) access programming and provides financial support of such PEG Channels; 5) customer service standards regarding Grantee’s Cable Services; and 6) a security fund and liquidated damages to enforce Grantee’s compliance with the franchise.

It is hereby determined that publication of this title and summary will clearly inform the public of the intent and effect of Ordinance No. _____. A copy of the entire ordinance shall be posted at the Wayzata City Hall.

It is hereby directed that only the above title and summary of Ordinance No. _____ be published, conforming to Minn. Stat. § 331A.01, with the following:

NOTICE

Persons interested in reviewing a complete copy of the ordinance may do so at the Wayzata City Hall at 600 Rice Street East, Wayzata, MN 55391 during the hours of 7:00 a.m. and 4:30 p.m., Monday through Thursday and 7:00 a.m. and 11:00 a.m. on Friday.

	<u>Yes</u>	<u>No</u>
Mayor _____	_____	_____
Councilmember _____	_____	_____
Councilmember _____	_____	_____
Councilmember _____	_____	_____
Councilmember _____	_____	_____

Passed by the Wayzata City Council this _____ day of _____, 2022.

ATTEST: _____, Mayor

_____, _____



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 8.a
TITLE: Consider Acceptance of 2022 Wayzata Community Survey Report	
PROPOSED MOTION: To Accept the 2022 Wayzata Community Survey Report	
PREPARED BY: Aurora Yager, Administrative Services Director	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends accepting the 2022 Wayzata Community Survey Report as presented.

FINANCIAL OR BUDGET CONSIDERATION:

The survey cost \$27,000 which was budgeted and paid out of the Facilities and Infrastructure CIP fund. The City originally budgeted \$16,900 for the survey, but exceeded that budget based on the final number of questions selected for the survey.

BACKGROUND:

This year, the City conducted its first ever community survey. The survey of 400 households was completed in March and the results of that survey are included in the report below. Peter Leatherman, Managing Partner of Morris Leatherman Company, will be at the meeting to present a high level summary of the results to share the results with the community and answer any questions.

The City will be able to use this data to help prioritize initiatives in the future to ensure alignment with the community. Additional surveys are programed at least every four years so progress can be tracked.

ATTACHMENTS:

1. 2022 City of Wayzata Report of Findings

*The **Morris** Leatherman Company*

Report of Findings

2022 City of Wayzata

City Demographics:

Wayzata is a demographically balanced outer-ring suburban community, with a significantly high in-migration rate. The median longevity of adult residents is 11.8 years. Twenty-seven percent of the sample report moving to the city during the past five years, while 35% were there for over two decades.

Thirty-six percent of Wayzata households report seniors in residence; twenty-two percent are senior only households, generally couples. Twenty-one percent of the households contain school-aged children or preschoolers, while 79% contain no children. Sixty-six percent own their current residences, while 34% rent. The median adult age in the community is 47.6 years old. Twenty-four percent are under 35 years old, while 42% are 55 years old or older.

Only four percent say their last grade of formal education was high school graduate or less. Twenty-seven percent report they completed vo-tech or tech college training, or completed some college classes, albeit short of graduation. Fifty-three percent are college graduates, and 15% completed post-graduate coursework.

Three percent report they are of Hispanic, Latino, or Spanish origin. Using standard U.S. Census categories, 84% self-report they are White, eight percent are Black or African American, four percent are Asian, three percent are Hispanic-Latino, and one percent is American Indian or Alaska Native. English is the primary language spoken in 95% of Wayzata homes, three percent speak Spanish, and two percent report other primary home languages.

Fifty-eight percent of the sample is currently employed full-time, and nine percent are employed part-time. Twenty-eight percent are retired. Three percent are not working nor looking for work, and two percent are not working and looking for work. Thirty-nine percent work in Wayzata, 21% are employed in Minneapolis, 11% work in Minnetonka, and eight percent are employed in Plymouth.

Fifty-three percent reside in a detached single-family home. Twenty-five percent live in an apartment, while 21% live in a townhouse or condominium. One percent reside in a manufactured home. Sixty-six percent own their current residences and 34% rent. Fifty-one percent classify their gender identity as male, 49% report female, and no one is non-binary. Ninety-one percent are registered to vote in the City of Wayzata.

Quality of Life Issues:

Ninety-eight percent rate their quality of life as either “excellent” or “good.” In fact, 42% deem it “excellent.” Only two percent rate the quality of life lower. Both the overall positive rating and the “excellent” rating are at the top of Greater Metropolitan Area suburban and exurban communities.

Interviewees were asked what they like most about living in Wayzata. The table below shows their open-ended responses in rank-order.

	Percentage
Friendly people	13%
Lake Minnetonka	11%
Quiet and peaceful	10%
Closeness to family and friends	9%
Closeness to job	8%
Small town ambience	6%
Safe	6%
Parks and trails	6%
Natural beauty	6%
Schools	6%
Neighborhood/Housing	4%
Closeness to shopping	4%
Place to raise family	3%
Location	3%
Wealthy	2%
Clean and well-maintained	2%
Scattered	1%
Nothing	0%
Unsure	0%

The shaded blue boxes form the statistically significant cluster of highly valued attributes of Wayzata. They cover proximity to key places, small town virtues, and natural and recreational amenities.

Next, Wayzata respondents were asked what they thought is the most significant issue facing Wayzata today. Again, the table below shows their open-ended responses in rank-order.

	Percentage
High growth rate	13%
High taxes	12%
Home values	6%
Traffic violations	6%
Youth crime	5%
Aging residents	3%
Traffic congestion	3%
Drugs	3%
Inflated cost of housing	3%
COVID-19	2%
Road construction	2%
Lake pollution	2%
Lack of diversity	2%
Quality of drinking water	2%
Scattered	10%
Unsure	7%
Nothing	19%

The shaded orange boxes form the statistically significant issues residents consider to be serious; they range across rate of growth, high taxes, home values, to traffic violations and youth crime. The “booster group” – those who believe the City faces no serious issues – is at 19%, among the top in the Greater Metropolitan Area.

Interviewees were queried about items missing from Wayzata which, if present, could greatly improve the quality of life for residents. The table below shows their open-ended responses in rank-order.

	Percentage
Starter and more affordable housing	8%
Community Center	8%
Renewable energy	4%
Public transportation	4%
Water park	3%
Senior programs	3%
Trails	2%
Diversity	2%
Retail shopping	2%
Community events	2%
Night life	2%
Open space	2%
Scattered	12%

	Percentage
Nothing	38%
Unsure	8%

The shaded green boxes form the statistically significant clusters of desired facilities: starter homes and more affordable homes, and a Community Center. An exceptionally large 38%, though, think that nothing is missing which would greatly improve the community's quality of life.

An exceptional 94% would recommend living in the City of Wayzata to others; only one percent would not do so, and five percent are unsure.

Overall, comparatively high 89% believe things in Wayzata are generally headed in the right direction, while only two percent see things as off on the wrong track. Nine percent are unsure.

Respondents were asked how they would describe the City of Wayzata in one or two words to a friend or relative. The table below shows their open-ended responses in rank-order.

	Percentage
Quiet	17%
Friendly	15%
Natural beauty	13%
Clean	8%
Charming	7%
Safe	6%
Wealthy	6%
Parks and trails	6%
Place to raise family	5%
Small town	4%
Lake	3%
Place to retire to	2%
Scattered	8%

The shaded gold boxes form the statistically significant clusters of descriptions: quiet, friendly, natural beauty, clean, charming, safe, wealthy, parks and trails, and good place to raise family.

Economic Development and Redevelopment:

Interviewees were initially asked if there are any types of development or redevelopment they would like to see in the City of Wayzata. The table below shows their open-ended responses in rank-order.

	Percentage
More affordable housing opportunities	13%
Grocery store	7%
Job-producing	3%
Community Center	3%
Senior housing	2%
Scattered	11%
NO – NOTHING	58%
Unsure	3%

The two shaded grey boxes are the statistically significant clusters of development types: more affordable housing opportunities and a grocery store. A large 58% had no preference.

Respondents were asked about the current quantity of ten types of housing options. They could answer “too much or too many,” “about the right amount or number,” or “too few or too little.” The table below first lists the type of option, then the percent rating it as “about right” follows. The final column, labeled “Difference” shows the difference between the percent saying it is “too much or too many” and the percent feeling it is “too few or too little.” If the “Difference” is positive more residents see it as “too many or too much,” while if it is negative, more see it as “too few or too little.” The table is rank ordered by the percent who view the option as “about right.”

	About Right	Difference
Assisted living for seniors	64%	-14%
Condominiums	64%	1%
Nursing or memory-assistance homes	60%	-22%
One-level housing for seniors maintained by an association	54%	-23%
Affordable rental units	51%	-27%
Townhouses	50%	-36%
Luxury rental units	49%	39%
“Move-up” housing for families looking for a larger home costing between \$400,000 and \$1,000,000	48%	30%
Executive high-end housing costing more than \$1,000,000	47%	39%
Starter homes for young families costing between \$200,000 and \$400,000	34%	-61%

In all but one case, more respondents deem the level as “about right.” The exception is “starter homes for young families costing between \$200,000 and \$400,000. Two housing options are also rated as too few or too little by at least one-third of the sample: “starter homes,” as mentioned previously, and townhouses.

Residents were read a list of five characteristics of a community. For each one, they could answer “too much or too many,” “about the right amount or number,” or “too few or too little. Again, the table below first lists the characteristic, then the percent rating it as “about right” follows. The final column, labeled “Difference” shows the difference between the percent saying it is “too much or too many” and the percent feeling it is “too few or too little” If the “Difference” is positive more residents see it as “too many or too much,” while if it is negative, more see it as “too few or too little.” The table is rank ordered by the percent who view option as “about right.”

	About Right	Difference
Parks and open spaces	73%	19%
Dining establishments	65%	14%
Entertainment opportunities	63%	-2%
Trails and sidewalks	59%	-3%
Service and retail establishments	57%	-11%

In every case, most respondents deem the level as “about right.” Unlike the ratings on housing options, the difference ratings are much more tightly grouped around zero.

Panoway Development:

Interviewees were queried about the first phase of Panoway, which includes Park Plaza on Lake Street. They were to rate the project, shown in the table below.

	Percentage
Excellent	15%
Good	66%
Only fair	11%
Poor	1%
Unsure	8%

By an 81%-12% super-majority, residents favorably rated the first phase.

Respondents were next asked what they like most about it. The responses are listed in the table below in ranked-order.

	Percentage
Trails	21%
View of Lake	9%
Open space	9%
Seating	7%
Modern	5%
Landscaping	5%
Updating infrastructure	4%
Attracts visitors	4%
Walkable	3%
Gathering space	3%
Bike lane	3%
Many activities	3%
Asset for City	3%
Scattered	8%
Unsure	11%
Nothing	2%

“Trails,” “view of Lake,” “open space,” “seating,” “modern,” and “landscaping” are posted by statistically significant percentages.

Respondents were asked the opposite questions about what they liked least. Again, the responses are listed in the table below in ranked-order.

	Percentage
Crowded	9%
High cost/Tax impact	7%
Traffic congestion	7%
Narrowing street	6%
Doing too much	4%
Lack of parking	3%
Too modern	2%
Scattered	7%
Unsure	14%
Nothing	41%

“Crowded,” “high cost/tax impact” “traffic congestion,” and “narrowing street” are stated by statistically significant percentages. These concerns, though, are dwarfed by the 41% who report they liked least “nothing” about Panoway.

By a 63%-16% majority, residents support closing off parts of Lake Street for pedestrians only on certain days and times. Twenty-one percent, though, are unsure.

Prior to this survey, 47% of the sample were aware of the future phase of Panoway improvements, including construction of a boardwalk and improvements to the downtown waterfront. Forty-eight percent were unaware, and five percent were unsure.

Residents reporting awareness of the future phase were asked what they liked most about it. The responses are listed in the table below in ranked-order.

	Percentage
Boardwalk	20%
Restoring section of the Foreman House	8%
Restoring waterfront	7%
Picnic areas	6%
Native landscaping	6%
Covered dining areas	5%
Historical preservation	5%
Community dock	5%
Lots of activities	5%
Open space	4%
Family-friendly	3%
Seating	3%
Walkable	2%
Trails	2%
Scattered	2%
Unsure	10%
Nothing	7%

The large array of Panoway’s attributes suggests a project that has wide resonance in the community; similarly, the low 7% figure of “curmudgeons” who like nothing demonstrates its weak opposition. Attributes shaded in blue are statistically significant and range across a myriad of features.

Residents reporting awareness of the future phase were next asked if they have any concerns about it. The responses are listed in the table below in ranked-order.

	Percentage
High cost/Taxes	13%
Flooding	8%
Maintaining waterfront	7%
Crowding	6%
Environmental impact	4%
Parking	2%
Poor planning	2%
Scattered	5%
Unsure	14%
None	39%

An impressive 39% have no concerns about the future phase, while another 14% cannot identify a concern. Four concerns are, however, statistically significant: “cost/taxes,” “flooding,” “maintaining waterfront,” and “crowding.” Since these are future fears, the optimal communications for the present time may be to simply review the precautions that are being taken as part of a more general piece extolling the project’s virtues.

City Services:

In evaluating six specific city services, the mean quality rating among those holding opinions is 97.8%, at the very top of summary ratings in Metropolitan Area suburbs. The table below lists each of the city services, followed by its positive rating – “excellent” or “good” – and its negative rating – “only fair” or “poor.” The table is ranked-ordered by the positive rating of each service:

	Positive	Negative
Fire services	100%	0%
Motor Vehicle services	99%	1%
Building inspections and permits	99%	1%
Police services	98%	2%
Water and sewer	97%	3%
City planning	94%	6%

The two statistically significant reasons posted for negative ratings are “too much growth” and “flooding.”

For the next seven city services, respondents were asked to consider only city-maintained streets and roads, bearing in mind that county roads are taken care of by other levels of government. Again, the table below lists each of the city services, followed by its positive rating – “excellent” or “good” – and its negative rating – “only fair” or “poor.” The table is rank ordered by the positive rating of each service:

	Positive	Negative
Street sweeping of city streets	100%	0%
Snow plowing of city streets	99%	1%
Maintenance of plants along city boulevards	99%	1%
Snowplowing of sidewalks and trails	98%	2%
Sidewalk and trail repair and maintenance	96%	4%
Street lighting	91%	9%
City street repair and maintenance	90%	10%

The mean rating of these city services among those holding opinions is 96.1%, the very top of summary ratings in Metropolitan Area suburbs. The three statistically significant reasons given for negative ratings are “need for brighter streetlights,” “too many potholes,” and “need to more quickly fix sidewalks.”

Municipal Liquor Operations:

Seventy-four percent of the sample report awareness of the City of Wayzata owning and operating Wayzata Wine and Spirits as well as Wayzata Bar and Grill. Among aware residents, a remarkably high 94% are aware these businesses generate revenue for the City that helps pay for services, such as parks and street maintenance.

During the past year, 30% report they only visited Wayzata Wine and Spirits. Sixteen percent only visited Wayzata Bar and Grill. Twelve percent visited both establishments. Forty-two percent of the sample visited neither. Patronage levels are among the highest in the Metropolitan Area suburbs.

Residents were first asked the primary reason they visited Wayzata Wine and Spirits. The table below shows the reasons in ranked-order.

	Percentage
Support City	34%
Product selection	19%
Prices	16%
Convenient location	14%
Good customer service	10%
Pleasant atmosphere	4%
Scattered	3%

An impressive and unique 34% patronage the store to support the City of Wayzata. The other listed reasons are characteristics of a good retail business: “product selection,” “prices,” “convenient location,” and “good customer service.”

Next, all patrons were asked to rate Wayzata Wine and Spirits on three customer service criteria.

They could provide a positive rating – “excellent” or “good” – or a negative rating – “only fair” or “poor.”

	Positive	Negative
Product selection	99%	1%
Courtesy and friendliness of staff	99%	1%
Prices of products	93%	7%

Not only does Wayzata Wine and Spirits meet residential needs, but its quality ratings are also exceptional among Greater Metropolitan Area suburban municipal liquor stores.

Residents were next asked the primary reason they visited Wayzata Bar and Grill. The table below shows the reasons in ranked-order.

	Percentage
Good food	21%
Social/Fun	19%
Support City	18%
Menu selection	12%
Prices	6%
Convenient location	6%
Good customer service	6%
Pull-tabs	4%
Watch sports	4%
Pleasant atmosphere	2%
Scattered	3%

The listed reasons are, again, characteristics of a high-quality restaurant and bar establishment: “menu selection,” “good food,” “prices,” “convenient location,” and “good customer service.” A solid 18% report they go to Wayzata Bar and Grill to “support the City.”

Next, all patrons were asked to rate Wayzata Bar and Grill on three customer service criteria. They could provide a positive rating – “excellent” or “good” – or a negative rating – “only fair” or “poor.”

	Positive	Negative
Courtesy and friendliness of staff	99%	1%
Menu selection	95%	5%
Prices	94%	6%

The quality ratings are also exceptional among Greater Metropolitan Area suburban municipal bar and grills.

Property Taxes:

Wayzata residents can be classified as fiscally split. Forty-two percent think their property taxes are “high” in comparison with neighboring suburban communities, while 40% see them as “about average,” and five percent see them as “low.” An exceedingly high 85% of the residents view city services as either an “excellent” or a “good” value for the property taxes paid; this endorsement level places Wayzata at the top of Metropolitan Area suburbs. The general property tax climate in Wayzata can be best described as “fiscally benign.”

By a 62%-22% margin, residents support an increase in city property taxes increase if it were needed to maintain city services at their current level. By an overwhelming 66%-11% margin, residents would OPPOSE an increase in city property taxes if it were used to improve and enhance city services. Supporters suggest improving or augmenting environmental services and public transportation.

Public Safety:

One hundred percent feel safe in the City of Wayzata, a Greater Metropolitan Area high. Ninety-four percent feel safe using city parks and city trails; one percent feels safe in city parks, but not on city trails. One percent feels safe in neither city parks nor city trails. Four percent are unsure.

Eighty-four percent rate the amount of police patrolling as “about the right amount,” while 10% think it is “not enough.” Seventy-three percent also feel the same way about the amount of traffic enforcement by the police, with 17% rating it “not enough.” These results are within the top decile of Greater Metropolitan Area suburban communities.

Eleven percent report household members had contact with the Police Department during the past three years. The major reasons for the contact were a “traffic stop or violation,” at 46%, a “traffic accident,” at 11%, or “wildlife in their yard, also at 11%. Eighty-seven percent rated their contact as either “excellent” or “good;” thirteen percent rated their contact lower. The primary reason for lower ratings was that “police were overly strict in the traffic stop or violation.”

Seven percent report household members had contact with the Fire Department during the past three years. The major reason for the contact was a “medical emergency,” at 71%. One hundred percent rated their contact as either “excellent” or “good.”

Respondents were asked to consider a list of potential public safety concerns. They were asked to choose from the list the one to be of greatest concern. Then they were asked to choose the second greatest public safety concern. The table below lists the potential concern, followed by the percent who thought it to be the “greatest issue,” followed by the percent who thought it to be the “first or second greatest issue.” The table is ranked-ordered by the percent in the latter category.

	First	First + Second
Traffic speeding	22%	28%
Distracted driving	14%	26%
Automobile break-ins and thefts	5%	15%
Stop sign violations	4%	15%
Drugs	9%	11%
Business crimes, such as shoplifting and credit card fraud	8%	11%
Vandalism	7%	10%
Youth crimes	7%	9%
Identity theft	3%	9%
Phone swindles	3%	9%
Digital and cyber frauds	2%	9%
Residential crimes, such as burglary and theft	3%	5%
Domestic abuse	0%	1%
Violent crime	0%	0%
All equally	0%	0%
None of the above	11%	19%
Unsure	3%	25%

Three of the four top concerns are traffic-related. A second tier of concern could be categorized as youth-related.

Environment and Sustainability:

Residents were first asked what they think is the most important environmental issue. The results in the table below are rank-ordered by the percent offering that concern.

	Percentage
Air pollution	20%
Lake pollution	14%
Climate change	12%
Less carbon use	8%
Littering	6%
Drinking water quality	5%
Deforestation	5%
Renewable energy	4%
Loss of wildlife habitats	3%
Invasive species	3%
Water conservation	2%
Preserving natural resources	2%
Lawn chemical run-off	2%
Recycling	2%

	Percentage
Shoreline restoration	2%
Scattered	6%
Unsure	4%

In their responses, Wayzata residents display environmental interest and knowledge well beyond any other suburb or exurb in the Greater Metropolitan Area. They list seven statistically significant environmental issues of concern, shaded in green. They range from global to regional to local issues: “air pollution,” “lake pollution,” “climate change,” “less carbon use,” “littering,” “drinking water quality,” and “deforestation.”

Residents were read a list of four issues to the local environment and sustainability. For each one, they could answer “the City is taking about the right amount of action on the issue,” “the City taking too much action on that issue,” or “the City is not taking enough action.” The table below first lists the issue, then the percent rating it as “about the right amount of action” follows. The final column, labeled “Difference” shows the difference between the percent saying it is “too much action” and the percent feeling it is “not taking enough action.” If the “Difference” is positive more residents see it as “too much action,” while if it is negative, more see it as “not enough action.” The table is rank ordered by the percent who view option as “about right.”

	About Right	Difference
Promoting sustainable landscaping practices	73%	-19%
Expanding organics composting	66%	-25%
Tree preservation	59%	-22%
Improving water quality in city lakes and streams	47%	-36%

In three cases, most respondents deem City actions as “about right.” In each case, the difference lies between -19% and -36%. This range also captures the group that could be labelled as “Greens.” “Improving water quality in city lakes and streams” shows an increase beyond the “Green” base of about 50%. In the future, City decision-makers may wish to prioritize this issue for increased communications.

Parks and Recreation:

Ninety-seven percent rate the park and recreation facilities and amenities in Wayzata as either “excellent” or “good.” Only two percent are more critical.” Similarly, 100% rate the maintenance and upkeep of park and recreation facilities in Wayzata as “excellent” or “good;” no one feels it is “only fair” or “poor.”

The most popular park and recreational opportunities are “trails, such as Luce Line and Dakota Rail Regional,” used by 79% of city’s households, and “Panoway Park,” enjoyed by 76%.

	Usage	User Evaluations	
		Positive	Negative
Trails, such as Luce Line and Dakota Rail Regional	79%	99%	1%
Panoway Plaza Park	76%	97%	3%
Heritage Park	60%	97%	3%
Big Woods Preserve	56%	90%	10%
Wayzata Beach	56%	89%	11%
Wayzata Depot Park	54%	94%	6%
Little Beach	47%	86%	14%
Klapprich Park	47%	87%	13%
City Hall Park and Children's Garden	43%	87%	13%
Post Office Pocket Park	43%	90%	10%
Shaver Park	40%	92%	8%
Bell Courts	38%	85%	15%
Margaret Circle Park	38%	79%	21%

Among users of each city park and recreation offering stating opinions, seven are rated positive – either “excellent” or “good” – by at least 90% of their subsample: “Trails, such as Luce Line and Dakota Rail Regional” “Panoway Plaza Park,” “Heritage Park,” “Big Woods Preserve,” “Wayzata Depot Park,” “Post Office Pocket Park,” and “Shaver Park.” Only one opportunity scores negative ratings of at least 20% by its users: “Margaret Circle Park.”

Ninety-seven percent report, in general, they feel existing recreational facilities and amenities offered by the City meet the needs of their household; only two percent disagree. This level of agreement is among the top communities in the Greater Metropolitan Area suburbs.

If the City of Wayzata were to create a community garden, 27% are “very likely” to use it, 29% are “somewhat likely” to do so, and 37% are either “not too likely” or “not at all likely” to use a community garden. Employing standard market projection techniques these responses, with adequate publicity and frictionless enrollment to obtain a plot, 21% of community households could be expected to avail themselves of this opportunity.

City Government and Staff:

Eighty-two percent of the sample think they have adequate opportunity to provide input and feedback about issues to the City of Wayzata; only four percent disagree, while 14% is unsure. The small percentage of critics point to two reasons for their feelings: “not listening to the public” and “most have their own agendas.”

Forty-seven percent visited or contacted Wayzata City Hall during the past year. Twenty-nine percent telephoned the City, 10% went on-line to do so, and eight percent visited City Hall in-person. When queried about their preferred means to interact with City staff, variance from the

previous result was found. Forty-one percent would prefer to use the telephone, 21% would use e-mail, 18% would visit in-person, and five percent would prefer text messaging. Fifteen percent reported no preference.

The table below lists the Department contacted during their last interaction.

	Percentage
Utility Billing	43%
Water and Sewer	15%
Street Maintenance	8%
Planning/Zoning	7%
Elections	7%
Service Desk	7%
Police	4%
Park Maintenance	3%
Administration/City Council	2%
Building Inspections	1%
Engineering	1%
Unsure	1%

The percent of contacts of Utility Billing, at 43%, far exceeds any other city department. The next five city departments, shaded in green, are statistically significant and total 44% of the contacts.

Next, residents who had contacted City Hall were asked to evaluate their last interaction on five quality customer service dimensions.

	Positive	Negative
Respectfulness of staff	95%	3%
Courtesy and friendliness of staff	94%	7%
Knowledge of staff	93%	7%
Responsiveness of staff	92%	8%
Ease of obtaining the service you needed	87%	12%

High quality customer service in the public sector requires positive ratings to exceed 80% on each dimension. The Wayzata City Hall staff easily meets this threshold.

An unusually high 70% think they know “a great deal” or “a fair amount” about the work of the Mayor and City Council. Respondents give the Mayor and Council a job approval rating of 91% and a disapproval rating of one percent. The approval-to-disapproval rating of the Mayor and City Council is at the top of suburbs in the Greater Metropolitan Area. Similarly, from their own experience, 94% rate the job performance of the City Staff as either “excellent” or “good;” only five percent are rated it lower. Again, the City Staff approval-to-disapproval rating of 19-to-1 is at the top of suburbs in the Greater Metropolitan Area.

Communications Issues:

The “City Newsletter” is the most often indicated primary source of information about city government and its activities, at 39%. The “City website” ranks second, at 28%. The “local newspaper” is pointed to by 13%, followed by “word-of-mouth,” at five percent.

The “City Newsletter” is also the most preferred communications channel to receive information about city government and its activities, at 39%. The “City website” ranks second, at 29%. The “local newspaper” is preferred by 19%, followed by “e-mail,” at five percent.

Respondents were asked to rate nine potential sources of information for news about the City. They could answer it is a “major source for me,” a “minor source,” or “not a source at all for me.” In the table below, each source of information is listed, followed by its “impact,” the percent of residents considering it to be a “major source,” and its “reach,” the percent of residents seeing it as a “major source” or a “minor source.” The table is rank-ordered by each source’s “impact.”

	Impact	Reach
The City’s printed newsletter, “The Portal”	58%	87%
The City’s website, Wayzata.org	38%	73%
“The Sun Sailor,” the local newspaper	34%	72%
Friends and family	29%	87%
The City of Wayzata’s official social media sites, such as Facebook, Twitter, and Instagram	11%	40%
City e-mail or text notifications	8%	44%
Community and other groups’ social media sites	8%	37%
WCTV	3%	20%
“Mayor Minutes” podcasts and videos	3%	17%

The three major sources of information used by Wayzata residents are: “The Portal,” “Wayzata.org,” and “The Sun Sailor.” The “grapevine” – friends and family – ranks fourth.

During the past year, 88% percent received the City’s monthly newsletter, “The Portal,” mailed with utility bills, while 87% of receivers regularly read it. The newsletter’s effectiveness as an information channel is highly regarded: 100% rate the newsletter favorably. Fifty-one percent would prefer to receive “The Portal” by mail, 33%, electronically, and 10% would like to receive it both ways.

Only five percent of households in the community do not currently subscribe to an “enhanced” television service. Thirty-six percent subscribe to cable, 16%, to internet streaming, and 10% subscribe to satellite television. In fact, 33% of the sample subscribe to more than one of these services.

Seventy-four percent of the respondents have accessed the City's website. Ninety-six percent rate the website as "excellent" or "good," while four percent view it as "only fair." Ninety-eight percent were able to find what they were looking for; only one percent could not do so.

Conclusions:

The City of Wayzata, simply put, provides its residents with a distinctive high quality of life. Wayzata residents are wonderfully comfortable with their community, and award extremely high ratings to most aspects of city operations. The main challenge facing decision-makers in the future will be maintaining community pride while steadily moving residents from feeling they live in a "good community" to feeling they live in an "excellent community." This communications challenge is more daunting than in neighboring areas since an unusually large group is well-informed about city actions, have established detailed opinions, and keep current with City activities.

Almost two-thirds of the community place a dominant value on Wayzata's small town appeal. At a minimum, this outlook should lead decision-makers to avoid development projects which are too modern or jarring in nature. This could be achieved in tandem with the types of future development many are prioritizing: starter homes for young families and a grocery store. Trails are also a consideration since they currently have wide usership and could be expanded into other parts of the city. Another small town aspect for development is a community garden; potential use by residents is the highest seen in the Metropolitan Area for a number of years.

The Panoway development is immensely popular among Wayzata residents. More impressive is the fact that residents have a detailed knowledge of the amenities in the first phase. A majority also have no concerns about it. The percent of residents with apprehensions about the excessive cost and tax increases does not reach the level of other suburban communities planning similar types of projects. In addition, respondents decisively support closing off parts of Lake Street for pedestrians only on certain days and times. A potential future challenge is informing the almost one-half of residents who are not aware of the next phase of Panoway improvements. The ideal communication should stress its small town attributes, such as the Boardwalk and restoration of both the section of the Foreman House and waterfront, and address stated concerns, such as cost, taxes, flooding, and crowds.

Both Wayzata Wine and Spirits and Wayzata Bar and Grill are successful and thriving municipal operations. Use of both establishments is at the high end of similar suburban operations. Their customer service ratings are at the top of the scale, and their specific business criteria – selection, prices, courtesy – rival the absolute best private retail enterprises. They also enjoy an advantage private sector businesses do not: a significant percentage of customers report their primary reason for shopping there is to show support for the City.

The ratings of the quality of city services are at the top of the scale for Greater Metropolitan Area

suburbs and exurbs. Favorable ratings of each service are largely ninety percent or higher; unfavorable ratings are ten percent or less, with most being five percent or less. The current tax climate can best be described as “fiscally benign” – anti-tax sentiment is much lower than in other suburban and exurban communities. Respondents see a highly positive value in the quality of services considering the property taxes they pay; in fact, almost two-thirds of residents would support an increase in their city property taxes if it were needed to maintain city services at their current level.

Feeling about safeness and public safety in general are unique to Wayzata in comparison with other areas. All residents feel safe in the city and nearly all feel safe using city parks or city trails. Dissatisfaction with the amount of police patrolling and the amount of traffic enforcement by police is extremely low, at 10% and 17% respectively. The four greatest public safety concerns all relate to traffic and automobiles: traffic speeding, distracted driving, automobile break-ins and theft, and stop sign violations. Eleven percent report contact with the Police Department in the past three years, the majority of which were traffic stops or violations. Eighty-seven percent favorably rate the contact, while 13% unfavorably rate it. Unfavorable ratings tended to come from respondents whose contact was a traffic stop or violation, and their reason for the lower rating was perceived strictness in the interpretation of the law. Seven percent had contact with the Wayzata Fire Department during the past three years, usually for a medical emergency, and everyone favorably rated the contact.

Environmentalism is a strong trait among Wayzata residents. Many take a regional or global view in assessing current issues. The four most critical issues among respondents bear a strong regional or global element: air pollution, lake pollution, climate change, and less carbon use. At the local level, there is one concern in which almost 40% would like to see increased City action: improving water quality in city lakes and streams.

The Wayzata Park and Recreation System is the “jewel in the crown” in the quality of life of city residents. Ninety-seven percent rate park and recreation facilities and amenities as “excellent” or “good.” Everyone favorably rates the upkeep and maintenance of park and recreation facilities and amenities in the city. Given residential demographics, respondents posted elevated levels of use of each facility or amenity. Favorable ratings by users of each park, beach, or trail are uniformly high, usually above 90%. Even so, there is one amenity to prioritize for further review given its distinctly lower positive rating: Margaret Circle Park. Overall, Wayzata households feel existing recreation facilities and amenities offered by the City meet their needs.

Eighty-two percent think they have adequate opportunities to provide input and feedback about issues facing the City of Wayzata; only four percent do not, a low across the Metropolitan Area. Forty-six percent contacted City Hall during the past year, a majority by telephone. Utility Billing had the greatest number of contacts, at 43%, followed by Water and Sewer, at 15%, and Street Maintenance, by eight percent. These respondents were asked to rate the interaction on five quality customer satisfaction dimensions – knowledge, courtesy, responsiveness, respectfulness, and ease of service. In the public sector, high quality customer service is defined by a positive rating of 80%. No positive rating was lower than 87% for these interactions, and

the average was a uniquely high 92.2%. The preferred methods to contact City Staff follow the already established pattern: telephone, e-mail, and in-person, with a small percentage opting for text message.

Both the job performance rating of the Wayzata City Staff and the job performance of the Mayor and City Council are at the very top of Greater Metropolitan Area suburban and exurban ratings. The Wayzata City Staff receive a positive rating by 94% and a negative rating by five percent. The 19-to-1 ratio of approval-to-disapproval is the highest not only across the Metropolitan Area, but also across the State of Minnesota. Seventy percent feel they know either “a great deal” or “a fair amount” about the work of the Mayor and City Council; this level of knowledge is also among the top in suburban and exurban communities. Ninety-one percent approve of their job, while only one percent does not, and nine percent are unsure. This rating dwarfs any rating taken in the State of Minnesota during the past three years.

As pointed out, information levels about Wayzata City Government and its activities are solid. The City’s monthly newsletter, the City’s website, and “The Sun Sailor” local newspaper are the three highest ranked sources, combined at 80%. Preferred ways to receive information closely follow the existing communications pattern. During the past year, 88% of the community received “The Portal” and 87% report regularly reading it, for an effective reach of 77%. This reach level is much more reflective of a small town than a suburban community. For the present, the City should continue to provide both a print copy and an electronic copy, since a changeover to only one could significantly diminish its current reach. Ninety-four percent currently subscribe to at least one enhanced television service. Seventy-four percent have accessed the City’s website, Wayzata.org. Ninety-six percent rate the website as either “excellent” or “good,” placing it at the top level among Greater Metropolitan Area suburbs and exurbs. A lofty 98% were able to find what they were looking for. As these are top-ranked communication channels, the City may wish to consider a “continuous improvement” process in the future.

Methodology:

This study contains the results of a telephone survey of 400 randomly selected residents of the City of Wayzata. Survey responses were gathered by professional interviewers across the community between March 14th and 30th, 2022. The average interview took 20 minutes. The non-response rate was 5.0%. All respondents interviewed in this study were part of a randomly generated sample of adult residents of the City of Wayzata. In general, random samples such as this yield results projectable to their respective universe within ± 5.0 percent in 95 out of 100 cases. Forty-five percent of households sampled were cell phone only residences, 14% were landline only residences, and 41% were both landline and cell phone residences.



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 8.b
TITLE: Consider Adoption of Resolution 27-2022 Supporting the Dakota Rail-Luce Line Connector Regional Trail	
PROPOSED MOTION: To Adopt Resolution 27-2022 Supporting the Dakota Rail-Luce Line Connector Regional Trail	
PREPARED BY: Nick Kieser, Parks Planner	
REVIEWED BY: Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff recommends adoption of Resolution 27-2022 Supporting the Dakota Rail-Luce Line Connector Regional Trail

FINANCIAL OR BUDGET CONSIDERATION:

This project is proposed to be funded by Three Rivers Park District.

BACKGROUND:

The Diamond Lake Regional Trail search corridor extends through or adjacent to seven communities: Rogers, Dayton, Corcoran, Medina, Orono, Long Lake and Wayzata, and was envisioned to connect several existing and future regional trails, local amenities, and many of the region's valuable natural resources. As a destination regional trail, it should function as a destination in itself, incorporate and highlight the surrounding natural and cultural landscapes and provide a linear park experience for users.

Three Rivers Park District kicked off the Diamond Lake Regional Trail Master Plan project in early 2020. In the spring of 2020, Three Rivers identified several route alternatives through the 20-plus mile corridor through seven cities, including the City of Wayzata. After extensive public engagement from the summer of 2020 through the summer of 2021, a preferred route for the trail has been approved by six of the seven cities. Since then, Three Rivers has been drafting the master plan document, which includes a summary of all the background, evaluations, public engagement and route analysis for the trail.

The Diamond Lake Regional Trail is now envisioned to connect to the West Mississippi River Regional Trail in Dayton at its northern terminus and travel through Rogers and Corcoran to the Lake Independence Regional Trail and Baker Park Reserve in Medina at its southern terminus. As requested by the cities of Medina and Long Lake, the regional trail will avoid southeast Medina and the City of Long Lake. This planning effort also envisions a north-south trail connection in Wayzata and Orono linking the Dakota Rail Regional Trail and Luce Line State Trail. This connection has been designated a high priority by Three Rivers, many community members and regional trail users, and will be called the "Dakota Rail – Luce Line Connector." This trail connection, along with the existing trail connection of the Luce Line State Trail and the Lake Independence Regional Trail, will provide the contiguous trail route that was originally envisioned for the Diamond Lake Regional Trail corridor. The total length of all segments of the trail corridor is 37.8 miles.

The master plan preferred route for the regional trail through Wayzata has not changed since it was approved by the City in March 2021. The preferred route location in Wayzata would connect the Dakota Rail Regional Trail to the Luce Line Regional Trail via Barry Avenue, then go east on the north side of Wayzata Blvd, and finally go north on Ferndale Rd N to connect to the Luce Line. Page 85 of the attached draft Master Plan shows a map of the proposed route through Wayzata. Three Rivers has just concluded the 30-day public comment period and did not receive any comments specifically directed towards the route in Wayzata.

This master plan positions the Three Rivers to work towards securing federal and regional funds that are typically used to construct regional trails. Securing municipal support is a critical step in obtaining

Metropolitan Council approval for the master plan and subsequent partnering with local communities to construct the regional trail.

At a recent meeting, the Parks and Trails Board voted to recommend support of the proposed route in the Diamond Lake Master Plan. Three Rivers staff will be available to give a brief presentation to update the Council on the master plan approval process and next steps.

ATTACHMENTS:

1. Draft Diamond Lake Regional Trail Master Plan
2. Resolution 27-2022_Resolution of Support_Regional Trail



DIAMOND LAKE
REGIONAL TRAIL &
DAKOTA RAIL - LUCE LINE
CONNECTOR

MASTER PLAN

.....

APRIL 21, 2022

DRAFT

The mission of **Three Rivers Park District** is to promote environmental stewardship through recreation and education in a natural resources-based park system.

Three Rivers Park District was established in 1957 after legislation was enacted in 1955 allowing for the activation of park districts whose primary duties are "acquisition, development and maintenance of large parks, wildlife sanctuaries, forest and other reservations, and means for public access to historic sites and to lakes, rivers and streams and to other natural phenomena" (Minnesota State Statutes, Chapter 398.07).

There are nearly 13.8 million annual visits to more than 26,500 acres of park reserves, regional parks and special-use areas in Hennepin and five adjoining counties and 170 miles of regional trails. Current outdoor-recreation activities in regional parks and trails include camping, hiking, cross-country and downhill skiing, tubing, bicycling, in-line skating, horseback riding, nature interpretation, golfing, fishing and swimming. Three Rivers Park District also operates a natural resources management program, which administers the restoration and perpetuation of both native wildlife and plants in order to provide park and trail visitors opportunities for high-quality recreational experiences.

Board of Commissioners

DISTRICT 1

Marge Beard

Corcoran, Greenfield, Hanover, Independence, Long Lake, Loretto, Maple Plain, Medicine Lake, Medina, Minnetrista, Minnetonka Beach, Mound, New Hope, Orono (precincts 1, 3 & 4), Plymouth, Rockford, Rogers, Spring Park, St. Bonifacius, Wayzata

DISTRICT 2

Jennifer DeJournett

Brooklyn Park (all precincts except W1-0 and W1-R), Champlin, Dayton, Maple Grove, Osseo

DISTRICT 3

Daniel Freeman

Brooklyn Center, Brooklyn Park (only precincts W1-0 and W1-R), Crystal, Golden Valley, Hopkins (precinct 2), Robbinsdale, St. Anthony, St. Louis Park

DISTRICT 4

John Gunyou

Deephaven, Edina, Excelsior, Greenwood, Hopkins (all precincts except 2), Minnetonka, Orono (precinct 2), Richfield (all precincts except 6 & 9), Shorewood, Tonka Bay, Woodland

DISTRICT 5

John Gibbs

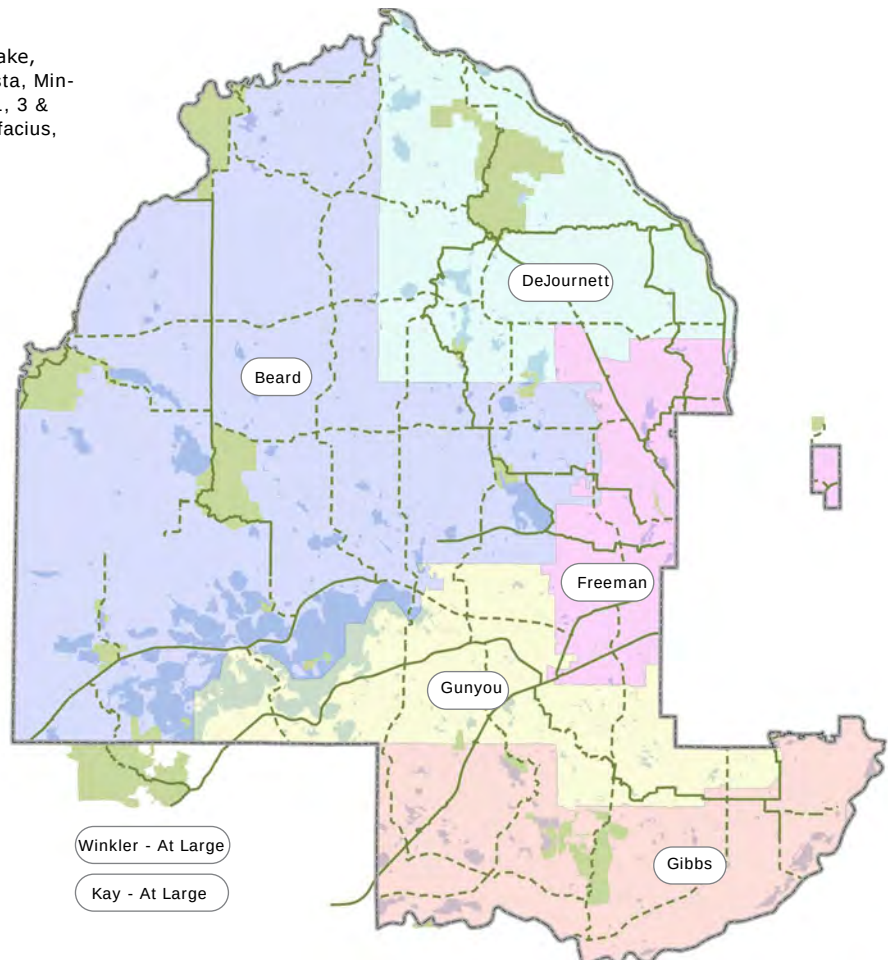
Bloomington, Chanhassen, Eden Prairie, Fort Snelling, Richfield (precincts 6 & 9)

Jesse Winkler

Hennepin County Appointee - serves at large

Gene Kay

Hennepin County Appointee - serves at large





EXECUTIVE SUMMARY

MASTER PLAN

The Diamond Lake Regional Trail will be a new north-south regional trail through the western portion of Hennepin County. The original trail corridor was envisioned from the northern edge of the County in the Dayton/Rogers area south through the communities of Corcoran, Medina and Orono to the Dakota Rail Regional Trail in Wayzata. However, through the planning process, and at the request of the local communities, the vision for the trail corridor changed to include two separate regional trail segments – one on the north end of the original vision (Diamond Lake Regional Trail) and the other on the south end (Dakota Rail – Luce Line Connector). They are connected to each other via one existing regional trail and one existing state trail ultimately forming one contiguous trail corridor and helping meet the original trail corridor intent (**Map I**).

The Diamond Lake Regional Trail will extend 28.1 miles from Goodin Park and the West Mississippi Regional Trail in Dayton, to the existing Lake Independence Regional Trail and future Baker-Carver Regional Trail in Baker Park Reserve in Medina. The Dakota Rail-Luce Line Connector will extend 0.9-miles from the Luce Line State Trail in Orono to the Dakota Rail Regional Trail in downtown Wayzata. Since both regional trail segments share the same planning process, they are both included in this master plan. When the Dakota Rail Regional Trail Master Plan is next updated to include an extension east to the Lake Minnetonka Regional Trail, the Dakota Rail-Luce Line Connector will become part of the Dakota Rail Regional Trail, essentially creating two ‘tails’, which will work to provide critical connections to the broader regional and state trail systems.

Both regional trails will be 10-foot wide, paved and multi-use and connect natural areas, local, regional and state trails, and other local destinations like parks, schools,

commercial areas, neighborhoods and places of worship. Primary trail uses will include biking, hiking, dog walking, running, and in-line skating.

The Diamond Lake Regional Trail is designated as a destination regional trail and is envisioned to function as a linear park or greenway. Similar to the Medicine Lake or Rush Creek Regional Trails, the trail's ideal design calls for centering the trail through a 50 – 100 foot (or wider) independent corridor separated from the road right-of-way to the greatest extent possible. The vision is for the corridor to be wide enough to incorporate land for ecological restoration adjacent to the trail providing both habitat value and improved trail user experience. While the linear park design is the preferred design of the Diamond Lake Regional Trail, some sections of the trail will be located within existing road right-of-way to avoid or minimize impacting existing development and private property where no other reasonably feasible solution exists.

The Diamond Lake Regional Trail route directly connects recreational destinations such as the West Mississippi River Regional Trail (northern terminus), Henry's Woods, Rush Creek Regional Trail, Lake Independence Regional Trail, future Baker-Carver Regional Trail and Baker Park Reserve. In addition, the Diamond Lake Regional Trail will make direct connections to local parks and natural areas as well as many new housing developments along the trail corridor (**MAP I**).

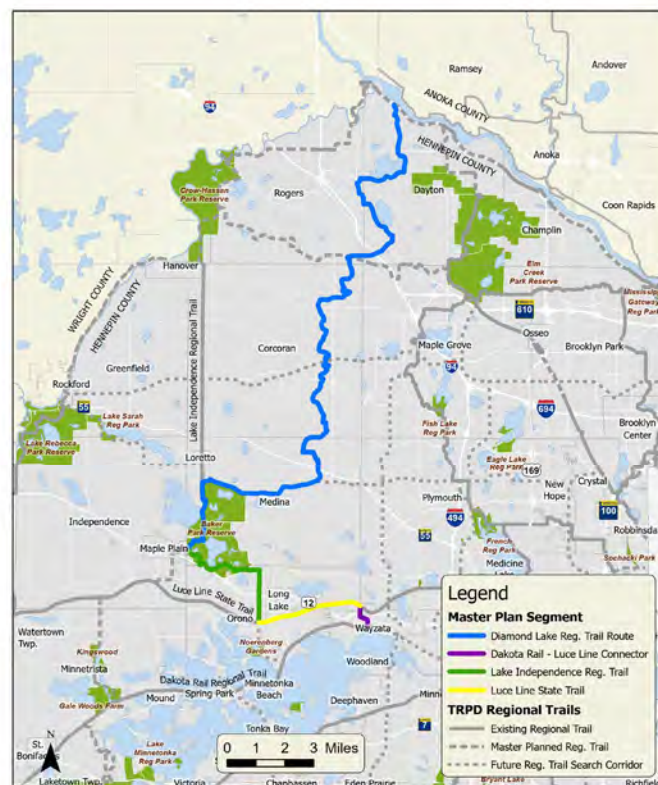
The Dakota Rail – Luce Line Connector, on the other hand, is envisioned as a linking regional trail and its primary purpose is to connect people to the greater regional park and trail system and to connect units of the regional and state park and trail system to each other. Accordingly, the Dakota Rail – Luce Line Connector makes an important connection between the Luce Line State Trail and the Dakota Rail Regional Trail, two very popular destination trails as well as connections beyond to downtown Wayzata, the future Baker-Carver Regional Trail, Lake Independence Regional Trail and Baker Park Reserve.

INPUT: ENGAGEMENT AND EQUITY

As a new regional trail corridor without an identified route, community engagement and a thoughtful approach to considering and incorporating equity was key to determining a route that best meet the needs of the communities and their residents.

Map I: Diamond Lake Regional Trail Master Plan Context

Source: TRPD and SRF Consulting Group



This was a large undertaking since the Diamond Lake Regional Trail search corridor directly touched seven communities while its service area included twenty communities. Each affected community is at a different stage of development with some being predominantly rural/agricultural and others fully developed with low density, high-end single-family housing and small pockets of higher density housing and localized commercial nodes.

Additionally, each of the seven directly affected communities had their own community engagement expectations and processes for engaging their residents, commissions, boards and councils – and some communities had a healthy level of hesitation and concern for a new regional trail. Fortunately, the engagement and route selection processes were flexible and able to adapt to address concerns, consider new routes and readily incorporate community feedback.

Furthermore, most of the engagement occurred during a pandemic requiring new creative approaches that resulted in more one-on-one engagement opportunities, a stronger virtual presence, increased notification mailings and likely more residents being actively involved compared to other previous plans. Many of these approaches will be employed moving forward given their success.

ENGAGEMENT PLAN AND FINDINGS

The engagement plan followed a 7-phase engagement plan which was flexible and tailored to each community and engagement community group category (Figure A). In fact, the engagement plan was significantly adjusted several times in direct response to local community feedback and the need to study alternative routes which had less potential impact on property owners and commercial districts.

The Diamond Lake Regional Trail engagement plan was drastically impacted by the COVID-19 pandemic. All pandemic health protocols were followed during the engagement which meant indoor in-person engagement would be minimized. The engagement plan relied heavily on virtual meetings and a robust on-line project website for disseminating project information and collecting public feedback. Early in the pandemic, several agency meetings were postponed until virtual meetings could be set up. Virtually all community events were cancelled.

The Park District’s engagement plan was modeled after the Spectrum of Public Participation, an engagement tool developed by the International Association of Public Participation (IAP2). This spectrum describes five general modes of public participation that work on a progressive continuum of increasing influence over decision making in a given civic-engagement process. Importantly, the model not only describes the goals of a given mode of public participation, but also the ‘promise’ that each mode communicates – whether implicitly or explicitly – to the public.

NATURAL RESOURCES

The Diamond Lake Regional Trail corridor extends north-south across central Hennepin County through landscapes that contain a variety of land cover, with several themes of land use and land cover present along the proposed corridor. Much of the northern part of the corridor, from

Baker Park Reserve to the Mississippi River has been farmed or is currently in agricultural use. Industrial and residential development is expanding throughout this part of Hennepin County, with many of the larger undeveloped tracts of land being slated for future development. During the planning for the Diamond Lake Regional Trail, larger, undeveloped parcels and areas of higher ecological integrity such as wetlands and woodlands were identified so that the trail corridor could act as a buffer and provide some additional level of protection for the natural



Trail sign used to advertise the Diamond Lake Regional Trail Master Plan that was placed along trail corridors.



Outdoor public engagement meeting in Dayton.

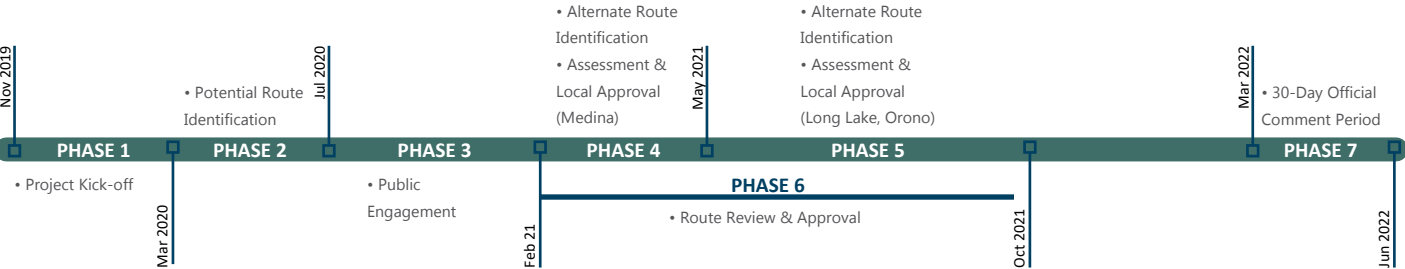


FIGURE A | PUBLIC ENGAGEMENT PROCESS

SOURCE: PARK DISTRICT

resources. In addition, these natural resources could help increase the desirability of the trail to potential users.

Notable landscape features along the corridor include the following:

- Mississippi River
- Diamond Lake
- Grass Lake wetlands
- French Lake
- Henry's Woods
- Stieg Woods
- Medina Preserve Wetland
- Baker Park Reserve

DEVELOPMENT CONCEPT | DIAMOND LAKE REGIONAL TRAIL

The conceptual preferred route for the Diamond Lake Regional Trail extends through the cities of Rogers, Dayton, Corcoran, Medina, Orono and Wayzata. Two communities, Medina and Long Lake, did not support some of the studied routes which ultimately resulted in one regional trail search corridor becoming two separate regional trails. The resulting two regional trails will be connected via the existing Lake Independence Regional Trail and the Luce Line State Trail (**Figure B**).

The Diamond Lake Regional Trail will extend 28.1 miles from Goodin Park and the West River Regional Trail in Dayton to Baker Park Reserve and the future Baker-Carver Regional Trail in Medina. The other trail segment, the Dakota Rail – Luce Line Connector, will extend 0.9 miles from the Luce Line State Trail in Orono to the Dakota Rail Regional Trail in Wayzata.

SEGMENT A | CITY OF DAYTON AND CITY OF ROGERS

Segment A extends through the City of Dayton and the City of Rogers and represents the northerly extents of the Diamond Lake Regional Trail. Segment A is separated into four subsegments.

Segment A Cost Estimate

The total acquisition and construction cost to build Segment A in Dayton and Rogers is \$13.33 million. This segment requires right-of-way acquisitions and a trail underpass.

SEGMENT B | CITY OF CORCORAN

Segment B will extend through the City of Corcoran. Much of Segment B will be constructed independent of road right-of-way through future and planned developments. Segment B is separated into four subsegments.

Segment B Cost Estimate

The total acquisition and construction cost to build Segment B in Corcoran is \$11.58 million. This segment requires right-of-way acquisitions and substantial trail infrastructure including two boardwalks and trail underpass.

SEGMENT C | CITY OF MEDINA

Segment C extends through the City of Medina from the northern boundary with the City of Corcoran to the trail terminus in Baker Park Reserve. Trail Segment C will be constructed in both public right-of-way and across some private parcels. Segment C is separated into five subsegments.

Segment C Cost Estimate

The total acquisition and construction cost to build Segment C in Medina is \$16.07 million. This segment requires right-of-way acquisitions and substantial trail infrastructure including a boardwalk and pedestrian bridge.

DEVELOPMENT CONCEPT | DAKOTA RAIL - LUCE LINE CONNECTOR

The original search corridor for the Diamond Lake Regional Trail from Wayzata to Dayton included a more direct route through eastern Medina and Orono and along Long Lake. During the planning process, the Park District received significant input from the Cities of Medina and Long Lake that changed the final alignment of the Diamond Lake Regional Trail. The Diamond Lake Regional Trail will end in Baker Park Reserve at the intersection with the planned Baker-Carver Regional Trail near the trailhead parking lot along Baker Park Road. Trail users will be able to connect with the Dakota Rail Regional Trail and Wayzata by following the existing Lake Independence Regional Trail south from Baker Park Reserve, past Orono Schools, and connect with the Luce Line State Trail that will provide access to Ferndale Road North in Wayzata.

SEGMENT D | CITY OF ORONO AND CITY OF WAYZATA

Segment D is the Dakota Rail – Luce Line Connector Trail that extends through a small segment of Orono between the Luce Line State Trail and the Highway 12 overpass and continues south into the City of Wayzata (Map 24). Trail segment D will be constructed in road right-of-way and will provide a key connection to downtown Wayzata from the Luce Line State Trail. Segment D is separated into three subsegments.

Segment D Cost Estimate

The total acquisition and construction cost to build the Dakota Rail - Luce Line Connector is \$4.138 million. This segment does not require any additional right-of-way acquisition, so the total cost is associated with trail development.

DIAMOND LAKE REGIONAL TRAIL IMPLEMENTATION SUMMARY

Acquisition

The Diamond Lake Regional Trail corridor will require acquisition of significant land and/or easement for an estimated cost of \$6.4 million. For the purposes of this master plan, a high-level, yet detailed analysis of proposed trail corridor was conducted to identify where property acquisitions and/or easements may be necessary to develop the Diamond Lake Regional Trail through Dayton, Rogers, Corcoran and Medina.

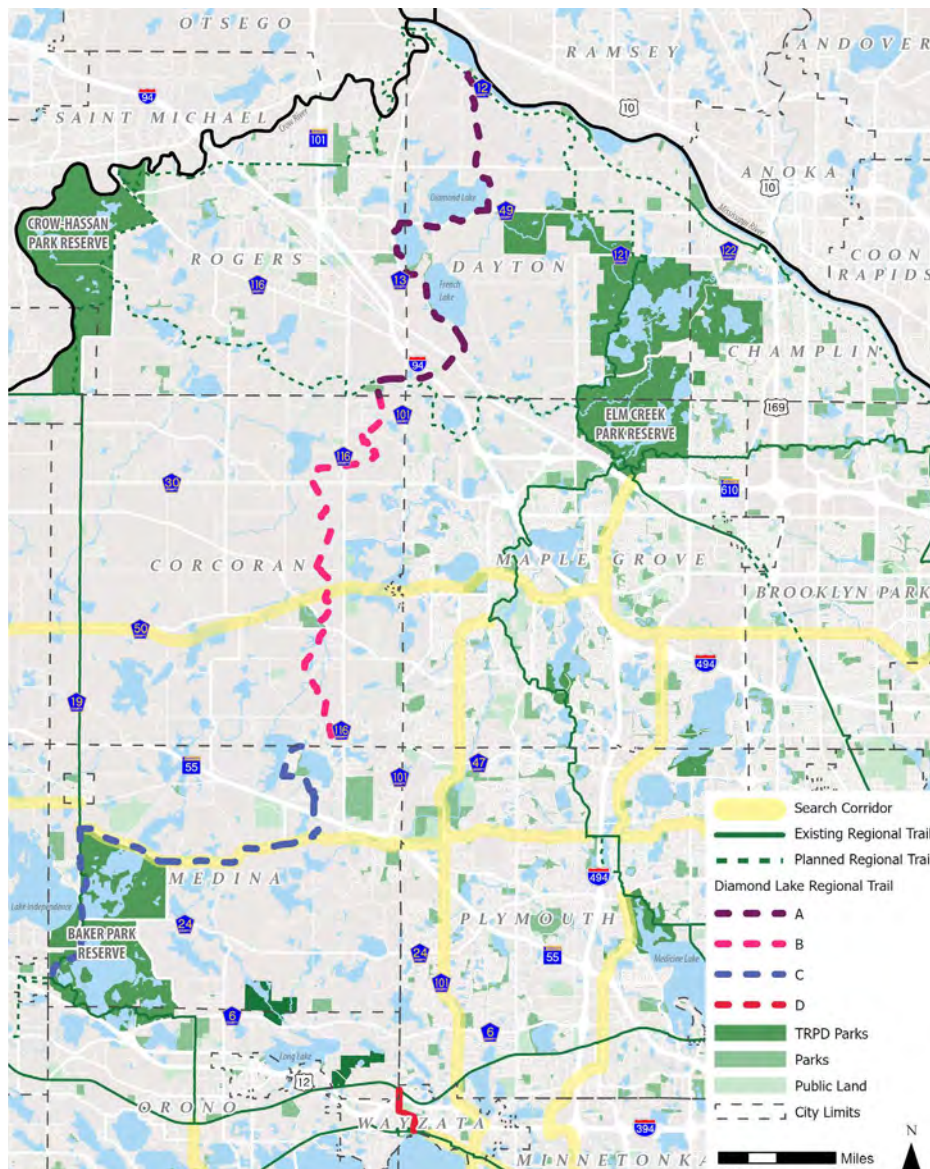


FIGURE B | DIAMOND LAKE REGIONAL TRAIL CORRIDOR MAP

SOURCE: PARK DISTRICT

The purpose of the analysis is to provide Three Rivers Park District with an understanding of the specific parcels and costs for acquiring fee title or easements of portions or all of the parcels identified. Below is a summary of the regional trail acquisition intent:

- In locations where development has yet to occur in the proposed corridor, the intent is to acquire a wide corridor of up to 200 feet to provide a linear park-like experience that will allow natural landscape buffers on either side of the trail as well as to provide an opportunity to share the corridor with other trail uses desired by the local communities.
- In locations where development is occurring or where larger parcels are not available, acquisition of a corridor up to 75 feet wide will provide a smaller but sufficient buffer for the trail corridor.
- There are several locations where the trail will extend along roadways within public right-of-way. In these locations, a width of 20 feet is identified for limited use permits or permanent easements that may be needed for trail development. Temporary construction easements may also be required from adjacent property owners and will be further defined during the design phase.

In addition the above acquisition intent, the Park District may also consider acquisition of additional, adjacent property if it helps protect natural and cultural resources which would further enhance or create a desirable, high-quality trail user experience.

Development

Development of the Diamond Lake Regional Trail will be phased and significantly tied to opportunities that take advantage of external funding sources, road reconstruction projects, development initiatives and local and regional political will.

Trail development costs for each segment are summarized in earlier chapters. The total trail development costs, including acquisitions and construction are summarized in **Table A**.

**DAKOTA RAIL - LUCE LINE CONNECTOR
IMPLEMENTATION SUMMARY**

Acquisition

The Dakota Rail - Luce Line Connector is anticipated to be located solely within existing road right of way as such there are no anticipated permanent private property acquisition costs. However, property rights likely in the form of limited use permits or easements are required from Orono, MnDOT and Wayzata as they have jurisdictional control of the affected right-of-way.

In addition, temporary construction easements are likely required from adjacent property owners along the trail corridor and will be further defined during the design phase.

Development

The Dakota Rail - Luce Line Connector will require coordination with the cities of Orono and Wayzata to reconstruct existing sidewalks and streets to install the regional trail. Three Rivers will coordinate with MnDOT on plans and timing to modify the Ferndale North Bridge over I-394 to accommodate the trail.

Total development costs for Segment D are summarized in an earlier chapter. The total development cost is summarized in **Table B**.

TABLE A | DIAMOND LAKE REGIONAL TRAIL: SUMMARY OF ACQUISITION AND CONSTRUCTION COSTS BY SEGMENT

SOURCE: PARK DISTRICT

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Total Estimated Cost
A - Dayton/Rogers	9.04	\$4,030,000	\$9,330,000	\$13,330,000
B - Corcoran	8.89	\$1,699,000	\$9,882,000	\$11,581,000
C - Medina	9.97	\$669,000	\$15,404,000	\$16,073,000
TOTAL	28.78	\$0	\$38,711,000	\$40,984,000

TABLE B | DAKOTA RAIL-LUCE LINE CONNECTOR: SUMMARY OF ACQUISITION AND CONSTRUCTION COSTS BY SEGMENT

SOURCE: PARK DISTRICT

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Total Estimated Cost
D - Orono/Wayzata	0.89	\$0	\$4,125,000	\$4,125,000
TOTAL	0.89	\$0	\$4,138,000	\$4,138,000

ACKNOWLEDGMENTS

THREE RIVERS PARK DISTRICT (PARK DISTRICT) GRATEFULLY ACKNOWLEDGES THE STAFF, ELECTED OFFICIALS, COMMUNITY MEMBERS AND OTHER PARTICIPANTS WHO CONTRIBUTED TO THE MASTER PLAN. THE PARK DISTRICT EXTENDS A SPECIAL THANK YOU TO THE INDIVIDUALS LISTED BELOW WHO PROVIDED GUIDANCE, TIME, QUESTIONS, AND CRITICAL INSIGHT THROUGHOUT THE PROCESS.

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Superintendent & Secretary to Board

Jonathan Vlaming

Associate Superintendent

Division of Planning, Design & Technology

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Director of Planning

Stephen Shurson

Landscape Architect

Danny McCullough

Regional Trail System Manager

Heather Kuikka

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Andrew Simmons, Public Works Superintendent

City of Corcoran

Brad Martens, Former City Administrator

Jessica Beise, City Administrator

Jessica Christensen Buck, Recreation Supervisor

City of Medina

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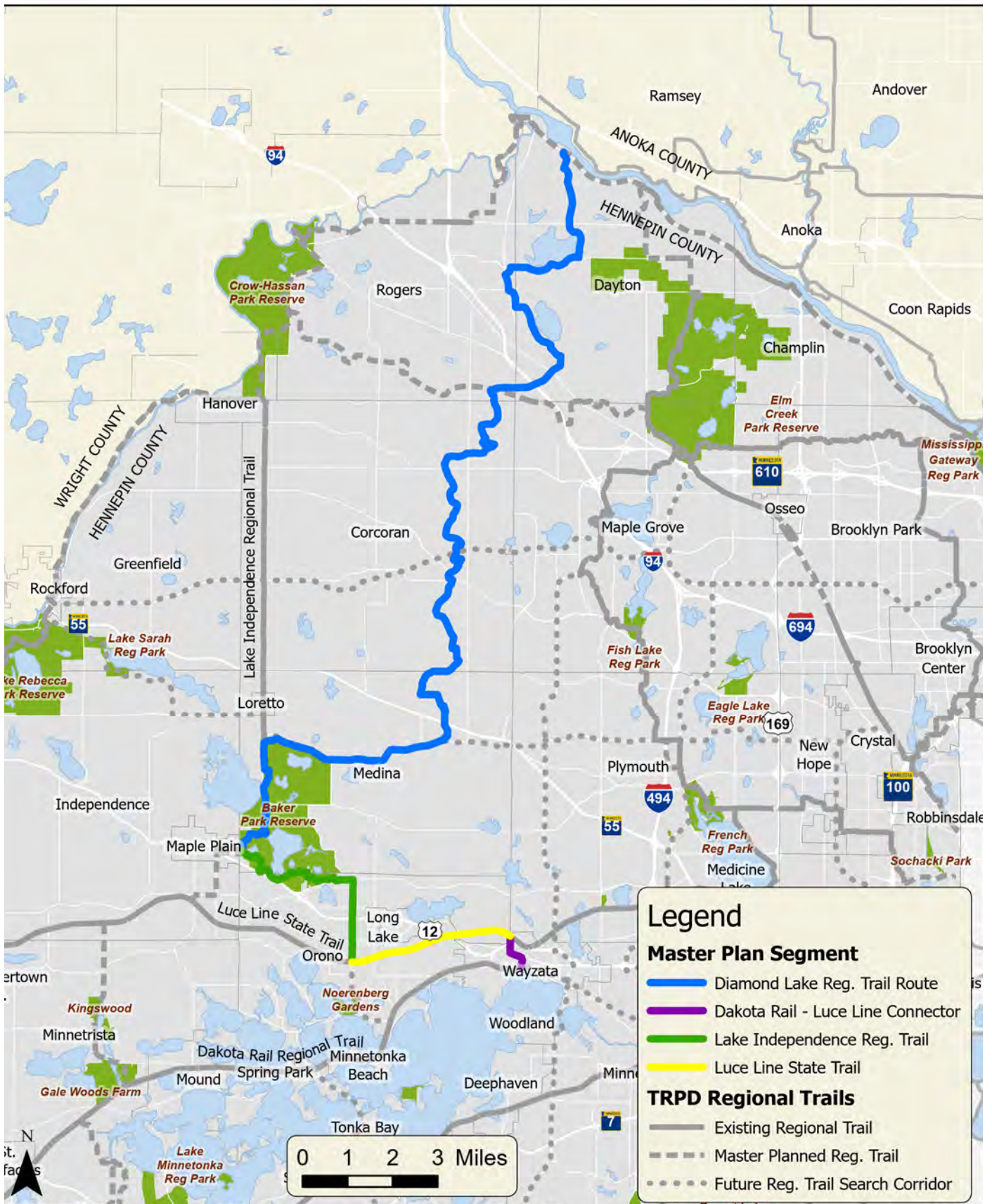
INTRODUCTION PLANNING FRAMEWORK

Three Rivers Park District (Park District) has developed a robust regional trail system that extends along railroad corridors, public road right-of-way, through parks and along independent trail corridors. Today, the Park District offers over 170 miles of off-road trails with an additional 230 miles envisioned. The Diamond Lake Regional Trail search corridor is one of the envisioned future regional trail corridors.

PLANNING SCOPE

The Diamond Lake Regional Trail will be a new north-south regional trail through the western portion of Hennepin County. The original trail corridor was envisioned from the northern edge of the County in the Dayton/Rogers area south through the communities of Corcoran, Medina and Orono to the Dakota Rail Regional Trail in Wayzata. However, through the planning process, and at the request of the local communities, the vision for the trail corridor changed to include two separate regional trail segments – one on the north end of the original vision (Diamond Lake Regional Trail) and the other on the south end (Dakota Rail – Luce Line Connector). They are connected to each other via one existing regional trail and one existing state trail ultimately forming one contiguous trail corridor and helping meet the original trail corridor intent (**Map 1**).

The Diamond Lake Regional Trail will extend 28.1 miles from Goodin Park and the West Mississippi Regional Trail in Dayton, to the existing Lake Independence Regional Trail and future Baker-Carver Regional Trail in Baker Park Reserve in Medina. The Dakota Rail-Luce Line Connector will extend 0.9-miles from the Luce Line State Trail in Orono to the Dakota Rail Regional Trail in downtown Wayzata. Since both regional trail segments share the same planning process, they are both included in this



MAP 1 | DIAMOND LAKE REGIONAL TRAIL CONTEXT

Source: Park District

master plan. When the Dakota Rail Regional Trail Master Plan is next updated to include an extension east to the Lake Minnetonka Regional Trail, the Dakota Rail-Luce Line Connector will become part of the Dakota Rail Regional Trail, essentially creating two 'tails', which will work to provide critical connections to the broader regional and state trail systems.

Both regional trails will be 10-foot wide, paved and multi-use and connect natural areas, local, regional and state trails, and other local destinations like parks, schools, commercial areas, neighborhoods and places of worship. Primary trail uses will include biking, hiking, dog walking, running, and in-line skating.

The Diamond Lake Regional Trail is designated as a destination regional trail and is envisioned to function as a linear park or greenway. Similar to the Medicine Lake or Rush Creek Regional Trails, the trail's ideal design calls for centering the trail through a 50 – 100 foot (or wider) independent corridor separated from the road right-of-way to the greatest extent possible. The vision is for the corridor to be wide enough to incorporate land for ecological restoration adjacent to the trail providing both habitat value and improved trail user experience. While the linear park design is the preferred design of the Diamond Lake Regional Trail, some sections of the trail will be located within existing road right-of-way to avoid or minimize impacting existing development and private property where no other reasonably feasible solution exists.

The Diamond Lake Regional Trail route directly connects recreational destinations such as the West Mississippi River Regional Trail (northern terminus), Henry's Woods, Rush Creek Regional Trail, Lake Independence Regional Trail, future Baker-Carver Regional Trail and Baker Park Reserve. In addition, the Diamond Lake Regional Trail will make direct connections to local parks and natural areas as well as many new housing developments along the trail corridor.

The Dakota Rail – Luce Line Connector, on the other hand, is envisioned as a linking regional trail and its primary purpose is to connect people to the greater regional park and trail system and to connect units of the regional and state park and trail system to each other. Accordingly, the Dakota Rail – Luce Line Connector makes an important connection between the Luce Line State Trail and the Dakota Rail Regional Trail, two very popular destination

trails as well as connections beyond to downtown Wayzata, the future Baker-Carver Regional Trail, Lake Independence Regional Trail and Baker Park Reserve.

It is estimated that 90 percent of use on the Diamond Lake Regional Trail will be for recreational purposes and ten percent of use will be for transportation purposes. For the Luce Line Connector, it is estimated that 83 percent will be for recreation purposes and 17 percent will be for transportation.

REGIONAL PARK SYSTEM & METROPOLITAN COUNCIL

The Metropolitan Regional Parks System includes 62 regional parks, park reserves and special recreation features – plus 340 miles of regional trails open to the public. Currently, there are 54,286 acres of protected land open for public use, with planned acquisition of an additional 70,000 parkland acres and 760 regional trail miles over the next 25 years to meet the region's growth expectations. The Metropolitan Regional Parks System is made up of 10 park implementing agencies consisting of six county park departments, three city park departments and the Park District.

The Metropolitan Council is the regional planning agency that oversees and provides partial funding of the acquisition, development, and operation of the Metropolitan Regional Parks System. The Metropolitan Council develops regional park policies to protect the region's water quality, promote best management practices, and help integrate the parks system with housing, transportation, and other regional priorities.

Per the Metropolitan Council Regional Parks Policy Plan, each regional park or trail must have a master plan approved by the Metropolitan Council prior to receiving Metropolitan Council funding. This master plan for the Diamond Lake Regional Trail and the Dakota Rail-Luce Line Connector reflects that guidance. The master plan must include information regarding boundaries and acquisition, demand, engagement and equity, development concept, implementation schedule, costs and natural resources. Public input and a critical equity lens is encouraged throughout the master planning process. Ultimately the Metropolitan Council's planning requirements help ensure consistency between the Council's policy plans and the implementing agencies' plans. These regional trails are currently identified as part of the Diamond Lake Regional Trail search corridor in the Metropolitan Council's 2040 Regional Parks System Plan (**MAP 2**).

THREE RIVERS PARK DISTRICT

The Park District is an independent, special park district charged with the responsibilities of acquisition, development and maintenance of regional parks and trails for the benefit and use of the citizens of suburban Hennepin County, the seven-county Twin Cities metropolitan area and the State of Minnesota. The Park District works cooperatively with local communities, counties, public agencies, the Metropolitan Council, and the State Legislature.

The Park District's mission is to promote environmental stewardship through recreation and education in a natural resources-based park system. The Park District was established in 1957 by the Minnesota State Legislature when prominent members of the community promoted the benefits of parks in the outlying areas of Hennepin County.



Regional Trail Planning Guidelines

The Park District manages its lands under four categories of regional open space: regional park reserves, regional parks, regional special recreation features, and regional trail corridors.

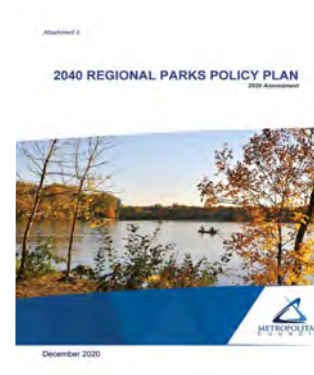
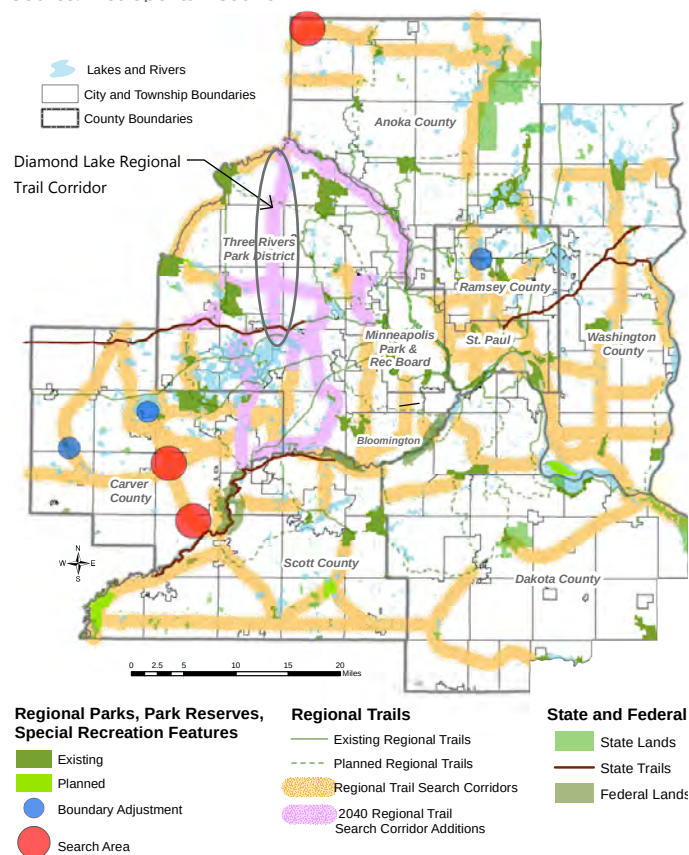
Regional trail corridors are intended to provide recreational travel along linear pathways that transcend multiple jurisdictions and may, or may not, also serve a transportation component. In addition, regional trails follow criteria established by the Metropolitan Council and Park District:

"Regional trail corridors are carefully selected to follow natural or cultural linear features with scenic appeal and/or historical, architectural and developmental interest, connect people with places, help create a sense of place amongst the greater community, intersect with local trail, sidewalk and bicycle networks, provide access to mass transit and link components of the regional park system together."

Regional trails may function as a destination or linking regional trail or both. For either regional trail type, adjacent land with significant natural or cultural resources may be acquired as part of the trail corridor.

MAP 2 | 2040 REGIONAL PARK SYSTEM

Source: Metropolitan Council



The Diamond Lake Regional Trail & Dakota Rail-Luce Line Connector Master Plan complements various previous planning documents.
Source: Met Council & Hennepin County

- **Destination regional trails** are developed as greenways or linear parks and are distinct in that the trail itself is a destination. This type of regional trail typically is an independent facility and includes a wide corridor providing opportunities for improving wildlife habitat, protecting natural/cultural resources, and providing recreational opportunities.
- **Linking regional trails** serve a greater transportation function and act as the backbone to the regional trail system by connecting the regional park system to itself and the people it serves in a logical and efficient manner.

For either regional trail type, adjacent land with significant natural or cultural resources may be acquired as part of the trail corridor. The Diamond Lake Regional Trail is designated as a destination regional trail. The Dakota Rail – Luce Line Connector is designated as a linking regional trail.

PRECEDENT PLANNING DOCUMENTS

The Diamond Lake Regional Trail and the Dakota-Rail-Luce Line Connector are consistent with several existing adopted plans. This master plan serves to solidify the related components of each plan into one, unified and community supported master plan. The regional trails are identified in the following plans:

- Three Rivers Park District 2040 System Plan
- Metropolitan Council 2040 Regional Parks Policy Plan 2020 Amendment as the ‘Diamond Lake Regional Trail Search Corridor.’
- Metropolitan Council 2040 Transportation Policy Plan as a ‘Regional Bicycle Transportation Network Tier 2 Alignment on Regional Trail’ for the portion

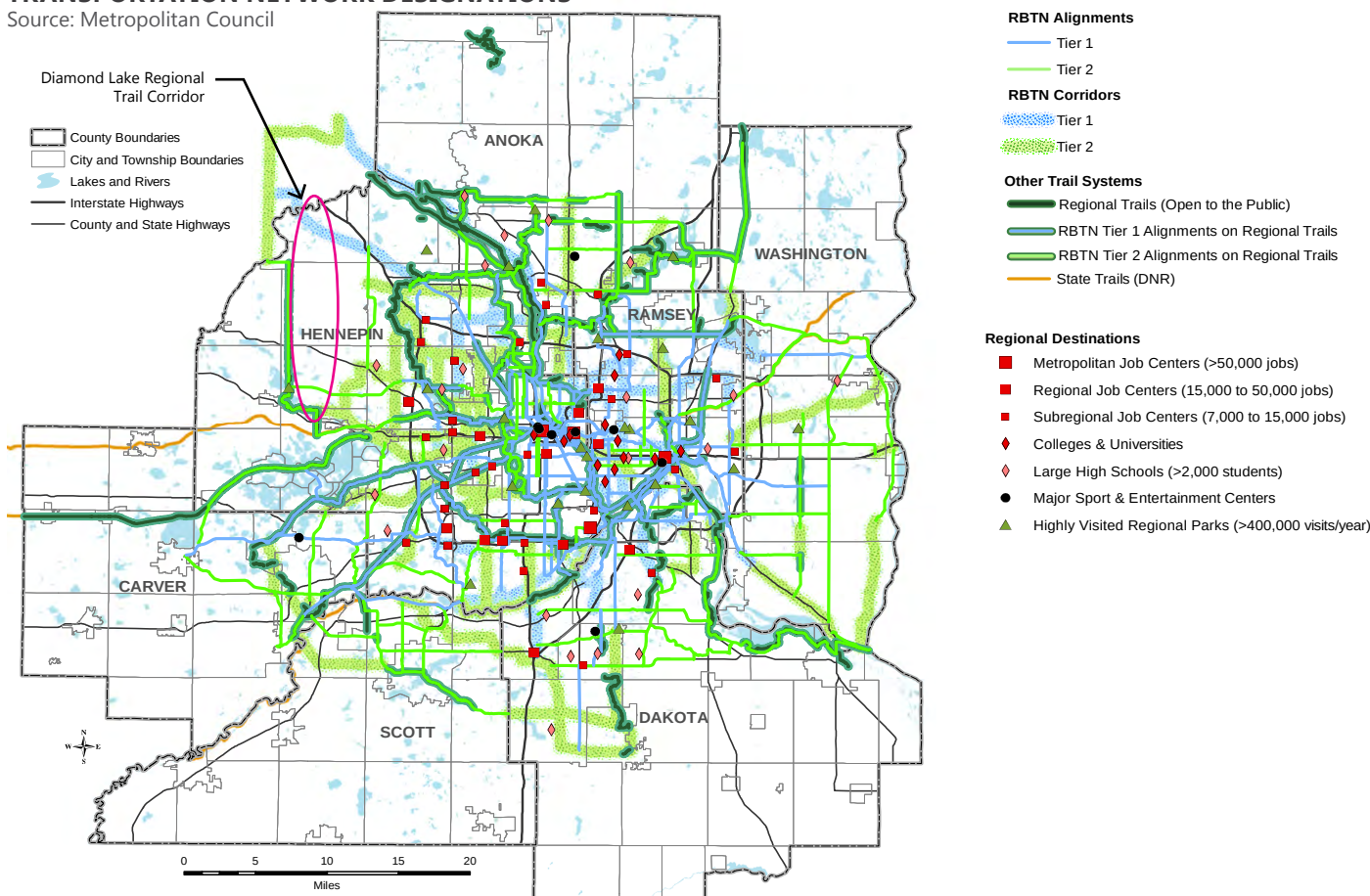
of the Diamond Lake Regional Trail which shares an alignment with the Lake Independence Regional Trail as well as the I-94 crossing (**Map 3**).

- Hennepin County 2040 Bicycle Transportation Plan as a ‘Proposed/planned trail corridor – proposed for inclusion in TRPD Regional Trail System’ (Hennepin County planned bikeway system, April 2015).
- City of Dayton 2040 Comprehensive Plan
- City of Corcoran 2040 Comprehensive Plan
- City of Medina 2040 Comprehensive Plan
- City of Orono 2040 Comprehensive Plan
- City of Wayzata 2040 Comprehensive Plan

With approval and adoption of this master plan, the Diamond Lake Regional Trail and the Dakota Rail – Luce Line Connector will be eligible for regional acquisition, development and operation and maintenance funding.

MAP 3 | METROPOLITAN COUNCIL 2040 REGIONAL PARKS POLICY PLAN REGIONAL BICYCLE TRANSPORTATION NETWORK DESIGNATIONS

Source: Metropolitan Council





2

PROCESS

ENGAGEMENT AND EQUITY

INPUT: ENGAGEMENT AND EQUITY

As a new regional trail corridor without an identified route, community engagement and a thoughtful approach to considering and incorporating equity was key to determining a route that best meet the needs of the communities and their residents.

This was a large undertaking since the Diamond Lake Regional Trail search corridor directly touched seven communities while its service area included twenty communities. Each affected community is at a different stage of development with some being predominantly rural/agricultural and others fully developed with low density, high-end single-family housing and small pockets of higher density housing and localized commercial nodes.

Additionally, each of the seven directly affected communities had their own community engagement expectations and processes for engaging their residents, commissions, boards and councils – and some communities had a healthy level of hesitation and concern for a new regional trail. Fortunately, the engagement and route selection processes were flexible and able to adapt to address concerns, consider new routes and readily incorporate community feedback.

Furthermore, most of the engagement occurred during a pandemic requiring new creative approaches that resulted in more one-on-one engagement opportunities, a stronger virtual presence, increased notification mailings and likely more residents being actively involved compared to other previous plans. Many of these approaches will be employed moving forward given their success.

ENGAGEMENT GOALS AND ROUTE SELECTION PRINCIPLES

The overarching goals of the public engagement process were as follows:

- Engage all interested and affected parties.
- Make engagement easy, convenient, interactive, thoughtful, valuable and safe and comfortable to all parties during a pandemic.
- Purposefully engage with underrepresented community members and groups and proactively work to remove common barriers to their participation.
- Develop/expand relationships and partnerships with local communities, affected public agencies and community groups.
- Focus engagement efforts to identify local destinations, opportunities/concerns, willing-sellers, future development plans and allow for local input to guide the establishment of a preferred route.
- Address concerns, remedy misinformation and listen with an open mind and desire to learn.

The overarching route selection principles employed in partnership with the engagement feedback to determine the preferred regional trail route include:

- Safety, cost and construction feasibility
- Ability to secure land from willing-sellers or as part of future development
- Ability to avoid, minimize or mitigate potential impacts to natural resources and private property
- Connectivity to local and regional destinations and trail/pedestrian systems
- Integration of existing natural areas and resources to create a linear park-like or greenway experience
- Support from local partners

ENGAGEMENT SCOPE

The engagement scope or efforts were geographically focused on those areas in which would be most likely to benefit or use the regional trail(s) (**Map 4**). In accordance with the Park District's research findings and the 2040 System Plan, 50% of visits are anticipated to originate from 1.5 miles of a regional trail (core service area) and

75% of visits are anticipated to originate from within 3 miles of a regional trail (primary service area) (**Map 5**). Therefore, the Park District's engagement efforts are generally focused on reaching and engaging cities and agencies located within or adjacent to the designated service areas, as well as community members that live or spend time within or near these service areas. The Park District also pulled engagement findings from other recent planning initiatives which shared a similar purpose but may have occurred outside these areas and also considered applicable industry research.

Table 1 (following page) compares the demographic make-up of the DLRT service areas to that of greater suburban Hennepin County. According to this comparison, the following groups are considered under-represented in the DLRT service area in relation to greater suburban Hennepin County: Black, American Indian, Hispanic, 25-34 year-olds, 65 year-olds and older, low income, families on assistance. These groups are also typically under-represented on regional trails. This comparison illustrates that community members that are typically under-represented on regional trails are not as populous in this area of Hennepin County compared to first tier communities, thus posing a challenge to our engagement efforts to reach out to them.

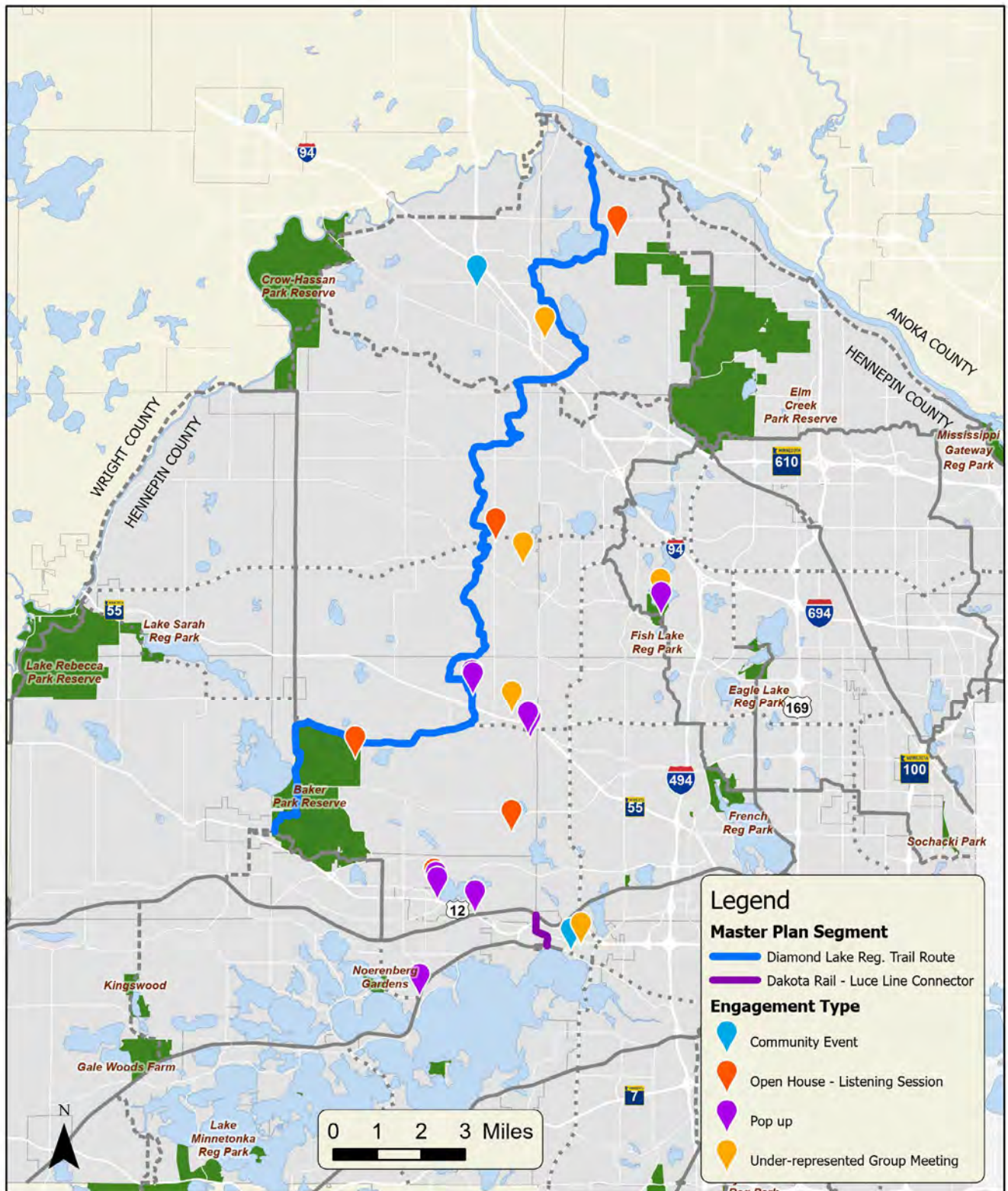
The Park District divided its engagement efforts into the following five categories – each with its own customized engagement approach:

General Public

The general public represents the full range of potential trail users – and includes people of all ages, abilities, races, ethnicity, income levels and more which generally live or spend time within the defined service area. This category includes everyone who is intended to benefit from the project.

It includes both existing and non-trail users as well as property owners, renters and visitors. This helps ensure that feedback is not biased toward one group or the other.

It also has the potential to capture feedback from underrepresented community members; however, typically underrepresented community groups have significant barriers to participation and maybe less represented within the feedback obtained through engagement efforts focused solely on the general public.



MAP 4 | DIAMOND LAKE REGIONAL TRAIL ENGAGEMENT LOCATIONS

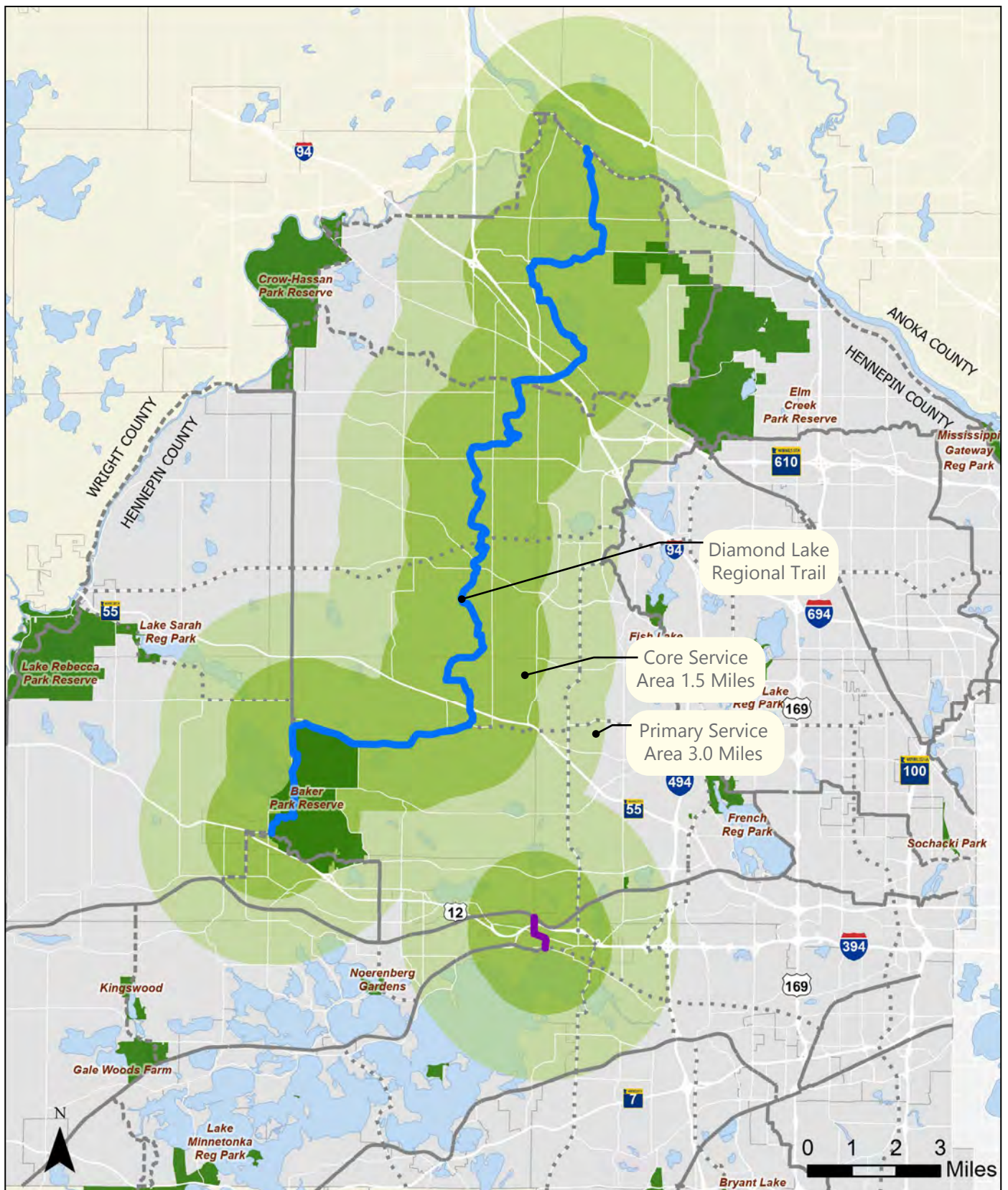
Source: Park District

TABLE 1 | DIAMOND LAKE REGIONAL TRAIL DEMOGRAPHIC ANALYSIS

*Source: 2020 Census | **Source: 2019 ACS 5-yr

	DIAMOND LAKE REGIONAL TRAIL				DAKOTA RAIL - LUCE LINE CONNECTOR TRAIL				SUBURBAN HENNEPIN CTY	
CATEGORY	Core Service Area (1.5 Miles)		Primary Service Area (3.0 Miles)		Core Service Area (1.5 Miles)		Primary Service Area (3.0 Miles)			
RACE*										
White	21740	80.5%	70369	79.4%	7943	87.0%	32032	86.0%	598821	70.4%
Black	824	3.1%	3754	4.2%	256	2.8%	1263	3.4%	89431	10.5%
American Indian	85	0.3%	226	0.3%	21	0.2%	94	0.3%	4493	0.5%
Asian	2058	7.6%	8203	9.3%	341	3.7%	1395	3.7%	72874	8.6%
Hawaiian	4	0.0%	20	0.0%	0	0.0%	6	0.0%	258	0.0%
Other	803	3.0%	1523	1.7%	159	1.7%	473	1.3%	28829	3.4%
Multi Race	1480	5.5%	4482	5.1%	414	4.5%	1988	5.3%	56117	6.6%
All BIPOC	5254	19.5%	18208	20.6%	1191	13.0%	5219	14.0%	252002	29.6%
ETHNICITY *										
Hispanic	1411	5.2%	3160	3.6%	318	3.5%	1221	3.3%	53679	6.3%
Not Hispanic	25637	94.8%	85746	96.4%	8813	96.5%	36029	96.7%	797144	93.7%
AGE **										
< 5 years	2002	7.5%	6148	7.6%	428	4.3%	2262	5.9%	53712	6.5%
5 to 9 years	2060	7.7%	6398	7.9%	573	5.8%	2368	6.2%	53835	6.5%
10 to 14 years	2238	8.3%	6958	8.6%	721	7.3%	2836	7.4%	52533	6.3%
15 to 17 years	1284	4.8%	4215	5.2%	523	5.3%	1520	4.0%	32116	3.9%
18 to 24 years	1508	5.6%	3982	4.9%	521	5.3%	1969	5.1%	50560	6.1%
25 to 34 years	2728	10.2%	7992	9.9%	885	9.0%	3759	9.8%	119395	14.4%
35 to 44 years	3757	14.0%	12194	15.1%	1075	10.9%	4731	12.4%	110093	13.3%
45 to 54 years	4530	16.9%	13296	16.5%	1467	14.8%	5243	13.7%	111476	13.5%
55 to 64 years	3595	13.4%	10131	12.5%	1352	13.7%	6117	16.0%	115732	14.0%
65 to 74 years	1960	7.3%	6100	7.6%	1156	11.7%	4220	11.0%	73336	8.9%
> 75 years	1198	4.5%	3379	4.2%	1184	12.0%	3257	8.5%	55435	6.7%
GENDER **										
Female	13795	51.4%	41353	51.2%	5015	50.7%	19277	50.4%	423682	51.2%
Male	13065	48.6%	39440	48.8%	4869	49.3%	19004	49.6%	404541	48.8%
HOUSEHOLD INCOME **										
\$0 - \$24,999	590	6.2%	1592	5.6%	395	9.7%	1383	9.0%	37125	11.2%
\$25,000 - \$49,999	1156	12.2%	2901	10.3%	510	12.5%	1601	10.4%	53210	16.0%
\$50,000 - \$74,999	1421	15.0%	3453	12.2%	525	12.9%	2031	13.2%	52103	15.7%
\$75,000 - \$99,999	945	10.0%	3209	11.4%	464	11.4%	1947	12.7%	44852	13.5%
\$100,000 - \$149,999	2172	22.9%	6217	22.0%	677	16.7%	2732	17.8%	63234	19.0%
\$150,000 - \$199,999	1234	13.0%	4414	15.6%	492	12.1%	1802	11.7%	34584	10.4%
\$200,000 or more	1951	20.6%	6436	22.8%	998	24.6%	3871	25.2%	46848	14.1%
PUBLIC ASSISTANCE**										
Households on SNAP	416	4.4%	939	3.3%	176	4.3%	576	3.7%	21382	6.4%
Total Households	9470		28222		4061		15367		331956	
POVERTY**										
Families ≤ Poverty Level	178	2.4%	401	1.8%	63	2.4%	227	2.2%	8188	3.8%
Total Families	7269		22423		2615		10493		213528	

Note: Bolded text represents groups within the DLRT service area that are under-represented when compared to all of suburban Hennepin County.



MAP 5 | DIAMOND LAKE REGIONAL TRAIL SERVICE AREA

Source: Park District

Engagement efforts with this group focus on increasing awareness, understanding barriers and obtaining more broad, general feedback on preferences and recommendations.

Existing Regional Trail Users

Existing regional trail users tend to skew toward adults aged 35-74, community members from households with an annual income of \$75,000 or greater and White adults. They also generally represent the broader community composition for Hispanic/non-Hispanic adults, males/females (with some exceptions), American Indian and Asian adults. About 93% use the trails for recreation purposes and 23% use the trails for transportation purposes. Biking is by far the most popular activity in the regional trail system at 57% followed by hiking (34%), running (8%) and roller blading/skiing (<1%) and other (<1%).

Typically, this group has a higher level of comfort on the trails than non-trail users and greater trail awareness, access to gear/equipment and knowledge of the wayfinding system and locations of parking, drinking water, bathrooms and rest areas. Taking this into consideration, engagement efforts with this group often focus on identifying specific ideas for improvements (i.e., specific trail crossings, missing wayfinding signage or desired local connection), connectivity improvements and preferred routes.

Underrepresented Community Members/Groups

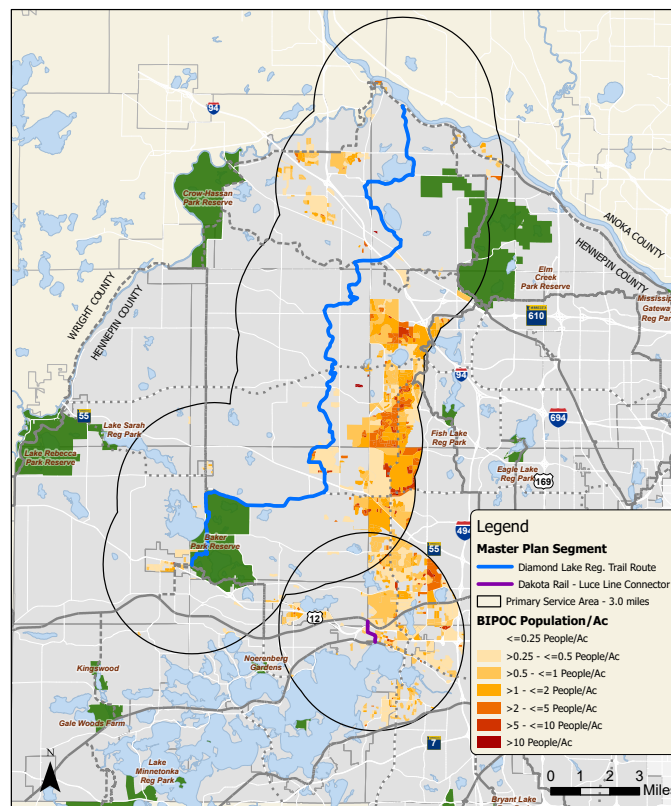
Underrepresented community members or groups are those who are not visiting or using the regional trails to the extent which is expected given their percentage of the overall population and often were historically left out of park/trail planning processes. Since this varies from one regional trail to another, common underrepresented community groups for the regional trails as well as applicable Three Rivers' broader underrepresented community groups as defined by the 2040 System Plan were considered throughout engagement efforts. These groups included Black, Indigenous and People of Color (BIPOC), Hispanic, seniors and youth.

Additional context as what demographic groups are growing, why some unrepresented community groups are still underrepresented and how the region's history has contributed to inequitable outcomes throughout these regional trail corridors is detailed in **Table 2**.

These community groups were mapped within and around the regional trail's service area to help inform where to conduct engagement to reduce engagement barriers and

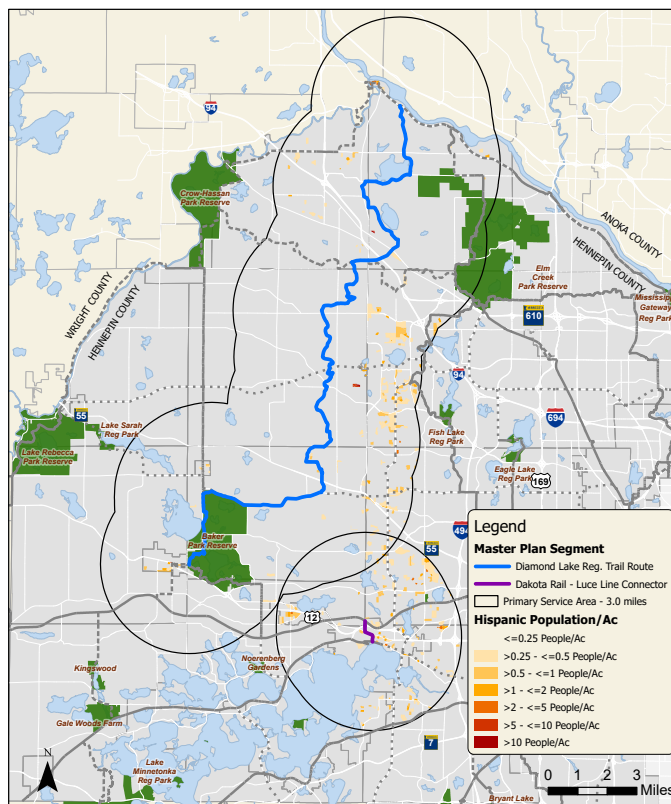
make engagement convenient to these community members (**Maps 6-9**).

The engagement efforts for this group focused primarily on building awareness, understanding barriers, and



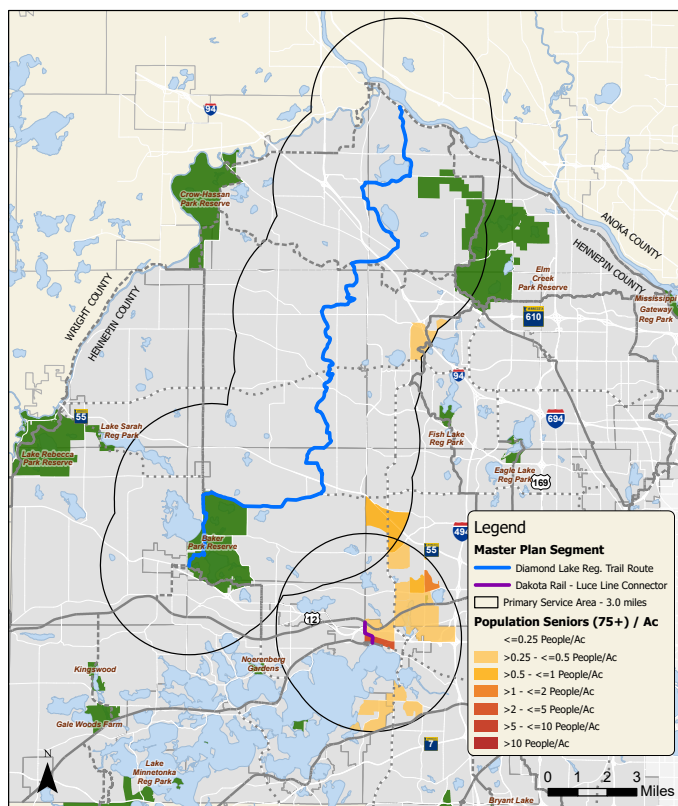
MAP 6 | BIPOC COMMUNITIES

Source: Park District



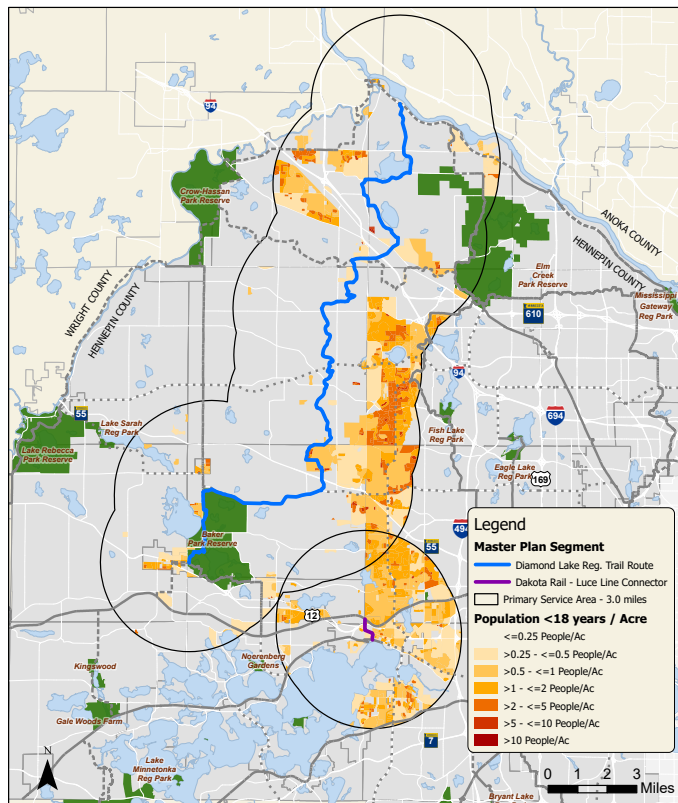
MAP 7 | HISPANIC COMMUNITIES

Source: Park District



MAP 8 | SENIOR POPULATIONS

Source: Park District



MAP 9 | YOUTH POPULATIONS

Source: Park District

identifying route preferences which provide an inviting and comfortable user experience and best meet the preferences and needs of these community groups. (Meeting notes are included in Appendix B.)

Property Owners, Businesses and Developers

Property owners, businesses and developers represent individuals/groups which have a higher level of investment or connection to the area and likely view the regional trail differently than the general public. While this group is intended to benefit from the creation of a new regional trail, real or perceived negative impacts to this group are possible depending on acquisition needs, proximity of the trail to homes/businesses, ability to preserve privacy, driveway or road crossings and overall trail use.

With this in mind, engagement opportunities focused on this group is critical - as is ensuring that their concerns are readily addressed and that they have convenient and timely access to accurate information. Efforts to build relationships and trust are fundamental to gaining support from this group which may have a higher potential for negative impact than other groups. (Meeting notes are included in Appendix B.)

Cities, Public Agencies and Other Organizations

Cities are those in which the trail is proposed to run through or adjacent to and their support and coordination for acquisition, implementation and operation and maintenance may be required. For this master plan effort, this includes Dayton, Rogers, Corcoran, Medina, Long Lake, Orono and Wayzata with active participation from their respective staff park/planning commissions and city councils.

Public agencies are defined as those in which the trail is proposed to impact their facilities or land and their support and coordination is desired. For this master plan effort, this includes the Minnesota Department of Transportation, Minnesota Department of Natural Resources, Hennepin County (Public Works and Active Transportation Committee), Minnehaha Creek Watershed District, Wayzata Public Schools, and Orono Public Schools. (Meeting notes are included in Appendix B.)

Organizations are defined as organized groups which represent a group of individuals with a shared perspective, purpose or goals. While their support is desired, it is not necessarily required as part of the planning or future project phases. For this regional trail, this includes the Friends of the Wolsfeld Woods SNA and the Northwest Trails Association (snowmobile) (Meeting notes are included in Appendix B.)

TABLE 2 | EQUITY CONSIDERATION: UNDERREPRESENTED GROUPS BACKGROUND

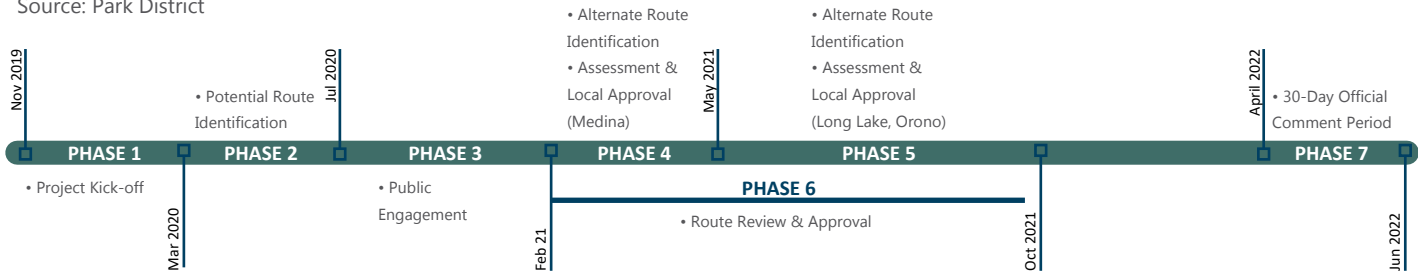
Source: Park District

Under-represented Groups	Brief Description
Common Underrepresented Regional Trails	
Elementary aged youth and younger	Although youth are not underrepresented across the Park District, they are underrepresented on several regional trail corridors. For some age groups (ages 0-3) this is partly expected due to life stage and ability. For youth ages 4- 12, this is due to a wide range of factors including: • Lack of time and other priorities or preferences (i.e., playgrounds, sports, school, dance, etc.) • Economic and racial factors (e.g., economic hardship, lack of cultural competency among service providers, and racist encounters in parks and on trails) • Lack of desirable youth destinations along the route • Speed, amount of use and shared-use nature of the regional trails – this can create an unwelcoming environment for new users/those learning new skills (youth tend to be slower, do not stay to the right and/or frequently stop without warning) • Preference toward shorter distances and duration of time (e.g., effort involved to use a regional trail with a child may not outweigh the benefit if other options closer to home exist) • Safety concerns around the isolated nature of some regional trail corridors which may require adult supervision/ participation Since developing healthy habits and strong connections to nature at an early age helps set the stage for lifelong habits, additional focus on making the regional trail system a welcoming, safe, and enjoyable experience for youth is needed.
Seniors over 75 years old	Older adults, specifically those over 75 years old represent an increasingly large share of the population, but their use of regional trails is disproportionately low, which research attributes to a lack of inter-generational design and perceived and actual safety concerns. Specific factors likely include: • Speed, amount of use and shared use nature of the regional trails – this can create an unwelcoming environment to older seniors that may require assistance, travel at a slower speed, are more likely to fall/be injured by a fall or simply prefer a quieter, less busy experience • Lack of supportive amenities like benches • Not easily accessible or part of shorter, more localized loops • Limited or poor winter maintenance • Preference for other activities • Reduced physical ability As this age cohort continues to grow and the trend for seniors to age in place and remain active longer than previous generations, strengthens, additional effort to provide convenient high-quality and safe recreation opportunities is needed. While improvements to the regional trail system may create a more welcoming and safe experience for this community group, it is acknowledged that regional trails may not be the best method to serve this group due to preference, ability, and other user behavior.
Black Adults	The Minnesota State Demographic Center reported that Black and African American is the fastest growing racial group in Minnesota between 2010 and 2018, increasing by 36% and adding nearly 100,000 new residents, however they are underrepresented on the regional trail system. There is still a lack of definite research to explain this finding, but the following items are believed to contribute to why Black adults are unrepresented on many regional trail corridors: • Lack of awareness, including awareness of the following: a) what a regional trail is; b) where regional trails are located; c) how to get to regional trails; d) regional trail rules; e) what to do on regional trails; and f) events occurring on regional trails • Proximity, transportation, and safe pedestrian/bicyclist connectivity of trail from home, place of work and desired destinations • Safety – the Met Council outreach efforts found a sense of safety was one of the top five reasons for BIPOC groups not visiting regional parks and trails. African Americans spoke specifically about their fears of violent crime and accidents preventing them from visiting parks and trails • Map Challenges – the Met Council outreach efforts found understanding maps and lacking directions were among the top three barriers for African American focus groups since it led to people being afraid of getting lost on their way or while recreating • Cultural Insensitivity/Discrimination – the Met Council outreach efforts also found questions around cultural accommodations prevented people from visiting parks and trails • Available free time and free time priorities/preferences • Cost/access to outdoor recreation gear/equipment Systemic racism, meaning the compounded and cumulative economic, social and health inequities that many Black community members endure, requires a collective response. Black Americans have historically been discriminated against in housing, employment, community development (e.g. park systems and parks and trails) and more. Due to the long history of systemic racism in institutions that intersect with park systems themselves, this community group deserves thoughtful time and attention to better understand the barriers they face as well as their preferences, which will require building trust and collaboration between the Black community and public agencies such as the Park District.
Hispanic	Minnesota Compass reports that Hispanics are one of the fastest growing community groups in Minnesota, in addition to being younger and earning less than Minnesota's overall population. They are also underrepresented on some Park District regional trails. The Met Council's in-depth focus groups and conversations indicated the following factors influence participation: • Lack of time, e.g., Met Council outreach efforts found that they perceived people were too busy or that they were consumed with trying to meet their basic needs • Lack of awareness, including wayfinding and providing materials in Spanish • Safety concerns, such as darkness/lighting and getting lost • Cost/access to outdoor recreation gear/equipment • Other outdoor preferred activities, including celebrations and parties, picnicking and/or barbecuing and spending time with family Proximity and safe pedestrian/bicyclist connectivity of regional trail from their home, place of work or other destination also likely contributes to participation but perhaps to a lesser degree. Because this community group is growing, younger and more frequently from lower income households, efforts to increase their participation and enjoyment of the regional trails will also support several other underrepresented community groups.

Women	Prior to 2009 women were underrepresented across most of the regional trail system. At that time, it was not entirely clear why women did not use the regional trails as expected, however it was assumed personal safety was a contributing factor. Regional trail survey findings, as well as women having a long history of being subjected to unwanted sexual harassment and violence especially in isolated settings support this assumption. In 2009, the Dog Walking Policy was updated to allow dog walking on regional trails and a notable difference was observed in subsequent regional trail surveys. However, women remain slightly underrepresented on a few regional trail corridors. This is likely due to: differences in recreational preference (women are not typically underrepresented at Park District parks), safety concerns/comfort and available free time. Until women are represented as expected on all the regional trail corridors or clear research findings indicate the discrepancy is due solely to recreation preference, this will remain an area of thoughtful consideration and effort.
Households with an Annual Income Under \$75,000	Community members from households with an annual income between \$50,000 and \$75,000 are unrepresented on some regional trail corridors and community members from households with an annual income of under \$50,000 are underrepresented on many regional trail corridors. The greatest factors are likely: • Proximity and safe pedestrian/bicyclist connectivity of a regional trail from their home, place of work or other desired destination • Available free time and free time priorities/preferences • Cost/access to outdoor recreation gear/equipment • Awareness Of the above barriers, the biggest barrier is likely the location of the trail relative to affordable housing options. Routing the regional trail to purposely connect to areas of affordable housing options was a key goal in route selection. Many community members from households with an annual household income under \$75,000 also fall into other underrepresented community groups; as such, they may face compounding barriers which may participation even more challenging and, perhaps, less enjoyable. They will remain a focus moving forward.
Three Rivers: 2040 System Plan Focus¹	
BIPOC	BIPOC community members have historically been underrepresented within the Park District system of parks and trails. This is likely due to a wide range of items: location of parks and trails relative to where BIPOC community members live and work, lack of public transit options which serve parks/trails, the composition of offerings and whether they match the preferences of the BIPOC community, the racial makeup of Park District representatives, the fees and cost of recreation equipment, past marketing efforts and priorities, and rules and regulations which may restrict access and use of the parks and trails. While much work remains on this front, the Park District has prioritized better serving this community group and has seen significant growth of BIPOC visitors over the last ten years. In fact, if the past growth trend continues over the next five to ten years, BIPOC community members will reflect the broader community composition within the Park District's system of parks and trails. Regardless of recent growth and success, the BIPOC community has historically been discriminated against; therefore, continued collaboration will remain a priority for the future to ensure more equitable access and enjoyment of the Park District and its offerings.
New Immigrants & Refugees	Minnesota has a rich history on accepting and welcoming new immigrants and refugees. This continues with the recent Afghan refugee resettlement efforts. Immigrants and refugees experience barriers around their differences in language and culture and may also have different recreation preferences, limited free time, reduced awareness, lack of recreation equipment and less disposable income. Although not always, these community members are often also BIPOC community members and/or community members from lower-income households – both of which are also underrepresented and have additional barriers to participation. Because this community group is constantly evolving given current immigrant and refugee patterns as well as acclimation from one generation to the next, the work to better understand the needs and barriers for immigrants and refugees is ongoing and will remain a Park District focus in the future.
Community Members with a Range of Abilities	Community members with one or more disabilities have a long history of facing additional barriers and challenges which contribute to them being underrepresented in parks, trails, and nature. This is due in part to many facilities not being designed with a wide range of users and abilities in mind. Many outdoor recreation facilities do meet current ADA guidelines and provide unwelcoming and uncomfortable experiences for those that may require additional support. Additionally, many facilities focus primarily on better serving those with physical disabilities that primarily affect mobility (13.7% of adults) and do not fully embrace the wide range of disabilities (cognitive, independent living, hearing, vision and self care) and abilities within the broader community that prohibit or reduce one's ability to fully participate in a recreation offering independently or with support. Examples of barriers include unstable surfaces, tripping hazards, signage/maps that are difficult or impossible for people with visual impairments to read, sensory overload, and lack of support facilities/amenities (e.g., benches, ADA restrooms/parking, and equipment like all terrain wheel chairs). This is something that merits additional consideration and focus moving forward especially in consideration that the CDC reports that one in four adults have some type of disability. This is a significant and growing part of our community that likely affects nearly every household in some manner.

¹ Seniors over 75 years old and households with an annual income under \$50,000 are also identified as an underrepresented community groups within the 2040 System Plan. However, since they are noted and discussed as part of regional trail summary information, they are not noted and discussed as part of the 2040 System Plan summary information. The 2040 System Plan also identifies the First-tier communities as a key focus; however, due to the location of the Diamond Lake Regional Trail corridor relative to the location of the first-tier communities this was not a priority or consideration for this master plan.

FIGURE 1 | PUBLIC ENGAGEMENT PROCESS
 Source: Park District



ENGAGEMENT PLAN AND FINDINGS

The DLRT engagement plan followed a 7-phase engagement plan which was flexible and tailored to each community and engagement community group category (Figure 1). In fact, the engagement plan was significantly adjusted several times in direct response to local community feedback and the need to study alternative routes which had less potential impact on property owners and commercial districts.

The Diamond Lake Regional Trail engagement plan was drastically impacted by the COVID-19 pandemic. All pandemic health protocols were followed during the engagement which meant there were limited indoor in-person engagement. The engagement plan relied heavily on virtual meetings and a robust on-line project website for disseminating project information and collecting public feedback. Early in the pandemic, several agency meetings were postponed until virtual meetings could be set up. Virtually all outdoor community events were cancelled.

Despite the complexities of community engagement during the pandemic, the Park District opted to move forward given the speed of which development was occurring along some trail segments because there was a risk of losing the ability to secure a regional trail corridor as part of those development efforts.

The Park District’s engagement plan was modeled after the Spectrum of Public Participation, an engagement tool developed by the International Association of Public Participation (IAP2). This spectrum describes five general

modes of public participation that work on a progressive continuum of increasing influence over decision making in a given civic-engagement process. Importantly, the model not only describes the goals of a given mode of public participation, but also the ‘promise’ that each mode communicates – whether implicitly or explicitly – to the public (Figure 2).

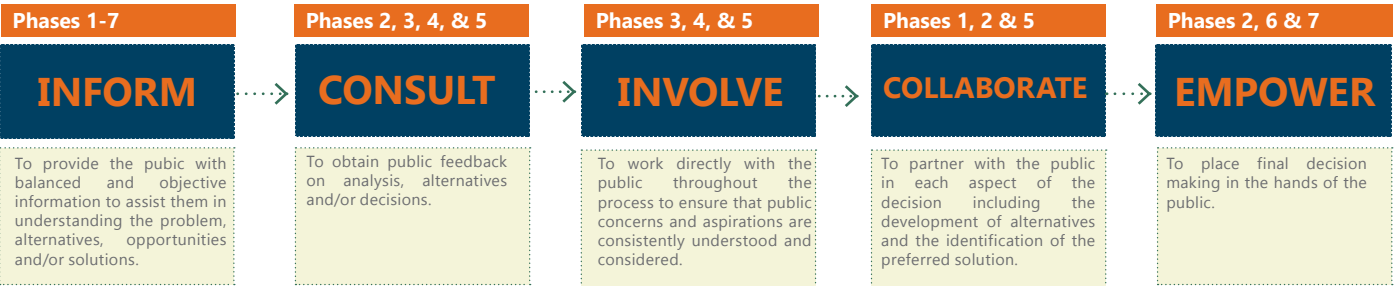
The engagement strategies, phases, findings and impact on the master plan are summarized in greater detail in this section.

PHASE 1: PROJECT KICK-OFF (NOVEMBER 2019 – FEBRUARY 2020)

At the very start of the project, the Park District worked closely with local city partners to inform them of the regional trail search corridor and desired upcoming master plan process. This was done over the course of three-meetings to ensure all critical staff and decision makers were on the same page (Table 3).

During this phase local partners – specifically elected and appointed officials - were asked to confirm their support for commencing the regional trail master planning efforts and to help craft an engagement framework which would keep them updated on the project and provide decision making and oversight at critical project milestones. The identified ‘check-in’ points were instrumental for sharing current and accurate information so elected and appointed officials were positioned to answer general project questions, help correct misinformation when contacted

FIGURE 2 | PUBLIC PARTICIPATION SPECTRUM
 Source: International Association for Public Participation



by their constituents and build an ownership role in the project.

The agreed upon engagement plan was crafted based on this input, and important to note, developed pre-pandemic. The pandemic started shortly after the project kick-off and engagement plans were approved by our city partners. The engagement plan was crafted to help build relationships with and support from local city partners – it was also crafted to be flexible to account for the obtained feedback which also allowed adjustments to account for the challenges associated with collecting feedback during a pandemic.

Phase 1 was considered ‘Inform’ and ‘Collaborate’ on the International Association of Public Participation – Public Engagement Spectrum as the process and outcome as the Park District and City worked collaboratively to develop options and recommendation yet final decision making was held by the Park District. A project website was available throughout all phases to inform the public of the project and how/when to engage.

PHASE 2: POTENTIAL ROUTES IDENTIFICATION (MARCH 2020 – JUNE 2020)

Phase 2 also followed a three-meeting approach and centered on reviewing existing local bike, trail and sidewalk plans as well as development patterns, locations of underrepresented community groups, transportation/land use plans and natural resources (Table 4). The Park District and SRF worked with City staff to identify potential routes that provided a north-side connection,

were consistent with existing planning efforts and, where all possible, helped meet the goal of a linear park-like or greenway experience.

Local park commissions were provided an opportunity to build off of this preliminary work and further refine potential routes to best meet their city’s expectations in a collaborative work session type meeting. The pandemic forced all the meeting to be held virtually and some were postponed. Their recommendations were forwarded to local city councils for further review, discussion and, in some cases, revisions before providing preliminary approval to commence with public engagement efforts. It is important to note that the city council approval at this point was only to move forward with engagement and additional assessment of the identified potential routes and not a final approval for any one route(s).

At these same meetings, city staff, park commissions and city councils were again encouraged and provided an opportunity to share ideas and additional expectations for public engagement – especially in light of the pandemic and stay home orders, cancelled events, social distancing, masking and gathering size limits. The engagement plan was adjusted to account for any new feedback obtained during this stage, including a re-tooling of the on-line engagement website, Let’s Talk Three Rivers, to provide more information and capabilities to disseminate/collect public input.

This phase was a mix of ‘Collaborate’ and ‘Empower’ on the International Association of Public Participation –

TABLE 3 | PROJECT KICK-OFF APPROVALS

Source: Park District

	Informal Pre-Kick-off	Parks Commission: Project Introduction/Kick-off	City Council: Project Introduction/Kick-off
General Attendees	Park District Commissioner, Mayor, Parks Chair, Staff, SRF*	Parks Commission, Staff and SRF	City Council, Staff and SRF
Purpose	- Review regional trail search corridor - Propose general engagement/approval processes - Identify preliminary concerns - Discuss initial questions		
Dayton	11/22/2019	2/4/2020	2/4/2020
Rogers	11/12/2019	2/13/2020	1/14/2020
Corcoran	9/13/2019	1/06/2020	12/19/2019
Medina	11/05/2019	2/26/2020	11/19/2019
Long Lake	12/07/2019	Did not meet due to pandemic	1/21/2020
Orono	11/04/2019	2/03/2020	1/13/2020
Wayzata	11/18/2019	Did not meet due to pandemic	1/21/2020

* SRF Consulting Group, Inc., consultant to the Park District

Public Engagement Spectrum as the process to identify and recommend potential routes for public engagement efforts was very collaborative and the local communities were generally empowered to determine what route(s) the Park District should move forward with evaluating and soliciting public feedback on.

The only exception to this was if a route did not meet the regional trail intent. In those cases, the Park District did not move forward with additional engagement or study of that route(s) and this was generally understood and supported by the respective local community.

TABLE 4 | PHASE 2 POTENTIAL ROUTE IDENTIFICATION/INITIAL EVALUATION AND APPROVAL FOR PUBLIC COMMENT

Source: Park District

	Staff Identification and Initial Evaluation of Potential Routes	Park Commission Identification and Initial Evaluation of Potential Routes and Approval to Conduct Public Engagement on Identified Routes	Initial City Council Approval to Conduct Public Engagement on Identified Routes
DAYTON	3/30/2020	Referred directly council	5/26/2020
	Feedback/Master Plan Influence: • Preference for either the eastern or western routes, not middle. The west side of French Lake has some existing easements and plans for future road expansion which could be utilized, while the east side is more scenic. Potential trail routes on both sides of French Lake were offered. The preferred route includes connections to both the east side of Diamond Lake and the west side of French Lake with other local connections recommended. • Community park is planned east of French Lake. This area is also prime for residential development. This route was included as a potential route. Ultimately, a local trail connection around the east side of French Lake connecting to the preferred route is proposed. • DNR boat landing on east side of Diamond Lake is proposed to be expanded. City staff recommends showing this route as an option. This landing was highlighted and an eastern route was included as a potential route option. Ultimately, the preferred route connects to this area. • Daytona Golf Course may be redeveloping in the future. This route was included as a potential route and was ultimately part of the preferred route. • Brockton Road will be expanded in the future which could include a trail component. A potential trail route along Brockton Road was included. • Waterfronts around Lake Laura, Diamond Lake and French Lake are envisioned to public lands with trails. Master plan recognizes that these lakes are a valuable local and regional destination and maximizes connections to them.		
ROGERS	3/23/2020	5/14/2020	5/26/2020
	• Interest in trail options along the west sides of French, Grass and Diamond Lakes and in connecting to Henry's Woods Park. This route was included as a potential route. Ultimately, the preferred route did go along the west side of French and Grass Lakes and connect to Henry's Woods. • Two main local trails along S. Diamond Lake Road and 147th Ave N. should be shown and connect to the regional trail. • Noted that the County has right-of-way on the north side of I-94 south of Rogers Drive which could be used as a crossing of the freeway. This was included as a potential trail route option. • Several community events were mentioned for possible engagement opportunities.		
CORCORAN	2/11/2020	2/20/2020	4/23/2020
	• Several new and potential developments are under consideration by the City which the trail route may be able to coordinate with. Potential trail routes through many of these developments were included. • City is planning on developing linear park along CR 116 in conjunction with a bigger town square-type commercial development. A potential trail route was included in the area. • Several community events were mentioned for possible engagement opportunities.		
MEDINA	3/13/2020	2/26/2020	4/21/2020
	• Parks Commission liked the potential trail route options as proposed especially the route along Cherokee Road to get to Holy Name Lake Park. Undeveloped land north of Holy Name Lake was identified as a possible opportunity. This was included as an option. • Parks Commission was okay with a route next to Wolsfeld Woods SNA. This was included as an option. • The City's easement east of Navajo Road could be used as a connector between Tamarack Dr and Hunter Road. This was included as an option. • City recommended connections to the future Wayzata School along TH 55 and the Hennepin County Public Works site, also good locations for grade-separated crossings of TH 55. These ideas were included as trail options. • Parks Commission suggested a route along the east side of Medina Country Club. This was not included as other routes had better connections and aligned with better crossings of TH 55. • Several community events and locations of under-represented populations were mentioned for possible engagement opportunities.		

LONG LAKE	3/31/2020	4/27/2020	5/05/2020
	- Park Board was in favor of the proposed route options as presented along Old Long Lake Road to East Long Lake Road and requested a paved trail spur to the existing City trail along CR 112. This was included in the proposed trail route options. - Park Board also noted that a proposed boat house project at Summit Park and that the Luce Line h and adjacent horse trail to consider as well. Preliminary trail route plan included a possible trailhead at Summit Park.		
ORONO	1/24/2020	2/03/2020	5/11/2020
	- City is in the process of developing a trail along the east side of Long Lake, replacing the abandoned road. Narrow road width and steep embankments will be a challenge for a new trail along East Long Lake Road. Parks Commission suggested looking into going through the adjacent, soon to be sold, Dayton property. This was evaluated and determined to not be feasible. - Park Commission suggested considering the existing underpass owned by Springhill Golf Club as a possible crossing of CR 6. This was explored with the golf club but rejected as a possibility.		
WAYZATA	4/02/2020	5/20/2020	6/02/2020
	- Parks & Trails Board was split on whether a route on Ferndale Road should be considered. They voted to proceed with showing the option at this time and proceeding to public engagement. - City Council was supportive of the trail route options.		

PHASE 3: PUBLIC ENGAGEMENT (JULY 2020 – JANUARY 2021)

Phase 3 (IAPP Consult Level) focused on engaging general public members, underrepresented community members, existing regional trail members and property owners, businesses and developers and allowing them an opportunity share their concerns and preferences on the many potential routes under consideration.

The goal of this phase was to better understand regional trail route preferences as well as issues and opportunities which may support or inhibit a successful end product. Phase 3 obtained feedback from engaged parties and keep them informed of decisions and how their feedback was considered during the process. While community members were welcomed to offer suggestions and ideas, they did not have a promised role in evaluating and determining the final route as this was held by local appointed and elected officials as well as the Park District.

By the start of Phase 3, the pandemic was well established and many of the local community events which were planned as engagement opportunities were cancelled or postponed indefinitely (**Table 5**). In addition, new guidance and mandates pertaining to social distancing, masking, gathering size and similar dictated the development and implementation of several new engagement opportunities.

The revised engagement plan for Phase 3 included the strategies outlined in **Table 6** and generally places a greater emphasis on online engagement and virtual offerings including an online interactive map for public comments, general message board comments, online survey, individual and neighborhood virtual meetings and a robust website with the project description/goals/

TABLE 5 | CANCELED EVENTS DUE TO THE PANDEMIC

Source: Park District

GENERAL PUBLIC	UNDERREPRESENTED COMMUNITY MEMBERS
Dayton Farmer's Market	Outdoor Afro
Heritage Day, Dayton	Orono Woods Senior Living
Fireman's Dance – Daytona Golf Course, Dayton	Orono Public Schools (Youth)
Rockin Rogers	Major Taylor Bicycling Club
Clean-up Day, Rogers	Cross Services
Hennepin County Fair, Corcoran	ICOP
Medina Celebration Day	
Country Daze – Corcoran	
Nite to Unite – Corcoran	
St. Thomas Parish Festival, Corcoran	
Corcoran Farmer's Market	
Medina Clean-up Day	
Hamel Youth Baseball, Medina	
Corn Days – Long Lake	
Buckhorn Days, Long Lake	
Long Lake Fire Dept Pancake Breakfast	
Tour de Tonka	
Wayzata Art Experience	
James J. Hill Days, Wayzata	

process, an informational video, maps, FAQs, public meeting dates, schedules and contact info. In addition, outdoor community meetings/open houses replaced attendance at public events and notification efforts were increased. Some of the enhanced notification efforts included:

- Over 25 social media posts from community partners and Three Rivers
- Project email list serves
- Postings on community partner and Three Rivers websites
- 10 city newsletters articles,
- 3,645 direct mailings to property owners along potential trail routes,
- 431 direct mailings to underrepresented community groups (Dayton Mobile Park Maple Hill Estates in Corcoran
- Direct mailings to local food shelf members...
- Over 50 yard/road signs
- Articles in local church newsletters

Additional details regarding the notification process, engagement opportunity, feedback themes and how the feedback influenced the master plan outcomes is summarized in **Table 7**. Summaries of engagement analysis and public comments for each segment and city are shown in **Figures 3-7**.

TABLE 6 | PHASE 3 ENGAGEMENT STRATEGIES

Source: Park District

GENERAL PUBLIC	UNDERREPRESENTED COMMUNITY MEMBERS	EXISTING REGIONAL TRAIL USERS	PROPERTY OWNERS, BUSINESSES AND DEVELOPERS
Let's Talk website-Interactive webmap for public comments	Dayton Mobile Park neighborhood meeting (outdoors)	Pop Ups on Regional Trails	Outdoor & virtual listening sessions with adjacent property owners
Community Events: Farmers Markets in Rogers and Wayzata	Outdoor Latino Bike Ride	Pop up at Gear West, Long Lake	Virtual meetings and phone conversations with local businesses and developers
Pop-ups in city parks and along trails	Hispanic Heritage Month Celebration		Hunter Drive, Medina neighborhood meeting
Yard/road signs along potential trail routes	Medina Townhome open house (outdoors)		Direct mailings to 3,645 adjacent property owners.
Social media posts	Outreach to Maple Hill Estates neighborhood		
City newsletters	Outreach to Cross Services member		
Online Survey	Outreach to ICOP members and partners		
Emails and phone conversations	Outreach to Boardwalk Apartments		
City Council meeting public comments			



Trail sign used to advertise the Diamond Lake Regional Trail Master Plan that was placed along trail corridors.



Outdoor public engagement meeting in Dayton.

TABLE 7 | PHASE 3 ENGAGEMENT SUMMARY & MASTER PLAN INFLUENCE

Source: Park District

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
GENERAL PUBLIC			
Let's Talk website – Interactive webmap for public comments – Dayton area	85 comments	- Liked trail routes that provided access to French and Diamond Lakes, Henry's Woods Park and connections to Elm Creek Park Reserve. - Preferred a more scenic off-road trail route than along busy roads. - Concern about safe crossing of busy roads. - Concern about impacts to private property.	- Preferred route in Dayton is mostly off road and connects to all lakes in the area as well as Henry's Woods Park. - Plan recommends a local trail connection into Elm Creek Park Reserve and other local trail connections (with possible partnership with the Park District) to provide a looped trail system around the lakes. - Grade-separated crossings of major highways or other safety features are recommended for crossing busy roads. Preferred route utilizes the trail on the newly constructed Dayton Parkway Interchange bridge over I-94.
Let's Talk website – Interactive webmap for public comments – Rogers area	63 comments	- Strong desire for trails. - Many positive comments about trail access for Rogers neighborhoods, connecting to French and Diamond Lakes, Henry's Woods Park, downtown Dayton, area schools, shopping areas and other regional trails. - Concern about safe crossings of busy roads. - Trail along Brockton Lane is less desirable than a more scenic route.	- Master plan recommends that local trail connections along 147th Ave North and South. Diamond Lake Road be used to connect to the Diamond Lake Regional Trail from Rogers. - Grade-separated crossings of major highways or other safety features are recommended for crossing busy roads. - Brockton Lane is not the preferred route.
Let's Talk website – Interactive webmap for public comments – Corcoran area	118 comments	- Strong preference for an off-road trail route, scenic experience, not along busy CR 116. - Strong support for the trail close to neighborhoods – convenient for families with kids. - Concern about impacts to private property, farmland operations and wetlands. - Concern about impacts to existing snowmobile routes. - Brandywine neighborhood had concerns about loss of privacy and safety concerns. - Concern about crossing CR 116.	- Preferred route is mostly off-road, away from CR 116. - Preferred trail route takes advantage of planned housing developments design, incorporating the trail route. - Master plan recognizes an opportunity to acquire extra wide trail corridor in order to create a more natural, park-like setting, as well as an opportunity for shared space for snowmobile trail. - Conversations with farmers assuring them that the trail would not be developed until their land is redeveloped or sold on a willing seller basis. - Boardwalks are proposed for any wetland crossings. - Brandywine neighborhood is avoided. - Grade-separated crossing or other safety features are recommended for crossing CR 116.
Let's Talk website – Interactive webmap for public comments – Medina area	202 comments	- Approximately 40% of comments expressed positive comments and about 60% expressed concerns. - Positive comment themes included the desire for more off-road trails that are more scenic, quiet and park-like. Other comments were in favor of a trail in road right of way to avoid impacts to private property. - Connections to more densely populated neighborhoods in eastern Medina for easy access, as well as to downtown Hamel, Long Lake and Wayzata are desired. - Several neighborhoods expressed strong opposition to a trail in their neighborhood, including the areas of Hunter Drive, Tuckborough Trail/Navajo Road and the western route near Wolsfeld Woods Scientific and Natural Area. - The majority of the concerns in these neighborhoods included a loss of privacy & seclusion, personal safety and decline of property values and impacts to the environment. - Crossing of TH 55 not safe.	After several meetings and public hearings, the City Council rejected all the potential route options south of Hamel Road and asked the Park District to evaluate and engage the public on a new potential route along Hamel Road leading the Baker Park Reserve. See Phase 4.

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
GENERAL PUBLIC- CONTINUED			
Let's Talk website – Interactive webmap for public comments – Orono area	46 comments	- Safety concerns crossing County Road 6 at either Tamarack Drive or Hunter Drive. - Trail along the east side of Long Lake was viewed as an amenity. - Trail option along Old Long Lake Road was viewed as a very scenic segment but local residents had concerns about loss of privacy and personal safety. - Trail safety concerns for the segment through the Wayzata Country Club. - Trail along Wayzata Blvd was viewed as safer than along Ferndale Road. - Most of the comments regarding the Luce Line State Trail were opposed to paving it.	- A grade-separated crossing was proposed for County Road 6. - The preferred route was proposed to utilize the Luce Line to avoid the Wayzata Country Club and go along the east side of Long Lake utilizing the newly constructed City trail. - The master plan does not recommend paving the Luce Line.
Let's Talk website – Interactive webmap for public comments – Wayzata area	31 Comments	- Majority of comments were pertaining to the choice of routes in Wayzata south of Wayzata Boulevard. - Many negative comments about the narrowness and steepness of Ferndale Rd and impacts to the landscapes and private properties. - Berry Ave. was viewed a better option because it is less steep, wider right of way and better access to businesses.	The preferred route uses Barry Avenue to Wayzata Boulevard to Ferndale Road, north to the Luce Line, avoiding the issues of Ferndale south of Wayzata Boulevard.
Let's Talk website – General guestbook comments In addition to the interactive webmap comments on the Let's Talk website. People could leave longer (non-geographically based) comments in a general guestbook.	88 Comments	- Dayton residents (7): - Love more trails; would like to accommodate snowmobile and horse trails too; connect to Elm Creek Park Reserve and Crow Hassan Park Reserve (but not through). - Rogers residents (20): - Most commenters are supportive of trails in Rogers to provide a safe alternative to biking on roads. - Would like to see a trail along Highway 101. - Some are opposed because of privacy concerns - Corcoran residents (3): - The area is lacking for trails and is greatly needed. Build it in Corcoran even if Medina does not support it. - Opposed to trails through farm fields. - Medina residents (26) - Most of the comments were strongly opposed to the trail in general as unwanted and exorbitant. - Avoid Wolsfeld Woods, wetlands and private property impacts. - Several commenters were supportive of the trail and look forward to using it. - Orono residents (1) - Opposed to a trail on Ferndale, supportive of a trail on the east side of Tamarack Drive. - Wayzata residents (18) - Majority of commenters preferred Berry Ave to Ferndale Rd. as it is wider and less steep. - Include a trailhead parking area to relieve parking pressure in Wayzata.	- Connections to Crow Hassan Park Reserve will be accomplished with the Crow River Regional Trail and Rush Creek Regional Trail. - A local connection to Elm Creek Park Reserve is recommended. - Park District is supportive and the master plan recognizes the use of local trails to connect Rogers residents to the Diamond Lake Regional Trail. - Trails typically will be constructed as farmland is redeveloped, not before. - All potential trail routes in Medina south of Hamel Road were eliminated in favor of a route along Hamel Road to Baker Park Reserve. - Barry Ave is the preferred route for the Diamond Lake Regional Trail in Wayzata. - Trailhead parking at the Wayzata Middle School on Wayzata Blvd is recommended.
Friends of Wolsfeld Woods Park District staff engaged with three members of the Friends of Wolsfeld Woods via a virtual meeting to listen to and discuss their concerns.	3 Members	Friends of Wolsfeld Woods had strong opposition to any trail near the SNA.	All routes near Wolsfeld Woods have been removed from consideration including new routes that were suggested by the Long Lake Park Board later in Phase 5.
Rogers Farmers Market The Park District tabled at the Rogers Farmers Market event twice to share information and gather feedback on the Diamond Lake Regional Trail, but participants were also welcomed to comment on any regional trail. The goal of this event was to reach general public members in the Rogers and Dayton area. Participants were notified of these community events through city communication.	49	- Love the idea of a new reg trail, need more trails. - Too many busy roads in Rogers – biking not safe on roads. - Would like to see connections to and around French and Diamond Lakes. - Would like to see connections to Elm Creek PR, local schools and downtown Rogers. - Would like to see trailheads along the trail due to the lack of trail connections from Rogers. - Concern about Bike/Ped conflicts, recommend separate trails.	- Preferred route in connects to all lakes in the area as well as Henry's Woods Park. - Plan recommends a local trail connection into Elm Creek Park Reserve and other local trail connections (with possible partnership with the Park District) to provide a looped trail system around the lakes. - Master plan recommends that local trail connections along 147th Avenue North and South. Diamond Lake Road be used to connect to the DLRT from Rogers.

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
GENERAL PUBLIC- CONTINUED			
Wayzata Farmers Market The Park District tabled at the Wayzata Farmers Market event twice to share information and gather feedback on the Diamond Lake Regional Trail, but participants were also welcomed to comment on any regional trail. The goal of this event was to reach general public members in the Wayzata, Long Lake and Orono area. Participants were notified of these community events through the City of Wayzata communications and other websites.	57	- Loved the idea of a connection to the Luce Line and Long Lake. - Barry Avenue is preferred because it is less steep and less busy. - Loved the plan, build it ASAP.	The preferred route is along Barry Avenue.
Online Survey An online survey was included in the Let's Talk webpage with specific questions regarding the Diamond Lake Regional Trail master plan.	28	- Desired destinations to connect to: -Rogers neighborhoods -Elm Creek Park Reserve -Local businesses (restaurants, grocery and convenience stores) -Future Wayzata school on Trunk Highway 55 -Area lakes - Connections from where we live. - Majority of respondents preferred a more park-like scenic trail but realize some sections next to roads will be necessary to access businesses and other connections. If along roads, preference is for a landscaped boulevard. - Majority of respondents would use the trail for recreation, followed by running errands - Respondents feel more comfortable on trails that are away from or separated from busy roads, minimal road crossings, enjoying nature and biking on loop trails. - Better and more wayfinding was the #1 area for improvement for regional trails. - Respondents would use trails more if they are closer to home or had local connections, maintained in the wintertime or there were more events scheduled on them.	- Local trail connections are encouraged and noted in the plan. - Preferred route considers going through future housing developments, close to business centers, local parks and natural resource areas. - The preferred route recognizes opportunities for an expanded corridor width in order to create a more secluded park-like experience and shared uses. - Master plan recognizes the importance of good wayfinding and safe crossings for busy roads.
Emails and Phone Conversations	160	Most of the emails and phone conversations during this phase were from property owners who had questions and wanted more information about why a proposed trail route was shown on their property, what impacts will there be, details about the trail construction, alignment, easement compensation, etc.	- The plan acknowledges that the acquisition of property rights is a long process and done so on a willing seller basis where sellers are fairly compensated based on current appraised values. All possible measures to reduce the impact on adjacent property owners will be taken during the design development of the trail. - The master plan acknowledges the goal of looking for opportunities to partner with cities and developers to incorporate trails into housing development planning. - Responses to property owners' questions and concerns regarding loss of privacy, property values and safety were addressed promptly, usually during the engagement.
UNDERREPRESENTED COMMUNITY MEMBERS			
Neighborhood Meetings Dayton Mobile Park neighborhood meeting monthly resident meeting. The Park District attended a regular monthly meeting and solicited feedback on the Diamond Lake Regional Trail and regional trail planning in general. The Dayton Mobile Park Resident Board coordinated meeting details and notifications with their residents.	21 Low-income, BIPOC and Hispanic community members	- Dayton Mobile Park community members indicated safety for kids as a top priority. Their community does not have sidewalks, so kids have to walk on roads. They would like to see local trails that connect their neighborhood regional trails. - Residents preferred more scenic, park-like trails, rather than road based regional trail corridors. They enjoy being in nature and being able to access Elm Creek Park Reserve. Currently, they must drive to Elm Creek to use the facilities there. Residents would like to have trail access from their neighborhood to the park.	- The Park District is very supportive of local trail connections – especially those that better help integrate the regional trail directly into the communities it is intended to serve and connect to local and regional destinations. With that in mind, the Park District works closely with local communities to connect their local trail plans to the regional system. - The DLRT in the Dayton and Corcoran areas will be primarily an off-road trail, connecting to local parks and natural areas - Elm Creek Park Reserve will be accessible via the Medicine Lake Regional Trail extension, Rush Creek Regional Trail and Dayton local trail system expansion. Location for a local trail connection into Elm Creek PR in Dayton is proposed in the master plan.

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
UNDERREPRESENTED COMMUNITY MEMBERS- CONTINUED			
Outdoor Latino Bike Ride The Park District in partnership with Outdoor Latino provided bike tours and shared information with the Latino community in attendance at the Hispanic Heritage Celebration. Participants were notified by word of mouth, social media, and personal invitations from both Outdoor Latino and the Park District.	22 Latino community members	- Participants expressed an interest in trails that are more scenic and go through natural areas. - Having trail connections directly from their home, not having the drive to a trail destination, was also important to participants. - Improved wayfinding signage was very important to participants. The fear of getting lost was mentioned as a barrier to using trails, especially for families with young children.	- The Park District is very supportive of local trail connections – especially those that better help integrate the regional trail directly into the communities it is intended to serve and connect to local and regional destinations. With that in mind, the Park District works closely with local communities to connect their local trail plans to the regional system. - The Diamond Lake Regional Trail in the Dayton and Corcoran areas will be primarily an off-road trail, connecting to local parks and natural areas - This master plan includes wayfinding signage designed to help users negotiate the trail system.
Hispanic Heritage Celebration The Park District in partnership with Outdoor Latino provided bike tours and shared information with the Latino community in attendance at the Hispanic Heritage Celebration. Participants were notified by word of mouth, social media, and personal invitations from both Outdoor Latino and the Park District.	40 Latino community members	- Participants provided the following insights: - Wayfinding along the trail is hard to follow; there is a lack of awareness of the regional trail system; transporting bikes to the regional trails is a barrier; and they would prefer additional facilities such as bathrooms and water fountains along the trails. - Overwhelmingly, participants stated they would use the regional trail system more often if they knew where to go. They suggested improving wayfinding and increasing trail awareness to eliminate the most pressing barriers keeping them from visiting the regional trails.	- This master plan includes wayfinding signage designed to help users follow the regional trail route and understand their location. In addition, trailhead parking areas, rest stops and other amenities (fix it stations, benches, garbage cans) are proposed to support regional trail users. - Wayfinding kiosks identify where water and bathrooms are publicly available, often in adjacent local parks are already in place.
Medina Townhomes (BIPOC and new immigrant populations) The Park District tabled at an Interfaith Outreach & Community Partners (BIPOC) event. Interfaith Outreach & Community Partners organized and notified residents.	7 people, BIPOC communities, new immigrants	- Respondents commented that they loved trails, being outside and in nature. Most commented that it was very important to have a good trail system close to home, connecting to other trail systems and parks. - Many were unaware of where all the trails and parks were in the area.	- The preferred route for the Diamond Lake Regional Trail is primarily an off-road trail, connecting to local parks and natural areas, including nearby Baker Park. - The Park District understands the importance of and is very supportive of local trail connection to the regional system. Medina Townhomes has a local trail which leads to the location of the Diamond Lake Regional Trail preferred route in Medina.
Boardwalk Apartments (low income and senior housing) Residents were sent a mailing inviting them to provide feedback at the project website and complete a questionnaire regarding the Diamond Lake Regional Trail master plan.	77 Low-income senior households	Respondents appreciate trails that were easily accessible and wide. Extra width provides better separation from bikers and safety for pedestrians. They liked trails that were ADA compliant and not steep.	Per Park District Design Guidelines, all regional trails should be 10' wide with centerline striping and be ADA compliant with grades not exceeding 5%. This master plan includes improving all sub-standard pedestrian ramps up to current MnDOT ADA standards. Several trail segments are proposed to be widened from 8' to 10'.
Dayton Mobile Park Maple Hill Estates (Mobile home communities in Dayton and Corcoran) Interfaith Outreach & Community Partners (food shelf and coordinator of many under-represented groups) Cross Services (food shelf organization in Rogers) Participants were sent a mailing inviting them to provide feedback at the project website and complete a questionnaire regarding the Diamond Lake Regional Trail master plan.	Many Low-income households were solicited, including elderly, BIPOC and Hispanic community members	- Respondents liked trails that connect them to destinations like parks, trails and shopping. - Like many community members, they want to feel safe. This means local trail connections close to home and good wayfinding to avoid the feeling of being lost are desired. - They liked trails with more natural, park-like experiences rather than road based.	- The Park District is very supportive of local trail connections – especially those that better help integrate the regional trail directly into the communities it is intended to serve and connect to local and regional destinations. With that in mind, the Park District works closely with local communities to connect their local trail plans to the regional system. - This master plan includes wayfinding signage designed to help users follow the regional trail route and understand their location. In addition, trailhead parking areas, rest stops and other amenities (fix it stations, benches, garbage cans) are proposed to support regional trail users. - As a natural resources agency, the Park District supports efforts to better integrate natural areas directly into and along regional trail corridors where there are opportunities to do so.

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
EXISTING REGIONAL TRAIL USERS			
Pop-ups in city parks and along regional trails The Park District set up two pop-ups tabling events along Dakota Rail Regional Trail and Medicine Lake Regional Trail.	70	• More local connections to neighborhoods for easy access by families. • Connect Dakota Rail Regional Trail to Luce Line State Trail and Baker Park Reserve. • Prefer a more scenic off-road trail experience. • Safer road crossings. • Love to see more trails!	• Local trail connections are encouraged and noted in the plan. • Connection to Luce Line State Trail is accomplished. • An off-road, scenic trail route was a goal of the project and the preferred route reflects that as much as possible. • Safe crossings are highlighted in the plan, with crossings at controlled intersections or grade separation noted.
Pop up at Gear West, Long Lake Park District staff tabled a popup informational session outside the popular bike/ski sporting goods business in Long Lake.	7	• Comments from focused on an appreciation of additional trails in the region. • Preference for off-road trail away from busy roads. • Commenters like biking around area lakes.	• An off-road, scenic trail route was a goal of the project and the preferred route reflects that as much as possible.
PROPERTY OWNERS, BUSINESSES AND DEVELOPERS			
Outdoor & virtual listening sessions with adjacent property owners All 120 property owners which had a potential trail route intersect their property were invited via a direct-mail letter to three different outdoor listening sessions and one virtual session to share information and answer questions about the regional trail master plan and how it might directly impact their property.	Approximately 75 people	Property owners expressed the following perceptions/concerns: • Loss of privacy • Concern about crime/personal safety. • Decline of property values. They paid a premium price for their property and do not want to lose value. • They do not see the need nor public demand for trails in east and southeast Medina. They are happy driving to biking destinations. • A trail was viewed as an intrusion into the rural and private character of Medina. • Trail safety concerns for crossing busy roads. • Concern about the potential environment impacts to Wolsfeld Woods SNA and other sensitive natural areas. • Concern about impacts to existing horse trails. • Questions/concerns about how a trail would impact farm land and operations. • Some participants preferred a more scenic off-road trail route, while property owners preferred a road-based route (along CR 116) to avoid property impacts. • Participants suggested to work with developers to incorporate the trail into current housing developments.	• Trail options south of Hamel Road in Medina were eliminated in the approval process. • The master plan acknowledges the rights of private property owners and states that all acquisitions will be made on a willing-seller basis and sellers are fairly compensated based on current appraised values. • The master plan acknowledges the goal of looking for opportunities to partner with cities and developers to incorporate trails into housing development planning. • Opinions regarding loss of privacy, property values and safety were addressed during the engagement. • Trails are designed to minimize impacts to adjacent properties.
Hunter Drive, Medina neighborhood meeting At the request of the local residents, Park District conducted a listening session for the residents along Hunter Drive in Medina. Residents were notified by emails from both Park District and resident hosts.	23 people	• Residents expressed strong concerns about how a potential trail in the road right-of-way of Hunter Drive would impact vegetation, entry monuments, fencing and driveways. • Safety concerns were raised given the speed and volume of Hunter Drive.	• The Medina City Council rejected all routes in this area. Park District staff addressed the stated concerns during the meeting. • Comments were recorded and added as part of the public record.
Virtual meetings and phone conversations with local housing developers The Park District reached out to 3 major land developers working in the trail corridor area.	3 developers	• The developers expressed that trail systems in or near their housing developments were viewed as an amenity, added value and was a good selling point for buyers. • They concurred on the importance of early awareness and communication of master planned trail routes as development occurs.	• The preferred route recognizes and takes advantage of known upcoming housing developments in Corcoran and Medina, as well as other future potential redevelopment sites such as golf courses.
Direct mailings to approximately 3,500 adjacent property owners Post cards were sent to 3500 property owners that are adjacent to or near potential trail routes inviting them to the Let's Talk website to offer feedback and get more information.	3,500 property owners	• See Let's Talk comments.	• N/A

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
PROPERTY OWNERS, BUSINESSES AND DEVELOPERS- CONTINUED			
Direct mailing to an additional 37 property owners in Medina Based on early input and an attempt to lessen impacts to private property, wetlands and create an opportunity for a trailhead at City Hall, revisions were made to the western-most route in Medina. Property owners were notified via a letter mailed to their properties of a virtual informational meeting regarding a revised route.		Most residents express opposition to the western-most trail route. The trail was viewed as an intrusion into their secluded neighborhood and privacy. There were also environmental concerns regarding the trail boardwalk going through wetlands.	- The Medina City Council rejected all routes in this area. - Park District staff addressed the stated concerns during the meeting.

During the middle of Phase 3 it was clear that previously identified routes through Medina and into the very north boundary of Orono did not have broad support from those who owned property adjacent to potential routes. Most Medina community members who voiced opposition to the routes lived south of TH 55, except for those who lived in the neighborhoods directly south of Hamel, who supported it. The major themes of their opposition included concerns over the loss of privacy, perceived safety issues and impacts to private properties. To address the feedback, The Park District then worked closely with Long Lake and Orono to identify additional route considerations and adjusted the engagement plan accordingly. This is further discussed in the Phases 4 and 5 summaries.

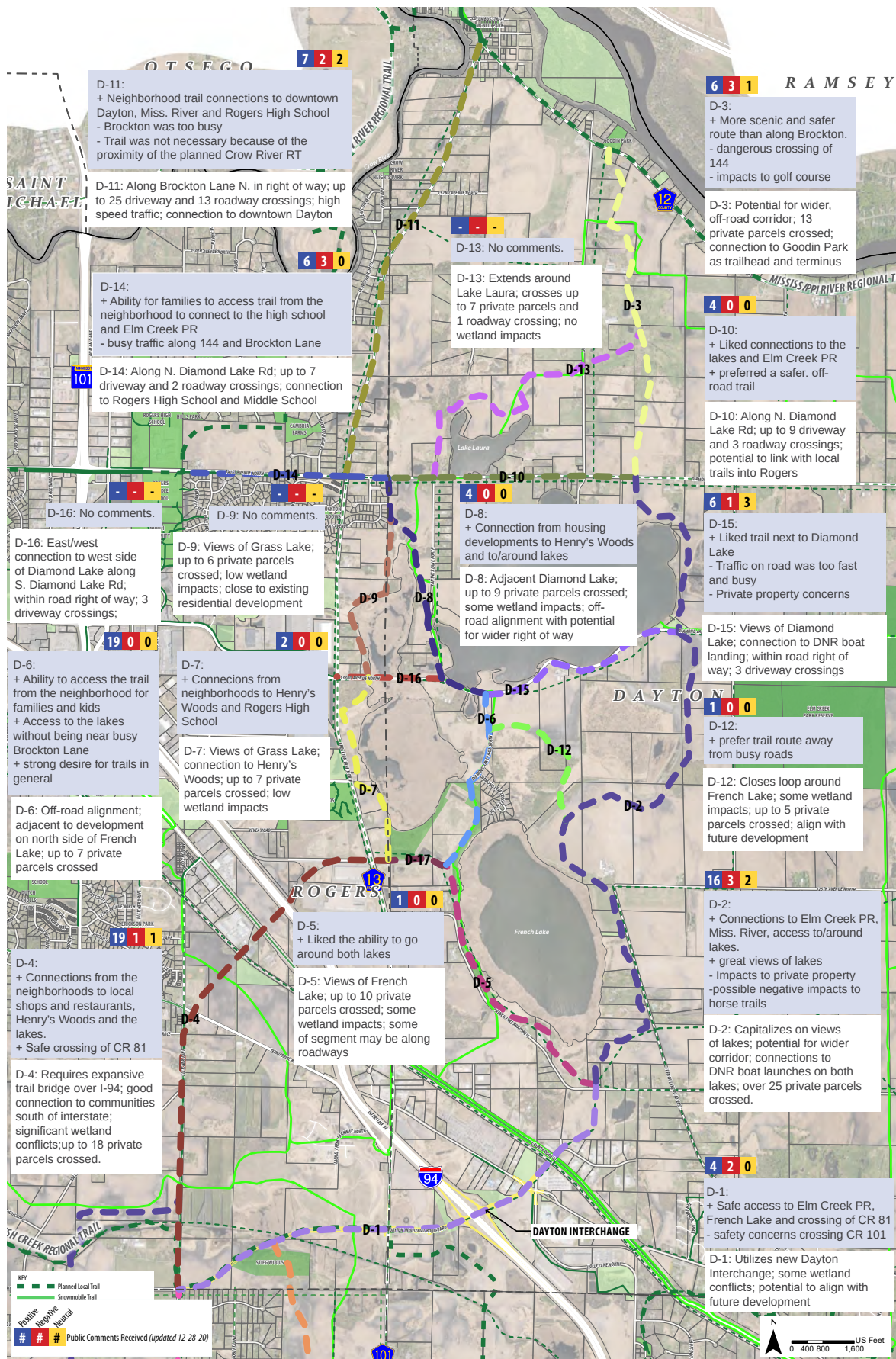


FIGURE 3 | ANALYSIS & COMMENT SUMMARY- DAYTON/ROGERS

Source: Park District

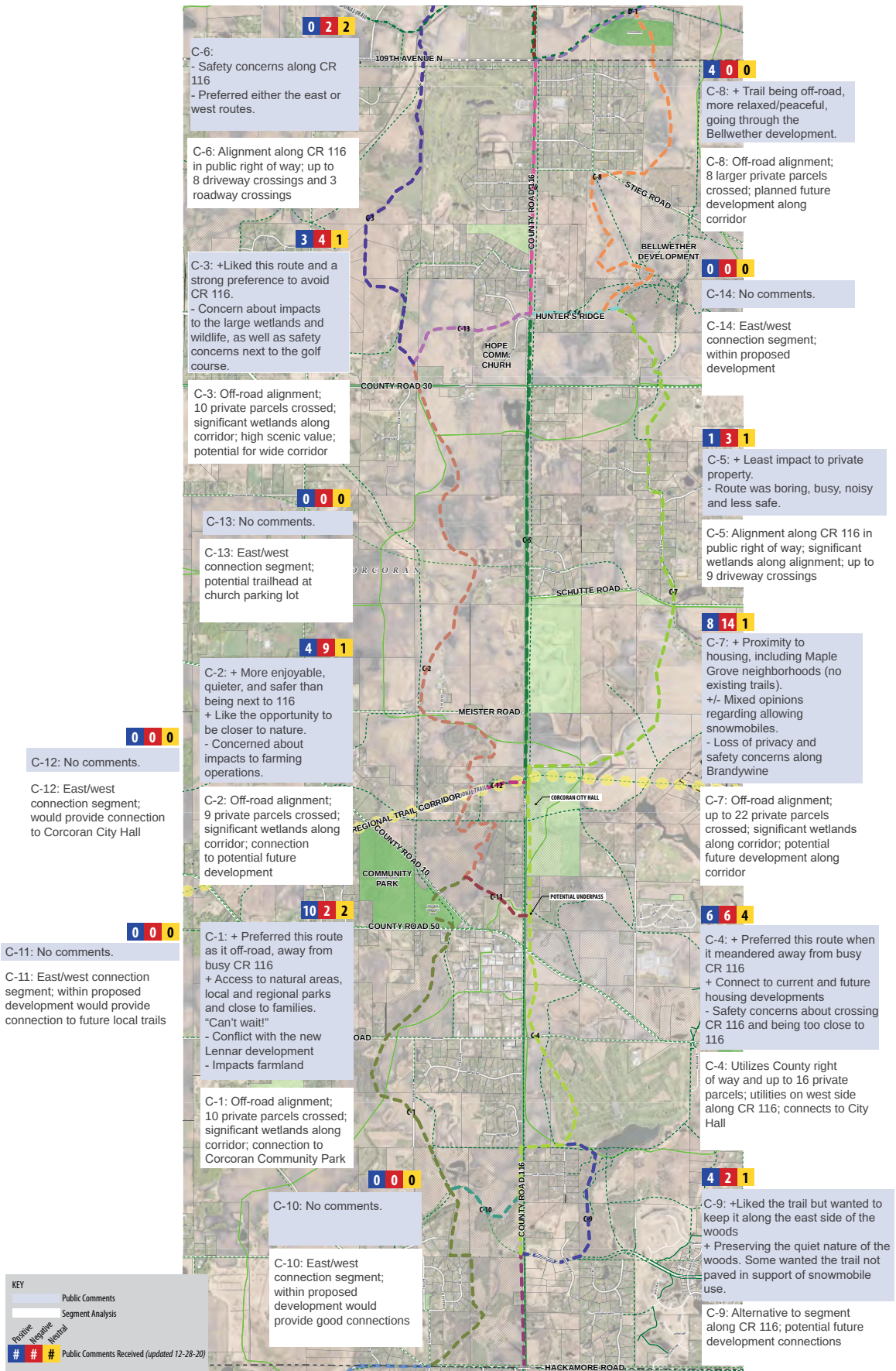


FIGURE 4 | ANALYSIS & COMMENT SUMMARY- CORCORAN

Source: Park District

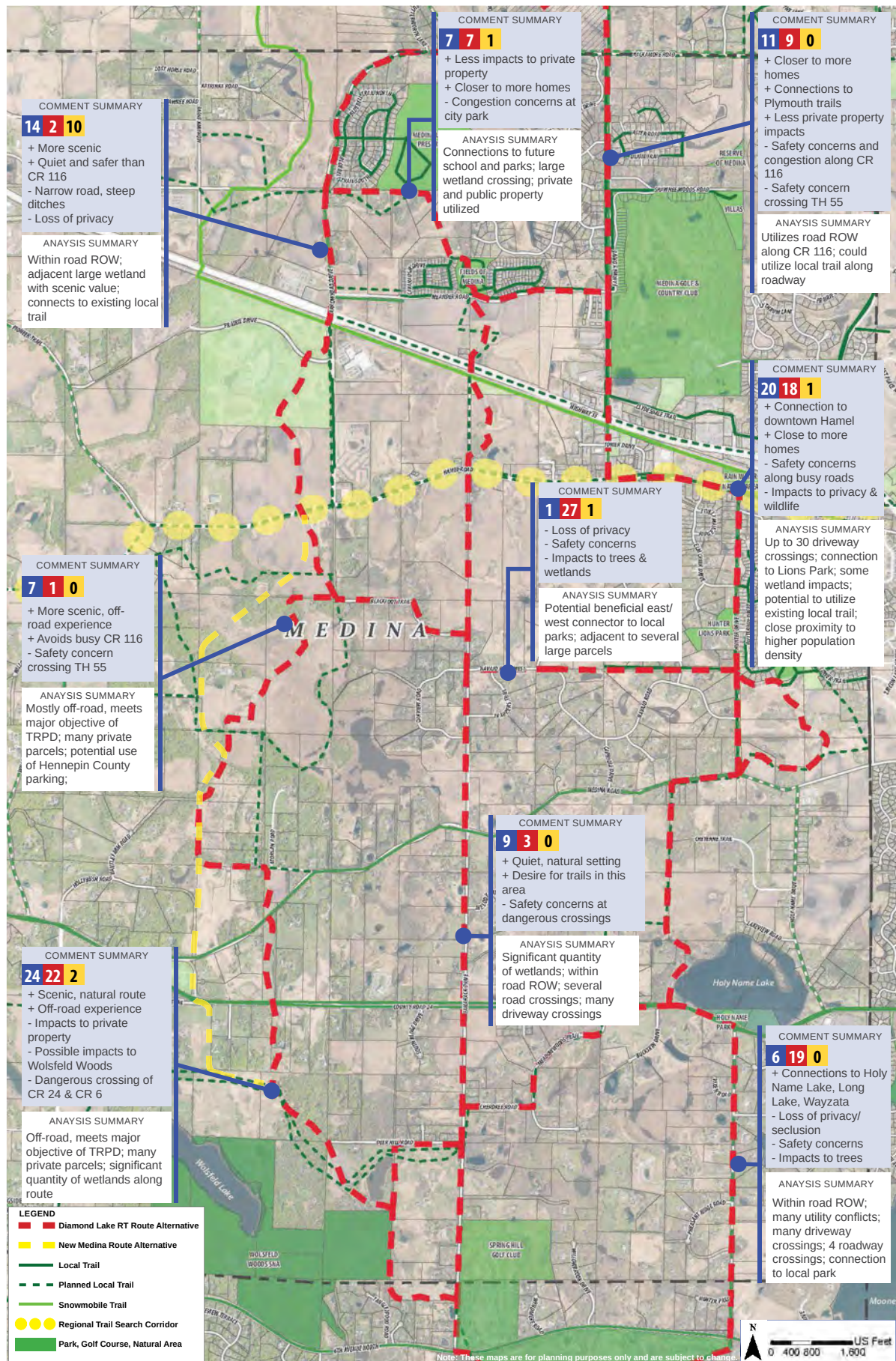


FIGURE 5 | ANALYSIS & COMMENT SUMMARY- MEDINA

Source: Park District

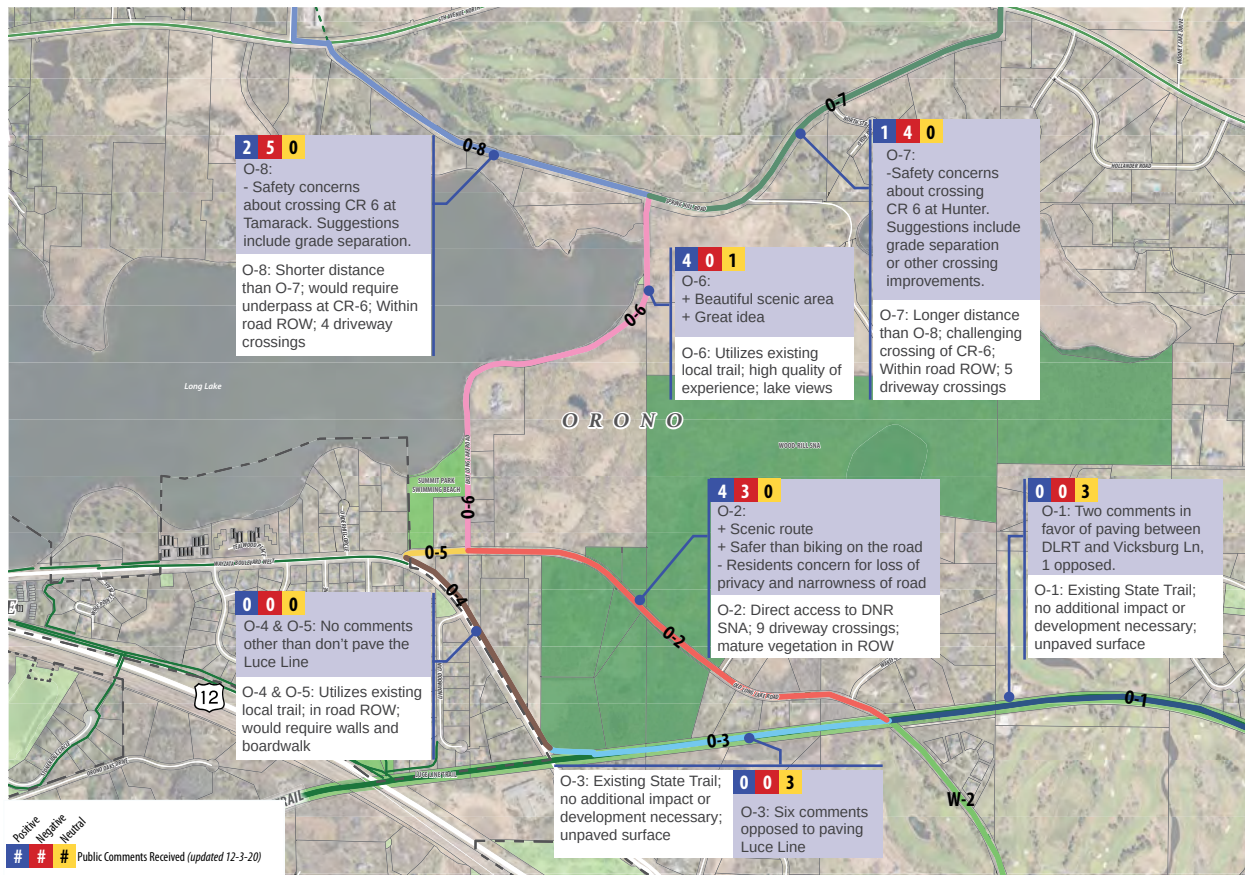


FIGURE 6 | ANALYSIS & COMMENT SUMMARY- ORONO

Source: Park District

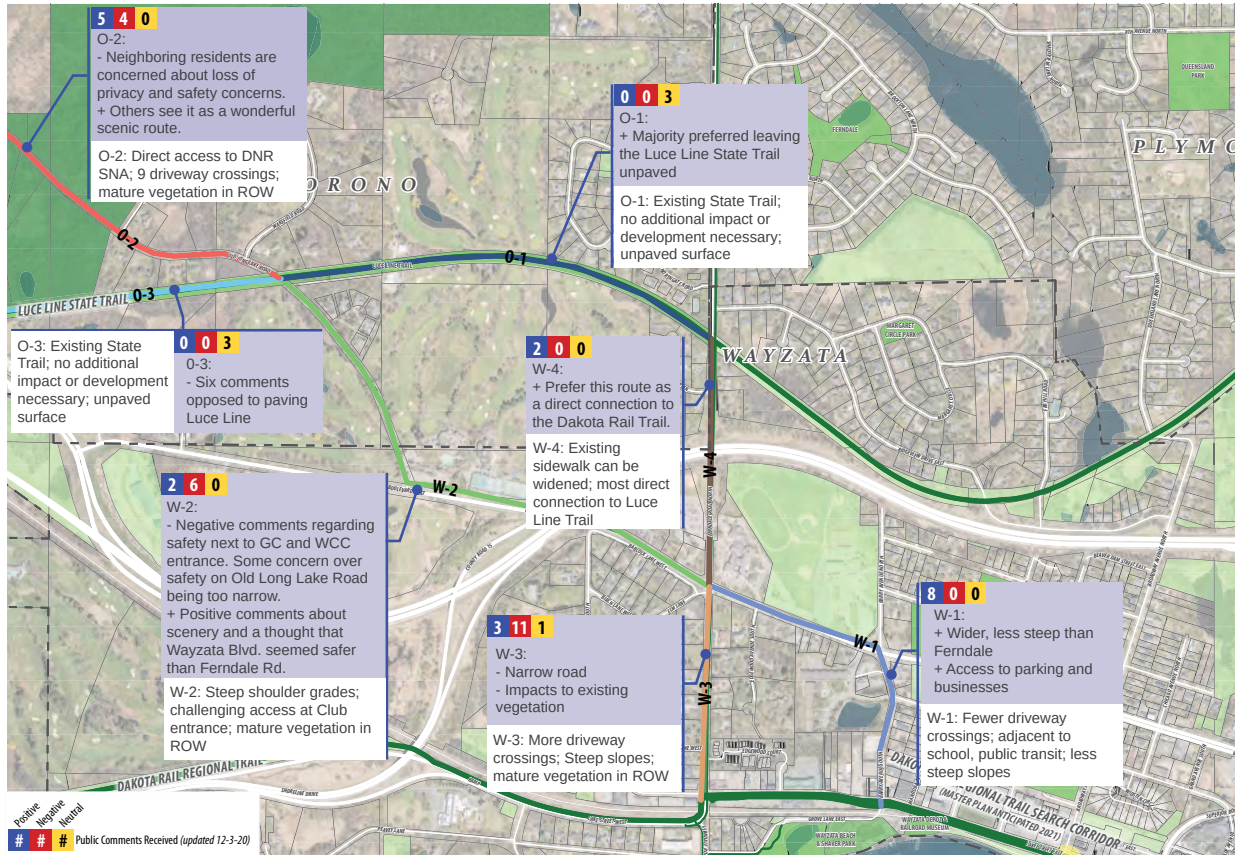


FIGURE 7 | ANALYSIS & COMMENT SUMMARY- WAYZATA

Source: Park District

THREE RIVERS PARK DISTRICT

PHASE 4: ALTERNATIVE ROUTE IDENTIFICATION, ASSESSMENT AND LOCAL APPROVAL: MEDINA (FEBRUARY – JUNE 2021)

Phase 4 obtained feedback from engaged parties and keep them informed of decisions and how their feedback was considered during the process. While community members were welcomed to offer suggestions and ideas, they did not have a promised role in evaluating and determine the final route as this was held by local appointed and elected officials as well as the Park District.

As a result of the strong public input from Medina residents through engagement and at several public City Council meetings, the Medina City Council requested the Park District eliminate the previously considered routes south of TH 55 through Medina and evaluate a new route for the trail along Hamel Road, connecting to Lake Independence Regional Trail and other existing trails in Baker Park Reserve. In addition to the proposed route along Hamel Road, two options for crossing Highway 55 were also evaluated.

TABLE 8 | PHASE 4 ENGAGEMENT STRATEGIES

Source: Park District

GENERAL PUBLIC	PROPERTY OWNERS
Interactive webmap for public comments	Open House/Listening Sessions at Fields of Medina Park
Pop-ups in city parks	Open House/Listening Sessions at Baker National Golf Course Clubhouse
Yard/road signs along potential trail routes	Virtual Open House
Social media posts	
City newsletters	
Emails and phone conversations	

TABLE 9 | PHASE 4 ADDITIONAL CITY OF MEDINA PUBLIC MEETINGS

Source: Park District

ADDITIONAL MEDINA PARK COMMISSION MEETINGS	ADDITIONAL MEDINA CITY COUNCIL MEETINGS
2/16/2021	2/16/2021
2/23/2021	2/23/2021
3/17/2021	3/2/2021
5/19/2021	3/16/2021
	6/1/2021
	6/15/2021

The Park District conducted a new phase of public engagement and analysis for this route from March through May 2021 (**Table 10**). This engagement obtained substantial public feedback. Most property owners along the alternative route along Hamel Road opposed the route, but overall feedback was fairly evenly split because residents along other portions of the trail generally supported finding an alternative which would be viable.

The Park District worked with City staff to develop and implement an engagement process which provided multiple methods for notification and participation - with a focus on engaging Medina residents, especially those immediately adjacent to or in close proximity to the Hamel Road option (**Table 8**).

The following notification methods were utilized:

- Article in the April City newsletter
- Direct mailing by City staff to 1355 owners within 350 feet (1000 feet in rural) from the conceptual routes
- Email notification by City staff to listserv and neighborhood groups near the conceptual routes
- Email notification by The Park District staff to Medina households within The Park District reservation/pass/program database (648 Medina household) and to persons which provided their email contact information as part of the engagement process (84 persons).
- Posted project information:
 - City: Website, Facebook, Next Door, Press Release to the Crow River News
 - Park District: Project website, Baker Park Reserve Facebook Page

Table 9 summarizes the additional meetings with the City of Medina Park Commission and City Council to review and confirm the final approved trail alignment along Hamel Road in the City of Medina. These meetings included opportunities for interested parties to testify and share their thoughts directly with decision makers.

TABLE 10 | PHASE 4 ENGAGEMENT SUMMARY & MASTER PLAN INFLUENCE

Source: Park District

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
GENERAL COMMUNITY MEMBERS			
Let's Talk website Interactive webmap for public comments The Park District created an interactive webmap linked to the Let's Talk Three Rivers website to collect public feedback geo-located directly into a map.	61 comments	- In general terms, 50% of the comments indicated support of the trail, 30% indicated opposition, 10% indicated conditional support and 10% did not clearly indicate support or opposition. - Comments were evenly split between preferring the eastern route vs. western route in northern Medina. - The majority of the supportive comments liked trail connections in their neighborhood, supported a grade-separated crossing at TH 55 and viewed the trail as a desirable safe route to Baker Park Reserve. - The majority of opposition comments focused on privacy, security and safety concerns	- The preferred route is the eastern route which will connect more directly to neighborhoods with families and a safe route to a future school. - The segment along Hamel Road will be within the road right-of-way as much as possible, minimizing impacts to adjacent property owners. - The trail along Hamel Road may be separated from the road by curb or boulevard making it safer for users.
Pop-ups in local parks The Park District set up two pop-up tabling events along the regional trail corridor at the Park at Fields of Medina and Hamel Legion Park.	15	- Every person engage with was very supportive of the trail. Most were very enthusiastic and wanted to see the trail built ASAP. - A trail was viewed as an amenity for the neighborhood and community. - Residents said they valued trails as an opportunity to get outside, recreate and enjoy nature and exercise. - Residents appreciated having trail connections close to home for easy access for families with children. Some said they would still use the trail even if it went north into Corcoran. - Residents were ok with the western route as long as there was a good local trail connection to it.	The preferred route goes through the Fields of Medina and connects to the future Wayzata school site with a proposed pedestrian bridge over TH 55.
Emails and phone conversations The Park District set up a DLRT project email address and forwarded phone number for direct communications with the community.	Over 70	In general, residents north of TH 55 and in the Hamel area were overwhelmingly supportive of the regional trail and the access and connections it brings. The majority of residents living along Hamel Road were not supportive of a regional trail adjacent to their property, mainly for reasons of a perception of loss of privacy/ security and safety concerns	- The preferred route is the eastern route which will connect more directly to neighborhoods with families and a safe route to a future school. - The segment along Hamel Road will be within the road right-of-way as much as possible, minimizing impacts to adjacent property owners. - The trail along Hamel Road will be separated from the road by curb or boulevard making it safer for users.
City Council meeting public comments	Approximately 20	The majority of Medina resident who spoke at the City Council public hearings were in opposition to the trail.	The Medina City Council heard from all the residents that chose to speak at the hearings and considered their input before making their decision to approve the route along Hamel Road and the easter trail option over TH 55.
PROPERTY OWNERS			
Open House/Listening Sessions at Fields of Medina Park The Park District tabled an open house/ listening session at the Fields of Medina Park to share information and gather feedback on the proposed new route options for the DLRT in northern Medina. Participants were notified by direct mailing of letters to their homes, City and TRPD social media and websites	20	- The west route was viewed as a more rural/ scenic route better for recreational use. The east route connected more directly to neighborhoods, businesses and future Wayzata ISD school. - Strong interest in connecting to Baker Park Reserve and a safe crossing of TH 55 (bridge). - Strong support from residents of the Fields of Medina and Enclave (Hamel area) for trails through their neighborhood. Not a strong preference for east or west option as long as there is a connection to the neighborhood. - Opposition to the 'no trail' option. - Concern about congestion in the planned commercial development just north of TH 55. - Concern about the available right-of-way width along Hamel Road.	- East option was chosen for the preferred route with caveat that the location of crossing of TH 55 remain flexible to coordinate with the future commercial and highway development opportunities. It will connect more directly to neighborhoods with families and a safe route to a future school. - The segment along Hamel Road will be within the road right-of-way as much as possible, minimizing impacts to adjacent property owners. - The trail along Hamel Road will be separated from the road by curb or boulevard making it safer for users.

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
PROPERTY OWNERS- CONTINUED			
Open House/Listening Sessions at Baker National Golf Course Clubhouse The Park District tabled an open house/ listening session at Baker National Golf Course Clubhouse to share information and gather feedback on the proposed new route options for the Diamond Lake Regional Trail in northern Medina. Participants were notified by direct mailing of letters to their homes, city and the Park District social media and websites.	20	- Strong opposition to the concept of a trail along Hamel Road by local residents. Viewed as an unfair burden to adjacent property owners. - Safety concerns given the volume and speed of traffic along Hamel Road, number driveway crossings, tight curves and horseback riding use. - Concerns about the loss of privacy/seclusion, rural character, and vegetation. - Concerns about the need for additional property rights and the unwillingness to grant them. - Concerns over the displacement of the existing horse-riding route along the road shoulder. - Concerns about the cost/feasibility/funding of the trail construction.	- Park District staff addressed the stated concerns and answered questions during the meeting. Many of the concerns can be dealt with in the future design phase of the trail construction project. - All comments were summarized and documented in the plan document. - The plan acknowledges that the acquisition of property rights is a long process and done so on a willing seller basis, no eminent domain.
Three Virtual Open Houses for Hamel Road residents The Park District hosted a virtual open house/listening session via Zoom to share information and gather feedback on the proposed new route options for the Diamond Lake Regional Trail in northern Medina. Participants were notified by direct mailing of letters to their homes, city and the Park District social media and websites.	14	- Concerns about the eastern route through the planned commercial area north of TH 55 causing congestion in a busy area. - Concern about privacy and public safety if the trail goes through the Fields of Medina development. - The western option might provide more room for a ped bridge over TH 55 and connection to Hennepin County Public Works - Challenge regarding supporting the trail while balancing property rights/privacy concerns. - Safety concerns about driveway crossings. - Questions about the trail right-of-way acquisition process. - Support for the trail going through Baker Park Reserve and not along the north side of Hamel Road. Avoid multiple crossings of Hamel Road. - As more people are living in this area, walking/ biking along roads is less safe. Long term, a trail would be viewed as a community asset.	- Park District staff addressed many of the stated concerns and answered questions during the meeting. - Contrary to the comments in this meeting regarding privacy and public safety, other engagement opportunities revealed an overwhelming support for the trail route going through the Fields of Medina. - The plan acknowledges that the acquisition of property rights is a long process and done so on a willing seller basis, no eminent domain. All possible measures reduce the impact on adjacent property owners will be taken during the design development of the trail. - Though the plan does not determine what side of Hamel Road it will be on, the route will go through Baker Park Reserve, avoiding property impacts on the north side of Hamel Road.

PHASE 5: ALTERNATIVE ROUTE IDENTIFICATION, ASSESSMENT AND LOCAL APPROVAL: LONG LAKE/ ORONO (MAY 2021 – OCTOBER 2021)

The new route through Medina connecting to Baker Park Reserve precipitated the need for a new route through Long Lake and Orono in order to connect back into the approved route in Wayzata. Several route alternatives through Long Lake and Orono were proposed, utilizing the existing trail along Wayzata Boulevard in Long Lake and the Luce Line in Orono. All proposed trail alternatives assumed that Three Rivers would assume the ownership, operational and maintenance responsibilities for the existing trail through Long Lake. A new phase of public engagement was conducted in May and June 2021 and that feedback was positive from the general public and business owners, except for those residents living directly along the proposed route who had concerns about congestion and parking in the downtown area (Table 12). The Long Lake City Council shared this concern and asked Three Rivers to conduct further analysis and consider new design solutions for a safe route through downtown. Six road/trail design alternatives through downtown Long Lake were proposed to address the City's concerns about

congestion and pedestrian/vehicle safety. The graphics are included in Appendix E.

Phase 5 (IAPP Involve Level) obtained feedback from engaged parties and keep them informed of decisions and how their feedback was considered during the process (Table 13). While community members were welcomed to offer suggestions and ideas, they did not have a promised role in evaluating and determine the final route as this was held by local appointed and elected officials as well as the Park District.

There were several additional meetings held with the City of Long Lake to review alternate alignments. Ultimately, the City Council was not supportive of the regional trail through Long Lake and all associated routes were removed from consideration. (Table 11).

TABLE 11 | PHASE 4 ADDITIONAL CITY OF LONG LAKE PUBLIC MEETINGS

Source: Park District

ADDITIONAL LONG LAKE PARK BOARD MEETINGS	ADDITIONAL LONG LAKE CITY COUNCIL MEETINGS
4/5/2021	5/4/2021
	7/12/2021
	9/7/2021

TABLE 12 | PHASE 5 ENGAGEMENT STRATEGIES

Source: Park District

GENERAL PUBLIC	UNDERREPRESENTED COMMUNITY MEMBERS	PROPERTY OWNERS, BUSINESSES AND DEVELOPERS
Interactive webmap for public comments	Outreach to Orono Woods Senior Living	Direct engagement with most of the businesses in downtown Long Lake
Virtual open house/listening session	Orono Public Schools	Open house/listening session at Nelson Park
Pop-ups in city parks		
Yard/road signs along potential trail routes		
Social media posts		
City newsletters		
Emails and phone conversations		

TABLE 13 | PHASE 5 ENGAGEMENT SUMMARY & MASTER PLAN INFLUENCE

Source: Park District

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
GENERAL PUBLIC			
Interactive webmap for public comments The Park District created an interactive webmap linked to the Let's Talk Three Rivers website to collect public feedback geo-located directly into a map.	25 comments	- Comments were evenly split (positive/negative) with several comments suggesting routes other than the trail options proposed. - Safety concerns at intersections with Old Long Lake Road and at Wurzer Trail crossings were noted. - Concerns about the impact of increased bike traffic in downtown and on residential streets. - Supportive comments liked the trail next to the scenic lake.	At the request of the City Council over concerns about congestion in downtown, the Park District evaluated other routes south of CR 112 and studied six options for road/trail configurations in downtown Long Lake- none of which were satisfactory.
Virtual open house/listening session The Park District hosted a virtual open house/listening session via Zoom to share information and gather feedback on the proposed new route options for the Diamond Lake Regional Trail through Long Lake and Orono. Participants were notified by direct mailing of letters to their homes, City and the Park District social media and websites	0	N/A	N/A
Pop-ups in city parks The Park District set up two pop-up tabling events along the proposed trail corridor in Long Lake and Orono at the Nelson Lakeside Park and Hardin Park.	Approximately 24	- Every resident engaged with was supportive of the concept of converting the existing trail through Long Lake into a regional trail. - Most of the residents asked about possible congestion in downtown did not feel it would be a problem to have a trail through downtown along Symes St. Some believed it may even reduce the number of cars in downtown. - Concern about the lack of parking during busy times. - Most preferred the regional trail follow along CR 112 rather than the Wurzer Trail.	At the request of the City Council over concerns about congestion in downtown, the Park District evaluated other routes south of CR 112 and studied six options for road/trail configurations in downtown Long Lake- none of which were satisfactory.
UNDERREPRESENTED COMMUNITY MEMBERS			
Outreach to Orono Woods Senior Living Park District staff spoke with the Facility Manager on the phone as COVID pandemic restrictions prevented any in-person engagement.	Facility Manager	Orono Woods has a lot of active seniors that use and appreciate the existing trail and would like to opportunity for additional trail connections	At the request of the City Council over concerns about congestion in downtown, the Park District evaluated other routes south of CR 112 and studied six options for road/trail configurations in downtown Long Lake- none of which were satisfactory.
Outreach to Orono Public Schools Park District staff spoke with the Facility and Grounds Manager on the phone as COVID pandemic restrictions prevented any in-person engagement.	Facility and Grounds Manager	Orono Schools staff is supportive of the regional trails through and near the school campus. They are open to the idea of designated parking stalls and signage for a possible trailhead location.	Had Long Lake approved a regional trail through the City, the Park District would have pursued a trailhead at this location in order to possibly alleviate parking demands near downtown. However, this was not satisfactory.

ENGAGEMENT STRATEGY	ENGAGED PERSONS	COMMON FEEDBACK THEMES	MASTER PLAN INFLUENCE
PROPERTY OWNERS, BUSINESSES AND DEVELOPERS			
Direct engagement with most of the businesses in downtown Long Lake The Park District visited with business owners along Wayzata Boulevard to share information and gather feedback on the proposed new route options through Long Lake and Orono. Participants were also notified by direct mailing of letters to their businesses, City and TRPD social media and websites to attend open houses/ listening sessions.	14	• Every business representative spoken to expressed support for the concept of the trail through Long Lake becoming a regional trail. • Businesses viewed the trails in Long Lake as a bonus to the downtown business activity, not a congestion problem. • Many thought it would be important in keeping Long Lake a vibrant and active community.	• At the request of the City Council over concerns about congestion in downtown, the Park District evaluated other routes south of CR 112 and studied six options for road/trail configurations in downtown Long Lake- none of which were satisfactory.
Open house/listening session at Nelson Park Local residents were sent direct mailings inviting them to any of the scheduled open house meetings, including virtual meetings. Notifications were also posted on social media, City and TRPD websites.	5	• Residents were supportive of the concept of converting the existing trail along CR 112 to a regional trail and being a part of a larger regional system. • Concerns were raised about congestion on Symes Street next to the park during busy times. • Concerns about conflicts with driveways on Martha Lane. • Preference for the trail option along CR 112 rather than Wurzer Trail option for trail safety reasons crossing of CR 112.	• At the request of the City Council over concerns about congestion in downtown, the Park District evaluated other routes south of CR 112 and studied six options for road/trail configurations in downtown Long Lake- none of which were satisfactory.

PHASE 6: ROUTE REVIEW AND APPROVAL

After considering the results of the route analysis and summary of the public engagement, the Long lake City Council had remaining concerns about the possible impact of converting the existing local trail along CR 112 into a regional trail. There were concerns about congestion in downtown Long Lake, conflict with vehicles along Symes Street and Martha Lane and parking shortages with the additional trail traffic that would be associated with a regional trail. The City Council asked the Park District to investigate some detailed road/trail alignment options through downtown which could help alleviate some of the possible congestion. Six options were presented to the City Council in September 2021. Ultimately the Long Lake City Council, with the support of the Long Lake Park Board, did not approve any of the proposed route options and declined to partner with Three Rivers on a regional trail through the City.

Each of the remaining cities saw the value and opportunity of the regional trail for their community and residents and approved a preferred regional trail route.

Table 14 lists the final preferred route approval dates from the partner agency's park commission and city council (see Appendix F for meeting minutes).

TABLE 14 | PHASE 6 FINAL APPROVAL DATES FOR PREFERRED ROUTE

Source: Park District

CITY	PARKS COMMISSION RECOMMENDATION	CITY COUNCIL APPROVAL
Dayton	2/12/2021	3/9/2021
Rogers	2/11/2021	4/13/2021
Corcoran	7/15/2021	7/22/2021
Medina	5/19/2021	6/15/2021
Orono	10/4/2021	10/11/2021
Wayzata	2/17/2021	3/16/2021

PHASE 7: 30-DAY OFFICIAL COMMENT PERIOD

Subject to revision following 30-day comment period

The focus of Phase 7 was to obtain feedback from community members and partners and keep them informed of decisions and how their feedback was considered during the process. While community members and partners were welcomed to offer suggestions, they did not have a promised role in evaluating and determining final recommendations.

The general public, regional trail users, underrepresented community members and partners were welcomed to review and provide comments on the draft master plan over a 30-day comment period from ____ to _____. The Park District shared this opportunity through several methods

including a press release, social media posts which partners shared/ reposted, Park District list serves, and news item on the Park District website. The plan was available online, at local public venues (city halls, and nearby Park District facilities) and shared via email to identified partners and others upon request.

A summary of the main themes heard during the 30-day comment period is outlined in **Table 16**. In addition, a more detailed overview of all raw comments and Park District responses, including how a comment was or was not addressed in the master plan, are listed in Appendix H and posted on the Park District’s project website. At the completion of the 30-day comment period partner cities and agencies were asked to provide a letter or resolution of support. These are included in Appendix H.

ACCOUNTABILITY MOVING FORWARD

The Park District will continue to work with the general public, underrepresented communities, existing users, and partners to implement the recommendations included in this master plan as resources become available to ensure that they best address the identified challenges or opportunities at the time of implementation.

There are many challenges and obstacles to overcome when establishing equal, equitable, and inclusive outdoor recreation opportunities, such as unforeseen pandemics impacting outreach efforts with targeted groups. The Park District is pursuing - and will continue to explore - new ways of mitigating these challenges through engagement, policy integration, accountability, and partnerships, to achieve comprehensive, long-lasting, and sustainable solutions and positive outcomes.

In simpler terms, this master plan is intended to be a starting point and the Park District will continue to be inclusive and responsive to changing needs and priorities. This commitment to the general public, underrepresented communities, existing users, and partners is laid out in **Table 15**.

TABLE 15 | ACCOUNTABILITY & COMMITMENT MOVING FORWARD
Source: Park District

COMMITMENT FOCUS	ACCOUNTABILITY & COMMITMENT
Funding	• Work in partnership with the local cities, Hennepin County, MnDOT and other potential funding partners to secure funding in a manner that fosters collaboration and aligns priorities. • Prioritize funding opportunities which promote efficiency of staff, financial resources, and safety. • Prioritize funding/implementation which directly improves access, comfort, and a sense of inclusion to new users and underrepresented community groups (wayfinding, benches, trail connections, safety improvements). • Prioritize funding to evaluate and improve trail crossing safety.
Design Development & Construction	• Identify locations for local trail connections (i.e., schools, local trail network, retail/commercial nodes, parks) and work with partners to implement connections – especially at locations which help reach and serve underrepresented community groups. • Adhere to Park District regional trail design standards (ADA accessible, 10’ wide, paved, multi-directional, etc.), whenever possible/ appropriate to ensure safety and high-quality user experiences. • Design and implement recommendations in a manner which is sensitive and responsive to the surrounding environment. • Continue engaging affected neighbors in ways they deem appropriate (e.g., door knocking, letters, better descriptions of impact to properties). • Continue engagement efforts with underrepresented community groups, particularly the BIPOC community since several BIPOC events were canceled during this project due to the COVID-19 pandemic. • Identify and work to avoid, minimize or mitigate potential impacts on private property. • Coordinate design efforts and seek design approval from partners where applicable, including improvement of crossings. • Ensure all road crossings follow industry standards and best practices. • Include wayfinding and regional trail amenities (benches, garbage cans, bike racks, repair stations, information stations/ kiosks, etc.) as part of initial implementation.
Operations & Maintenance	• Provide routine and preventive pavement maintenance in accordance with district-wide regional trail standards. • Consider improving winter maintenance practices as resources allow and when winter regional, recreation use increases. • Continue to explore additional regional trail programming (affinity groups, learn-to-bike, bike maintenance, and similar) designed specifically for non-users/underrepresented community groups. • Support local safe routes to school efforts. • Continue improving wayfinding efforts, including implementing signage in languages other than English.

TABLE 16 | MAIN THEMES OF THE 30-DAY COMMENT PERIOD

Source: Park District

Date	Comment
	** This table will be completed after the completion of the 30-day comment period**

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3

RESEARCH TRENDS, DEMAND & FORECAST

National, state, regional and Park District recreational use trend studies support continued expansion, improvement, and implementation of trails. Recreational studies also indicate that of the wide variety of recreation activities, trails appear to be the common thread across most demographic groups.

With dramatic demographic and lifestyle changes taking place in the U.S. and around the world, understanding these trends is more important than ever – informing and influencing critical outdoor programs, products and public policy decisions.

NATIONAL RECREATION TRENDS

Each year, the Outdoor Foundation produces the Outdoor Participation Report – the largest, most comprehensive research report on outdoor recreation participation. The report examines more than 40 outdoor activities in America and provides insights and analysis on geographic and demographic trends, motivations and barriers as well as purchasing behaviors.

The 2020 Outdoor Participation Report shows that just over half of Americans ages six and older participated in outdoor recreation, including hunting, hiking, camping, fishing, canoeing among many more outdoor activities. That equates to 153.6 million participants, who went on a collective 10.9 billion outdoor outings. This is a modest rebound from the decade low 10.2 billion outings in 2018. However, nearly half of the U.S. population did not participate in outdoor recreation.

The most popular outdoor activities by participation continue to support regional trail use. The number one outdoor activity nationwide with 61 million participants is running, jogging and trail running all of which are allowed across the entire regional trail system. This is followed

by hiking (also an allowed regional trail activity) as the third most popular outdoor activity with 49.7 million participants.

Additional highlights from the 2020 report include:

- 50.7 percent of Americans participated at least one outdoor activity in 2019.
- 46.2 percent of outdoor participants were female versus 53.8 percent male, the smallest gender gap on record.
- Youth participation flashed a warning signal, falling across the board for girls and boys and among both children and young adults.
- Black and Hispanic Americans remained significantly underrepresented outside, with participation levels well below their share of the US population.

Holistically, this report highlights the enormous risks facing the outdoor industry. It is stressed that more must be done to change this trajectory - for the health of the industry and the health of society. The report recommends collective action through philanthropy, marketing, and policies at the local, state, and federal levels to help bring individuals and entire communities to the outdoors and inspire a nationwide outdoor habit. This collective action and attention is especially important because the Diamond Lake Regional Trail and Dakota Rail - Luce Line Connector to pass through areas of higher concentration of people of color, families with children and near schools.

MINNESOTA RECREATION TRENDS

The 2020-2024 State Comprehensive Outdoor Recreation Plan (SCORP) is Minnesota’s outdoor recreation policy plan (November 2019). It gives outdoor recreation decision makers and managers a focused set of priorities and suggested actions to guide them as they make decisions about outdoor recreation.

The primary goal of the SCORP is to increase participation in outdoor recreation by all Minnesotans and visitors. By increasing recreation facilities and increasing them in or near populated areas and populated areas with increasing diverse populations, the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector will help meet this goal and start to respond to some of the trends and issues identified in the SCORP.

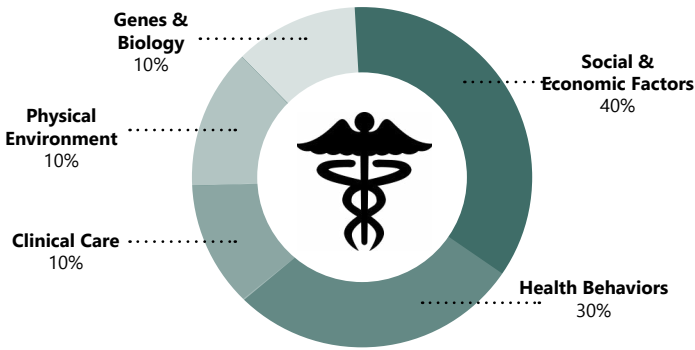
Public Health

The 2017 Minnesota Outdoor Activities Survey found

that top motivations for spending time outdoors were to feel healthier, rest mentally and be physically fit. The research supports, and the public is seemingly ready to embrace, a healthier outdoor lifestyle of which these two trails would support. The SCORP recommends outdoor recreation providers consider how to enhance their operations in ways that promote visitor health and well-being, such as providing access to the trail system at key locations where residents can easily get to the trails.

The Minnesota Department of Health identifies several Determinants of Health, of which one is the Physical Environment (**Figure 8**). Communities that have accessible outdoor activities, such as trails, provide a healthier environment.

FIGURE 8 | DETERMINANTS OF HEALTH
SOURCE: MINNESOTA DEPARTMENT OF HEALTH



Diversity, Equity & Inclusion

Minnesota’s nature-based recreation providers, such as the Park District, are committed to developing more programs and facilities that serve everyone, including individuals with disabilities; members of multicultural, racial, and ethnic communities; individuals identifying as LGBTQ; and refugees and new immigrants. These two trails will provide additional access to the regional trail system for existing and future residents in Central Hennepin County. There are many challenges and obstacles to overcome when establishing equal, equitable and inclusive outdoor recreation opportunities. In recognition of these barriers, the Park District sought opportunities to connect with under-served and underrepresented communities and enhanced outreach efforts during the public engagement process to better address their needs and ideas. More details on this work is outlined in Chapter 2.

Additionally, the growth in BIPOC park and trail visitors

(Black, Indigenous and People of Color) presents an opportunity for the Park District to more readily connect to a more racially diverse audience. With that in mind, the Park District is seeking ways to better serve a more diverse suite of communities by increasing access to removing barriers, and seeking a greater understanding of, the recreation opportunities desired by a wide spectrum of communities.

Minnesota's Changing Population

Although the population in Minnesota is growing, the rate of growth has slowed since the 1950s and is projected to continue to decline. This translates into lower potential use of suburban parks and trails, near-home parks and trails demand, and potential participants in nature-based outdoor recreation. Because Minnesota's demographics are skewing older, the Park District is looking at how their services will need to adapt in order to reach and provide for an older audience in the upcoming decades. Although the overall trend is that older adults participate less in outdoor recreation as they age, this growing age cohort also represents an opportunity as they often have more free time and interest in programming and activities that promote the health and wellness benefits of outdoor recreation. Thus, these two trails will provide



Regional trails are utilized by multiple generations, providing enjoyment for all ages.
Photo credits: Sixty and Me, Quikybyke, Park District

new opportunities for outdoor recreation for an aging audience.

Climate Change

Climate change will continue to have profound impacts on how agencies manage natural landscapes and provide outdoor recreation opportunities to Minnesotans and visitors. Recreation providers will need to adjust their programs and facilities to adapt to these climate change impacts. Some examples of impacts to outdoor recreation from climate change that have already been documented include:

- **Shorter winter seasons** - shorter and more inconsistent conditions for winter activities such as cross-country skiing, snowshoeing, ice fishing and snowmobiling.
- **Longer shoulder seasons** - some recreational activities may benefit as temperatures warm more quickly in the spring and stay warm longer in the fall.
- **Longer growing season** - requires more operations and maintenance such as mowing and sweeping for a longer duration.
- **More storm event impacts to recreation facilities** – wind and flooding damages trails, beaches, and other facilities.
- **Greater damage to natural communities and cultural resource sites** – erosion along rivers and destabilizing slopes are causing loss of historic sites and impacts to rare natural communities.
- **Higher prevalence of invasive species** - increasing spread of invasive species that are suited to changing conditions and the arrival of new invasive species.
- **Additional ecological impacts affecting other activities** – changes to fish and animal populations affect fishing, hunting and wildlife watching.

The Park District is working to adapt to these changing conditions to mitigate climate change impacts. Visitors and the public increasingly expect park and recreation agencies to communicate and demonstrate how they are addressing climate change. Some actions the Park District is taking include using electric vehicles for facility operations; reducing energy and water use at facilities; and providing charging stations for privately owned electric vehicles. The Park District is taking

actions to reduce its climate impacts, and in some cases reducing long-term costs, in concert with promoting environmental stewardship messages to their visitors. Actions such as these will be incorporated into the development plans for these two trails.

Accessibility

The Park District is continuing to develop and update programming, facilities, and services to facilitate more and better access to opportunities for people with disabilities. Since being enacted, the Americans with Disabilities Act (ADA) and other similar laws and guidelines have been an important part of planning and development of publicly funded outdoor recreation programs and services in Minnesota. With a wide range of abilities, providing accessible facilities and opportunities will be an important consideration for nature-based recreation providers. These trails will be constructed to ADA standards to ensure accessibility for all.

The percentage of Minnesotans with a disability will increase over the next few decades as the average age of Minnesota's population continues to get older. The prevalence of disabilities will be much higher among older age groups. The Park District is increasing investments for accessibility improvements to keep pace with Minnesota's growing need for facilities and opportunities that accommodate, and are welcoming for, people with disabilities.



TWIN CITIES REGIONAL RECREATION TRENDS

The Metropolitan Council notes that the Twin Cities metropolitan area is projected to be home to almost 3.7 million people by 2040, a gain of 803,000 residents from 2010. With this growth will come new jobs, greater racial and ethnic diversity, expanded economic opportunities and increased tax revenues. In addition, similar to the SCORP findings, the Twin Cities populations is changing in ways that will influence park and trail decision making:

- By 2040, two in every five Twin Cities residents will be BIPOC. **The region's BIPOC population will more than double during the forecast period**, going from 676,000 in 2010 to 1,453,000 in 2040. In contrast, the region's white population will level off in the late 2020s, and then decline slightly after 2030. BIPOC population will become a greater share of our region's population: from 24 percent in 2010 to 40 percent in 2040.
- By 2040, one in every five Twin Cities residents will be age 65 or older. **The Twin Cities region's 65 and older adult population will double between 2010 and 2030**, and will continue to grow, from 307,000 older adults in 2010 to 760,000 in 2040 - a **148 percent increase**.

While the rich and growing racial and ethnic diversity is an asset to continued economic vitality, the Twin Cities region has some of the largest disparities by race and ethnicity of any large metropolitan area in the nation. Importantly, these disparities and shifting demographics have implications for the Park District. These changing Twin Cities population trends are influencing the Park District regional trail decision making including planning efforts for the Diamond Lake Regional Trail and the Dakota Rail - Luce Line Connector in the following ways:

- Investment in culturally sensitive regional trail wayfinding, which is a known barrier for Hispanic populations and people who do not currently use the regional trail system.
- Support for local trail connections to areas of concentrated poverty, affordable housing and high density developments to ensure equitable access for all.
- Investment in regional trail amenities, such as rest stops, benches and restrooms that provide assistance to trail users of all ages and abilities.

- When/where feasible, consider increasing regional trail width beyond 10 feet and separate bicycles and pedestrians to ensure the safety of vulnerable users in high volume areas.

GENERATIONAL RECREATION TRENDS

In the U.S., there are six living generations, which are six distinct groups of people. They have had collective experiences as they aged and therefore have similar ideals and stereotypes. Social generational theory provides an opportunity to help understand current and projected generational tendencies related to outdoor recreational trends. Regional trails appeal in some form to all six generations for various reasons - whether that be healthy living objectives or quality of life factors.

The Park District continues to explore how to retain existing regional trail users and remain relevant to the changing needs of future generations. This may be in the form of more identified vehicle parking for users with ambulatory needs or more pet-waste stations for young adults that use Park District trails with dogs. These generational recreation trends require occasional review - because as trail users age, so do their desires and needs for a robust regional trail system (**TABLE 17**).

THREE RIVERS PARK DISTRICT TRENDS

Visitation to the Park District's regional trails is now estimated at 5.5 million visits per year (2019). The number of trail miles has grown from 56 miles (2009) to over 170 miles (2021). Use patterns within the Park District's system of parks and trails have also changed. The Boomers who used to bring their children to Park District parks are now empty-nesters, and they have flocked to the regional trails to get exercise and to get outdoors. Biking, as a form

of transportation, has gained traction over the past ten years throughout the metro region and more users are now bike commuting. The Park District's work with local communities and Hennepin County has resulted in a regional trail network that is better connected to the local "feeder" trail, sidewalk and bike lane networks, making the system more accessible to a larger portion of the population.

As of 2019, regional trail visits accounted for over 42 percent of all visits to the Park District's facilities. Trail visitation is expected to continue to increase at a rate greater than the expected increase in population. This increased trail visitation supports the continued need for Park District operations and maintenance investment.

Regional Trail | User Data

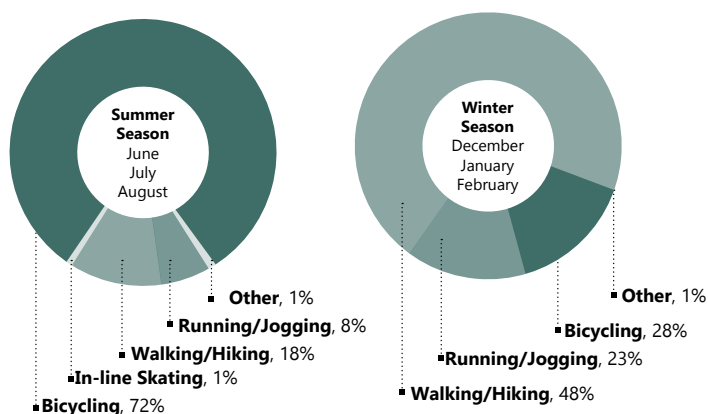
Metropolitan Council data reveals that regional trails are most heavily visited during the spring, summer, and fall seasons with summer receiving 35 percent of annual visits, spring and fall each receiving 27 percent of annual visits, and winter receiving 11 percent of annual visits (**Figure 9**). Winter has seen more seasonal growth, in part due to warmer winters, the increased use of trails for commuting, the use of trails for year-round exercise regimens and increased winter maintenance.

Park District research shows that summer trends continue to indicate that biking is, and will remain, the predominant regional trail activity at 57 percent, followed by walking/hiking (34 percent), and running (8 percent). In-line skating, mobility-device users and other miscellaneous uses make up the balance of trail users. However, Park District winter data reveals a different narrative. Bicycling drops significantly during the winter season, while the walking and running groups continue to utilize regional trails.

The vast majority of regional trail visitors use trails for recreation and exercise. However, regional trail use for commuting/transportation purposes is on the rise. Over the last ten years, the Park District significantly expanded the regional trail system within more urban, fully-developed communities. This increased commuting/transportation regional trail use is captured in current Park District data. Regional trails that are paved, with few stop conditions, limited interactions with vehicles and with seamless connections to employment, retail and commercial centers have a greater percentage of regional trail visits attributed to commuting than

FIGURE 9 | REGIONAL TRAIL USE BY ACTIVITY & SEASON

Source: Park District



Generation Class	Collective Experiences	Recreation Trends	Design Recommendations
Greatest Generation 1901-1926 - Ages 96+ 4 million population	- Suffered and persevered through Great Depression and then fought in WWII - Known for personal responsibility, humble nature, work ethic, prudent saving and faithful commitment.	- Mature adults who are interested and able, connect with outdoor recreation through walking, hiking and light exercise. - Interest in biking has increased, as mature adults look to keep muscles and joints healthy and strong. Biking also maintains range of motion, movement and balance. This does decline however, as this cohort ages. - Spending time outdoors and staying physically active can have significant health benefits for older adults. Physical and mental benefits include increased vitamin D levels, improved immunity, reduced feelings of anxiety and depression, increased energy, more restful sleep, better attention levels and better recovery rates from injury and illness.	- Multi-use trails are important for aging adults - however they feel more safe when bicyclists and pedestrians are separated. - Trail intersections and crossings must have truncated dome treatments with adequate crossing times. - Pavement must be well-maintained, free of obstructions, non-slip and wide enough for wheelchairs. - Seating at predictable intervals is imperative.
Silent Generation/ Traditionalists 1927-1945 - Ages 77-95 30 million population	- Grew up during the Great Depression and WWII and either fought in WWII or were children. - Majority are retirees who are known for traditional family values, simplicity and comfort, demand for quality and financial security.		
Baby Boomers 1946-1964 - Ages 58-76 76 million population	- Born during a spike in population after WWII and was known as the largest living generation until the Millennials recently outpaced them. - Grew up during the Civil Rights Movement and Cold War. Known for experimentalism, individualism and social cause orientation. - Can be distrustful of government.		
Generation X 1965-1980 - Ages 42-57 66 million population	- Generation born between two larger generations (Boomers and Millennials). - First generation to develop ease and comfort with technology. - Known for informality, independence, multi-tasking, entrepreneurs and family time values. - Can be distrustful of institutions.	- Take a more lighthearted attitude than their predecessors, and approach outdoor activity more as a sport. - Risk, challenge and adrenaline are important motivators for participating in outdoor activities. They embraced competition and particularly risk, pushing back the limits of every outdoor sport - and inventing some new ones of their own. The term "extreme sports" is associated with Generation X.	High demand for local trail access to parks, trails and destinations (library, restaurant, commercial etc.) - which complements active family lifestyles. This generation has influenced the real estate market and community planners to answer this recreational need nationwide - promoting access to parks, recreation amenities and programming.
Generation Y/ Millennials 1981-2000 1981-2004* - Ages 18-41 80 million population	- Grew up with technology (computers, cell phones, internet, etc.). - Largest living generation (surpassing Boomers). Expected to continue growing until 2036 as a result of immigration. - Known to be informal, more culturally and racially tolerant, entrepreneurs, acceptant of change, achievement oriented and financially savvy with need for instant gratification.	- Due to social media and access to the internet, Millennials are not used to feeling alone. Thus, they are not looking to spend a quiet day alone in a park. - Readily share recreation experiences in real-time. - As this generation delays traditional marriage and families, pet ownership has increased.	- Millennials like to stay active, so parks with trails for biking, running and open fields for group activities are attractive. - Park and trails with water access, and pet waste stations for dogs is appealing.
Generation Z/ Digital Natives 2004 - present - Ages 0 - 17 74 million population and growing	- First living generation to exclusively grow up with technology (computers, cell phones, internet, etc.), which equates to true digital natives. - Growing up in a world where options are unlimited but their time is not. - Quick adapters to sorting and assessing large amounts of information.	While this generation's recreational identity and interests are still developing, enticing them away from screen-time and into the outdoors will continue to be a challenge for park and recreation planners, practitioners and designers. Recreation planners and practitioners are currently strategizing how to incorporate quality screen-time into outdoor play, nature and exercise.	

TABLE 17 | GENERATIONAL RECREATION THEORY

Source: Park District & various sources

GENERAL NOTE: Generation classes, years, ages and populations are estimates - varying sources will all offer slightly difference estimates.

*Pew Research Center defines Millennials as being born from 1981 onwards, with no chronological end point set yet. Demographers William Straus and Neil Howe define Millennials as born between 1982 -2004.

regional trails without these three attributes. While these certainly are not the only factors in determining the desirability of a regional trail corridor for commuting purposes, they appear to play an important role. In addition, commute percent varies greatly by regional trail. For example, commuting purposes range from the low end of 5% (Medicine Lake Regional Trail) to the high end of 42% (North Cedar Lake Regional Trail).

Regional Trail | Visitor Preferences

Bicycle and pedestrian studies from across the country, and over the last twenty-five years, have come to the same general conclusions regarding user preferences - regardless of user type. Trails with these characteristics will attract visitors from greater distances, will have greater annual use, and will produce more enjoyable experiences for trail users:

- Natural settings (scenic, vegetation, limited evidence of the built environment, etc.).
- A diversity of natural settings (woodlands, wetlands, prairies, etc.).
- Visual and physical separation from vehicles.
- A continuous and contiguous route with limited stop conditions.*
- A smooth surface (either paved or aggregate).
- Connectivity with local destinations and other bicycle/pedestrian facilities.*
- Opportunities for loop routes.
- Trail amenities - drinking water, mileage markers, benches, restrooms and wayfinding.*
- Better snow/ice removal.*

Some bicycle and pedestrian studies also indicate that participants are willing to spend more money and travel longer distances to utilize facilities that incorporate these preferences. The preferred trail route for the Diamond Lake Regional Trail and the Dakota Rail – Luce Line Connector trails considered this list of desired attributes to help determine the best route for ensuring high quality user experiences.

PROJECTED USE & VISITATION

It is anticipated that the percentage breakdown by activity of the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector trails will generally mirror the greater Park District regional trail activity trends. Bicycling

is the primary regional trail use, with ancillary uses such as walking, running and in-line skating capturing a smaller percentage of the total use. These uses remain consistent throughout the trail corridors with the exception of where the regional trail passes through commercial areas. In these locations, the regional trails receive an increase in percentage of pedestrian activity associated with the sidewalk network.

Seasonal use percentages for the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector trails will likely be consistent with the greater regional trail seasonal use averages with 88 percent of visitation occurring in the spring, summer, and fall seasons. Winter use of the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector trails will be dependent on weather conditions, available budget and the assistance of local communities to maintain the trail. Several local communities have inquired about options to maintain the regional trail that extends through their community during the winter months.

The Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector trails have varying annual projected visits (**Tables 18 & 19**). The visitation estimates are calculated using the most recent Park District visitation data from comparable trails in the Park District system.

TABLE 18 | PROJECTED REGIONAL TRAIL VISITS BY DISTANCE FROM TRAIL

Source: Park District

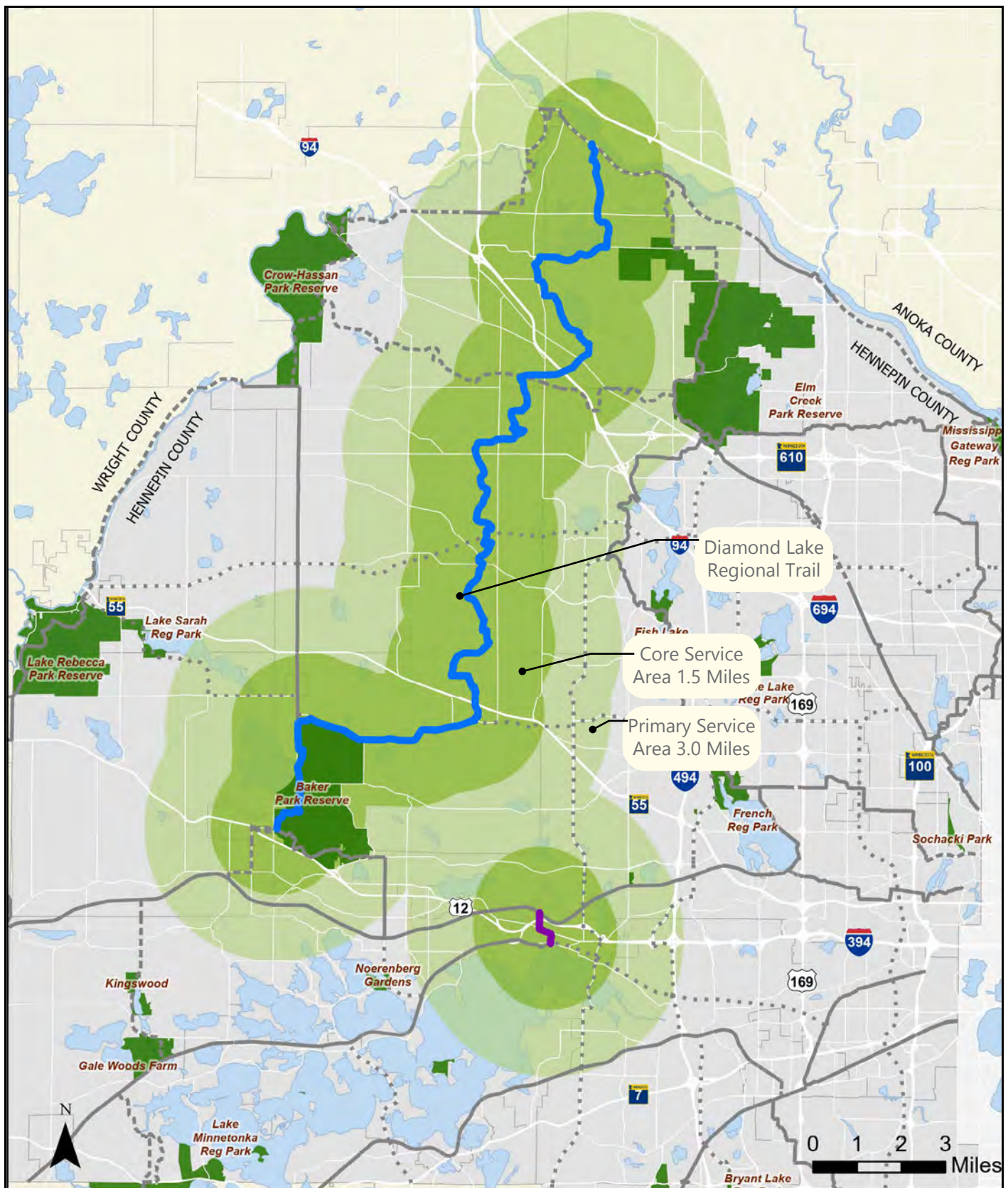
Regional Trail	<1.5 Miles	< 3 Miles
Diamond Lake Regional Trail	140,300	163,600
Dakota Rail - Luce Line Connector	58,700	76,700

TABLE 19 | PROJECTED REGIONAL TRAIL VISITS BY SEASON

Source: Park District

Regional Trail	Spring	Summer	Fall	Winter	Total
Diamond Lake Regional Trail & Dakota Rail - Luce Line Connector	26.2%	35.1%	26.3%	12.4%	100%

*Specifically listed in Park District Summer Regional Trail Survey (2019)



MAP 10 | DIAMOND LAKE REGIONAL TRAIL SERVICE AREA

Source: Park District



4

NATURAL RESOURCES

NATURAL & CULTURAL RESOURCES

The Park District protects and enhances natural and cultural resources within its regional trail corridors.

Resource Protection Plan

The Park District will utilize best practices to minimize any potential negative impacts, work with adjacent property owners on how to best protect and manage significant resources, and incorporate opportunities to enjoy and interpret the resources present.

If the Park District acquires additional property along the regional trail which encompasses significant natural or cultural resources, the Park District will develop a stewardship plan specific to that resource and in accordance with other Park District natural and cultural resource management plans.

Potential natural or cultural resource impacts as a result of trail design and construction are addressed in Section 6.

Resource Staffing

The Diamond Lake Regional Trail will extend along public road right-of-way, Park District owned property, and private easements. The Dakota Rail – Luce Line Connector will extend along public road right-of-way. As linear facilities, the trail corridors typically average 100 feet wide or less and do not require substantial resource management on an annual basis. To account for minimal resource management along these trail corridors, the Park District utilizes seasonal or contract staffing, such as Conservation Corps of Minnesota to assist in maintenance.

Sustainability

The updated 2016 Sustainability Plan guides the Park District's efforts toward achieving established

sustainability goals and targets by outlining broad strategies for organizational implementation.

The following goals provide overall guidance and intent to the Park District's sustainability efforts:

- Manage and operate Park District parklands and facilities in a manner that ensures ecological, financial and social integrity of the park system in perpetuity.
- Reduce dependence on fossil fuels to minimize greenhouse gas (GHG) emissions and reduce public expenditures.
- Reduce Park District environmental impacts to demonstrate (or model) organizational commitment to environmental stewardship.
- Design parks and trails that maximize the ability of the public to use non-motorized transportation.

Specific to regional trails, the 2016 Sustainability Plan provides the following strategies:

- Place priority on regional trail routes that have the potential for the greatest number of non-motorized commuting trips over routes with lesser commuting potential.
- Work collaboratively with municipalities and neighborhoods to reconfigure park and regional trail access points to encourage pedestrian and bicycle access.

The Park District strives to utilize appropriate sustainable best management practices and guidelines such as the Minnesota Sustainable Building Guidelines (B3 Project) and Leadership in Energy and Environmental Development (LEED) Rating System on construction projects. Additionally, for regional trails, best management practices may include utilizing porous pavement, rain gardens, and recycled construction materials, whenever feasible.

Land Cover

The Diamond Lake Regional Trail corridor extends north-south across central Hennepin County through landscapes that contain a variety of land cover, with several themes of land use and land cover present along the proposed corridor. Much of the northern part of the corridor, from Baker Park Reserve to the Mississippi River has been farmed or is currently in agricultural use. Industrial and residential development is expanding

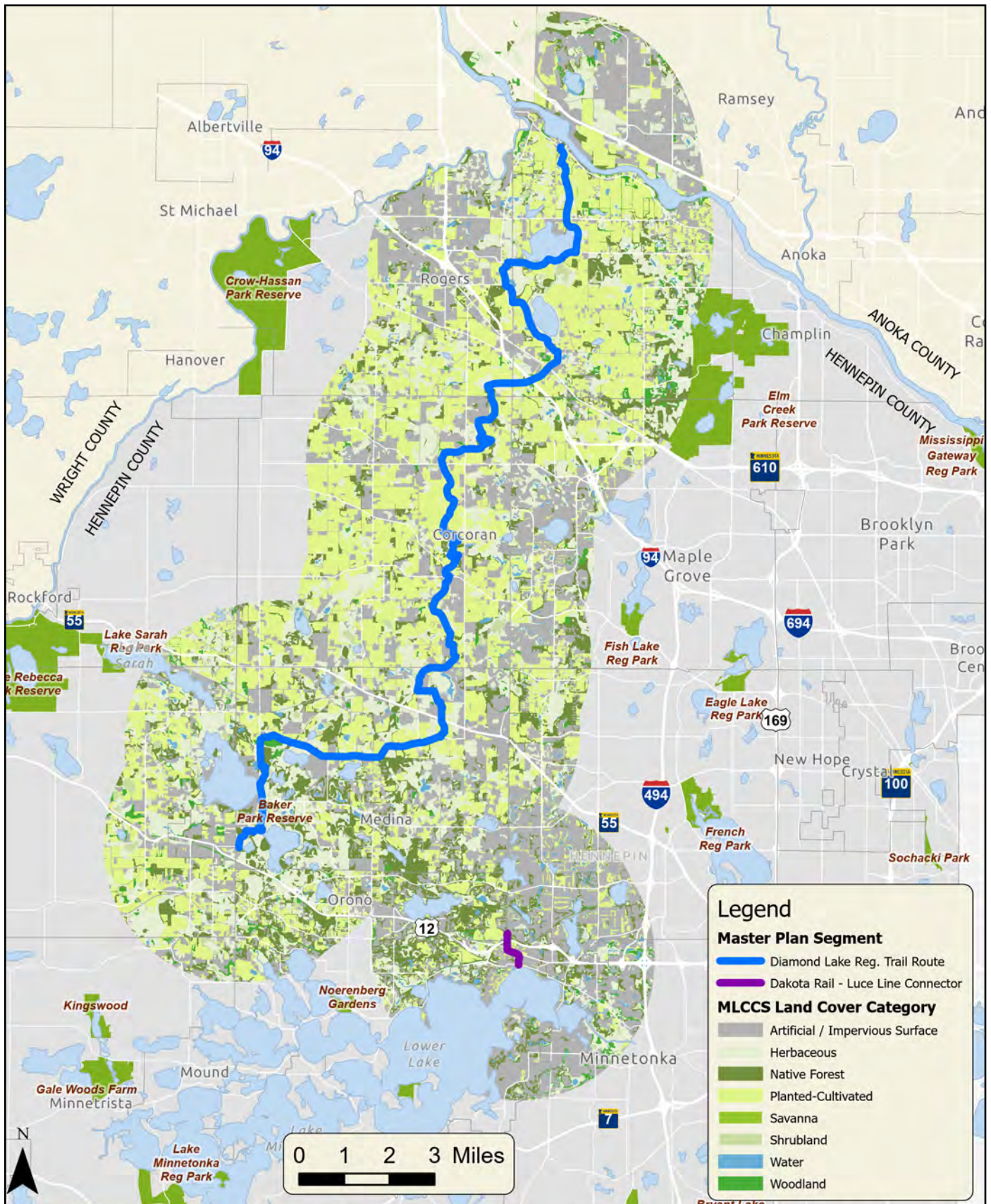
throughout this part of Hennepin County, with many of the larger undeveloped tracts of land being slated for future development. During the planning for the Diamond Lake Regional Trail, larger, undeveloped parcels and areas of higher ecological integrity such as wetlands and woodlands were identified so that the trail corridor could act as a buffer and provide some additional level of protection for the natural resources. In addition, these natural resources could help increase the desirability of the trail to potential users.

The Minnesota Department of Natural Resources Minnesota Land Cover Classification System (MLCCS) defines the area immediately adjacent to Diamond Lake Regional Trail as a combination of artificial/impervious surfaces, planted or cultivated vegetation with pockets of woodlands, shrublands and herbaceous land cover (**Map 11**).

The segment of the Diamond Lake Regional Trail corridor that extends from the Mississippi River south to French Lake is largely classified as planted or cultivated land cover, indicating that this portion of the corridor is predominantly agricultural or pasture for grazing animals. Between French Lake to just south of Interstate 94 the corridor extends adjacent to wetlands and industrial development that is classified by the MLCCS as artificial/impervious surface. South of interstate 94 to Highway 55, the trail corridor extends through lands classified as planted or cultivated for farmland and artificial/impervious surface where development is occurring. The segment of the corridor from Highway 55 south and west to County Road 19 is classified again



View toward French Lake in Dayton.



MAP 11 | MLCCS MAP

Source: Park District

as a combination of planted or cultivated for farmland and artificial/impervious, with a large block showing as artificial where Baker National Golf Course is located. Within Baker Park Reserve, the Diamond Lake Regional Trail will utilize the existing trail that meanders around wetlands and through native and restored woodlands a prairies. This part of the county is changing quickly and trail construction will occur in conjunction with development, which is why it is important to secure a wider corridor to help preserve and integrate the natural amenities into the corridor.

The Dakota Rail – Luce Line Connector is adjacent to land cover classified by the MLCCS as artificial/ impervious surfaces because it extends through residential and commercial developments, over Trunk Highway 12 and into downtown Wayzata.

Landscape Features

The Diamond Lake Regional Trail corridor extends through a landscape that is dominated by agriculture and growing ex-urban development. There are several notable natural resource areas within and adjacent to the corridor that will be enhanced by the Diamond Lake Regional Trail because it will provide a buffer and a corridor for native plants and animals to exist. Notable landscape features along the corridor include the following:

- Mississippi River
- Diamond Lake
- Grass Lake wetlands
- French Lake
- Henry’s Woods
- Stieg Woods
- Medina Preserve Wetland
- Baker Park Reserve

Significant natural resource areas are located nearby the Diamond Lake Regional Trail. The Mississippi River is just north of the trail’s terminus at Goodin Park in Dayton and Elm Creek Park Reserve is located two miles east of the Diamond Lake Regional Trail Corridor. Northwest of the Dakota Rail – Lice Line Connector Trail is Wood Rill Scientific and Natural Area and several privately-owned woodlands (**Map 12**).

Public Land

The Diamond Lake Regional Trail and Luce Line Connector trails will provide an off-road connection to a number of public land resources. Local connecting trails

will provide connections to nearby parks and other public lands. Key public lands are shown in **Map 13** and include:

- Goodin Park in the City of Dayton
- DNR Boat Launch on Diamond Lake
- Henry’s Woods in the City of Rogers
- Elm Creek Park Reserve
- Corcoran City Park
- Medina Lake Preserve
- Fields of Medina Park
- Baker Park Reserve

Rare Species and Native Plant Communities

The Minnesota Department of Natural Resources’ Natural Heritage Information System (NHIS) includes the following rare plants and animals, native plant communities, geologic features and/or animal aggregations within one-mile of the preferred alignment (**Tables 20 & 21**).

TABLE 20 | DIAMOND LAKE REGIONAL TRAIL NHIS SPECIES LIST

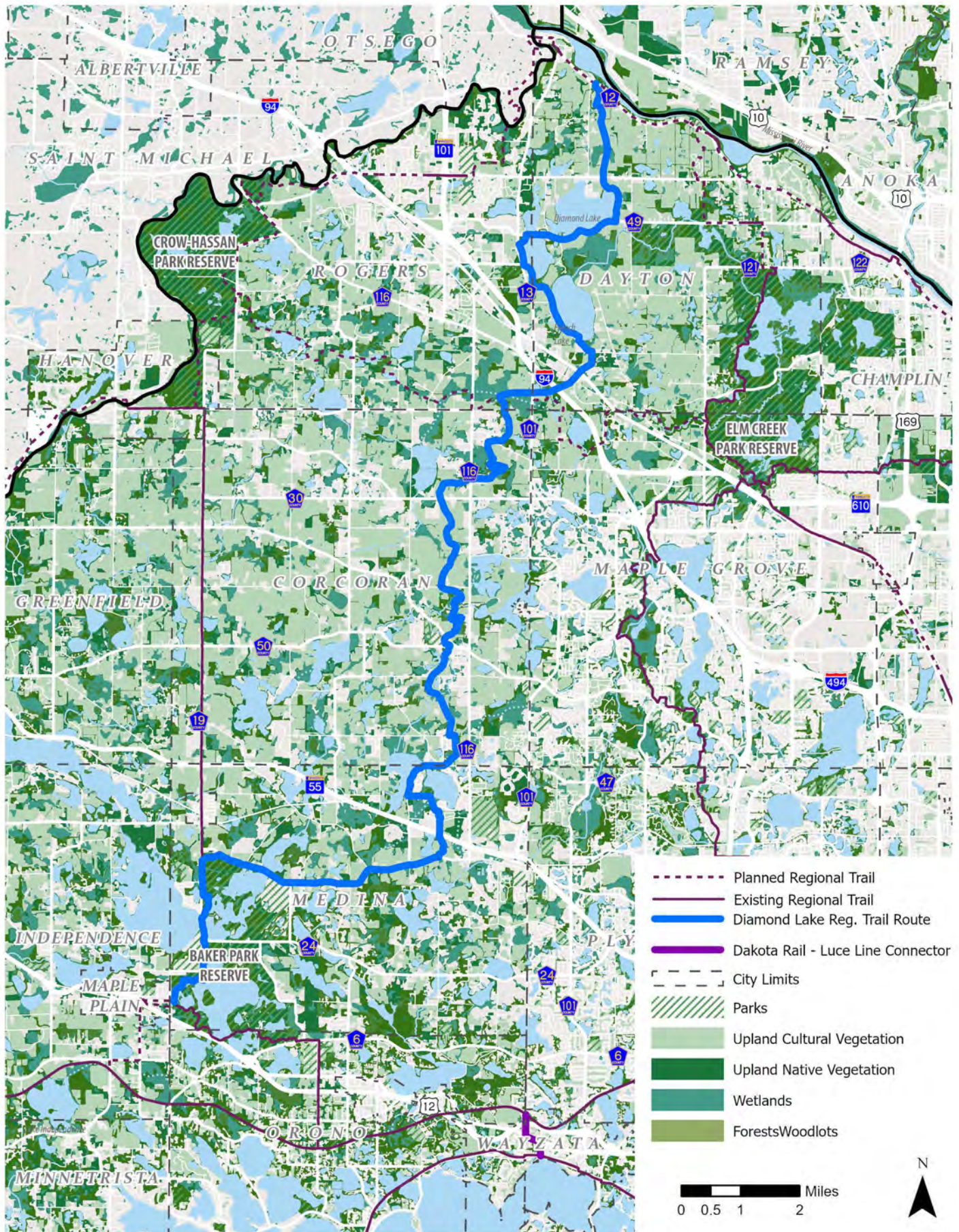
Source: MnDNR

Species Name	Type
American Ginseng	Vascular Plant
Halberd-leaved Tearthumb	Vascular Plant
Black Ash - Yellow Birch - Red Maple - Alder Swamp (Eastcentral)	Terrestrial Community - Other Classification
Ice Deposition (Quaternary)	Other (Ecological)
Native Plant Community, Undetermined Class	Terrestrial Community - Other Classification
Sedge Meadow	Terrestrial Community - Other Classification
Silver Maple - (Virginia Creeper) Floodplain Forest	Terrestrial Community - Other Classification
Sugar Maple Forest (Big Woods)	Terrestrial Community - Other Classification
Tamarack Swamp (Southern)	Terrestrial Community - Other Classification
Black Sandshell	Invertebrate Animal
Blanding's Turtle	Vertebrate Animal
Common Gallinule	Vertebrate Animal
Loggerhead Shrike	Vertebrate Animal
Red-shouldered Hawk	Vertebrate Animal
Trumpeter Swan	Vertebrate Animal

TABLE 21 | LUCE LINE CONNECTOR NHIS SPECIES LIST

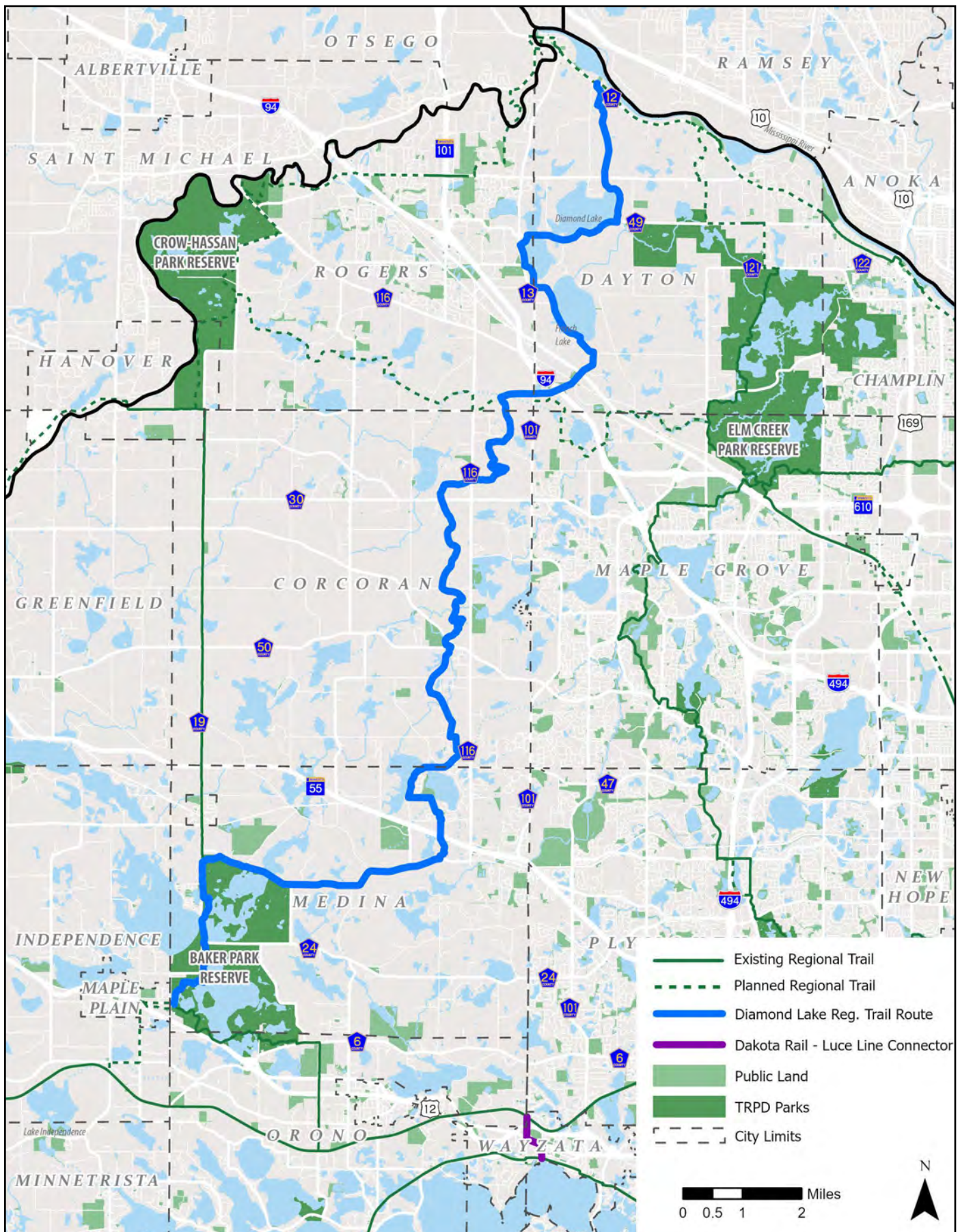
Source: MNDNR

Species Name	Type
Sugar Maple Forest (Big Woods)	Terrestrial Community
Acadian Flycatcher	Vertebrate Animal
Pugnose Shiner	Vertebrate Animal
Red-shouldered Hawk	Vertebrate Animal



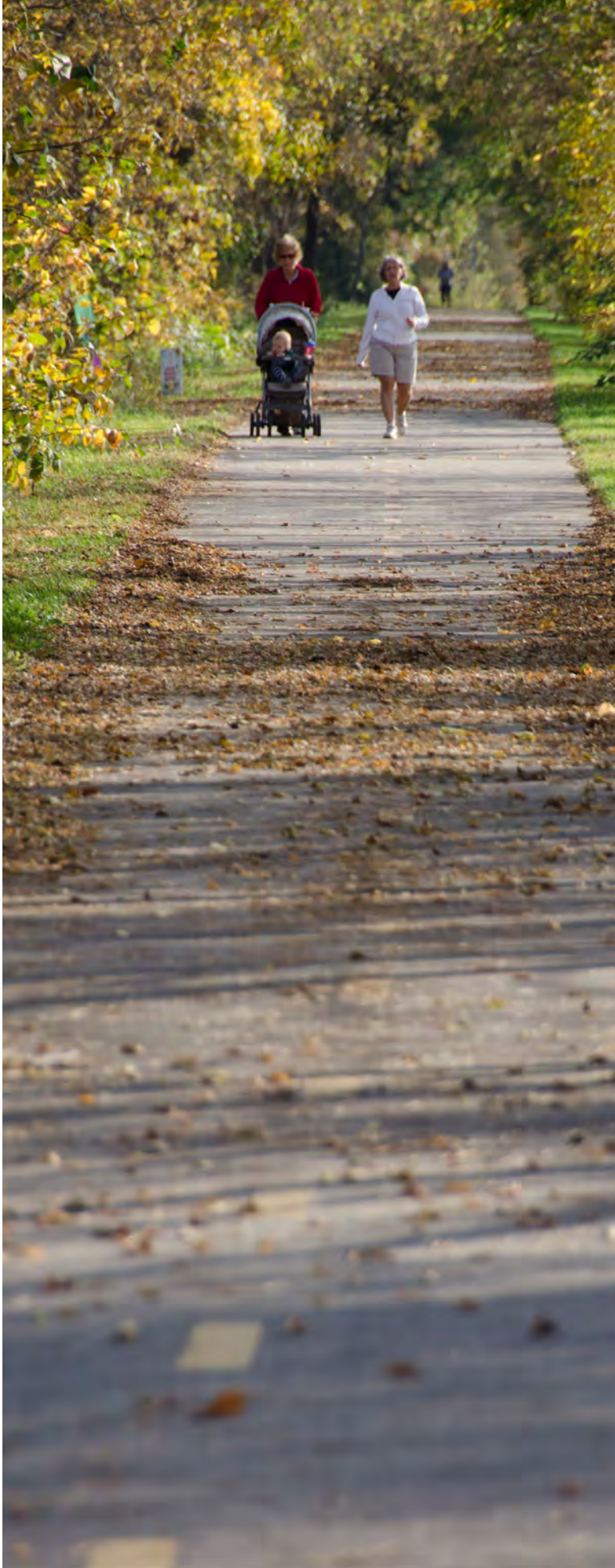
MAP 12 | SIGNIFICANT ECOLOGICAL AREAS

Source: Park District



MAP 13 | PUBLIC LAND

Source: Park District



5

OPERATIONS & MAINTENANCE

The Park District will operate the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector using a wide variety of professional staff and in accordance with Park District policies, guidelines, and ordinances.

GENERAL OPERATIONS

The Park District Ordinance specifies rules and regulations in order to provide for the safe and peaceful public use of Park District areas and facilities; for the educational and recreational benefit and enjoyment of the public; for the protection and preservation of the property, facilities and natural resources of the Park District; and for the safety and general welfare of the public.

Regional trails are open to the public year-round, from 5 AM to 10 PM. The Park District's present policy provides for the operation and maintenance of regional trails from April 1 to November 15, however trails are open year-round. Subsequently, the Park District does not anticipate plowing or otherwise maintaining the Diamond Lake Regional Trail or Dakota Rail-Luce Line Connector during the winter season. Local communities may elect to operate and maintain regional trail segments during the winter season via a winter use permit and receive reimbursement from the Park District for winter maintenance based on a per mile cost calculation.

At the time this master plan was written, general regional trail rules to be observed by users are as follows:

- No motorized vehicles
- No horses
- Obey traffic signs and rules
- Dogs must be leashed (6-foot, non-retractable max)
- Dog owners must pick up pet waste
- Yield to slower trail users
- Keep right except when passing
- Warn others when passing
- Respect adjoining landowner's rights and privacy
- Be alert and be courteous

A simplified signage version of the official regional trail rules is posted alongside regional trails (**FIGURE 10**), reminding users that this is a multi-use trail and to be considerate of all trail users.

FIGURE 10 | REGIONAL TRAIL RULES SIGN

Source: Park District



Park District public safety officers and trail ambassadors patrol regional trails.
Photo credits: Three Rivers Park District

PUBLIC SAFETY PLAN

The Park District Public Safety Department is the law enforcement agency responsible for providing a safe environment for regional park and trail users. Law enforcement officers strive to educate and inform trail users on safe trail usage but also have arrest and enforcement authority as a fully licensed police department within the State of Minnesota.

Regional Trail Patrol

Public Safety Officers utilize a variety of specialized patrol methods and are supported by volunteer Trail Patrollers which assist with patrol and incident response. Regional trail patrol is adjusted as necessary to account for trail use, incident level, other concerns which arise and available funding. In addition to routine patrol, Public Safety Officers are dispatched through the Hennepin County Dispatch System to respond to incidences as they occur.

Mutual Aid

While Park Police Officers assume the lead role in providing public safety services to regional trails, a statewide mutual aid program assists to facilitate assistance and sharing public safety resources from surrounding police agencies in times of emergency or

other unusual conditions.

Public Safety Equipment & Staffing

While Park District public safety officers also cover the regional trail system, their staffing and patrol patterns serve the entire regional park and trail system, and no officers are dedicated solely to the regional trail system. Through the use of creative deployment practices, mutual aid and providing coverage to align with areas with the greatest need, there are no existing or anticipated additional dedicated public safety expenses or staffing needs for solely serving these regional trails. Should current public safety regional trail needs change, additional public safety expenses and staffing may be needed.

PUBLIC AWARENESS

The Marketing & Community Engagement Department manages a centralized marketing communications function that oversees the Park District's website, public relations, marketing, media relations, social media, brand management, event planning and promotion. A number of effective marketing and outreach tools are used to

promote the Park District, including but not limited to maps, digital and social media, direct mail, press releases, a centralized reservation system, brochures, advertising and on-site promotion.

The Park District collaborates with a wide array of community, business and government organizations to promote its facilities, programs and services, and to educate the public about its resources. The Park District also works with the Metropolitan Council Regional Parks System, the State Office of Tourism and other partners to leverage shared opportunities for creating awareness and visibility. Additionally, a focus is placed on developing partnerships and programming opportunities that allow the Park District to better serve all residents of Suburban Hennepin County, especially those with less access to its facilities and programs.

SHARE THE TRAIL

Safety for all regional trail users is a top priority. Regional trails are a shared public space which serve a variety of user groups. However, from time to time, trail users may find themselves in conflict with other users. Everyone benefits when people respect each other's mode of travel. The Park District encourages users to respect each other through a "Share the Trail" safety campaign.

The most common conflicts involve cyclists and pedestrians as they move at very different speeds and take up different spaces. Cyclists often do not alert pedestrians when passing at high speeds, which can cause sudden and startled responses from those on foot. Sometimes groups of walkers can take up both lanes, which leaves cyclists nowhere to pass as they move through. Both users have a responsibility to share the trail.

Another common safety concern revolves around obeying traffic signs. Cyclists are sometimes required to stop at roadway crossings and there is often confusion between motorists and cyclists regarding right of way. Overall, cyclists need to obey traffic signs in order to stay safe.

MAINTENANCE PLAN

The Park District will maintain the Diamond Lake Regional Trail and the Dakota Rail – Luce Line Connector in a safe, clean and usable manner. Maintenance is an important part of providing high-quality customer service and meeting trail user expectations.

Maintenance operations include routine specialized and seasonal tasks and inspections. On occasion this may include extraordinary maintenance due to unforeseen events. Routine maintenance tasks include mowing, sweeping and trash clean-up. Specialized maintenance includes tasks such as tree removal, pothole patching, culvert replacement, etc. Seasonal maintenance including inspection, minor repairs and spring/fall cleanup. Extraordinary maintenance occurs in response to storm damage, vandalism or other planned circumstances (**TABLE 22**). The Park District also responds to maintenance issues identified by the public on a timely basis, as funding permits.

Maintenance of regional trail segments with limited property rights or segments that do not meet standard regional trail characteristics may require atypical maintenance which is not detailed in this high-level plan. On average, paved regional trails cost about \$200 per year/mile to maintain (routine maintenance) (2021 dollars).



In partnership with a local graphic designer, updated Share the Trail signage - like the ones seen here - have been added along the regional trails to promote trail safety. Photo credit: Three Rivers Park District, artwork by Adam Turman



Vegetation Control

The Park District maintains vegetative clearances so as not to negatively affect trail use or sight lines. Vegetation control includes addressing vegetation control along trail shoulders such as mowing, but it also includes managing vegetation in the wider trail corridor. During the growing season, vegetation control can take up to 50% of trail maintenance staff time to keep trails and the trail corridors open and free of impeding vegetation. The Park District mechanically or chemically removes noxious weeds within the defined trail corridor at the request of cities.

Rain gardens adjacent to regional trails are inspected and maintained in coordination with the Park District’s Department of Natural Resources.

Preventative Surface Treatment

The Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector will receive scheduled striping, seal coating and redevelopment under the Park District’s pavement management program and in accordance with Park District standards and as funding permits. Pavement management is estimated to cost approximately \$3,380/year/mile. The Park District also seeks opportunities to work with Hennepin County and local cities in conjunction with road projects to improve trail design and surfacing.

Trail/Bridge Inspection & Maintenance

Trails are inspected annually in the spring as part of the pre-season maintenance program and are then inspected periodically by Park District maintenance

staff as part of ongoing operations. Minor trail repair is handled on a timely basis, and probable major repair needs are evaluated and recommended to Park District management for planning or engineering review. Major trail rehabilitation projects are submitted to the Park District Board of Commissioners for funding as part of the annual operating budget, preservation and rehabilitation program or Asset Management Program.

The ownership and maintenance responsibilities associated with any new pedestrian bridges/underpasses constructed will be determined when funding is requested.

Existing grade separated crossings owned by other agencies, such as State or County Highways, are the responsibility of the agency with underlying ownership. The Park District only maintains the trail use of said bridges and underpasses.

Maintenance Expenses & Staffing

The Park District has a Regional Trail Maintenance Crew responsible for the routine maintenance of the regional trail system. As needed , additional assistance and resources are brought in from other Park District maintenance crews and/or seasonal staffing.

In general, one full time maintenance staff position is needed for every 32 miles of regional trail. Since this trail includes a 3.0 mile overlap with the Lake Independence Regional Trail in Baker Park Reserve, the operations and maintenance staffing and costs identified in this master plan are for 25.1 miles of new trail for the Diamond Lake Regional Trail and 0.9 miles for the Dakota Rail – Luce Line Connector for a total of 26.0 miles. These

TABLE 22 | ROUTINE TRAIL MAINTENANCE

Source: Park District

TIME OF YEAR	ROUTINE MAINTENANCE
SPRING April & May	• Sign inventory and replacement • Spring cleanup • Minor bridge and underpass repair (as needed)
SUMMER June, July, August & September	• Erosion repair • Fence repair • Sign and post replacement • Trash pickup • Bridge and boardwalk repair (as needed) • Vegetation control (as needed)
FALL October & November	• Bituminous patching and striping replacement (as needed)
Throughout the season and/or in response to storm-related damage	• Mowing • Periodic trail sweeping • Trash pickup • General clean-up and similar tasks



Regional trail maintenance includes maintaining vegetative clearance (where appropriate per Trailway Cooperative Agreements).
Photo credit: Three Rivers Park District

regional trails require an 0.8 FTE maintenance position at an average cost of about \$65,000/year (\$2,500/mile). In addition to regular, full-time staffing, regional trail maintenance expenses include routine maintenance and preventative pavement maintenance costs (seasonal labor, equipment, fuel and similar). These costs vary depending on surface type, trail use, community expectations and commitment and site-specific challenges.

In the event additional construction mitigation requirements are necessary, such as rain gardens or other best management practices, additional seasonal staffing may be required to complete the work. If necessary, seasonal staffing budgets will be developed and evaluated during the design development phase.



Park District regional trails are maintained to a high level of standard for trail user experience and enjoyment.

Photo credit: Three Rivers Park District

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DESIGN GUIDANCE

The following section outlines the current Park District regional trail design guidelines, which the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector are envisioned to follow. On occasion these guidelines are updated. If that occurs prior to trail design and construction of these regional trails or segments of them, the updated guidelines will be utilized.

PERMITTED USES

The Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector will be open to the general public, free of charge. The intended uses include walking, jogging, in-line skating, bicycling and other uses mandated by state law including, but not limited to, non-motorized electric personal assisted devices. Motorized vehicles are prohibited, except for motorized vehicles used by the Park District and partner cities for maintenance or law enforcement activities or otherwise permitted for ADA access. Electric bikes (E-bikes), electric foot scooters, and similar are currently given the same rights on regional trails by state statute.

ACCESS TO ALL

The Park District is committed to providing access and recreational opportunities to all people, including persons with disabilities, BIPOC community members and other special-population groups. The Park District meets this commitment through appropriate facility design, programming considerations and by actively addressing potential barriers to participation.

All regional trail facilities, including associated trailheads and trail amenities, will be designed to accommodate individuals with disabilities and developed in accordance with Americans with Disabilities Act (ADA) standards and guidelines. Specific design guidelines are discussed on the

following pages of this section.

In respect to programming opportunities, the Park District offers its own adaptive recreation offerings and works with special-interest organizations such as the Courage Kenny Rehabilitation Institute and Wilderness Inquiry to further encourage participation in regional trail activities by persons with special needs. If arrangements are made in advance, interpreters and alternative forms of printed material are available at programmed events.

In addition to supporting individuals with disabilities, the trail will pass through numerous cities, providing access to people with different social and cultural backgrounds and connecting those persons with important local community destinations such as parks, commercial areas, community facilities, cultural destinations, and transit facilities.

On a broader scale, communities adjacent to the trails will not only have access to regional trails but also gain direct and indirect access to several park reserves, regional parks, regional and state trails and local parks and trails. To improve local access, neighborhood trail connections are encouraged at regular intervals.

The Park District does not charge entrance fees for its regional trails; therefore, the regional trails are available for all users to enjoy regardless of financial status.

DESIGN GUIDELINES

In accordance with the regional designation and associated use, the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector will be designed as off-road 10-foot-wide, non-motorized, paved, multi-use trails. A bituminous trail surface is preferred because it is cost-effective, less prone to erosion than aggregate surfaces, provides a desirable trail user experience and is more appropriate given the anticipated visitation and connections to other existing and planned paved facilities. Curb ramps will be utilized at all roadway crossings. The trails will be ADA compliant with a preferred maximum 5 percent grade and a 2 percent cross slope for drainage. The Diamond Lake Regional Trail may include multiple typical sections, including urban, rural and park sections (FIGURE 11 & FIGURE 12). The Dakota Rail – Luce Line Connector will include an urban trail section and reconstruction of the Ferndale Road bridge deck to accommodate the typical trail section. Descriptions and associated construction costs for regional trails are included in TABLE 23.

FIGURE 11 | URBAN AND/OR CURBED RURAL TRAIL SECTION

Source: Park District

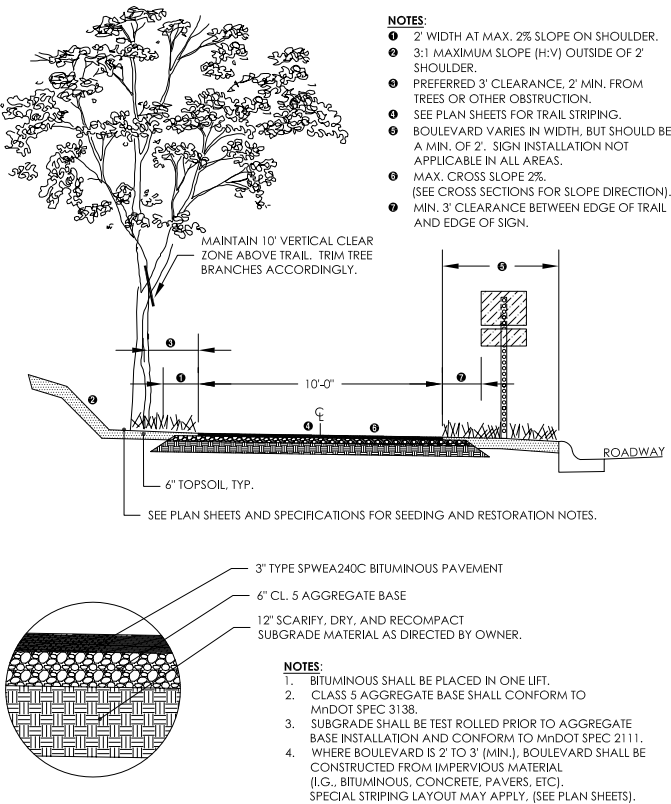


FIGURE 12 | RURAL AND/OR PARK TRAIL SECTION

Source: Park District

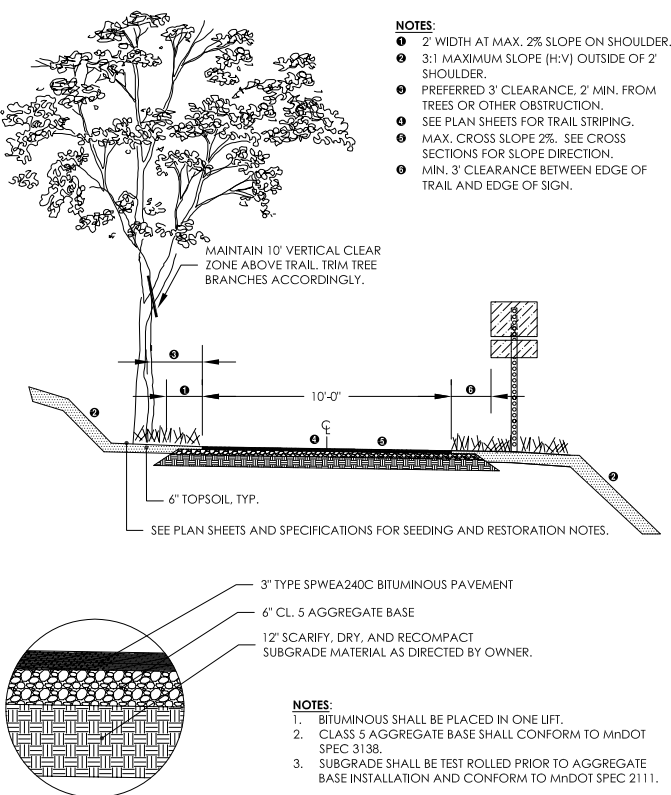


TABLE 23 | REGIONAL TRAIL CONSTRUCTION COSTS

Source: Park District

New Construction		
Trail Type	Unit Cost (2021 dollars)	Description
Urban	\$490 / LF	Trail construction replacing an existing curb/gutter, cut/remove existing pavement, relocating storm sewer and other utilities, working under traffic controls.
Curbed Rural	\$490 / LF	Trail construction in a rural/suburban environment that has no existing curb/gutter, converting it to a curb/gutter design with storm sewer as needed.
Rural	\$170 / LF	Trail construction through a rural road ditch area with enough separation with the road to not require a curb/gutter. No major extra fill or excavation.
Park	\$170 / LF	Trail construction through a park or open space where curb and gutter is not required and ample space is provided for signage and rest stops.

In areas where new trail segments will be constructed adjacent to roadways, the following design considerations apply:

- Where right-of-way allows, final trail design will attempt to maximize the boulevard width to account for sign placement, snow storage and possibly trees or other complementary enhancements.
- In circumstances with limited right-of-way, the trail is still planned to be located off-road, but with less boulevard between the trail edge and back of the curb.

In these locations, the trail will be separated from the road by a minimum paved two-foot-wide clear zone. This paved clear zone between the back of the curb and the trail edge provides a buffer between the trail users and motorists and will be striped to delineate the edge of the trail.

A number of factors will be considered during the design phase, such as:

- Right-of-way width/acquisition needs
- Ability to provide physically separated trail travel lanes
- Topography and drainage impacts
- Existing vegetation
- Driveway/road crossings
- Overhead and subsurface utilities
- Proximity to adjacent buildings, homes, businesses and industrial facilities

- Wetlands/floodplain locations, potential impacts and rules
- Wildlife (species, nesting/breeding areas and times and concentrations)
- Existing infrastructure
- Connectivity with other trail/sidewalk/bicycle facilities
- Safety
- Cost
- Obstructions
- Trail user preferences/desired trail user experience
- Opportunities to coordinate with other projects/agencies

In addition to the discussed design considerations, the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector will be designed in accordance with all applicable federal, state and local codes. More specifically, the following sources will be referred and adhered to when preparing the design and construction plans as appropriate:

- Guide for the Development of Bicycle Facilities, prepared by the American Association of State Highway and Transportation Officials (AASHTO), 2012
- Selecting Roadway Design Treatments to Accommodate Bicycles, Federal Highway Administration, January 1994
- MnDOT Bikeway Facility Design Manual, Minnesota Department of Transportation (MnDOT), March 2020
- State Aid Rule 8820.9995 Minimum Bicycle Path Standards, State Aid for Local Transportation
- Trail Planning, Design, and Development Guidelines, Minnesota Department of Natural Resources (MnDNR), 2006
- Manual on Uniform Traffic Control Devices (MUTCD), MnDOT, September 2020
- Public Right-of-Way Access Guidelines (PROWAG)
- Best Practices for Traffic Control at Regional Trail Crossings, a collaborative effort of Twin Cities road and trail managing agencies, July 2011
- Bicycle and Pedestrian Wayfinding, Metropolitan Council, October 2011

- Designing Sidewalks and Trails for Access, Part I and II: Best Practices Design Guide (FHWA); ADA Accessibility Guidelines for Outdoor Developed Areas (United States Access Board); and ADA and ABA Accessibility Guidelines for Buildings and Facilities (U.S. Access Board)
- Guidance for Three Rivers Park District Trail Crossings, December 2013

As the Diamond Lake Regional trail and Dakota Rail – Luce Line Connector development occurs, the Park District will work closely with local communities to route the trail in a manner that has the greatest public benefit and least amount of private property impacts. These include:

Trail/Road Crossings

When a regional trail crosses a roadway careful attention to detail is required to provide a safe and user-friendly crossing. The types of trail crossing treatments will be designed in accordance with industry best standards to ensure conflicts between trail users and roadway traffic are minimal.

In all cases, existing roadway configuration, infrastructure elements, vegetation and other potential visual obstructions will be evaluated so sight lines can be maintained. Special provisions, such as mirrors, may be added to improve trail visibility from driveways if deemed appropriate. As vehicular traffic fluctuates, there may be a need for additional traffic signals or modifications to existing signalized intersections. These type of design considerations and trail enhancements will be addressed during the trail design phase.

Wetland & Floodplain Crossings

There may be portions of new Diamond Lake Regional Trail segments that traverse wetlands and floodplains. In these instances, the regional trail design may incorporate bridges, boardwalks and other creative solutions to minimize potential natural resources impacts while maintaining a contiguous and continuous trail corridor. Design and implementation of bridges and boardwalks will be coordinated with the appropriate regulatory agencies to ensure all requirements are met and any potential impacts are minimized.

Drainage

In locations where new segments of regional trail are adjacent to a roadway, the drainage of the regional trail will be similar to that of a typical sidewalk. Stormwater will sheet flow over the trail pavement and onto adjacent urban roadways, where it will be collected and conveyed by the roadway stormwater drainage system. In areas where the regional trail is on an independent route, such as through parks or other green spaces, or adjacent to rural road segments, alternative stormwater best management practices, such as rain gardens and infiltration swales, may be explored during the design phase. Stormwater must shed rapidly from the surface of the trail and not pool on the trail surface to prevent hazardous situations for the users. Design of stormwater management practices will be coordinated with regulatory and other affected parties (including, but not limited to, watershed commissions, etc.), to ensure all requirements are met and any potential impacts are minimized.



Bridges, boardwalks and other creative crossings are utilized when having to cross wetlands and floodplains.
Photo credit: Three Rivers Park District

Traffic Signage & Devices

In addition to wayfinding signage, new segments of regional trail will incorporate traffic control signs and devices, such as trail stop signs and center line pavement markings. These signs and devices will reflect the physical characteristics and usability of individual trail segments and the system as a whole. The cost to add traffic control signs and devices, including striping, to a regional trail is approximately \$1 per linear foot (2020 dollars).

Kiosks, Wayfinding and Trail Amenities

Regional trail wayfinding signage provides trail users with orientation and location information for amenities and services. Wayfinding and kiosks along regional trails are intended to compliment, and work in collaboration with local and regional wayfinding efforts as well as adjacent land uses and development initiatives.

Wayfinding signage typically provides:

- An overview map of the agency partner's regional trail system and the specific regional trail.
- Directions and distances to major destinations and points of interest along the regional trail.
- Directions for long-term detours or interim routes when there are gaps within the regional trail.
- Location information for nearby amenities such as local parks and local trails.
- Location information for nearby services, such as drinking water, public restrooms, and public parking.
- Visual identification of the regional trail network through physical kiosk/signage structures.
- ADA regarding trail surface, slope and setbacks.

The Park District employs three types of wayfinding signage structures: system kiosks, regional trail kiosks, and directional signage (TABLE 24).

TABLE 24 | WAYFINDING CONFIGURATIONS

Source: Park District

Park and Trail System Kiosk	Free-standing, roofed structure	Displays map of District-wide regional trail systems and regional trail rules.
Regional Trail Kiosk	Free-standing, roofed structure	Displays aerial map, description of trail highlights, and a map of the entire regional trail that depicts local trails, amenities and services nearby.
Directional Sign	Post structure with description blades attached	Displays the direction, name and distance to major destinations and points of interest on the trail. Each post structure has the capability of holding up to 12 description blades.

TABLE 25 | TYPES OF WAYFINDING SIGNAGE STRUCTURES

Source: Park District



LEVEL A		
Recommended Location	Components	Estimated Cost
Beginning/end of regional trail, halfway point if regional trail is 10 - 15 miles or longer, major trailheads or other key sites	• Park and trail system kiosk • Regional trail kiosk • Directional sign • Bicycle repair station, Bench(es), • Trash can • Concrete pad	\$69,500*



LEVEL B		
Recommended Location	Components	Estimated Cost
Approximately every 2 miles along regional trail. For new Level B locations, consider establishing on trails north side.	• Regional trail kiosk • Directional sign • Benches • Trash can	\$40,500*



LEVEL C		
Recommended Location	Components	Estimated Cost
Approximately every 1 mile along regional trail. For new Level C locations, consider establishing at intersections with other regional trails or comprehensive trail systems (not trail spurs).	• Directional sign	\$13,000*

* Includes all related site elements and installation.

Placement of wayfinding signage structures along regional trails typically follows one of three configurations listed as Level A, B or C (**TABLE 25**). There may be conditions along the regional trail corridor where the wayfinding signage is altered or otherwise enhanced to better serve the trail user and appropriately fit the surrounding environment.

Wayfinding for the Diamond Lake Regional Trail and Dakota Rail – Luce Line Connector include signage at strategic delineated points. The general location and level of wayfinding signage is identified on **Map 14**. New wayfinding opportunities will be determined in conjunction with agency stakeholders and local community input and is often dictated by available public right-of-way during the design phase.

Rest Stops

Rest stops are generally located every mile and provide places for trail users to stop and rest and an area for amenities such as trash receptacles, benches, and bicycle racks. These simple but important amenities can serve to reinforce the identity and natural resource significance (where appropriate) of the regional trail route and better support trail users with mobility challenges. Locations are generally determined during the design phase and may be modified to best meet the available right-of-way, adjacent land use and complimentary facilities such as a bus stop.

Bicycle Repair Stations

The Park District also installs bicycle repair stations, which provide tools necessary to perform basic bike repairs and maintenance - from changing a flat to adjusting brakes and derailleurs. The tools and air pump are securely attached to the stand with stainless steel cables and tamper-proof fasteners. Hanging the bike from the hanger arms allows the pedals and wheels to spin freely while making adjustments. Bicycle repair stations are recommended at Level A wayfinding configurations and as-needed throughout the regional trail corridor.



Regional trail rest stop amenities may be modified to best meet the needs of the stop - and may include benches, trash receptacles and bicycle racks.

Photo credit: Three Rivers Park District



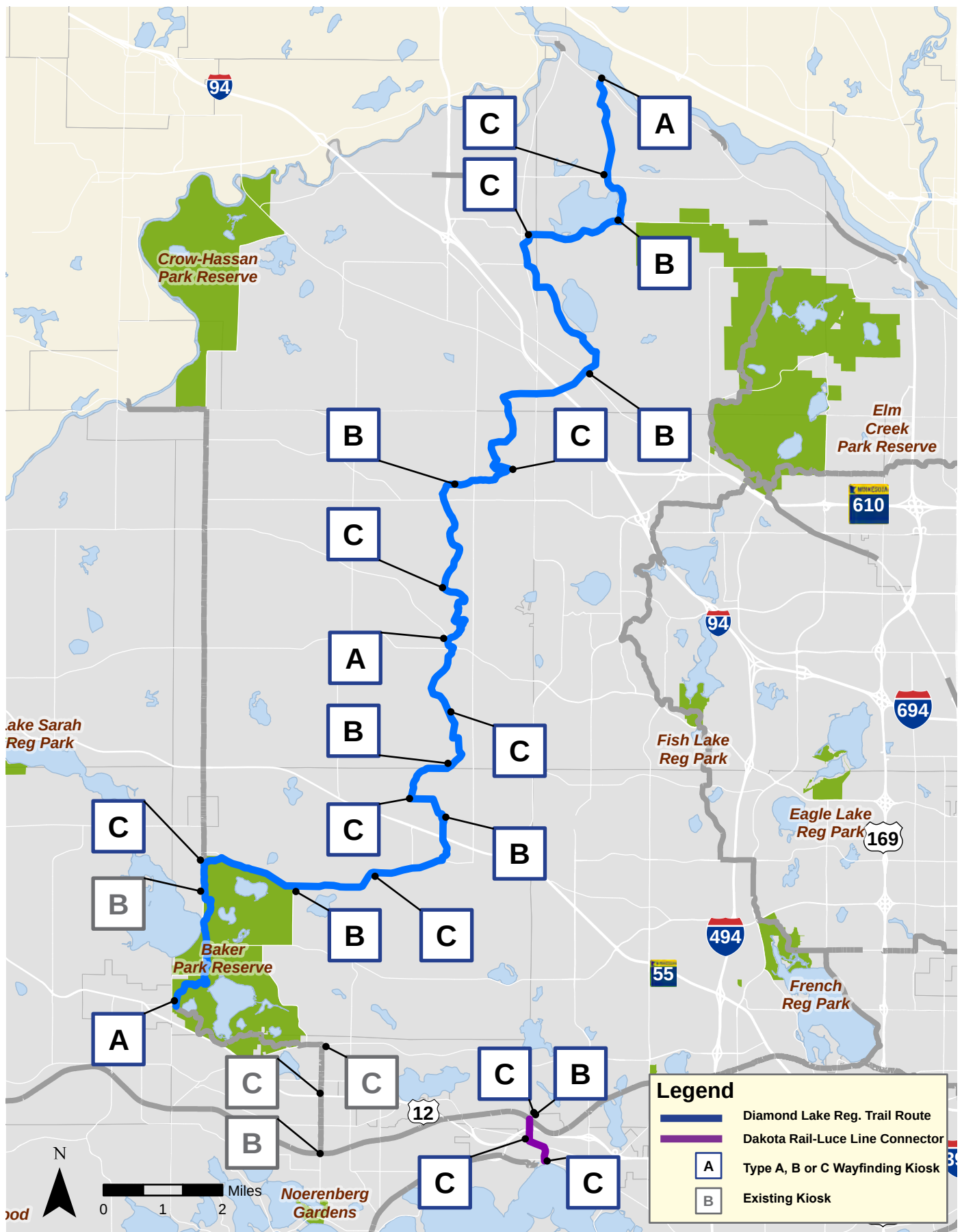
Often times bicycle repair stations are incorporated into wayfinding nodes, and include tools necessary to perform basic bike repairs and maintenance.

Photo credit: Three Rivers Park District



Created to be a one-stop-shop for Park District regional trail information, the kiosk system have become integrated community landmarks for placemaking and social enrichment.

Photo credit: Three Rivers Park District



MAP 14 | WAYFINDING LOCATIONS

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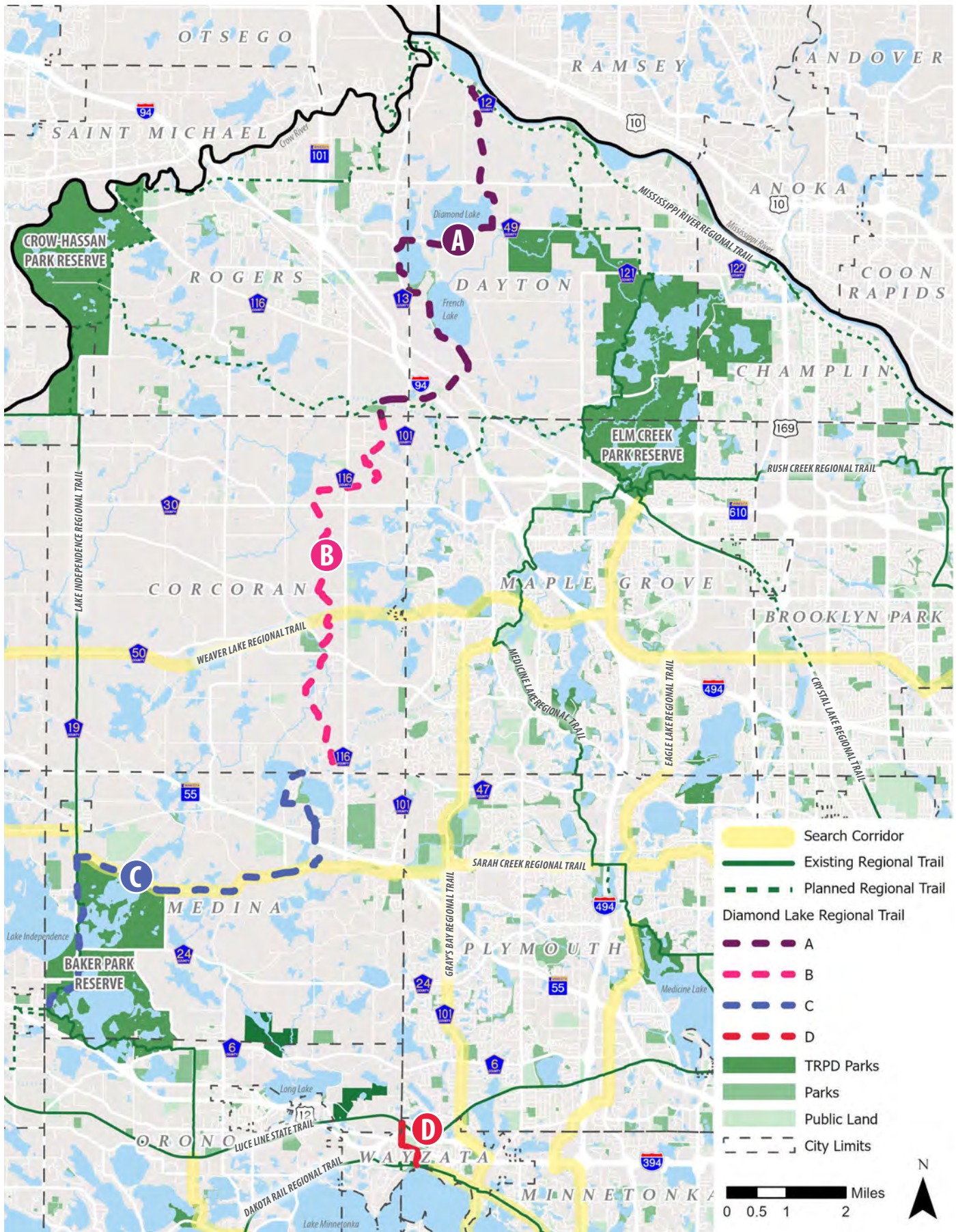
DEVELOPMENT CONCEPT

The conceptual preferred route for the Diamond Lake Regional Trail extends through the cities of Rogers, Dayton, Corcoran, Medina, Orono and Wayzata. Two communities, Medina and Long Lake, did not support some of the studied routes which ultimately resulted in one regional trail search corridor becoming two separate regional trails. The resulting two regional trails will be connected via the existing Lake Independence Regional Trail and the Luce Line State Trail.

The Diamond Lake Regional Trail will extend 28.1 miles from Goodin Park and the West River Regional Trail in Dayton to Baker Park Reserve and the future Baker-Carver Regional Trail in Medina. The other trail segment, the Dakota Rail – Luce Line Connector, will extend 0.9 miles from the Luce Line State Trail in Orono to the Dakota Rail Regional Trail in Wayzata.

The overall Diamond Lake Regional Trail and Luce Line Connector Trail corridors will extend along public road right-of-way, land acquired by the Park District for trail development, and several existing public parks. The trail will serve as a north-south regional trail connecting to existing and future regional trails including the West Mississippi River Regional Trail, Rush Creek Regional Trail, Weaver Lake Regional Trail, Lake Sarah Regional Trail, Lake Independence Regional Trail, Baker-Carver Regional Trail, Dakota Rail Regional Trail, and the Luce Line State Trail (**Map 14**).

The primary intended use of the regional trails will be non-motorized recreation. However, the regional trails are purposely routed to also support non-motorized transportation with as few stop conditions as possible and connections to and between where people live, work and play – including connections to local residential neighborhoods, parks, and trails, places of worship, commercial nodes and transit.



MAP 15 | DIAMOND LAKE REGIONAL TRAIL CORRIDOR MAP

Source: Park District

The maps on the following pages (**MAP 16 to MAP 22**) provide a graphic description of the proposed Diamond Lake Regional Trail and highlight connections to local trail networks, existing amenities, and existing parks and open spaces.

Cost estimates are provided for each segment and include costs for typical construction materials such as grading, base, pavement, pavement markings and signage, as well as curb ramp construction or reconstruction at each intersection to meet ADA standards. Individual project costs may vary and cost estimates should be refined throughout future project development. A 20 percent design and engineering contingency and a separate 20 percent construction contingency have been included in the cost estimates.

SEGMENT A | CITY OF DAYTON AND CITY OF ROGERS

Segment A extends through the City of Dayton and the City of Rogers (**Map 15**) and represents the northerly extents of the Diamond Lake Regional Trail. Segment A is separated into four subsegments which, are described in greater detail in the following sections.

Segment A Cost Estimates

The total acquisition, design and construction cost to build Segment A in Dayton is \$13.33 million as shown in **Table 26** below. This segment requires right-of-way acquisitions and a trail underpass. A planning-level cost estimate was prepared, and cost estimate methodology is outlined in Appendix A.

TABLE 26 | SEGMENT A COST SUMMARY

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Segment Subtotal
A-1	2.60	\$1,754,000	\$4,448,000	\$6,202,000
A-2	1.63	\$132,000	\$1,496,000	\$1,628,000
A-3	2.63	\$1,536,000	\$2,394,000	\$3,930,000
A-4	2.18	\$608,000	\$960,000	\$1,568,000
TOTAL	9.04	\$4,030,000	\$9,300,000	\$13,330,000

Segment A-1

Segment A-1 will extend from Goodin Park on the Mississippi River to Diamond Lake Road South along the east side of Diamond Lake. Goodin Park will serve as a future trailhead facility for the regional trail. There will be a Level A System Kiosk at the trailhead. From Goodin Park, the trail will extend south across Dayton River Road with a grade-separated crossing, to the east

side of Lawndale Lane North. Additional design and feasibility analysis will be needed for the crossing facility, as road improvements and land development occur. The trail will extend south toward the northeast side of Diamond Lake. Along the way, the trail will cross the current Daytona Golf Club and other private parcels. The trail will cross Diamond Lake Road North, at-grade, and then extend south to the shore of Diamond Lake. As the trail extends around the east shore of Diamond Lake, it will connect with the Minnesota Department of Natural Resources boat launch that is located along Diamond Lake Road South. This boat launch could become a secondary trail access point. The entire length of trail Segment A-1 will extend outside of public right-of-way, on land that is currently in private ownership. It is anticipated that the trail will be developed concurrently with future development in the northern part of Dayton or on a willing seller basis from private property owners. Further coordination with private landowners and developers will be needed to finalize the trail alignment as the area develops. When constructed, trail Segment A-1 will provide trail users scenic views of Diamond Lake as the trail extends along the east side of the lake.

Segment A-2

Segment A-2 extends west along Diamond Lake Road South from the DNR boat launch that is just west of Zanzibar Lane North to Grass Lake, which is located on the east side of Brockton Lane North. A Level B Regional Trail Kiosk will be located at the DNR launch parking lot. It is undecided at this time whether the trail will be on the lake side (north) or south side of the road. Available



Diamond Lake Road South.



MAP 16 | SEGMENT A1 AND A2

Source: Park District

right of way between the road and the edge of the lake varies along the south side of Diamond Lake, which may make it difficult to develop a trail on the north side of the roadway. Locating the trail along the north side of South Diamond Lake Road is preferred. A 900 linear-foot boardwalk may be needed to cross the wetlands that extend up to the roadway edge. The trail will extend across the intersection of South Diamond Lake Trail and Xanthus Lane North and then cross Diamond Lake Road S. Approximately 1900 feet west of Xanthus Lane North, the trail will extend south along the west edge of Grass Lake. It is anticipated that Segment A-2 will be constructed in the public right-of-way of Diamond Lake Road when the road is reconstructed. Segment A-2 will provide trail users with spectacular views of Diamond Lake and Grass Lake. Potential boardwalks may be needed to mitigate wetland impacts to Grass Lake. Wetland impacts and the required extents of a potential boardwalk will be evaluated once funding is secured to pursue design development of this trail segment. The majority of Segment A-2 will be in the City of Dayton, but the far west portion of the trail at Grass Lake will be in the City of Rogers.

Segment A-3

Segment A-3 extends from Diamond Lake Road South to 117th Avenue North along West French Lake Road and Brockton Lane North. The majority of trail Segment A-3 will extend outside of the public road right-of-way. However, much of the trail alignment will extend through parkland and existing farmland that is anticipated to develop over time. Furthermore, it is anticipated that additional road right-of-way will be acquired when West French Lake Road is expanded. With the assumed additional road right-of-way, the Diamond Lake Regional Trail is not anticipated to be in private property.

Trail Segment A-3 will provide a high scenic value for trail users with views of Grass Lake and French Lake. The trail alignment for Segment A-3 will extend east of Brockton Lane North and will be placed at the edge of wetlands to avoid as much wetland impacts possible. A few locations around Grass Lake and French Lake may require boardwalks to mitigate wetland impacts. A detailed analysis of wetland and boardwalk impacts needed to construct trail Segment A-3 will be conducted during the design development phase. The City of Rogers Henry's Woods Park is located on the west side of Brockton Lane North on the south edge of David Koch Avenue. A local trail connection is planned to

connect to Henry's Woods. It is anticipated that the local trail connection will cross Brockton Lane North at Rogers Drive and extend on the west side of Brockton Lane North to the parking lot at Henry's Woods. This parking lot may serve as a local trailhead and connection to the Diamond Lake Regional Trail.

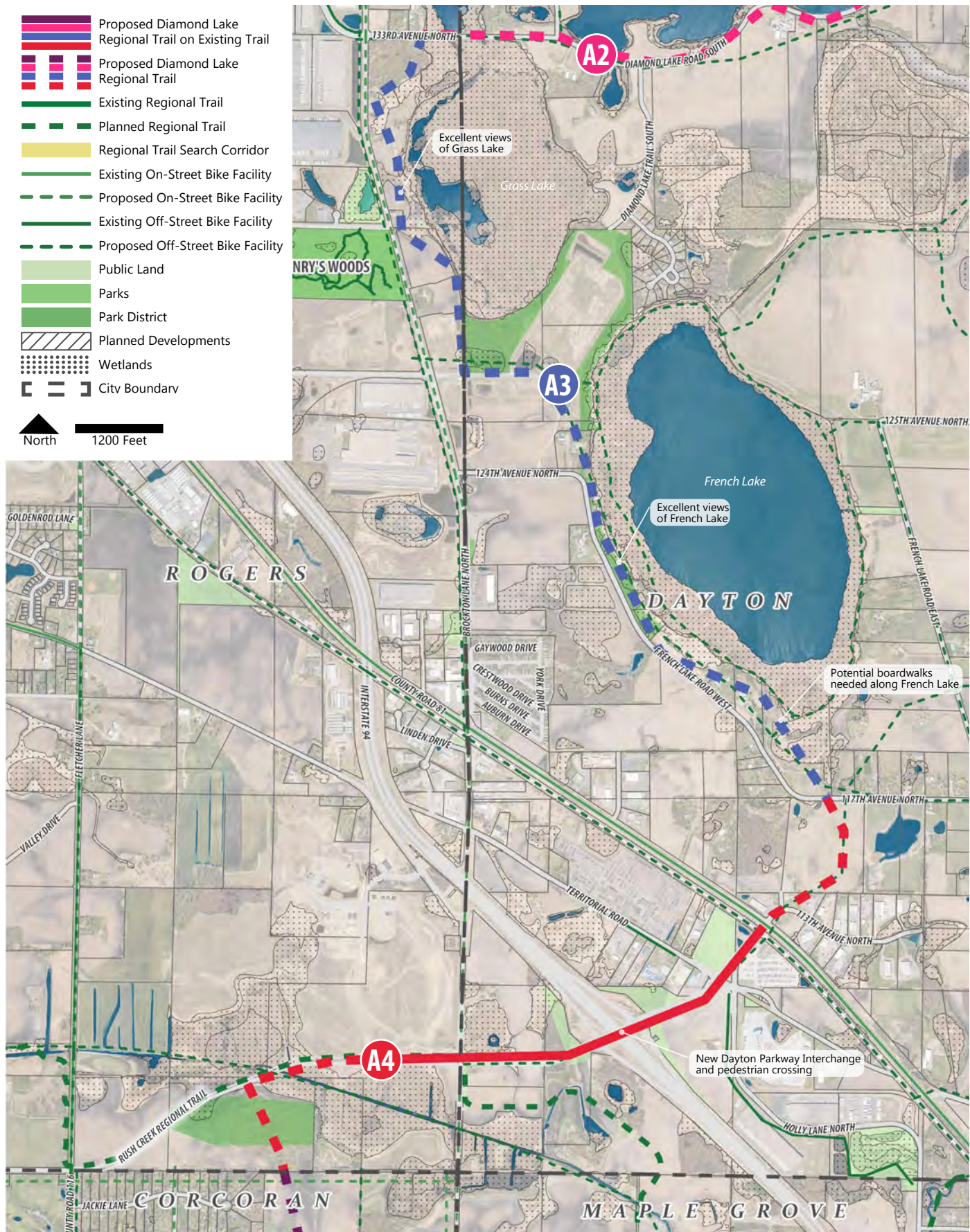
On the southwest side of Grass Lake, the trail will extend east along Rogers Drive to the west edge of French Lake. There is a conservation easement on portions of property along the west side of French Lake and trail will extend along the edge of this easement area since trail development is not a permitted use within the easement. The trail will extend south and east along the east side of French Lake Road West until it crosses over 117th Avenue North at an at-grade crossing, south of French Lake.

Segment A-4

Segment A-4 extends south from 117th Avenue North to the Corcoran city boundary at Fletcher Lane, utilizing the segment of Dayton Parkway and the Dayton Interchange over Interstate 94 that was constructed in 2021. From 117th Avenue North to County Road 81, the trail route aligns with the future road network in Dayton. It is anticipated that this segment of the Diamond Lake Regional Trail will be constructed in the future road right-of-way and constructed in concurrence with the new road. A Level B Kiosk will be located near the CR-81 crossing. The trail will cross County Road 81 at-grade at the new intersection constructed as part of the Dayton Parkway project. South of County Road 81, a regional trail will utilize the existing trail that was constructed along Dayton Parkway as part of the roadway project. This new trail will provide an important pedestrian crossing of Interstate 94. The Diamond Lake Regional Trail will provide employees and residents with access to non-motorized recreation and transportation options in this area. South of Interstate 94, the trail will extend west along Dayton Parkway to a short section that will extend south, off-road into Stieg Woods, a privately owned natural resource area that will provide excellent views of remnant a Big Woods Forest stand, should that area continue to be preserved.



French Lake Road West, looking north.



SEGMENT B | CITY OF CORCORAN

Segment B will extend through the City of Corcoran (Maps 18 & 19). Much of Segment B will be constructed independent of road right-of-way through future and planned developments. Segment B is separated into four subsegments which are described in greater detail in the following sections.

Segment B Cost Estimates

The total acquisition and construction cost to build Segment B in Corcoran is \$11.58 million as shown in Table 27 below. This segment requires right-of-way acquisitions and substantial trail infrastructure including two boardwalks and trail underpass. A planning-level cost estimate was prepared, and cost estimate methodology is outlined in Appendix A.

TABLE 27 | SEGMENT B COST SUMMARY

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Segment Subtotal
B-1	3.02	\$301,000	\$3,475,000	\$3,776,000
B-2	1.75	\$756,000	\$1,609,000	\$2,365,000
B-3	2.19	\$418,000	\$3,032,000	\$3,450,000
B-4	1.93	\$224,000	\$1,766,000	\$1,990,000
TOTAL	8.89	\$1,699,000	\$9,882,000	\$11,581,000

Segment B-1

Segment B-1 extends through Corcoran from the City of Dayton limits to County Road 30. Apart from a short segment on Hunters Ridge Road, segment B-1 will be outside road right-of-way. The current land use the segment B-1 extends through is predominantly agricultural land. However, it is anticipated that the agricultural land will develop over time.

The trail extends south out of Stieg Woods and extends south through agricultural land to Stieg Road. It will cross Stieg Road at-grade, and will extend through the Amberley subdivision, a development that will include 76 single-family lots (Figure 13). The trail will extend along the north and west side of the development on land set aside for the regional trail. South of the Amberly Subdivision, the trail will extend through the Bellwether Development, which is being constructed as a retirement community on land set aside for the regional trail (Figure 14). The Diamond Lake Regional Trail will complement the vision of the Amberley and Bellwether developments as communities that promote

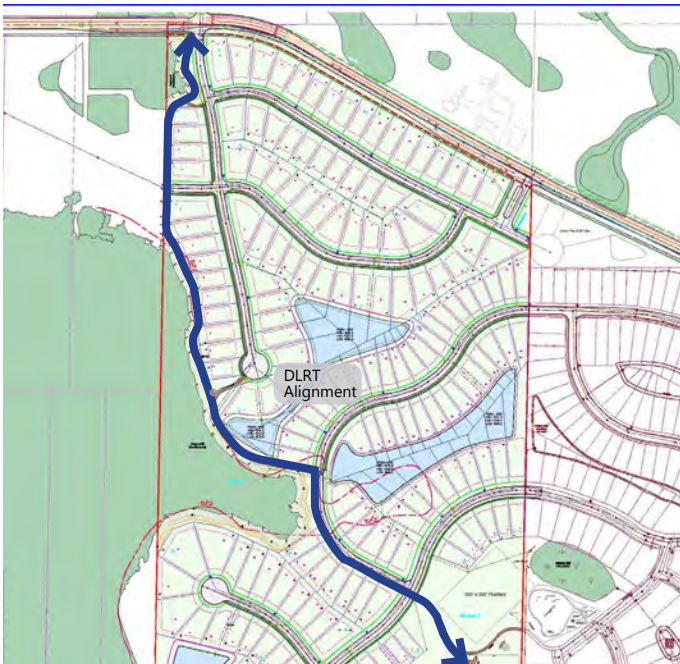


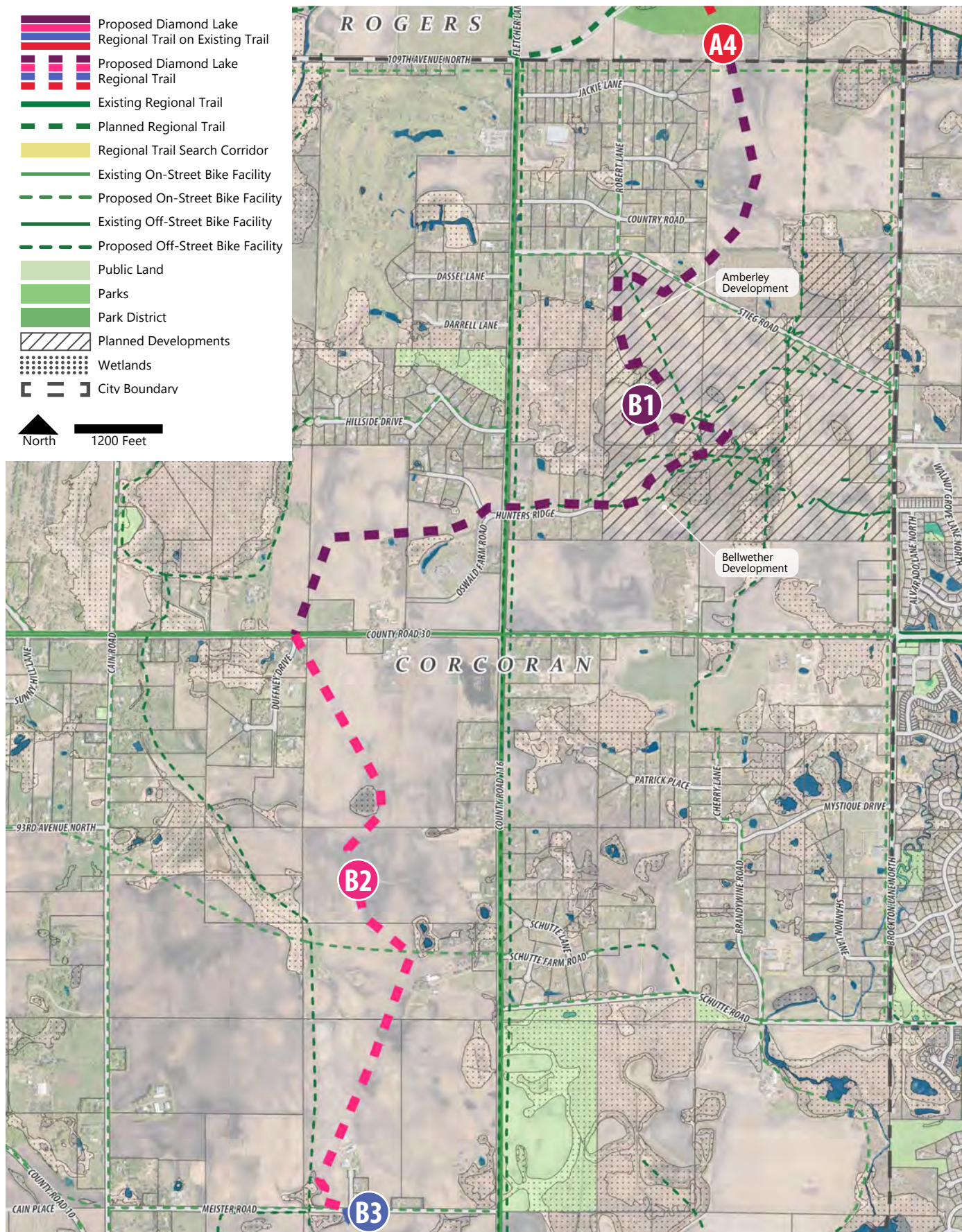
FIGURE 13 | AMBERLEY DEVELOPMENT
Source: City of Corcoran



FIGURE 14 | BELLWETHER DEVELOPMENT
Source: City of Corcoran

an active and social lifestyle. It is envisioned that other subsegments of segment B-1 will be constructed in concurrence with development like the Amberley and Bellwether developments.

The trail will extend southwest along Hunter’s Ridge to the intersection of County Road 116. The trail will cross the county road in a grade-separated crossing to provide a safe crossing for trail users and pedestrians. Additional design and feasibility analysis will be needed for the crossing facility, as road improvements and land development occur. On the west side of County Road 116, the trail will extend west along the north side of Hope Community Church, crossing over Oswald Farm



MAP 18 | SEGMENT B1 AND B2

Source: Park District

Road. A Level B Kiosk will be located at the Hope Community Church parking lot. West of the church, the trail will extend south to County Road 30 over agricultural land. The crossing of County Road 30 at Duffney Drive will be at-grade.

Segment B-2

Segment B-2 extends south from County Road 30 to Meister Road. Segment B-2 extends through five parcels of agricultural land. It is anticipated that this agricultural land will develop into residential neighborhoods over time. The Park District will work to obtain a corridor of land independent of any future road systems to create a linear park that may be as wide as 200 feet. The proposed trail corridor will serve as an ecological corridor in addition to a recreation and non-motorized transportation corridor through the future neighborhoods. At Meister Road, the trail will cross at-grade to the south and into property that is presently being developed as the Rush Creek Reserve.

Segment B-3

Segment B-3 extends from Meister Road to Larkin Road. Segment B-3 crosses the Weaver Lake Regional Trail search corridor, a key east-west regional trail corridor that will be planned and developed by the Park District at a later date. Trail segment B-3 will have two wetland crossings north of the Weaver Lake Regional Trail search corridor that may require boardwalk structures. All other wetlands in the vicinity should be outside the extents of trail development. South of the Weaver Lake Regional Trail search corridor, segment B-3 will extend entirely through the Rush Creek planned development (**Figure 15**). The northern most development is Rush Creek Reserve, a residential development. The Diamond Lake Regional Trail will extend along a trail that is being constructed as part of the development. The trail in the development extends along Walnut Lane before leaving road right-of-way into public open space. From Rush Creek Reserve, the Diamond Lake Regional Trail will cross County Road 10, at-grade, into the Corcoran City Park. This may change to a grade-separated crossing if development significantly increases traffic volumes. The City of Corcoran has prepared a master plan for park improvements at the City Park that include trails. A Level A System Kiosk will be located at the City Park. A local trail connection is planned along the north side of County Road 10 with a proposed trail underpass at

County Road 116 to provide access to the east side of the roadway, and to future trails that will lead to City Hall. The Diamond Lake Regional Trail alignment will extend along the proposed park access road as shown in the park master plan. The third development in Segment B-3 is an industrial development located south of the



FIGURE 15 | RUSH CREEK DEVELOPMENT

Source: City of Corcoran



FIGURE 16 | TAVERA DEVELOPMENT

Source: City of Corcoran

County Road 50 and the City Park. The trail will cross County Road 50 at-grade and extend south into the proposed industrial development. The trail will be within a corridor up to 50 feet wide that will also serve as an ecological corridor through the industrial development.

Segment B-4

Segment B-4 extends from Larkin Road to Hackamore Road, the Medina - Corcoran city boundary line. At Larkin Road, the trail will cross at-grade. South of Larkin Road, a significant portion of the proposed trail alignment extends through The Tavera by Lennar residential development. The northern portion of segment B-4 outside The Tavera development (**Figure 16**) extends adjacent to wetlands through existing agricultural land that is anticipated to develop over time. In the Tavera development, the Diamond Lake Regional Trail will extend along the trail corridor that is included in the development. The trail will extend outside the road right-of-way behind residential properties and adjacent to wetlands and parks. The trail corridor will serve as an ecological corridor that protects wetlands and increases ecological diversity.

SEGMENT C | CITY OF MEDINA

Segment C extends through the City of Medina (**Maps 20 & 21**) from the northern boundary with the City of Corcoran to the trail terminus in Baker Park Reserve. Trail Segment C will be constructed in both public right-of-way and across some private parcels.

Segment C is separated into five subsegments which are described in greater detail in the following sections.

Segment C Cost Estimates

The total acquisition and construction cost to build Segment C in Medina is \$16.07 million as shown in **Table 28** below. This segment requires right-of-way

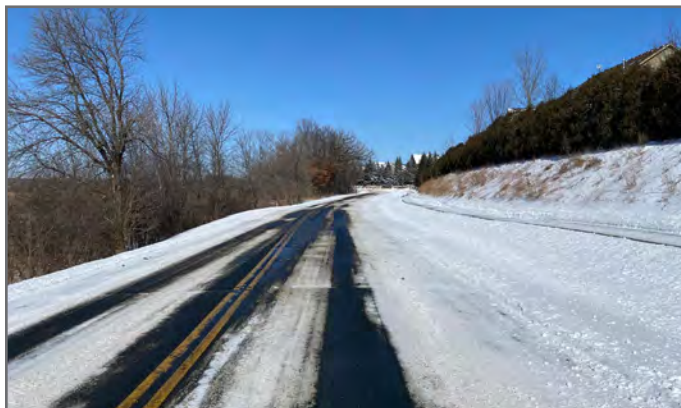
acquisitions and substantial trail infrastructure including a boardwalk and pedestrian bridge. A planning-level cost estimate was prepared, and cost estimate methodology is outlined in Appendix A.

TABLE 28 | SEGMENT C COST SUMMARY

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Segment Subtotal
C-1	0.97	\$209,000	\$921,000	\$1,128,000
C-2	2.08	\$191,000	\$2,867,000	\$3,055,000
C-3	2.15	\$269,000	\$9,935,000	\$8,387,000
C-4	1.64	N/A	\$1,549,000	\$1,545,000
C-5	3.13	N/A	\$132,000	\$132,000
TOTAL	9.97	\$669,000	\$15,404,000	\$16,073,000

Segment C-1

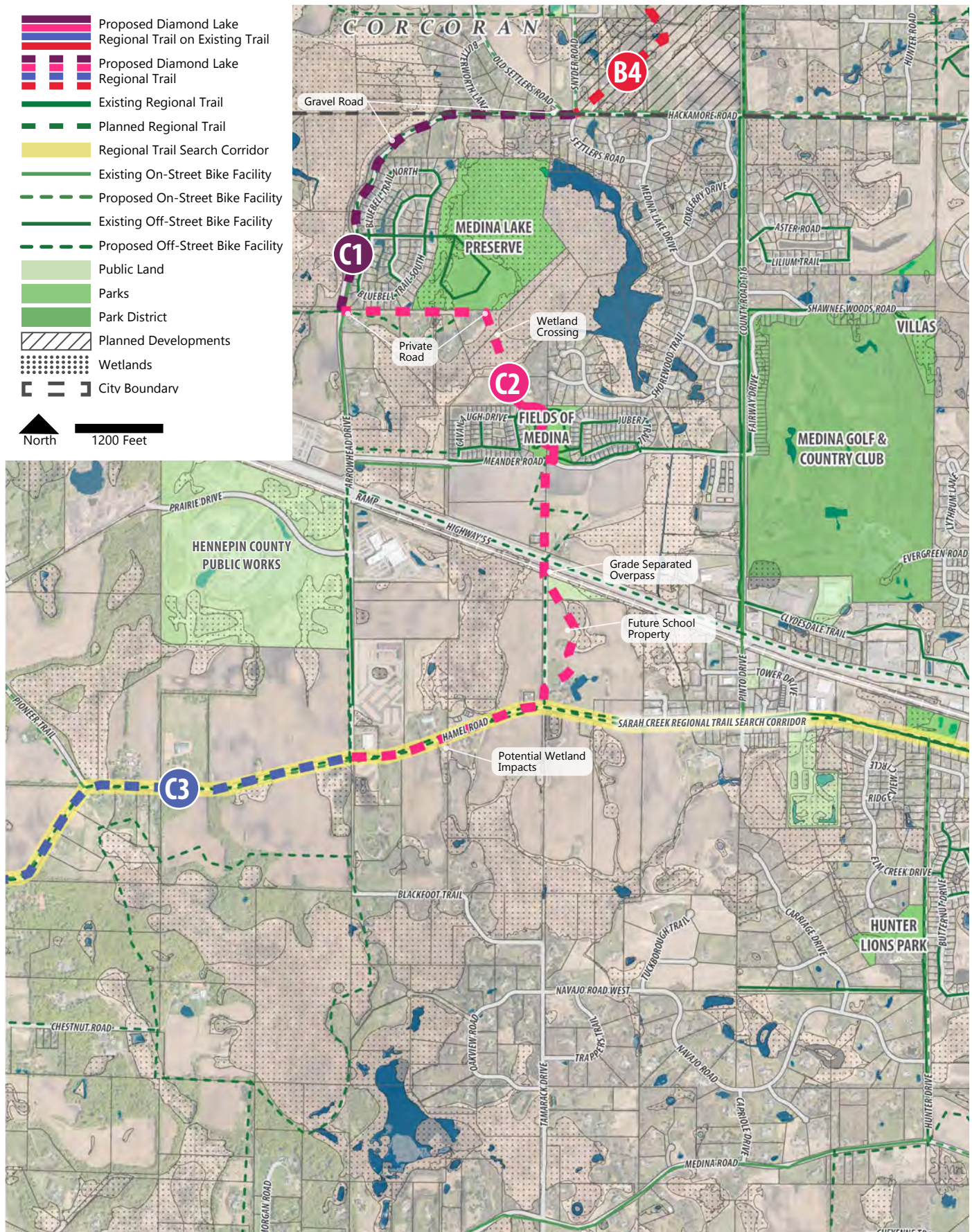
Segment C-1 extends along Hackamore Road and Arrowhead Drive from Snyder Road to Chippewa Road. The entire length of Segment C-1 is in public road right-of-way. Hackamore Road is a low traffic volume narrow road with scenic views of the wetland to the west. The road north of the existing residential development is a gravel road. It is anticipated that the trail will be constructed as part of future road reconstruction that will likely include paving the roadway. The trail will cross Hackamore Road at-grade. While the trail can be constructed in road right-of-way, potential additional right-of-way easements may be needed for ditch grading. On the south side of Segment C-1, the proposed trail will connect with an existing segment of local trail that extends along the east side of Arrowhead Drive from Bridgewater Road south to Chippewa Road. A Level B Kiosk will be located at the intersection of Hackamore Road and Arrowhead Drive.



Hackamore Road in Medina.



Fields of Medina Park.



MAP 20 | SEGMENT C1 AND C2

Source: Park District

Segment C-2

Trail Segment C-2 will extend from Chippewa Road to Arrowhead Drive on the south side of Highway 55. Property in this area has been identified by Medina for development. The opportunity to obtain easements for this segment of the trail may likely occur at the time of subdivision. At the end of the private road, the Diamond Lake Regional Trail will extend south through wetlands, agricultural land, and the Fields of Medina, a local park. Trail segment C-2 will require a boardwalk structure to cross the wetland complex between Medina Lake Preserve and Fields of Medina. The trail in Fields of Medina Park will be designed to delineate between the regional trail and local trails. A Level B Kiosk will be located in the Park. South of Fields of Medina Park, the trail will cross Meander Road at-grade, and will extend south along a future extension of Tamarack Drive to a grade-separated crossing over Highway 55. Trail design will be coordinated with adjacent development. This trail crossing will be an overpass that will carry trail users over both the highway and the adjacent Soo Line Railroad tracks on the south side of the roadway. The overpass will need to be designed to accommodate future roadway improvements north of Highway 55 that may include roundabouts and other local intersections. An important element to the proposed trail overpass is the connection this will provide for pedestrians to access to a potential future Wayzata School District Middle School site south of Highway 55. Just south of the school property, trail Segment C-2 will extend west along Hamel Road. It is anticipated that the trail will be constructed within the existing road right-of-way, though some local segments with steep grades or deep ditches may require retaining walls or temporary construction easements to develop the trail.

Segment C-3

Segment C-3 extends west from Arrowhead Drive to Parkview Drive along Hamel Road. The Hamel Road trail segment is also identified as part of the Lake Sarah Regional Trail Search Corridor. Hamel Road has a low traffic volume with high scenic qualities, typical of rural Medina. Hamel Road has a rural cross section with no existing curb and gutter or storm sewer. Although above-ground utilities are present, they are more concentrated on the south side of Hamel Road. The trail will extend west and will cross through the

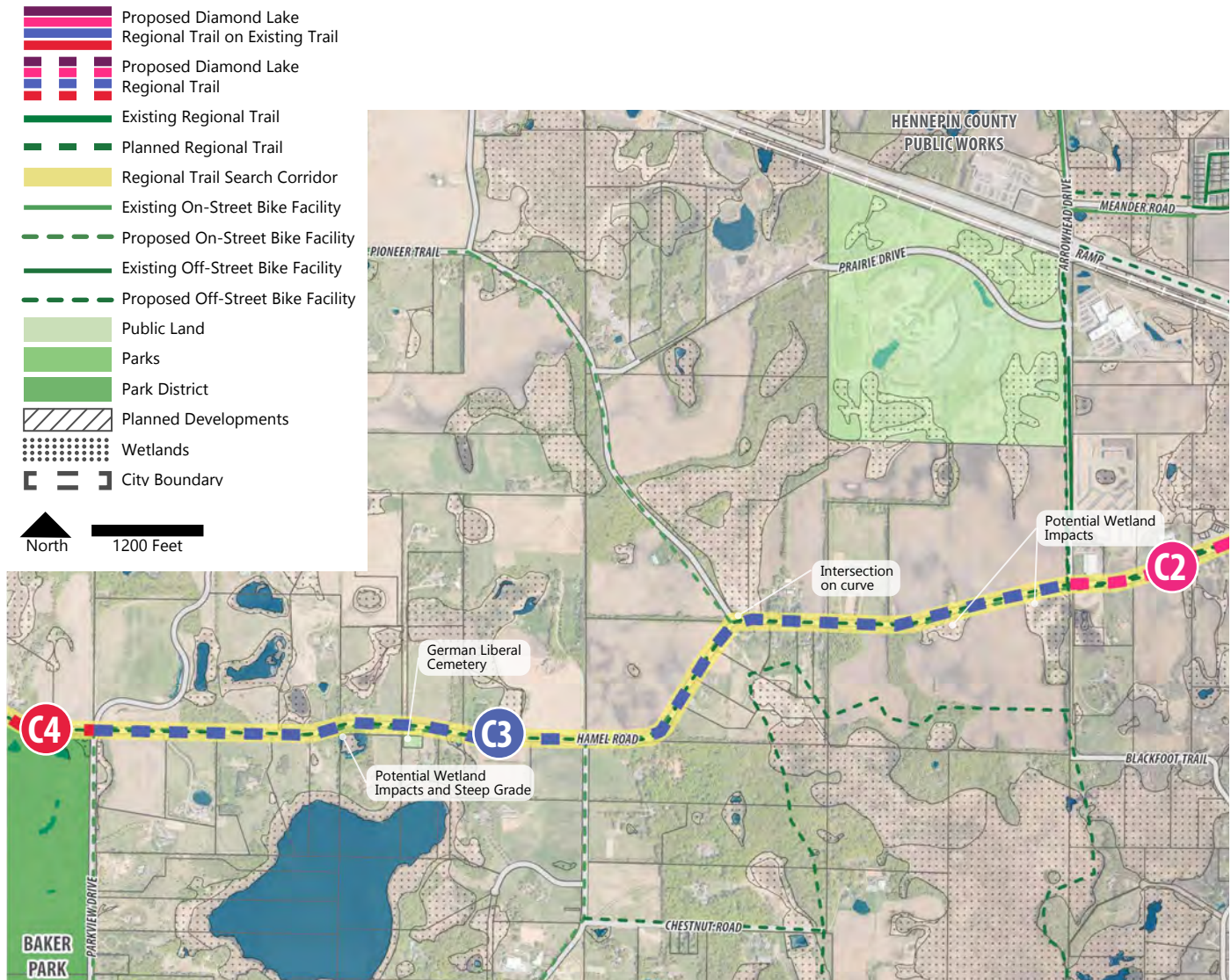
intersections with Arrowhead Drive and Pioneer Trail and will continue south and west passing Willow Drive North. The intent of the trail design along Hamel Road is to utilize public right-of-way and minimize impacts to adjacent private property. The trail may be constructed with curb to keep it close to the adjacent roadway. In locations where there are steep slopes or deep ditches, additional temporary or permanent easements may be needed to facilitate the trail. West of Willow Drive, the trail will pass the German Liberal Cemetery on the south side of the road. In this location, the cemetery extends close to the roadway on an elevated section that may be challenging for installing a trail. There is a small wetland on the south side of the road approximately 500 feet west of the cemetery with steep slopes leading to the edge of the roadway. In this location, the north side of the road may be the better option for trail development. The construction of the Diamond Lake Regional Trail along Hamel Road will impact the gravel shoulder that is heavily used by equestrians. Potential accommodations may be made for equestrians along the edge of the Diamond Lake Regional Trail, should that use still be a desired and used amenity at the time of regional trail development. Further design detail will be conducted during the final design process.



Hamel Road.



Hamel Road.



Segment C-4

Segment C-4 extends from Parkview Drive to County Road 19 along Hamel Road. The entire length of segment C-4 is adjacent to Baker Park Reserve. As the trail extends west along Hamel Road, it will pass through the Parkview Drive intersection which is the boundary of Baker Park Reserve. A Level B Kiosk will be located at the intersection of Parkview Drive, within the park boundary. From this point, the trail will be developed on the south side of Hamel Road within the Park Reserve boundary. Baker National Golf Course is situated in the northeast portion of the park and the trail will need to be routed not to disrupt golf course functions and use. West of the golf course, the trail will cross Spurzem Creek and a wetland that encroaches on the roadway shoulders. A boardwalk may be required at this location to carry the trail across the sensitive landscape. West of Spurzem Creek, the trail will follow the existing non-paved equestrian trail as it extends west to County Road 19 and the Lake Independence Regional Trail.



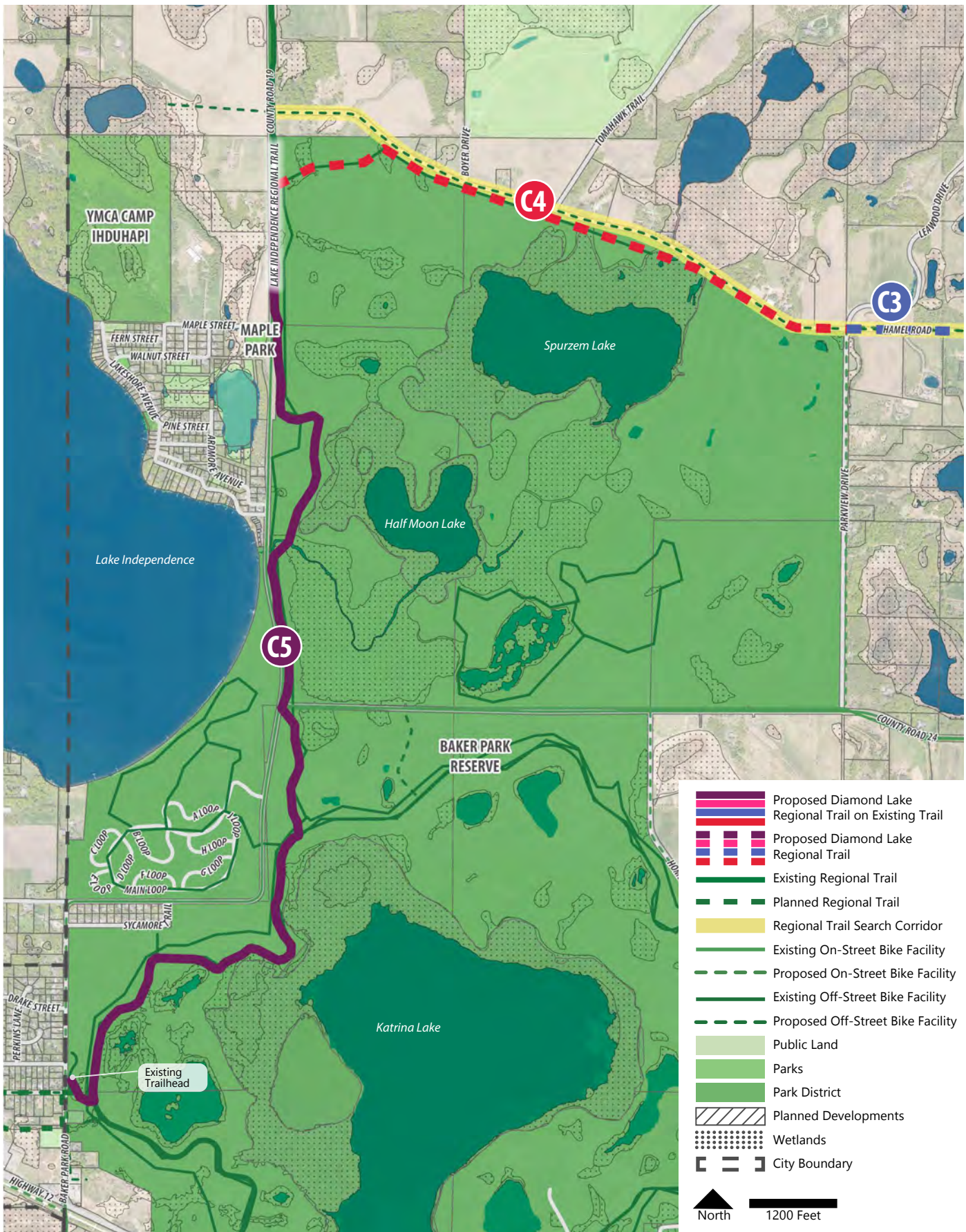
Hamel Road and Parkview Drive in Medina at the location where trail will enter Baker Park Reserve.

Segment C-5

Segment C-5 utilizes the existing Lake Independence Regional Trail from County Road 19 at Hamel Road south to the existing trailhead located at Independence Street and County Road 19 in Maple Plain. No additional modifications will be needed to this trail segment to meet regional trail standards. However, improvements to the trailhead at Independence Street will be needed to accommodate the additional trail users. This trailhead serves Baker Park and is the location where another regional trail, the Baker – Carver Regional Trail, enters Baker Park Reserve. Improvements may include additional parking spaces, benches, bike racks and wayfinding signage, including a Level A System Kiosk.



Trailhead on County Road 19 in Maple Plain.



MAP 22 | SEGMENT C4 AND C5

Source: Park District

CONNECTION SEGMENT | LAKE INDEPENDENCE REGIONAL TRAIL AND LUCE LINE STATE TRAIL

The original search corridor for the Diamond Lake Regional Trail from Wayzata to Dayton included a more direct route through eastern Medina and Orono and along Long Lake. During the planning process, the Park District received significant input from Medina property owners and Friends of Wolsfeld Woods which effectively eliminated the consideration for a regional trail in this area. The Park District then studied an alternative route through downtown Long Lake via an existing and planned trail along CR 112. The Long Lake City Council expressed concerns about additional people biking through their community, specifically the downtown area and adjacent neighborhood where the trail was proposed to deviate from CR 112 and, ultimately, did not support a regional trail through their community. Therefore, the Diamond Lake Regional Trail will end in Baker Park Reserve at the intersection with the planned Baker-Carver Regional Trail near the trailhead parking lot along Baker Park Road. Trail users will be able to connect with the Dakota Rail Regional Trail and Wayzata by following the existing Lake Independence Regional Trail south from Baker Park Reserve, past Orono Schools, and connect with the Luce Line State Trail that will provide access the Dakota Rail-Luce Line Connector along Ferndale Road (**Map 23**).

SEGMENT D | CITY OF ORONO AND CITY OF WAYZATA
Segment D is the Dakota Rail – Luce Line Connector Trail that extends through a small segment of Orono between the Luce Line State Trail and the Highway 12 overpass and continues south into the City of Wayzata (**Map 24**). Trail segment D will be constructed in road right-of-way and will provide a key connection to downtown Wayzata from the Luce Line State Trail. Segment D is separated into three subsegments which are described in greater detail in the following sections (**Map 24**).

Segment D-1

Segment D-1 extends from the Luce Line State Trail to Wayzata Boulevard along North Ferndale Road. The trail will be located on the east side of Ferndale Road and will span between the City of Orono and the City of Wayzata. The bridge across Highway 12 will be re-decked to accommodate a regional trail. While the existing bridge is wide enough to accommodate both vehicle traffic and the regional trail, modifications are needed to provide a wider trail cross-section on the east



Luce Line State Trail crossing on Ferndale Drive North.



Wayzata Boulevard at the Barry Avenue intersection in Wayzata.



Barry Avenue looking north in Wayzata.

side. North of the Highway 12 Bridge, retaining walls or significant grading may be required to construct the trail near the bridge approaches due to steep grades in the right of way. There are several utility poles in the right of way between the Luce Line State Trail and the Highway 12 Bridge that may require relocation to provide room for the trail.

Segment D Cost Estimates

The total acquisition and construction cost to build the Dakota Rail - Luce Line Connector is \$4.138 million. as shown in **Table 29** below. This segment does not require any additional right-of-way acquisition, so the total cost is associated with trail development. A planning-level cost estimate was prepared, and cost estimate methodology is outlined in Appendix A.

TABLE 29 | SEGMENT D COST SUMMARY

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Segment Subtotal
D-1	0.37	N/A	\$2,696,000	\$2,696,000
D-2	0.27	N/A	\$778,000	\$778,000
D-3	0.25	N/A	\$637,000	\$637,000
TOTAL	0.89	N/A	\$4,138,000	\$4,138,000

Segment D-2

Segment D-2 extends along Wayzata Boulevard from Ferndale Road to Barry Avenue. The trail will be located on north side of Wayzata Boulevard providing direct connection to Wayzata West Middle School. The trail will replace the existing sidewalk, but additional space may be required to meet regional trail standards, which may trigger the need for retaining walls along the north side of Wayzata Boulevard. Further evaluation of impacts will be analyzed once funding is secured to pursue design development of this trail segment. The Wayzata West Middle School parking lot is proposed as a trailhead for the Dakota Rail – Luce Line Connector, which will provide ample parking for trail users that will not compete with parking along Lake Street. The intersection of Wayzata Boulevard at Barry Avenue is a critical pedestrian crossing point and additional safety elements such as rapid flashing beacons will be reviewed for this specific location.

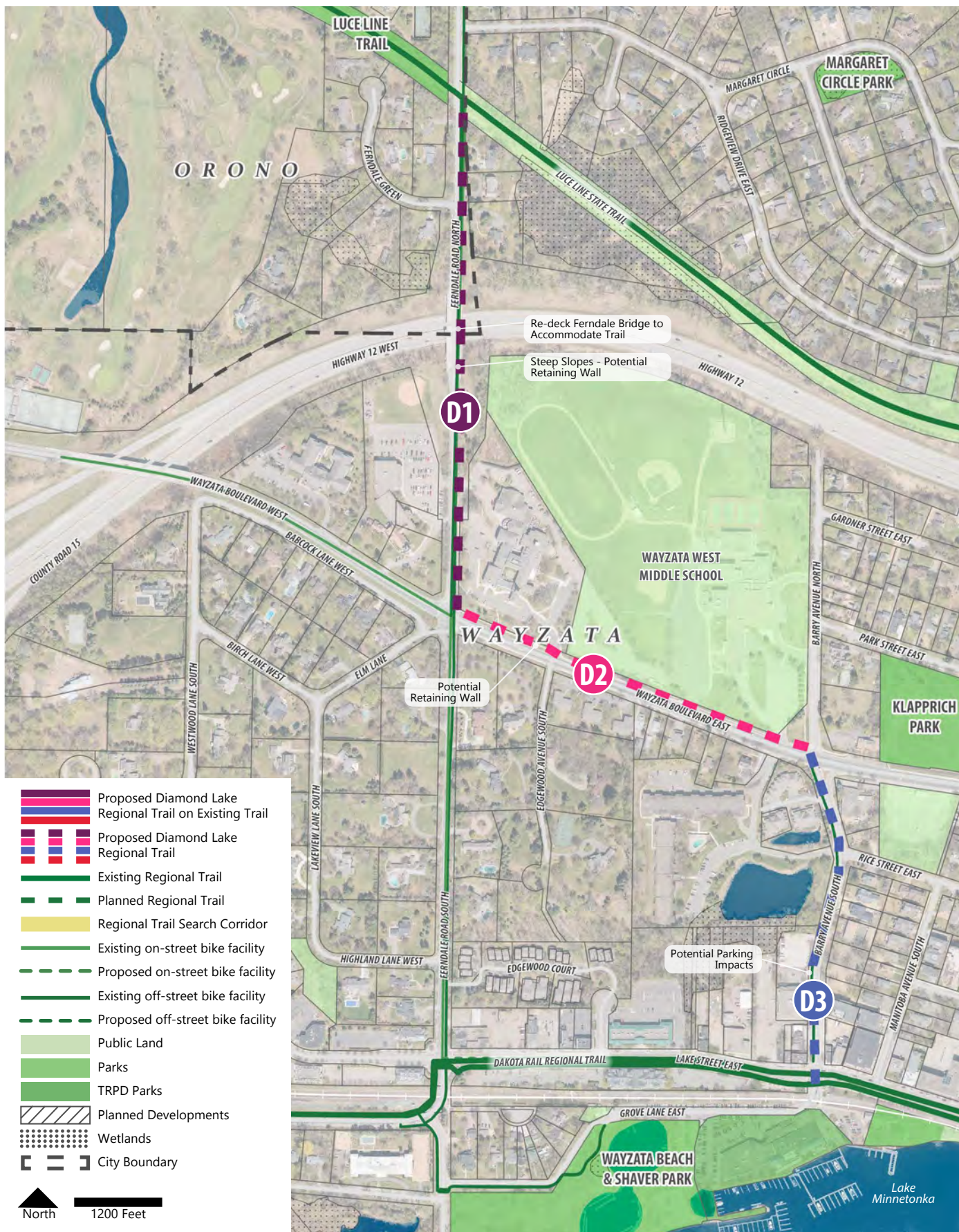
Segment D-3

Segment D-3 extends along Barry Avenue from Wayzata Boulevard to Lake Street. This trail segment will establish

a key connection to downtown Wayzata and the Dakota Rail Regional Trail. The Dakota Rail – Luce Line Connector will extend along the west side of Barry Avenue. Along this section, the trail will cross Grace Point Court and Rice Street at-grade. The Park District is sensitive to any impacts to existing parking and will review all impacts to the right of way in the design of the trail to minimize impacts to parking. The trail may replace the existing sidewalk along the west side of Barry Avenue. To make room for the added width of the trail without impacting parking, lane widths and bike lane placement will be reviewed during design development.



Barry Avenue looking south toward Lake Street in Wayzata.



MAP 24 | SEGMENT D1-D3

Source: Park District



8

IMPLEMENTATION

ESTIMATED COSTS & FUNDING

This section outlines a general implementation plan for the Diamond Lake Regional Trail and Dakota-Luce Line Connector. For quick reference this section also includes a summary of estimated one-time and annual costs as well as associated funding strategies (**Tables 34 and 35**).

As with all Park District park and trail facilities, implementation will occur at the discretion of the Park District and its partners and only when the Park District is financially prepared to assume all associated costs unless otherwise agreed to between the Park District and its partners.

As related but independent regional trails, the Diamond Lake Regional Trail and Dakota-Luce Line Connector will be implemented independently of each other as partnership and funding opportunities present themselves.

The Diamond Lake Regional Trail is an ambitious corridor and will require extensive land acquisition and coordination with development and, in some locations, road reconstruction. Similar to the long-term land use and development plans for the corridor as outlined in each cities' comprehensive plan, complete development could span until 2040; however, the Park District is committed to moving forward with implementing the trail in phases with some segments being developed within the next five years and in direct partnership with the cities and ongoing development efforts, as funding allows.

The Dakota-Luce Line Connector will likely be fully developed prior to the Diamond Lake Regional Trail as additional private permanent property rights as not foresee, it is shorter in length, will cost less and has been identified as a high priority for the Park District and partners for over a decade. This trail corridor is anticipated to be fully developed within the next five to ten years – subject to external funding support.

DIAMOND LAKE REGIONAL TRAIL IMPLEMENTATION SUMMARY

Acquisition

The Diamond Lake Regional Trail corridor will require acquisition of significant land and/or easement for an estimated cost of \$6.4 million. For the purposes of this master plan, a high-level, yet detailed analysis of proposed trail corridor was conducted to identify where property acquisitions and/or easements may be necessary to develop the Diamond Lake Regional Trail through Dayton, Rogers, Corcoran and Medina.

The purpose of the analysis is to provide the Park District with an understanding of the specific parcels and costs for acquiring fee title or easements of portions or all of the parcels identified (See Appendix F for a detailed summary). Below is a summary of the regional trail acquisition intent:

- In locations where development has yet to occur in the proposed corridor, the intent is to acquire a wide corridor of up to 200 feet to provide a linear park-like experience that will allow natural landscape buffers on either side of the trail.
- In locations where development is occurring or where larger parcels are not available, acquisition of a corridor up to 75 feet wide will provide a smaller but sufficient buffer for the trail corridor.
- There are several locations where the trail will extend along roadways within public right-of-way. In these locations, a width of 20 feet is identified for limited use permits or permanent easements that may be needed for trail development. Temporary construction easements may also be required from adjacent property owners and will be further defined during the design phase.

In addition the above acquisition intent, the Park District may also consider acquisition of additional, adjacent property if it helps protect natural and cultural resources which would further enhance or create a desirable, high-quality trail user experience.

Development

Development of the Diamond Lake Regional Trail will be phased and significantly tied to opportunities that take advantage of external funding sources, road reconstruction projects, development initiatives and local and regional political will.

Trail development costs for each segment are summarized in earlier chapters. The total trail development costs, including acquisitions and construction are summarized in Table 30.

TABLE 30 | SUMMARY OF ACQUISITION AND CONSTRUCTION COSTS BY SEGMENT

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Total Estimated Cost
A - Dayton/Rogers	9.04	\$4,030,000	\$9,330,000	\$13,330,000
B - Corcoran	8.89	\$1,699,000	\$9,882,000	\$11,581,000
C - Medina	9.97	\$669,000	\$15,404,000	\$16,073,000
TOTAL	28.78	\$0	\$38,711,000	\$40,984,000

Operations and Maintenance

The operations and maintenance costs are summarized in Table 31 for existing and future Diamond Lake Regional Trail segments. Greater detail is provided in Chapter 4.

TABLE 31 | DIAMOND LAKE REGIONAL TRAIL OPERATIONS & MAINTENANCE EXPENSES (2022 DOLLARS)

Operations & Maintenance Expense	Mileage	Cost per Mile	Total per Year
Staffing Regular/Permanent	24.9	\$2,500	\$62,000
Routine Maintenance Paved Trails	24.9	\$200	\$5,000
Preventative Pavement Maintenance Paved Trails	24.9	\$3,380	\$81,000
ESTIMATED TOTAL PER YEAR:			\$151,000

DAKOTA RAIL - LUCE LINE CONNECTOR IMPLEMENTATION SUMMARY

Acquisition

The Dakota Rail - Luce Line Connector is anticipated to be located solely within existing road right of way as such there are no anticipated permanent private property acquisition costs. However, property rights likely in the form of limited use permits or easements are required from Orono, MnDOT and Wayzata as they have jurisdictional control of the affected right-of-way.

In addition, temporary construction easements are likely required from adjacent property owners along the trail corridor and will be further defined during the design phase.

Development

The Dakota Rail - Luce Line Connector will require coordination with the cities of Orono and Wayzata to reconstruct existing sidewalks and streets to install the regional trail. The Park District will coordinate with MnDOT on plans and timing to modify the Ferndale North Bridge over I-394 to accommodate the trail.

Total development costs for Segment D are summarized in an earlier chapter. The total development cost is summarized in **Table 32**.

Operations and Maintenance

The operations and maintenance costs are summarized in **Table 32** for the Dakota Rail - Luce Line Connector segments. Greater detail is provided in Chapter 4.

TABLE 32 | SUMMARY OF ACQUISITION AND CONSTRUCTION COSTS FOR THE DAKOTA RAIL-LUCE LINE CONNECTOR

Segment	Length (miles)	Acquisition Cost	Design & Construction Cost	Total Estimated Cost
D - Orono/ Wayzata	0.89	\$0	\$4,125,000	\$4,125,000
TOTAL	0.89	\$0	\$4,138,000	\$4,138,000

TABLE 33 | DAKOTA RAIL - LUCE LINE CONNECTOR OPERATIONS & MAINTENANCE EXPENSES (2022 DOLLARS)

Segment	Mileage	Cost per Mile	Total per Year
Staffing Regular/Permanent	0.89	\$2,500	\$2,000
Routine Maintenance Paved Trails	0.89	\$200	\$200
Preventative Pavement Maintenance Paved Trails	0.89	\$3,380	\$3,000
ESTIMATED TOTAL PER YEAR:			\$5,200

FUNDING PLAN

The estimated one-time and annual costs for both regional trails is summarized on **Tables 34 & 35**. Potential funding sources for each phase – acquisition, development and operation and maintenance are outlined below.

Acquisition

The estimated total acquisition costs for both regional trails is \$6.4 million.

Acquisition of property rights generally occurs on a willing seller basis and ranges from fee-title, easement, limited use permits or leases. While limited use permits or easements are generally no-cost arrangements with public agencies, acquisition of private property rights via fee title, easement or lease typically require some level of payment as most property owners are not supportive of donating property rights.

Funding for property rights generally comes from the Park District's Land Acquisition Development Betterment Funds (25%) and external acquisition funds administered by Met Council (75%) (comprised of Metropolitan Council bond funds, Environmental Natural Resources Trust Fund and Parks and Trails Opportunity Legacy Fund). There are other grant opportunities (i.e. Federal Recreation Trail Program) which support acquisition efforts; however, the timing and restrictions are not always conducive to real-life acquisition scenarios.

Development

The estimated total development costs for both regional trails is \$45,096,000.

Given the scope and magnitude of regional trail development in both developed and developing communities, the Park District will implement a phased approach which takes into consideration opportunities to piggyback off of other planned projects like development

and road reconstruction to implement the regional trails – likely reducing costs and minimizing public impact.

In addition, to coordinating work and funding with development, road reconstruction and similar opportunities, design and construction of trail segments which help serve underrepresented community members will be prioritized.

Funding for trail improvements and development will likely be a combination of Park District bond funds, Metropolitan Council grants (with funding from Metropolitan Council bond funds, Legacy funds and State of Minnesota bond funds), external grants such as federal transportation and Hennepin County bikeway grants and cost-sharing arrangements with local partners.

Operations and Maintenance

The estimated total annual operations and maintenance costs for both regional trails is \$156,200 and includes a total of 0.8 FTE staff.

Operations and maintenance costs for the regional trails are primarily funded through the Park District Operating Budget. The Operating Budget's primary source of funds is local property taxes with some revenue from the State of Minnesota as part of the Operations and Maintenance Fund allocations from the Metropolitan Council. Additional costs associated with pavement maintenance will be funded from the Park District's Asset Management Program, which includes revenue allocated to the Park District from the State of Minnesota as well as the Park District general obligation bonds. All operation and maintenance costs are subject to the annual budget preparation process approved by the Park District Board of Commissioners.

Summary of Costs

The total acquisition, development and annual costs for the Diamond Lake Regional Trail and the Dakota Rail - Luce Line Connector are summarized and provided in greater detail in Appendix A.



APPENDIX

Use the following link to view or download the Diamond Lake Regional Trail Master Plan Appendix:

<https://threeriversparks.link/DiamondLakePlanAppendix>



DRAFT RESOLUTION NO. 27-2022**RESOLUTION OF SUPPORT FOR THE
DAKOTA RAIL-LUCE LINE CONNECTOR REGIONAL TRAIL**

WHEREAS, The City of Wayzata recognizes the Dakota Rail-Luce Line Connector Regional Trail as an important component of the regional parks system providing a desirable recreational and non-motorized transportation amenity to the residents of the City and the region; and

WHEREAS, The Dakota Rail-Luce Line Connector Regional Trail will provide safe, off-street non-motorized access to existing regional and state recreation amenities including the Lake Independence and Dakota Rail Regional Trails, Baker Park Reserve; and

WHEREAS, The City of Wayzata recognizes that Three Rivers Park District and the directly affected cities, have gathered significant public input in the development of the Diamond Lake Regional Trail & Dakota Rail-Luce Line Connector Master Plan; and

WHEREAS, The City of Wayzata recognizes that Three Rivers Park District has drafted the Diamond Lake Regional Trail & Dakota Rail-Luce Line Connector Master Plan and accepted and responded to public comments appropriately; and

WHEREAS, The Diamond Lake Regional Trail & Dakota Rail-Luce Line Connector Master Plan is consistent with other approved local and regional plans; and

WHEREAS, The City of Wayzata supports the acquisition, design, implementation, and operation of the Dakota Rail-Luce Line Connector Regional Trail pursuant to the Master Plan; and

WHEREAS, The City of Wayzata intends to enter into a regional trail cooperative agreement, if warranted, with the Park District formally outlining the acquisition, design, implementation, and operation responsibilities of the Dakota Rail-Luce Line Connector Regional Trail; and

THEREFORE, BE IT RESOLVED, that the City of Wayzata supports the Diamond Lake Regional Trail & Dakota Rail-Luce Line Connector Master Plan.

Adopted by the Wayzata City Council this 19 day of June 2022.

Johanna Mouton, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 19, 2022.

Kathy Leervig, City Clerk
SEAL



City of Wayzata City Council Agenda Report

MEETING DATE: June 21, 2022	AGENDA ITEM: 8.c
TITLE: Consider Adoption of Resolution 26-2022 Approving a Parking Variance, Conditional Use Permit (CUP) for Off-Site Parking, and Fee in Lieu of Parking (FILOP) CUP for 712 Lake Street East	
PROPOSED MOTION: To Adopt Resolution 26-2022 Approving a Parking Variance, CUP for Off-Site Parking, and FILOP CUP for 712 Lake Street East	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director, Jeffrey Dahl, City Manager	

ACTION REQUESTED:

Staff and the Planning Commission recommend Adoption of Resolution 26-2022 Approving a Parking Variance, CUP for Off-Site Parking, and FILOP CUP for 712 Lake Street East.

FINANCIAL OR BUDGET CONSIDERATION:

The FILOP CUP will allow staff to work on a development agreement that will result in \$10,000 per stall to the City for public parking purposes. These funds will be directed to the City's Downtown Parking Fund for future operational and capital public parking expenditures.

In addition, standard building permit and development fees will apply to this project.

BACKGROUND:

Applicant 714 E Lake St LLC submitted a development application requesting a parking variance, shared use parking conditional use permit, and fee-in-lieu-of-parking (FILOP) conditional use permit to support a new fast-casual restaurant (Paco & Lime) in the existing building at 712 Lake Street East. The property can provide no parking on site. The parking variance would reduce the parking requirement from 39 to 22. The project would account for the 22 required spaces through a shared parking CUP for a single curbside pickup space and through a CUP for FILOP (21 spaces).

The Planning Commission approved the application with a vote of 5-0, provided that the applicant fulfill certain conditions listed in the resolution. The applicant has already submitted an updated site plan per the Planning Commission's recommendation.

ATTACHMENTS:

1. RES 26-2022 Approving Parking Variance and CUPs at 712 Lake St E
2. 712 Lake St - Planning Commission Report and Recommendation
3. 712 Lake St - Planning Commission Meeting Minutes of May 16, 2022
4. 712 Lake St - Submittal Documents

RESOLUTION NO. 26-2022**RESOLUTION APPROVING PARKING VARIANCE,
CUP FOR OFF-SITE PARKING, AND FEE IN LIEU OF PARKING (FILOP) CUP
FOR 712 LAKE STREET EAST**

WHEREAS, 714 E Lake St LLC, (the “Applicant”) has submitted a development application (the “Application”) requesting (i) a variance to reduce the minimum parking requirement from 39 spaces to 22 spaces (the “Parking Variance”); (ii) a conditional use permit to allow one parking space to be shared with the neighboring parking lot at 726 Lake St E (the “Joint Parking CUP”); and (iii) conditional use permit under the City’s Fee in Lieu of Parking (FILOP) Policy for twenty-one parking spaces (the “FILOP CUP”), all for a new fast-casual restaurant (the “Project”) in the existing building at 712 Lake Street East, which is legally described on Attachment A of this Resolution (the “Property”); and

WHEREAS, the Wayzata Planning Commission, pursuant to the Zoning Ordinance, held a public hearing on the Application on May 16, 2022, and adopted a Report and Recommendation to the City Council to approve the Application on June 6, 2022, a copy of which is attached to this Resolution as Attachment B (the “PC Report and Recommendation”).

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

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

B. Based on the foregoing, the Parking Variance, the Joint Parking CUP, and the FILOP CUP are hereby **APPROVED**, subject to satisfaction of the following conditions:

1. Applicant must provide a legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, and file such agreement with the City Clerk; record it with the Hennepin County Recorder or Registrar of titles; and provide a certified copy of the recorded

document with the City within 60 days after approval of the joint parking use by the City.

2. The Applicant must enter into a development agreement with the City that incorporates all of the requirements of the City's FILOP Policy, including the amount and timing of payment of the fees required under the FILOP policy, with terms and in a form acceptable to the City Attorney. The agreement must also state that the Applicant must comply with all current and future parking requirements for uses associated with the Project, and any change in use or to the Project for which the Zoning Ordinance requires additional parking will require an amendment to the agreement.
3. Prior to the issuance of a Certificate of Occupancy for the Project, the Applicant must review opportunities with City staff to designate and/or promote employee parking options on the rear/south side of the building as well as customer parking options on the front/north side of the building along Lake Street.
4. Prior to the issuance of a Building Permit for the Project, the Applicant must submit an updated site plan showing the additional customer entrance on the east side of the building with an ADA-compliant landing. The plan must show the single parking space assigned through the Joint Parking CUP to be designated with permanent signage for the purposes of "pick-up" with a maximum parking time limit of 15 minutes during open hours of operation. The single parking space assigned through the Joint Parking CUP shall be located adjacent to the customer entrance on the east side of the building in order to accommodate efficient ingress and egress.
5. Prior to the issuance of a Certificate of Occupancy for the Project, the Applicant must demonstrate, to the satisfaction of City staff, the ability to make safe and efficient deliveries to the Property.
6. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 21st day of June 2022.

Johanna Mouton, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 21, 2022.

Kathy Leervig, City Clerk
SEAL

Attachment A

Legal Description of Property

Attachment B

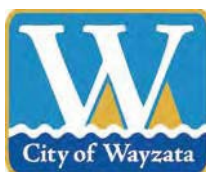
PC Report and Recommendation

Attachment A

Legal Description and Property Information

Address	712 Lake Street E, Wayzata, MN 55391
PID	06-117-22-42-0049
Legal Description	Lot 1, Block 1, Harborview
Abstract or Torrens?	Abstract

Attachment B
PC Report and Recommendation



WAYZATA PLANNING COMMISSION

JUNE 6, 2022

REPORT AND RECOMMENDATION OF APPROVAL OF PARKING VARIANCE, CUP FOR OFF-SITE PARKING, AND FEE IN LIEU OF PARKING (FILOP) CUP FOR 712 LAKE STREET E

SUMMARY OF RECOMMENDATION

1. **Approval*** of Variance from required number of parking spaces
2. **Approval*** of CUP for Off-Site Joint Use of Parking
3. **Approval*** of FILOP CUP for parking requirement deficit of 21 parking spaces (factoring in Variance and CUP for Off-Site Joint Use of Parking)

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

REPORT

Section 1. BACKGROUND

- 1.1 **Project.** The applicant, 714 E Lake St LLC, (the “Applicant”) has submitted a development application (the “Application”) requesting approvals related to parking for a new fast-casual restaurant (the “Project”) in the existing building at 712 Lake St E (the “Property”).
- 1.2 **Approvals Requested.** The Application requests approval of the following:
 - A. **Variance – Parking:** A variance to reduce the minimum parking requirement under Sec. 920.11.B by 17 spaces, from 39 spaces to 22 spaces (the “Parking Variance”).
 - B. **Conditional Use Permit (CUP) – Off-Site Joint Use of Parking:** A conditional use permit under Sec. 920.09 to allow one (1) parking space to be shared with the neighboring parking lot at 726 Lake St E (the “Joint Parking CUP”).

- C. Conditional Use Permit (CUP) – Fee-in-Lieu-of-Parking (FILOP): A conditional use permit under 920.12 and the City’s Fee in Lieu of Parking (FILOP) Policy for twenty-one (21) parking spaces (the “FILOP CUP”).

- 1.3 Property. The address, property identification numbers and owner of the subject property (the “Property”) are as follows:

Address	PID	Owner
712 Lake St E	06-117-22-42-0049	Wayzata Harborview LLC/ 712 Lake Street Spydernet LLC

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

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

Zoning:	C-4B Central Business District
Comp Plan designation:	Central Business District
Overlay districts:	S/Shoreland Overlay District Lake Street Design District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Wayzata Sun Sailor* on May 5, 2022. A copy of the notice was mailed to all property owners located with 500 feet of the Property on May 2, 2022. The Applicant also sent a Neighborhood Notification letter summarizing the Project to property owners located within 500 feet of the Property on May 3, 2022. The public hearing on the Application was held at the May 16, 2022 Planning Commission meeting.

Section 2. STANDARDS

- 2.1 Parking Variance. Based on the parking requirements of the Zoning Ordinance, the Project requires thirty-nine (39) parking spaces. Section 905.01.C provides the criteria for reviewing a variance from the standards of the Zoning Ordinance. These criteria are:

- A. Variances shall only be permitted when they are:
- (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.

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

2.2 Joint Parking CUP. Under Section 920.09, the City Council may, after receiving a report and recommendation from the Planning Commission, approve a conditional use permit for one or more uses to provide the required off-street parking facilities by joint use of one or more sites where the total number of spaces provided are less than the sum of the total required for each use should they provide them separately. When considering a request for such conditional use permit, the Planning Commission shall not recommend that such permit be granted except when the following conditions are found to exist:

- A. Minimum. The parking meets the minimum required under the table shown in Section 920.09.
- B. Proximity. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.

- D. Conflict in Hours. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- E. Written Consent and Agreement. A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, shall be filed with the City Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with the City within 60 days after approval of the joint parking use by the City.

2.3 FILOP CUP. Any new use on a property that cannot meet the applicable on-site minimum parking requirements of City Code may be permitted if: (1) a fee-in-lieu of parking is paid as specified in the City's FILOP Policy; and (2) a Conditional Use Permit is approved based upon the criteria of the FILOP Policy, which are:

- A. The Project is located within the "Mobility District" as established by City Council.
- B. The City Council finds that the Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District.
- C. The parking impact of the Project does not exceed the available capacity of the City's parking facilities.
- D. The requirements of section 904.2.F of the Zoning Ordinance for a conditional use permit, which require City Council to consider possible adverse effects of the proposed conditional use. Council's judgment shall be based upon (but not limited to) the following factors:
 - 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - 2. The proposed use's compatibility with present and future uses of the area.
 - 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - 4. The proposed use's effect on the area in which it is proposed.
 - 5. The proposed use's impact upon property values in the area in which it is developed.
 - 6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

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

Section 3. FINDINGS

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

- 3.1 Parking Variance. The Parking Variance meets all of the standards for granting a variance under the Zoning Ordinance:
 - A. The Parking Variance is in harmony with the general purposes and intent of the Zoning in terms of proposed fast-casual restaurant use; and is consistent with the Central Business District guidance of the Comprehensive Plan.
 - B. The Applicant has established that there are practical difficulties in complying with all of the Zoning District parking standards, in that:
 1. The Applicant's fast-causal restaurant proposal for the Property is reasonable in that the type of restaurant proposed would require less than the amount of required parking for other types of restaurants, and rely on and encourage walk in business with quick turn-around times that require less parking, as demonstrated by recent data provided within the Application citing two similar restaurants in the metropolitan area;
 2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that there is no parking possible on the Property; and
 3. The Parking Variance, if granted, will not alter the essential character of the locality in that the building size would not change, the parking demand could be met through the approvals requested, and the use proposed would be substantially similar to the surrounding area. The Variance will contribute to the walkable character of the Lake Street area.
 - C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the lack of parking on the Property.
 - D. The Parking Variance is not a use variance.

- E. The Application submitted by the Applicant set forth reasons that the Parking Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and building.

3.2 Joint Parking CUP. The Planning Commission recommends that a permit be granted due the following:

- A. Minimum. The parking meets the minimum required under the table shown in Section 920.09.
- B. Proximity. The building and use for which application is being made to utilize the off-street parking facilities provided by another building and use would be located within 300 feet of such parking facilities.
- F. Conflict in Hours. The Applicant has shown that there is no substantial conflict in the principal operating hours of the two buildings and uses for which joint use of off-street parking facilities is proposed.

3.3 FILOP CUP.

- A. The Project is located within the “Mobility District” as established by City Council.
- B. The Project would enhance the accessibility, functionality, density and vitality of the Downtown Business District by providing a new fast-causal restaurant option to the district’s vibrant, existing restaurant area, that would enhance the types of dining options available in the district, increase vitality of the streetscape, and encourage walkability.
- C. The parking impact of the Project does not exceed the available capacity of the City’s parking facilities. Parking counts conducted on nearby streets and in nearby City-owned parking facilities demonstrate available capacity at peak demand, which occurs at midday on Fridays in summer months.
- C. The provisions of Section 904.2.F of the Zoning Ordinance have been considered and are all satisfactorily met. The Project for a fast-casual restaurant (the “Proposed Use”) would have not have adverse effects on the surrounding area based upon the following:
 - 1. The Proposed Use is not inconsistent with any policies or provisions of the official City Comprehensive Plan. The Comprehensive Plan encourages charming, walkable, connected projects.
 - 2. The Proposed Use is compatible with present and future uses of the area. The existing C-4B District includes a diverse mix of uses and business types in smaller buildings and storefronts, which already partially or completely rely on off-site public parking.

3. The Proposed Use conforms to all relevant performance standards contained in the Zoning Ordinance.
4. The Proposed Use will have a positive effect on the area in which it is proposed as noted elsewhere in this Report.
5. The Proposed Use will not have a known negative impact upon property values in the area.
6. The Proposed Use will not generate additional traffic beyond what existing streets can handle.
7. The Proposed Use will not have an impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the Parking Variance, Joint Parking CUP, and FILOP CUP, subject to the following conditions:
- A. Applicant must provide a legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by the City Attorney, and file such agreement with the City Clerk; record it with the Hennepin County Recorder or Registrar of titles; and provide a certified copy of the recorded document with the City within 60 days after approval of the joint parking use by the City.
 - B. The Applicant must enter into a development agreement with the City that incorporates all of the requirements of the City's FILOP Policy, including the amount and timing of payment of the fees required under the FILOP policy, with terms and in a form acceptable to the City Attorney. The agreement must also state that the Applicant must comply with all current and future parking requirements for uses associated with the Project, and any change in use or to the Project for which the Zoning Ordinance requires additional parking will require an amendment to the agreement.
 - C. The Applicant must submit an updated site plan showing the relocated customer entrance on the east side of the building with an ADA-compliant landing. The plan must show the single parking space assigned through the Joint Parking CUP to be designated with permanent signage for the purposes

of “pick-up” with a maximum parking time limit of 15 minutes during open hours of operation. The single parking space assigned through the Joint Parking CUP shall be located adjacent to the customer entrance on the east side of the building in order to accommodate efficient ingress and egress.

- D. The Applicant shall review opportunities with City staff to designate and/or promote employee parking options on the rear/south side of the building as well as customer parking options on the front/north side of the building along Lake Street.
- E. The Applicant shall demonstrate the ability to make safe and efficient deliveries to the property, as reviewed and approved by City staff prior to the issuance of a Certificate of Occupancy for the fast-casual restaurant.
- 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 6th day of June 2022.

Attachments:

Attachment A

Property Information and Legal Description

Attachment A

Legal Description and Property Information

Address	712 Lake Street E, Wayzata, MN 55391
PID	06-117-22-42-0049
Legal Description	Lot 1, Block 1, Harborview
Abstract or Torrens?	Abstract

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
MAY 16, 2022**

AGENDA ITEM 1. Call to Order

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

Vice-Chair Stockton shared the multiple options for joining remotely and submitting comments or questions.

AGENDA ITEM 2. Roll Call

Present at roll call were Commissioners Douglas, Merriam, Stockton, Sorensen, and Severson. Absent at roll call were Commissioners Parkhill and Schwalbe.

Also present were Community Development Director Emily Goellner, Assistant Planner Valerie Quarles, and City Attorney David Schelzel.

AGENDA ITEM 3. Approval of Agenda

Commissioner Douglas made a motion, seconded by Commissioner Merriam, to approve the May 16, 2022 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the Draft Meeting Minutes of April 18, 2022 Planning Commission Meeting Minutes

Vice-Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion, or make a motion to approve the Consent Agenda as presented.

Commissioner Merriam and Vice-Chair Stockton noted the correct Zoom meeting I.D.

AGENDA ITEM 5. Public Hearing Items

a) Consider Development Application for a Parking Variance and Conditional Use Permits for a Fast-Casual Restaurant (Paco & Lime) at 712 Lake Street East

Assistant Planner, Valerie Quarles gave an overview of the development application submitted by 714 E Lake Street LLC for a fast-casual restaurant called Paco & Lime at 712 East Lake Street East. She reviewed the surrounding neighborhood zoning, land use, existing conditions and use of the property. She reviewed the requests for a variance and two Conditional Use permits for parking. She explained the methodology staff used to determine the parking requirement for the

1 proposal, the Conditional Use Permit requests for shared parking and the Fee in Lieu of Parking
2 (FILOP). She reviewed the primary zoning, overlay districts and the Comprehensive Plan
3 guidance for the property. She concluded with noting that the City had not received any public
4 comments in advance on this proposal.

5
6 Vice-Chair Stockton asked if the Commission had any questions for staff.

7
8 Commissioner Sorensen asked if City staff or the engineering department had any issue with or
9 concurred with the parking study.

10
11 Community Development Director Goellner stated that the most recent parking study in 2021 was
12 presented to the City Council at a work session last fall, and noted that staff and Council were
13 comfortable with the data that had been collected for the study. She noted that the Council had
14 talked about potential opportunities for enhancements to downtown parking, but no decisions were
15 made and they directed staff to make more parking counts in the summer of 2022.

16
17 Commissioner Douglas asked if the City had updated parking requirements to reflect the new
18 Comprehensive Plan guidance, and noted that she feels the City has transformed over the years
19 from a suburban model to more of a downtown concept.

20
21 Community Development Director Goellner stated that she and Planner Quarles have been talking
22 about the City's off-street parking requirements and do see some areas that are outdated. She noted
23 that other cities regulate restaurant parking differently based on whether it is a sit down or fast-
24 casual model, and Wayzata does not make that distinction within the Code. She stated that she
25 believes a few small changes were made when the FILOP policy was adopted regarding shared
26 use of facilities, but does not think the requirements were lowered. She stated that it is on 'the list'
27 of things to update, but thinks it could take a year or two before they can get to it.

28
29 Commissioner Severson stated that staff mentioned that this property was owned by 726 Lake
30 Street East, and asked if that was the parking lot itself.

31
32 Planner Quarles explained that 726 Lake has both the parking lot and the building on it, which is
33 the one that contains Fabulous Nails.

34
35 Commissioner Severson asked what would happen if ownership changed, and if that would impact
36 the parking space.

37
38 Planner Quarles stated that because the City is entitling the land, it should not impact the parking
39 space.

40
41 Commissioner Severson asked if staff had actually spent time watching the data collection at Crisp
42 and Green.

43
44 Planner Quarles stated that the applicant had done counts at both the Crisp and Green locations in
45 Maple Grove and Highland Park, but staff was not present.

1 Vice-Chair Stockton asked the applicant if they would like to address the Commission.

2
3 Applicant's lawyer, Mike Mergens, EntrePartner Law Firm, thanked staff for their professionalism
4 and expertise as they have helped work through this somewhat complicated process with them.

5
6 Applicant's representative, Lily Smith, 160 Lakeview Lane, representing Steele Brands, noted that
7 she had attended Wayzata High School and started work at Steele Fitness in 2006. She gave an
8 overview of the concept and guiding principles behind Paco & Lime and explained that Paco stands
9 for People and Community Oasis. She gave a brief overview of the difference in parking utilization
10 for a fast-casual restaurant versus a full service restaurant.

11
12 Commissioner Merriam stated that the one spot that will be available in the 726 parking lot is
13 located in the back of the lot and the door is in front. She stated that she was on site today at 10:00
14 a.m. and the only spot available was this one spot and there were very few available on the street.
15 She stated that this made her concerned about how they will allow people to use the restaurant
16 when the parking is not there, and noted that the one available spot is also difficult to get out of
17 because of the posts.

18
19 Ms. Smith stated that they are planning to relocate the door.

20
21 Applicant's representative, Daniel Sheehy, Director of Construction for Steele Brands, stated that
22 there will be a side door, an ADA landing, and egress door, so they could move the spot and place
23 it right by the door to make it more accommodating for people coming in and out quickly.

24
25 Commissioner Merriam asked if in the 726 parking lot, considering when Fabulous Nails is not
26 open, whether there will be signs indicating what times of day the Paco & Lime customers can
27 park in the lot.

28
29 Mr. Sheehy stated that he believes that whatever is needed in order to display the timing for parking
30 will be an easy thing to address.

31
32 Mr. Mergens stated that the landlord has committed to ensuring that there is adequate parking for
33 all people involved, so when the other businesses are closed, he would have the expectation that
34 they will be available for use by Paco & Lime when the 726 tenants are not open. He stated that
35 they can certainly sign the lot that way to make sure everyone is clear.

36
37 There being no additional questions for the applicant, Vice-Chair Stockton opened the public
38 hearing at 7:08 pm.

39
40 There was no one wishing to speak in person, and Community Development Director Goellner
41 noted that there was no one online who has expressed a desire to speak.

42
43 Vice-Chair Stockton closed the public hearing at 7:09 p.m. and asked for the Commission to share
44 their questions and feedback on the application.

1 Vice-Chair Stockton stated that she thinks it is important to consider whether the City has the
2 capacity to absorb the number of parking spaces that are required for this use.

3
4 Commissioner Douglas stated that she was very appreciative that this application had used the
5 current City parking study and that the applicant had supplied data from the two Crisp & Green
6 locations. She stated that the Wayzata model is changing and they are looking for new ways to do
7 things in the City. She stated that she had mentioned to Planner Quarles earlier today that she
8 loved this concept because she can take her grandchildren, walk downtown from her townhome,
9 give them each some money to get food at whatever restaurant they want, and then they can all
10 meet up someplace and eat together. She stated that she likes that vibe for the City. She noted
11 that part of the parking issue will be just educating people about the new concept and thinks the
12 City has taken steps in the right direction with some of the signing. She noted more education
13 needs to be done surrounding the Promenade because even though it is privately owned, they do
14 allow public parking. She stated that she thinks the parking can be modeled around what has been
15 done at the Muni parking lot because they have had effective signage. She asked about the fee for
16 the FILOP spaces.

17
18 Community Development Director Goellner explained that the fee is \$10,000/space, which is a
19 one-time fee that is paid at the time of development.

20
21 Commissioner Sorensen stated that he would concur with most of what Commissioner Douglas
22 stated. He stated that the variance and the CUPs are all about parking, and noted that it looks like
23 it has been considered in a very thoughtful manner. He said that he thinks the City has done a
24 good job of adapting the parking strategy along the way, and feels that they have demonstrated
25 that there is adequate parking to accommodate the demand.

26
27 Commissioner Severson stated that she agreed with what has already been stated, and noted that
28 she felt this was a well thought-out application and appreciates the data that was gathered with the
29 parking study around the other restaurant concepts. She stated that the fact that there are quite a
30 few parking spaces available near the restaurant makes her feel comfortable moving forward.

31
32 Commissioner Merriam explained that she was also comfortable recommending approval. She
33 stated that she thinks that adjusting down to 22 parking spaces is reasonable, but does question
34 some of the spots that are available. She suggested that if the applicant was going to be paying
35 FILOP, perhaps the City should give some consideration to a few 15 minute parking spots on Lake
36 Street right in front of the building so customers will have quick access to go in and out of the
37 building to get their food.

38
39 Commissioner Severson stated that was an interesting idea, and asked what Crisp & Green had
40 and if there were 15 minute parking spaces located close to them.

41
42 Community Development Director Goellner noted that the City does not currently have a thorough
43 inventory of all of the locations that have 15 minute parking spaces, and explained that the 2022
44 parking counts will include that inventory. She said she does not think Crisp & Green has any 15
45 minute parking spots. She suggested that they can bring this idea up to City Engineer Kelly to see
46 if it would be possible to do some 15 minute spots directly in front of the building.

1
2 Commissioner Douglas noted that her only concern with doing that on a public street is that it will
3 be hard to enforce.
4

5 Vice-Chair Stockton stated that she thinks it is an interesting idea worth contemplating, and noted
6 that it may be something that they would only have to enforce for a few weeks while people figured
7 things out. She asked if the Commission wanted to make any recommendation about employee
8 parking or delivery times.
9

10 Commissioner Merriam stated that the City also owns the lot behind the building, and suggested
11 that there could be some spots there designated for employees.
12

13 Community Development Director Goellner stated that lot may be a good option for employee
14 parking, and gave an overview of the access to that parking lot. She stated that she would
15 recommend that the City not send any customers back into that area, but thinks employees would
16 understand how that area operates.
17

18 Commissioner Douglas stated that she thought there was also access from Stalk & Spade.
19

20 Community Development Director Goellner noted that there may have been bollards installed at
21 one time, but isn't sure if they were still in place.
22

23 Commissioner Douglas stated that she was over there today and noticed that you could get through
24 that way.
25

26 Community Development Director Goellner noted that this may be a safer location for access.
27

28 Commissioner Merriam stated that she really likes the concept and thinks it will be a good addition
29 to the City.
30

31 Community Development Director Goellner noted that the applicant has an updated floor plan that
32 shows the entrances that were discussed that would help with take-out orders, and suggested that
33 the Commission include this information in their recommendation to the Council.
34

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

37 Commissioner Douglas made a motion, seconded by Commissioner Severson, to direct staff to
38 prepare a draft Planning Commission Report and Recommendation with appropriate findings
39 reflecting a Recommendation of Approval of the Parking Variance and Conditional Use Permits
40 for a Fast-Casual Restaurant (Paco & Lime) at 712 Lake Street East for review and adoption at the
41 next Planning Commission meeting, that include recommendations to consider options for
42 employee parking, deliveries, customer parking safety, and that the applicant submit an updated
43 floor plan.
44

45 Community Development Director Goellner conducted a roll call vote. The motion carried
46 unanimously.

April 21, 2022

City of Wayzata
c/o Valerie Quarles
600 Rice Street East
Wayzata, MN 55391

RE: *Application for a parking variance and conditional use permit for FILOP for 712-714 East Lake Street, Wayzata, Minnesota (the "Property")*

Dear Mayor Mouton, Councilmembers, and Commissioners:

The applicant, 714 E Lake Street, LLC, dba Paco & Lime® ("Paco & Lime"), submits this written narrative in support of its applications for a variance to reduce the required off-street parking as permitted under Wayzata's Code of Ordinances ("Ordinance") § 920.13 and for approval to fill the parking need with using the City's fee in lieu of parking program ("FILOP") and the adjacent property. Paco & Lime requests that the City recognize Paco & Lime needs no more than 22 parking stalls, rather than the 39 generally required for restaurants. Because it is not possible to provide any parking on the Property, Paco & Lime seeks approval to use the 1 available stall in the neighboring parking lot and FILOP to fill the remaining stalls.

Background on Paco & Lime and the Property.

Paco & Lime is designed to be an upscale, fast-casual restaurants featuring exceptional, healthy Mexican-themed food and related organic food products that are made-to-order with fresh, high-quality ingredients. Just like the other Steele brand concepts, Crisp & Green and Stalk & Spade, Paco & Lime will focus on the modern trends of fast casual dining. Paco & Lime seeks to reactivate a vacant building as the first location of this exciting new fast-casual restaurant.¹ Paco & Lime is the latest concept of the Steele Brands® successful restaurant franchises, which include the Crisp and Green® franchise and the emerging Stalk and Spade® franchise. Both concepts launched in the City of Wayzata ("Wayzata") and the Steele Brands remain deeply committed to Wayzata. The Steele Brands' corporate office is located on Mill Street and the Crisp & Green headquarters is yards away. The first location for Stalk & Spade is located at 740 E. Lake Street and a Crisp & Green restaurant sits at 755 E Lake Street.

With the deep ties to Wayzata, it was critical to the Steele Brands, and its owner, that Paco & Lime have its flagship location in downtown Wayzata.

¹ Paco & Lime is the tenant of the property and the lead applicant. The property owner has consented to the application and signed the application form.

Unfortunately, one of the side effects of a successful downtown is little retail vacancy. The only location suitable for Paco & Lime that was available is the Property, but the Property has its limitations. The Property consists of a lot that is less than 0.1 acres, a non-conforming use by present day standards, and a building that covers nearly 100% of the lot. Within the building, Paco & Lime intends to construct a 2,830 square foot, fast-casual restaurant. The floor plan is attached. The operations of the restaurant at its peak will have 8 employees on location. The existing building was initially constructed in the 1930s and predates much of the Ordinance. Between the substandard lot size and the existing building, there is no area within the boundaries of the Property to provide any parking. Paco & Lime pursued multiple options to secure joint parking facilities, but there was not any option that provided meaningful relief.²

Below are some of the key operational details for Paco & Lime that will assist the City in analyzing the application:

Deliveries: Deliveries will be made 5 times per week in the early morning, prior to hours of operation for Paco & Lime or adjacent retail businesses. Trucks will pull into our parking lot for approximately 15 minutes at a time. Deliveries will be made through the front door.

Staffing cadence: We estimate that we will have 3-8 employees on site at any given time depending on seasonality. To provide employee parking, Paco & Lime is requesting to participate in Fee in Lieu of Parking program for 8 parking stalls.

Trash: When the Property was previously used for a gym, the trash receptacle was placed on City property. Paco & Lime would like to continue that historical use and is proposing to locate the trash receptacle to the Southwest corner of the building on City property. We understand it requires an agreement with the City. We will work with the City to come up with an agreement for continued use to put a receptacle on City property.

Hours of Operation: Paco & Lime is planning to be open 10:30 am to 10:00 pm daily. Based on the history of Crisp & Green, customer visits are expected to be more consistent during those hours compared to traditional full-service restaurants. Specifically, fast casual models do

² Paco & Lime has previously explored joint parking facilities with the neighboring property. However, after working with staff on parking needs of the neighboring property and the history of the properties, it was determined that at most a single stall would be available for a joint parking facility. Paco & Lime explored other options within the radius limits of the Ordinance, but those options were likewise untenable.

not have the high spikes in customers from noon to 1 pm and 5 to 7 pm the way that traditional full-service restaurants see.

Overview of Parking Ordinance and Fast Casual Restaurants.

Because a fast-casual restaurant is a change in use for the Property from its prior gym use, the City's parking ordinance is triggered. See Ordinance § 920.03.B.³ Unfortunately, the Ordinance does not recognize the differences between a traditional full-service restaurant and a modern take-out focused fast-casual restaurant. The Ordinance only provides parking calculations for "Drive in convenience food establishments". At present, the Ordinance does not provide a separate calculation to recognize the evolution of the fast casual dining model. The calculation focuses on gross square feet of floor area, less 10% under Ordinance § 920.11.A.1. For a restaurant, the calculation is 15.2 stalls for each 1000 square feet of floor area. The Property has 2,830 square feet. Reducing the gross floor area by 10% gives a functional floor area of 2,547 square feet, resulting in a parking requirement of 39 stalls (rounding up from 38.7) for a traditional, full-service restaurant.

Application Analysis

1. Wayzata should grant a variance to reduce the number of parking stalls to the demonstrated need of a fast casual restaurant such as Paco & Lime.

a) Paco & Lime needs fewer parking stalls than what the Ordinance requires for a "restaurant."

Under Ordinance § 920.13, Wayzata may reduce the number of required off street parking stalls subject to the variance standards when it is demonstrated that the need for parking is less than required.⁴

The analysis begins with the question of whether Paco and Lime requires less parking than the amount required generally for restaurants under the Ordinance.

³ The relevant section states, "When there is a change of use, tenancy, or occupancy of a parcel of land or building which requires additional parking or loading spaces, as prescribed in this Section, the minimum parking requirements as prescribed herein shall be met for such use, tenant, or occupant."

⁴ The relevant provision states, "Subject to the review and processing of a variance as regulated by Chapter 905 of this Ordinance, the City may reduce the number of required off-street parking spaces and/or loading spaces when the use can demonstrate in documented form a need which is less than required."

As the City considers this application, it is critical for the City to understand how the fast-casual restaurant model has evolved and how modern day restaurant goers frequent these establishments. The key component of the fast-casual model, at least as operated by the Steele Brands, is a focus on off-premises ordering and limited time in the restaurant. It is model that has been key to the success of Crisp & Green and Stalk & Spade. The Steele Brands have invested significant resources to understand the wants and needs of the customer demographic that frequent its fast-casual model. Nearly 80 percent of our customers choose not to eat their food in the restaurant. And unlike the drive-through model, nearly 2/3rds of our customers order their food off-premises, either through online ordering or mobile apps, which means their time on-premises is significantly reduced. In addition, because the Steele Brands concepts focus on healthy food options, we have a much higher percentage of customers that come to our stores through non-traditional means (ie boats, bicycles, jogging, walking, etc.) when compared to other restaurant concepts.

Based on the documented operations of these similar Steele Brands restaurants, its fast casual concepts do not require typical levels of parking. At least 65% of all sales are ordered digitally from off the premises. The people that place their orders in this manner almost always pick up their food and are in the restaurant for less than five minutes. Of the remaining 35% that order their food on-site, approximately half take their food to go. These customers are in the restaurant for a longer period of time as they must wait for their food to be prepared. Their time in the restaurant averages between a few minutes to 15 minutes of time. What these numbers show is that less than 20% of our customers “dine in.” Because there is no “table service,” even those customers that do dine-in are in the restaurants for far less time than the traditional full-service restaurant. For Crisp & Green operations the average time in restaurant for a dine-in customer is less than 30 minutes; approximately half that seen in a traditional, full-service restaurant. Fast casual concepts also tend to have more consistent level of customers throughout the day rather than the concentrated customers at lunch and dinner times generally experienced in full-service restaurants.⁵

Steele Brands restaurants also target a very health-conscious demographic which leads to a different dynamic on how our customers travel to our locations. Approximately 25% of sales walk from neighboring homes and businesses, or bicycle to the restaurant during peak times. We also know from existing operations that a fully operational location averages approximately 500 checks per day. Thus, 125 (25%) of the expected daily 500 checks will not use a parking stall for any period of time. Of the remaining checks, approximately 50% arrive in a shared vehicle circumstance. As discussed

⁵ To highlight the difference between fast casual restaurant parking utilization and parking utilization generally across the city, we prepared a graph comparing the two scenarios.

above, we then need to analyze the expected parking patterns of those customers that do arrive by car based on known ordering patterns.

The raw data from Crisp & Green operations and the existing Stalk & Spade confirm these two concepts use less than typical parking. Enclosed are two graphs that show that our consumer's time in a fast-casual setting differs greatly from that of full-service restaurants. The results of both graphs are discussed below.

Graph A reflects Crisp & Green's system-wide average of checks/hour across the country. The data shows that during the lunch times, there is a peak of 36 checks/hour. During the evening, there is a peak of 23 checks/hour. As discussed above, digital sales are 60% of our total sales. This could either mean pick-up or curbside, resulting in a visit of less than 5 minutes. The remaining 40% of sales happens in-person. From there, using data on to-go packaging, we've learned that half of those in-person sales will take their bowls to-go.

A calculation reflecting this is below:

Lunch daypart Peak sales/hour: 36

Digital sales: 18

In-person sales: 18

In-person to-go: 9

In-person dine in: 9

Full-service restaurants as a whole will on average double their sales during the evening, typically between 6pm and 9pm. This is the inverse of what the data shows will be the case for Paco & Lime.

Graph B reflects Crisp & Green's system-wide average of percentage of sales according to the day of the week. The data shows there are relatively consistent sales from Monday - Thursdays, slightly less on Friday, and lowest concentration on Saturdays and Sundays. In contrast, full-service restaurants typically see a large increase Friday, Saturdays and Sundays and often are closed on Mondays and Tuesdays because of the low-demand. In other words, the parking needs of the Steele-brand concepts is the antithesis of the parking needs for full-service restaurant. In this manner, Paco & Lime will complement the existing uses. As the neighboring full-service restaurants are ramping up sales for Friday lunch through Sunday dinner, Paco & Lime's needs are at their lowest. While those same full-service restaurants will see their lowest traffic (or no traffic) when Paco & Lime is busiest.

Documented Parking Needs.

To further document the parking needs, Paco & Lime was able to measure the accuracy of this information by monitoring existing Crisp & Green operations.

First, we monitored the North Loop Crisp & Green parking on Monday, January 31st during the 11:30am to 1:30pm timeframe, a relatively high use time. North Loop has 14 designated spots for guests and team. During this time frame, Paco & Lime noticed that at no point were all 14 spots occupied.

Building on the North Loop visit, Paco & Lime tracked parking at two of its location during the lunch rush (the busiest time for the Steele Brand concepts): the Highland Park Crisp & Green and the Maple Grove Crisp & Green. Both locations share their parking with other businesses. In particular, the Maple Grove location shares a parking lot with two other restaurants as well as a nail salon. Highland Park shares the parking with a gym. The raw data tracked the duration of all vehicles entering the parking lot. Paco & Lime took significant efforts to analyze the vehicle traffic to determine the number of parking spaces used for the respective Crisp & Green. The peak parking demand across all four study days was 13 for Maple Grove and 14 for Highland Park. But those peak parking use lasted for less than a few minutes and then fell off. These locations are among the busier Crisp & Green locations and have higher parking needs than what should be expected at Paco & Lime.

Based on both the historical order data and the documented parking of the three operating Crisp & Green locations, there is strong evidence that the highest parking demand for Paco & Lime will be 14 customer vehicles and 8 employee vehicles; a total of 22 parking stalls needed.

b) *Practical difficulties exist in this case justifying a variance under the Ordinance.*

Under Ordinance § 905, variances may be granted when there are practical difficulties in complying with the Ordinance. "Practical difficulties," 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

Each of these factors is present in this case. The Property sits in the Central Business District. In this district, restaurants are a permitted use. There are multiple similar concepts in the district including the sister restaurants of Crisp & Green and Stalk & Spade. The only complication is the inability to provide 35 off-street parking stalls that the Ordinance imposes for any type of restaurant without consideration of the manner in

which service styles can drastically change the parking needs between a sit-down, full-service restaurant to the modern fast-casual, take-out focused restaurant.

While this level of parking is excessive for the modern fast casual dining method provided by Paco & Lime, the inability to provide off street parking of any kind within the Property is due to unique circumstances of the Property not created by the landowner. Instead, the issue is created by the fact that the Property is a substandard sized lot with a building that far exceeds the modern floor area ratio. Specifically, the minimum lot size in the C4B district is 12,000 square feet. The Property is 3,444 square feet, or less than one-third the size of what would be required today. Further, if the building on the Property were to be constructed today it would need to meet a floor area ratio of 2.0. Instead, the building covers nearly 100% of the small lot. The non-conforming lot size and building coverage, both unique characteristics of the Property that are not caused by the present-day owner or Paco & Lime, leaves the Property unable to provide code compliant off-street parking.

Finally, allowing a reduction from the blanket calculation of the number of parking stalls required for a “restaurant” to the number of parking stalls that are actually needed for this concept will not alter the essential character of the neighborhood. Today, the central business district is a vibrant, pedestrian-friendly neighborhood. It includes a number of fast casual restaurant concepts very similar to the Paco & Lime. Based on Wayzata’s recent parking studies, it is also a neighborhood that during much of the year utilizes less than 50% of the available parking spaces even with a number of businesses that offer no off-site parking because they predate the current parking ordinance.

For the reasons discussed above, Paco & Lime request you approve a variance under Ordinance § 920.13 to reduce the number of parking stalls needed from the 39 stalls (calculated for a traditional full-service model) to 22 parking stalls based on the documented parking uses of two highly similar fast casual concepts and in recognition of the practical difficulties proposed by the Property. Paco & Lime will meet that parking requirement with a combination of 1 on-site stall while agreeing to pay for to use 21 parking stalls under the FILOP program discussed below.

2) The city should approve a conditional use permit for 21 FILOP and a conditional use permit for 1 parking stall the adjacent parking lot.

Section 920.09 of Wayzata code allows Wayzata Council to grant conditional use permits for offsite joint parking facilities. The decision to grant the conditional use permit focuses on the following criteria:

a) **Proximity.** The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.

b) **Conflict in Hours.** The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

c) **Written Consent and Agreement.** A legally binding instrument, executed by the parties concerned, for joint use of off-street parking facilities, duly approved as to title of grantors or lessors, and form and manner of execution by Wayzata Attorney, shall be filed with Wayzata Clerk and recorded with the Hennepin County Recorder or Registrar of titles, and a certified copy of the recorded document shall be filed with Wayzata within 60 days after approval of the joint parking use by Wayzata.

a) Joint Parking at 726 E. Lake Street.

First, Paco & Lime seeks a CUP to allow it use to use 1 parking stall in the abutting parking at 726 E. Lake Street ("726 Lot"). The 726 Lot that has 15 parking stalls. The uses otherwise located at 726 E. Lake Street require 14 parking spaces,⁶ leaving 1 stall available for use. Paco & Lime has the exclusive right to use this stall under its lease. In addition, both properties are under common ownership and that owner has signed the application. Paco & Lime agrees as condition of a CUP for this joint parking to secure a separate written agreement, in a form approved by the City Attorney, confirming the exclusive right to this one stall. In this regard, the 726 Lot satisfies all of the above factors.

b) FILOP.

Paco & Lime seeks to accommodate the remaining 21 parking stalls under the FILOP program. In November 2018, the City approved the FILOP policy to "provide greater flexibility to developers and property owners proposing projects in the downtown area that would further the City's goals for the area but not fully meet the City's minimum parking requirements, and thereby reduce the number of variance applications, encourage consolidated and shared parking, and promote a well-designed and efficient parking system downtown."

⁶ The building consists of 4,904 square feet, which would be reduced by 10% to 4,413 square feet. As a retail use, it would need 3 parking stalls per 1000 square feet if the parking code were applicable.

A new business use that cannot meet the requirements of the parking code may participate in FILOP via a conditional use permit approved by the City Council. In addition to general CUP criteria, the City Council set out the following specific criteria to approve a business to participate in the FILOP:

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

Paco & Lime meets these criteria. Located at the heart of downtown at 712-714 E. Lake Street, it is clear that the Property is in the Mobility District. Further, based on the City's recent parking studies, there is available capacity in the City's parking facility.

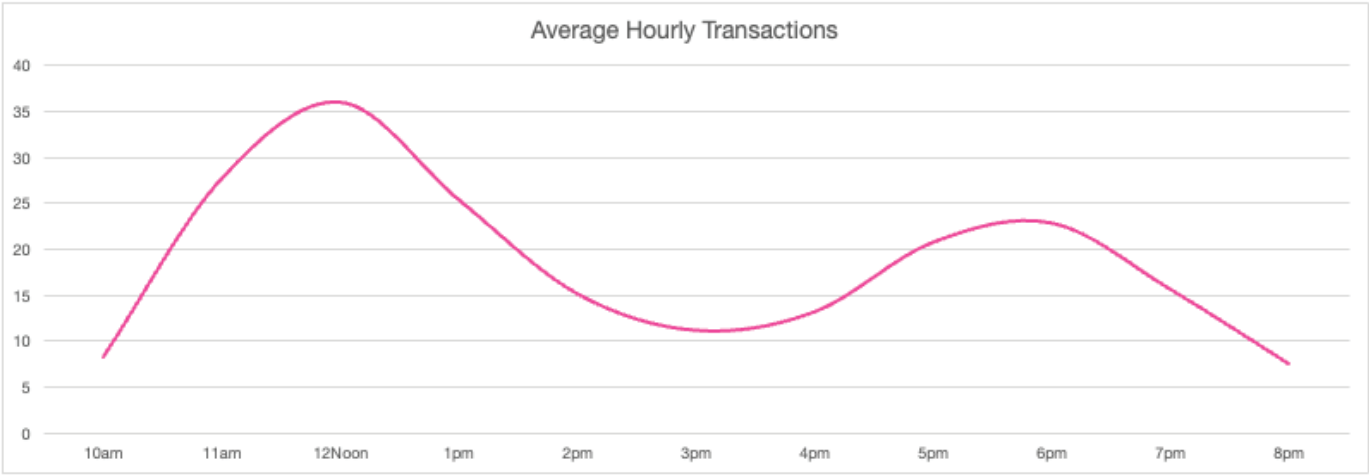
The focus, then, is on criteria #2: will Paco & Lime enhance the accessibility, functionality, density and vitality of the Downtown Business District. Paco & Lime will enhance Wayzata in general and the Downtown Business District in particular. By allowing this exciting new concept, a building at the heart of Lake Street will go from dark space to a vibrant, health focused concept that is designed to attract pedestrians, bicycle traffic, and other outdoor goers. The Paco & Lime concept is designed as an "oasis"; a place of calm in the midst of chaos. An oasis that offers made-from-scratch food and libations at an affordable price. An oasis where people can escape their every day in a beautiful setting. The concept has a passion for the community recognizing that eating healthier is a one-size-fits-all model. Paco & Lime's vision is to provide those options in an easy and affordable manner from a space that is thoughtfully and uniquely designed to fill well amongst neighboring businesses. We believe that Wayzata is the perfect place for the flagship location of this exciting new brand.

Respectfully,
Meredith Bauer

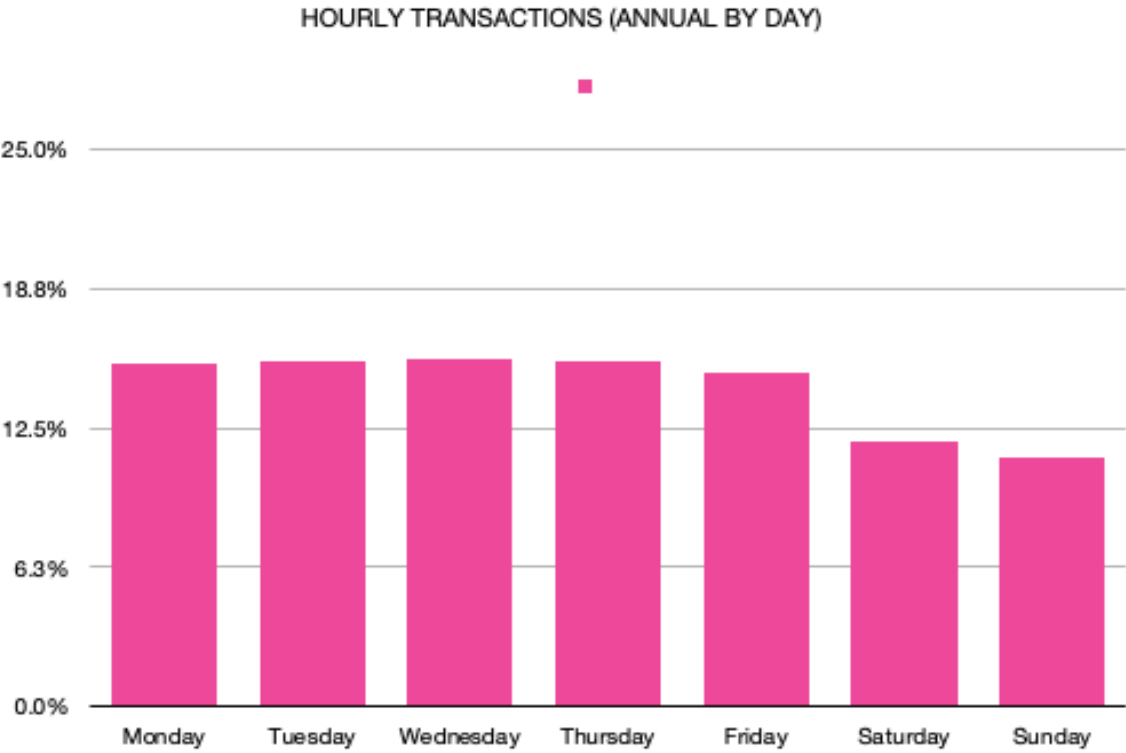
Meredith Bauer • Chief Legal Officer, Chief Business Officer
STEELE BRANDS®

Enclosures

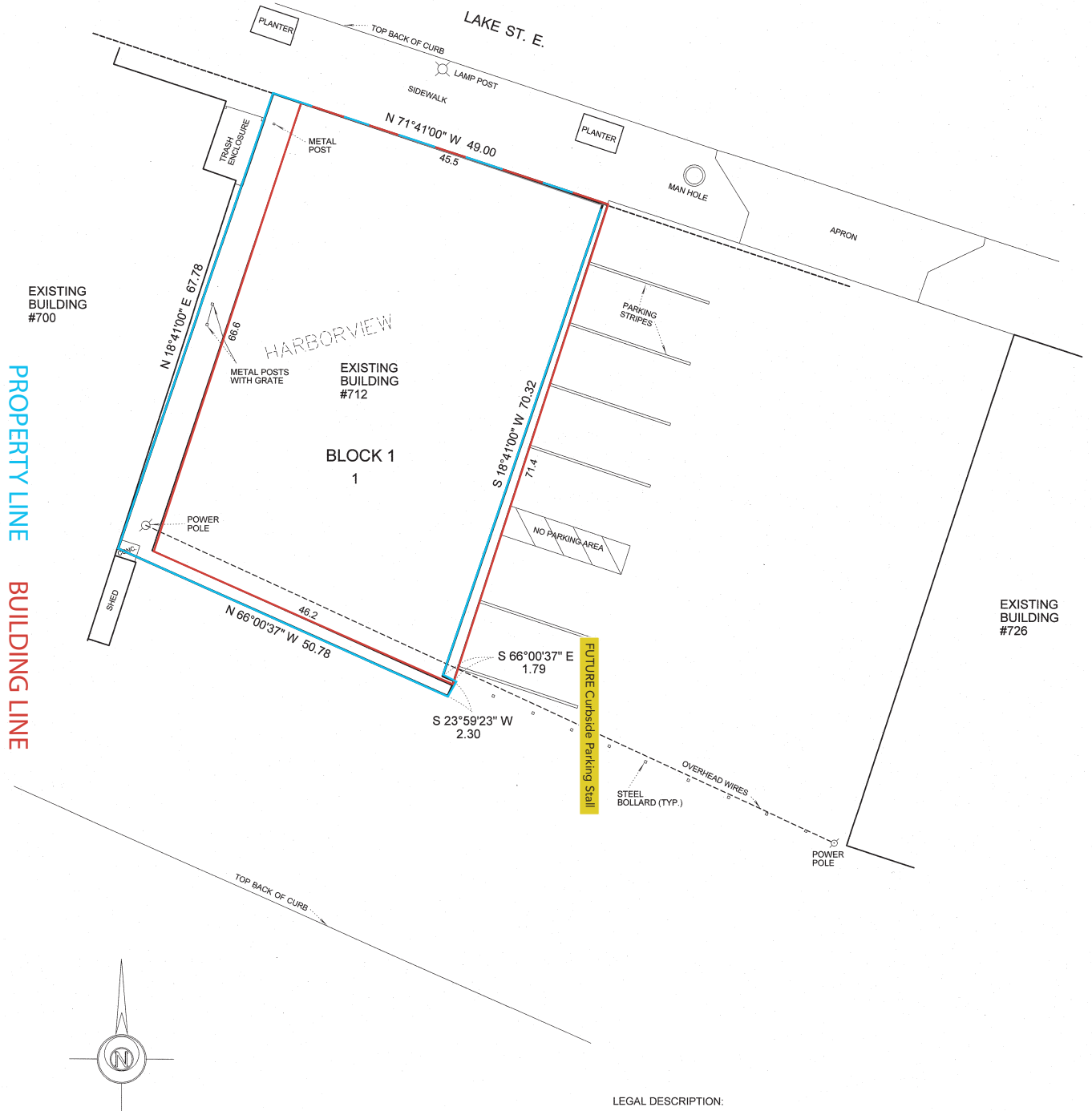
GRAPH A



GRAPH B



**CERTIFICATE OF SURVEY FOR
PACO AND LIME
OF LOT 1, BLOCK 1, HARBORVIEW
HENNEPIN COUNTY, MINNESOTA**

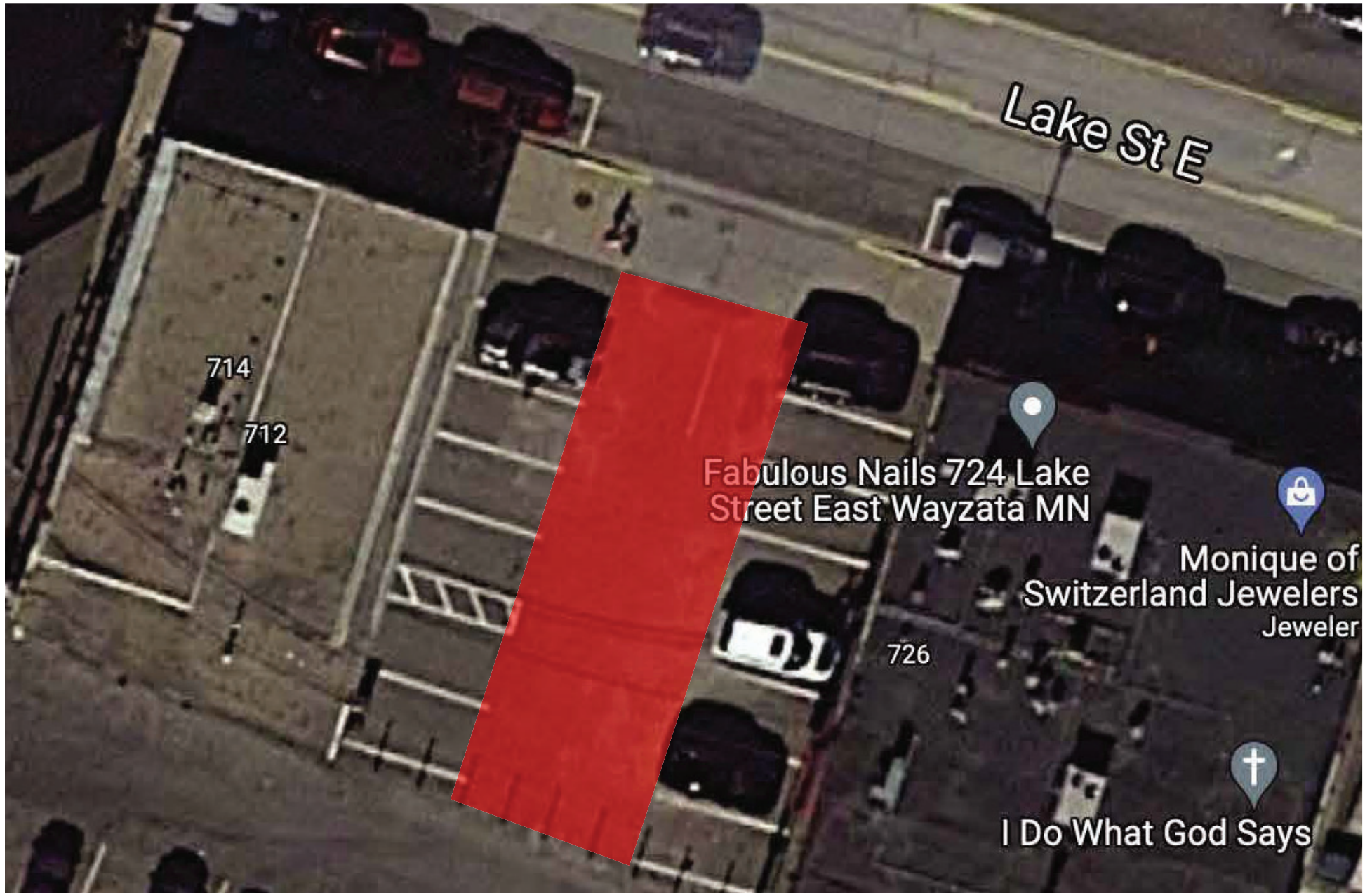


REVISIONS		DESIGNER
DATE	REMARKS	
		DRAWN
		CHECKED
		DATE 12-22-21
		MINN. LICENSE NUMBER 12755

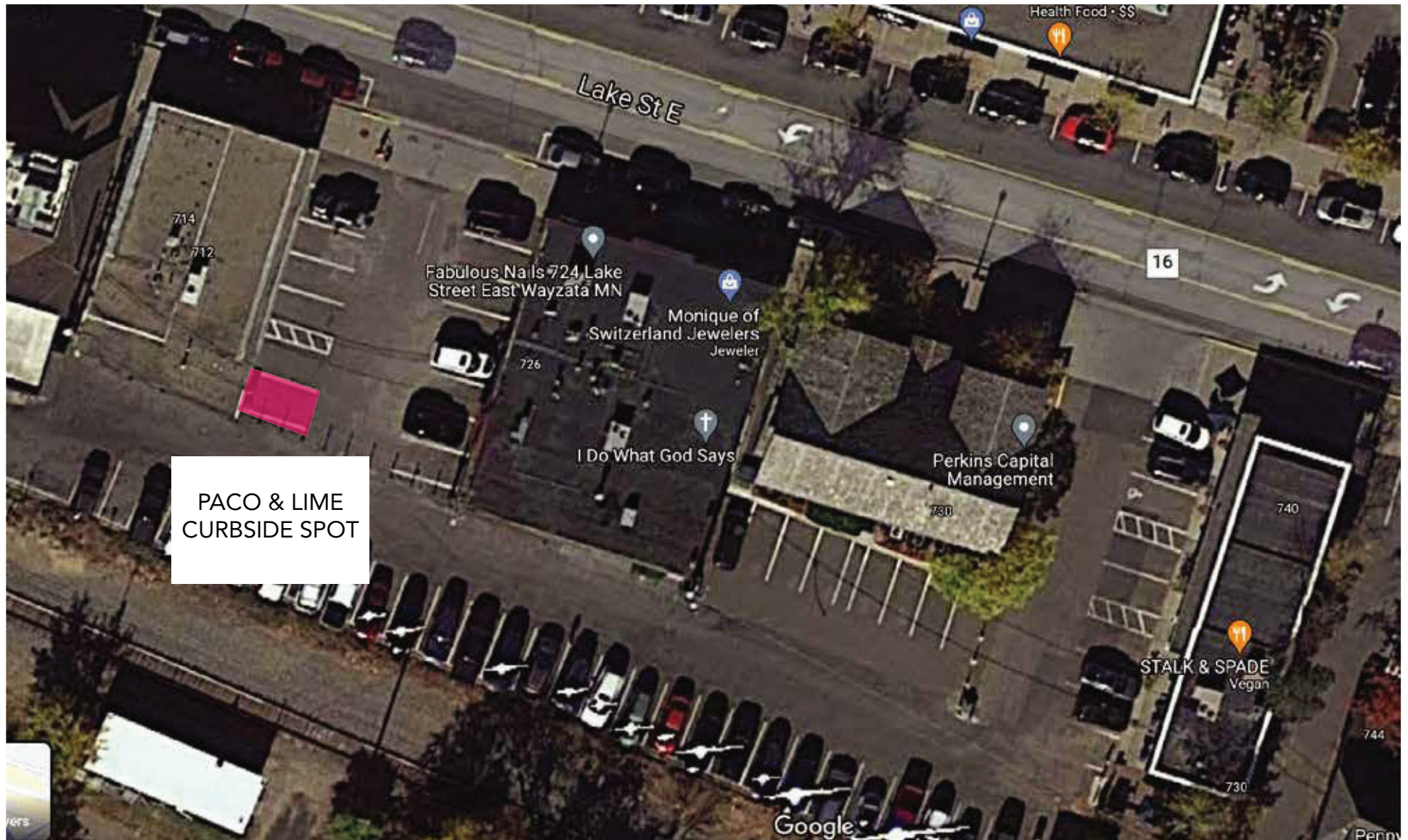
DATE 12-22-21		GRONBERG & ASSOCIATES, INC.	
SCALE 1"=10'		CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS	
21-309		445 N. WILLOW DRIVE LONG LAKE, MN 55356	
		PHONE: 952-473-4141 FAX: 952-473-4435	

MAP 1: DIMENSIONS OF SPACES AND DRIVE AISLE

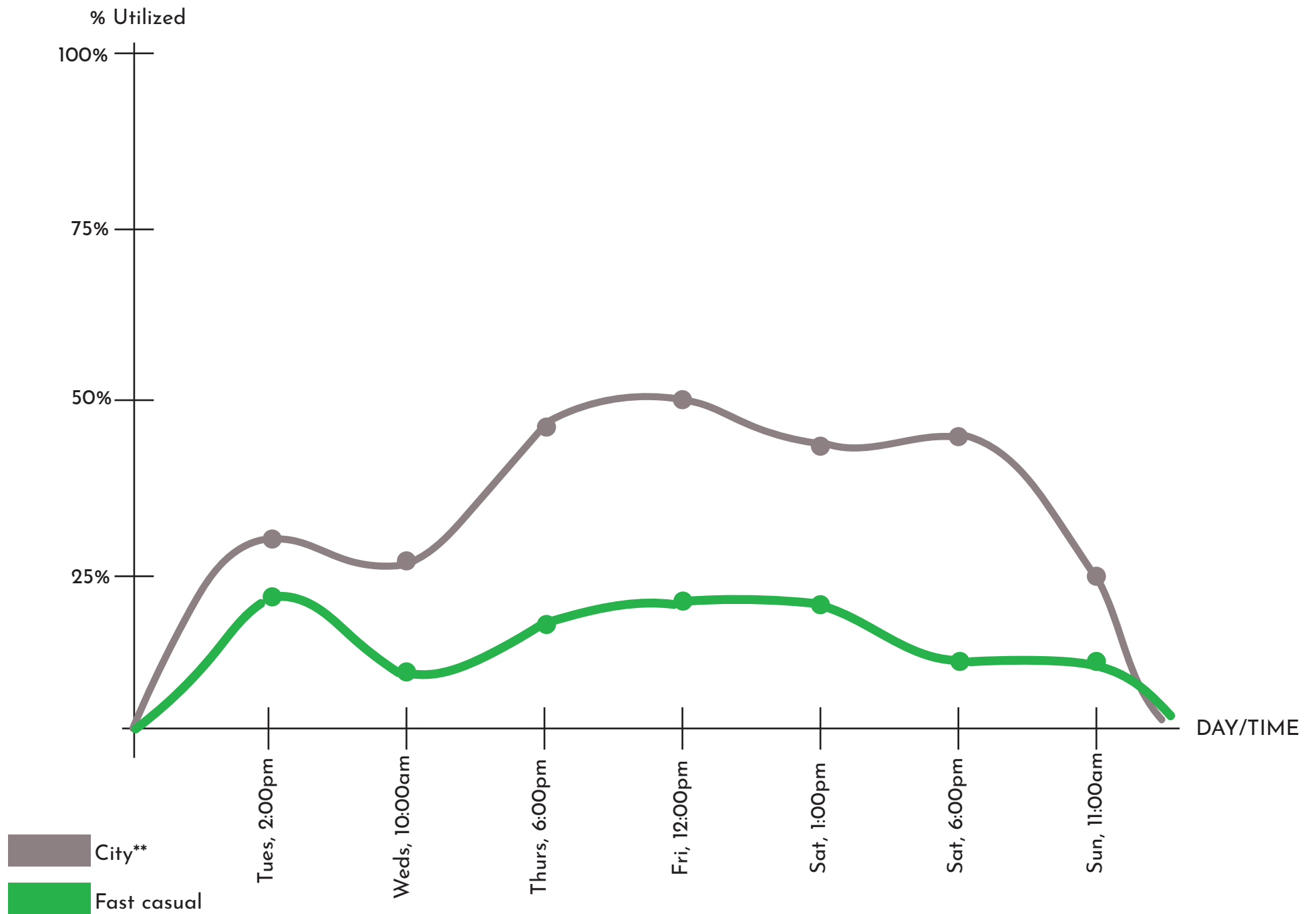
DRIVE AISLE: 24' x 67.5'



MAP 2 / VERSION 2: LOCATION OF PACO & LIME CURBSIDE SPOTS



PARKING UTILIZATION BASED ON DAY OF THE WEEK AND TIME OF DAY



**Data based off of 2021 Wayzata Parking Study by SRF consulting



Business Record Details »

Minnesota Business Name

712 LAKE STREET SPYDERNET LLC

Business Type

Limited Liability Company (Domestic)

MN Statute

322C

File Number

2084284-2

Home Jurisdiction

Minnesota

Filing Date

11/06/2006

Status

Active / In Good Standing

Renewal Due Date

12/31/2023

Registered Office Address

305 MINNETONKA AVENUE SOUTH SUITE 3
WAYZATA, MN 55391
USA

Registered Agent(s)

Charles J Schoen

Manager

Charles J Schoen
305 minnetonka avenue s
Wayzata, MN 55391
USA

Principal Executive Office Address

305 minnetonka avenue s
Wayzata, MN 55391
USA

Filing History

Filing History

Select the item(s) you would like to order:

☐	Filing Date	Filing	Effective Date
☐	11/06/2006	Original Filing - Limited Liability Company (Domestic)	
	11/06/2006	Limited Liability Company (Domestic) Business	

Name
(Business Name: Wayzata Harborview, LLC)

☐	01/07/2008	Administrative Termination - Limited Liability Company (Domestic)
☐	1/31/2013	Annual Reinstatement - Limited Liability Company (Domestic)
	1/1/2018	Conversion to 322C Due to Statute Mandate – Limited Liability Company (Domestic)
☐	5/19/2021	Amendment - Limited Liability Company (Domestic) (Business Name: 712 LAKE STREET SPYDERNET LLC)



Review Summary

SRF No. 15424

To: Emily Goellner, AICP
Community Development Director
City of Wayzata

From: Tom Sachi, PE, Project Manager

Date: May 9, 2022

Subject: Paco and Lime Parking Review, Wayzata, MN

Introduction

As requested, SRF has completed a review of the Paco and Lime parking data provided by the applicant in March 2022. The proposed development is located along Lake Street in downtown Wayzata and includes an approximately 2,500 SF fast casual restaurant. The proposed development is applying for Fee In Lieu of Parking (FILOP) for the proposed development given the minimal amount of parking spaces located on site. A review of the data identified the following comments for consideration.

Review Summary

Based on our review, the following items were identified:

Parking Data Review

- Data was collected at a Crisp and Green location in both Maple Grove and Saint Paul at the Highland Park location. Crisp and Green is another restaurant within the applicant's portfolio and is expected to have similar characteristics in terms of fast-casual, order ahead, and take out procedures. Therefore, it is expected that the parking situation that may occur at Crisp and Green will be similar to the proposed development.
- 2. Due to shared parking lots, the parking data collected contains minor estimations due to the inability to track every guest to the site.
- 3. Data was collected between 11:30 a.m. and 1:00 p.m. which is expected to be the peak period of parking for the proposed restaurant.
- 4. Maple Grove has a peak between 10 to 12 visitors and Highland Park has 12 to 14 visitors
- 5. This is solely the number of guests and does not appear to account for employees. Previous narratives state that they expect 3 to 8 employees, and it is assumed that during the peak lunch hour that there will be eight (8) employees on site.
- 6. From the data, there was a peak between 50 to 70 customers during the peak hour of operations. Given that the majority of these customers appeared to be inside for approximately 10 to 15 minutes, this provides a good check for the approximate peak guest load of 14 stalls.

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7. A quick calculation of 14 customers every 12 to 15 min (1/4 to 1/5 hour) during the peak hour would be 56 to 70 customers, and fits within the range that was counted.
8. Based on the data collected, it is estimated that a requirement of 14 guest stalls and 8 employee stalls will be necessary to accommodate the proposed development. This equates to 22 total stalls.
9. The *ITE Parking Generation Manual, 5th Edition* was reviewed for different restaurant types to provide another check. This was completed for fast food without drive through, fast-casual dining, and high turnover sit down type locations. Note, it was estimates using both 33 seats and 2,500 SF. The following results were identified:
 - Fast Food without Drive-through
 - i. Average Peak (2,500 SF) -**25 stalls**
 - ii. Average Peak (Seats) – 8 stalls
 - Fast Casual
 - i. Average Peak (2,500 SF) – **25 stalls**
 - ii. Did not have a calculation for seats
 - High Turnover Sit Down (Family dining)
 - i. Average Peak (2,500 SF) – 24 weekday, 28 Friday, 31 Saturday
 - ii. Average Peak (33 seats) – 11 weekday, 16 Friday, 11 Saturday
10. The proposed development is expected to operate similar to a fast casual/fast food, rather than high turnover/sit-down (i.e. The Muni). Additionally, the data within ITE was collected pre-pandemic, prior to the boom in takeout/order ahead. Given those changes in how business operates, the slight reduction (12%) from the peak of 25 stalls from ITE to the 22 stalls from the observations would likely be accurate for this business model assuming it follows a similar model to Crisp and Green (order ahead and pick-up and take-out).

Conclusion and Site Review

1. Based on the data provided, 22 parking stalls is expected to be the peak demand of the proposed development. This represents a reduction of 17 parking stalls based on the City Code requirement of 39 parking stalls.
2. The current site allows for 1 parking stall on-site, which will require the proposed development to apply for 21 stalls through the FILOP program which utilizes public parking facilities within downtown Wayzata.
 - a. Based on previously collected counts in summer 2021, there is capacity within the following public parking lots to accommodate the 21 FILOP program stalls during the Friday 12:00 p.m. timeframe (See attached).
 - i. 26 available spaces within the North Lot and Muni Lot immediately north of Lake Street.
 - ii. 6 available spaces in the public lot south of the development site.
 - iii. Approximately 20 available on-street spaces within a 1 to 2 blocks.
 - b. Note, in addition to this parking, there is a private parking ramp approximately one (1) block west that supports businesses on the 600 block of Lake Street with excess available capacity.



Parking Utilization - Friday 12:00 PM

Paco and Lime Parking Study

City of Wayzata

02215424
May 2022

Figure 1



Zone	Parking Lot	Street	Land Use	Supply		Observed Demand Friday @ 12:00 p.m		Available Surplus	
				Total	Handicap	Total	Handicap	Total	Handicap
10	Muni/Shopping Center	0	COMMERCIAL	97	2	87	0	10	2
10	North Lot	0	COMMERCIAL	80	4	64	3	16	1
10	Parking Ramp Top	0	COMMERCIAL	151	0	151	0	0	0
10	Parking Ramp Bottom	0	COMMERCIAL	144	7	144	4	0	3
10	0	Lake (btwn Broadway & Superior) - North	ON-STREET	22	0	24	0	-2	0
10	0	Broadway (between Lake & Rice) - East	ON-STREET	17	0	7	0	10	0
10	0	Superior (between Lake & Rice) - West	ON-STREET	0	0	0	0	0	0
14	Stalk & Spade/Monique/Public Parking	0	COMMERCIAL	42	1	36	0	6	1
14	Perkins Capital Mgmt	0	OFFICE	8	0	4	0	4	0
14	Fabulous Nails	0	COMMERCIAL	8	0	3	0	5	0
14	Fitspace	0	COMMERCIAL	7	0	7	0	0	0
14	0	Lake St (btwn Broadway & Superior)	ON-STREET	13	0	13	0	0	0
15	Municipal	0	PUBLIC/COMMERCIAL	0	0	0	0	0	0
15	0	Lake St (btwn Walker & Minnetonka) - North	ON-STREET	9	0	5	0	4	0
15	0	Lake St (btwn Walker & Minnetonka) - South	ON-STREET	12	0	8	0	4	0
15	0	Lake St (btwn Broadway & Walker) - South	ON-STREET	17	0	17	0	0	0
16	Carisch Parking Ramp	0	COMMERCIAL	285	6	152	0	133	6
16	DeaMar Salon & Day Spa	0	OFFICE	10	0	6	0	4	0
16	0	Walker (btwn Lake & Indian Mound) - East	ON-STREET	21	3	18	1	3	2
16	0	Walker (btwn Lake & Indian Mound) - West	ON-STREET	3	0	3	0	0	0
16	0	Lake (btwn Broadway & Walker) - North	ON-STREET	12	0	13	0	-1	0
16	0	Broadway (Btwn Lake & Indian Mound) - West	ON-STREET	11	0	13	0	-2	0
				Available Public Stalls				53	6

CITY OF WAYZATA

November 7, 2018

FEE-IN-LIEU OF PARKING POLICY

Background and Purpose

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

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

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

Criteria for Considering a Fee in Lieu of Parking

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

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

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

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

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

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

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

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

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



Memorandum

SRF No. 14587.00

To: Emily Goellner, AICP, LEED Green Associate
Community Development Director
City of Wayzata

From: Tom Sachi, PE, Associate

Date: November 8, 2021

Subject: Wayzata Downtown Parking Study Update

Introduction

SRF has completed a parking study update for the Downtown district of the City of Wayzata (see Figure 1: Parking Zones). Previously in 2019 SRF completed a parking study for the eastern end of Downtown focused around the Mill Street Ramp. Included within that study was parking utilization surveys and a business owner survey regarding parking behaviors. This study will serve as an update to those efforts but expanded throughout the entirety of Downtown now with the completion of the Panoway Phase 1 project and updates to Lake Street. The project area is generally bounded by Ferndale Road to the west, Wayzata Boulevard to the north, Circle A Drive to the east, and Lake Minnetonka to the south. The main objectives of this study are to review the existing parking utilization within the project area, document any supply issues that exist, and plan for potential future parking opportunities. The following assumptions, analysis, and study conclusions are offered for your consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline to identify any existing supply issues facing this area of downtown for both the parking lots and on-street parking locations shown in Figure 1. The evaluation of existing conditions includes parking utilization surveys collected during different time periods.

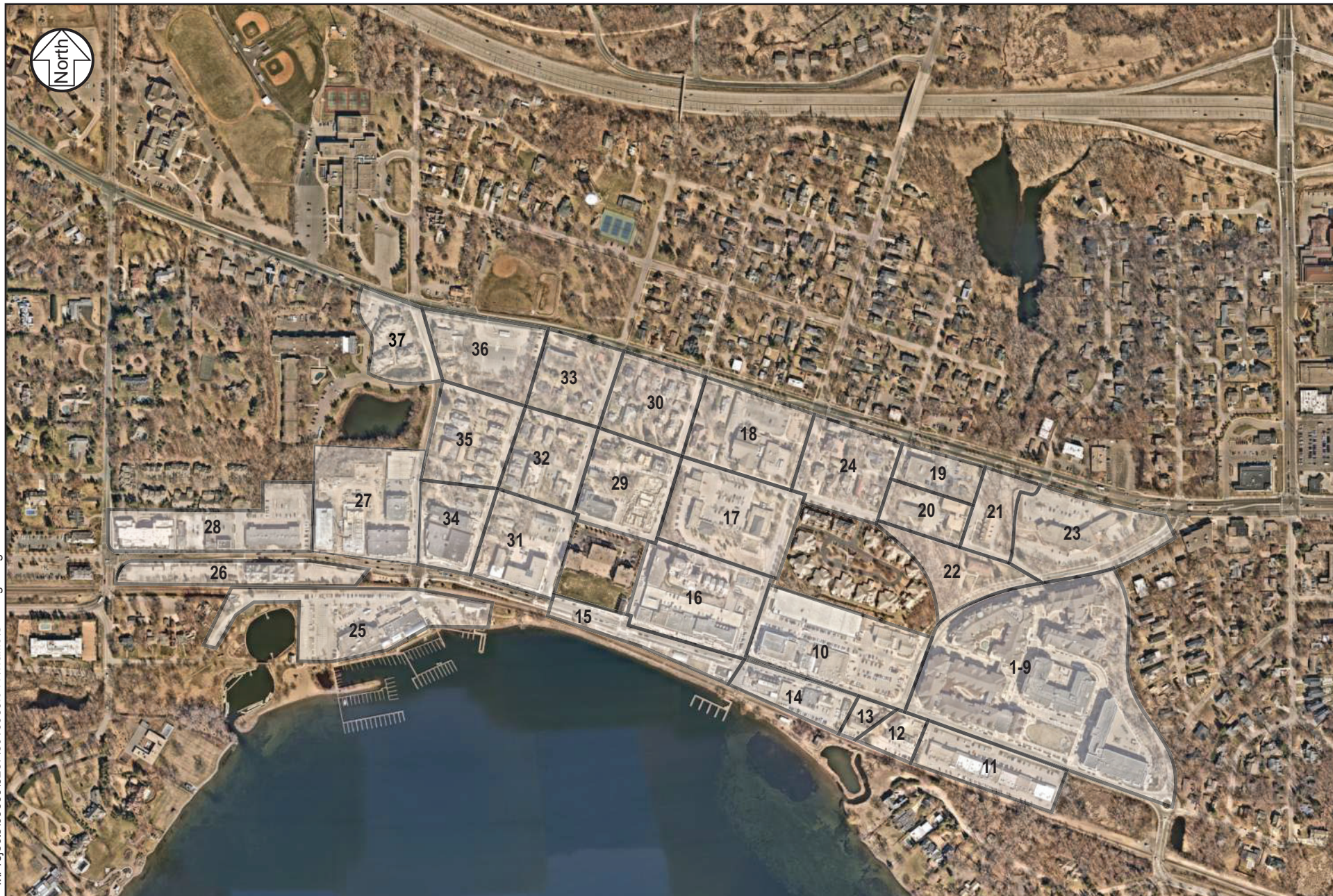
Parking Utilization Survey

Parking utilization surveys were collected during the week of June 14, 2021 and the weekend of July 10, 2021. Parking data was collected during several time periods to help identify the fluctuation in parking utilization within the lots. The time periods were based on previously collected peak periods completed as part of other Downtown Wayzata parking studies. The study time periods included:

- Tuesday, June 15, 2021 – 2:00 p.m.
- Wednesday, June 16, 2021 – 10:00 a.m.
- Thursday, June 17, 2021 – 6:00 p.m.
- Friday, June 18, 2021 – 12:00 p.m.
- Saturday, July 10, 2021 – 1:00 p.m.
- Saturday, July 10, 2021 – 6:00 p.m.
- Sunday, July 11, 2021 – 11:00 a.m.

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Parking Study Zones/Boundaries

Downtown Wayzata Parking Study
City of Wayzata

02114273
January 2021

Figure 1

Note that the parking data collection occurred on warmer, sunny days when both commercial and recreation activity was taking place. This was done to ensure that the data did not misrepresent the recreation peaking that often occurs near Lake Minnetonka. However, based on observations of the office land uses, there was expected to be a portion of those office related vehicles that are not present due to employees working from home as a result of COVID-19.

Results of the parking utilization surveys are detailed within Table 1 for the highest peak periods. The full dataset is included within Appendix A. The data was collected within 37 zones, however, it should be noted that the areas of zones 1 through 9 have been combined into one (1) zone for purposes of this study. Zones 1 through 9 comprise the Promenade Area. Note, two (2) blocks with the Widsten Townhomes and Wayzata Place Condominiums were not counted as part of this study.

As shown in Table 1, the **peak parking periods** are generally identified as the **weekday and Saturday middays and evenings** with peak utilization approximately between 40 and 50 percent. These time periods are consistent with historical surveys and have traditionally been the peak parking periods. A parking utilization graphic, depicted by zone is provided in the Appendix for each time period collected. A few other key observations during the peak weekday and Saturday middays and evenings include:

- On-street parking along Lake Street is generally near capacity, with minimal spaces available during the peak periods. During these peak survey periods, some restaurants are allowed to block two (2) to three (3) on-street parking spaces to operate a valet parking system, which further reduces supply within the highly utilized stretch of Lake Street.
- Zones 1-9 within the Promenade Center were 30 to 45 percent occupied during peak times.
- Zone 10, which includes the Municipal Grill and Mill Street parking ramp was 80 to 93 percent occupied during the peak times
- The parking ramp between Broadway Avenue and Walker Avenue was 53 to 72 percent occupied during peak times. Note, this ramp is recently become privately owned.
- The portion of Downtown west of Walker Avenue was generally 30 to 40 percent occupied during peak times whereas portion east of Walker Avenue was 50 to 55 percent occupied.
- Zone 25, which includes the Boatworks/6Smith building, was 70 to 80 percent utilized during the peak times.
 - The dedicated trail parking was 80 to 100 percent occupied during these peak times.
 - The permit parking areas were generally fully occupied during the weekend periods, but open during the weekday time periods. This is consistent with the expected recreation times of the docks and beach area.
- In general, office parking was minimal given that employees are likely working from home.
- There were some on-street parking closures on the western portion of Downtown as a result of construction efforts for proposed developments.
- The 153 space Lake and Berry public parking lot was not open during the time of the parking survey.

Table 1. Parking Utilization Survey

Zone	Supply	Thursday, 6/17 6:00 PM		Friday, 6/18 12:00 PM		Saturday, 7/10 1:00 PM		Saturday, 7/10 6:00 PM	
	Total	Demand	Percent	Demand	Percent	Demand	Percent	Demand	Percent
1-9	787	255	32%	350	44%	311	40%	225	29%
10	511	462	90%	477	93%	407	80%	473	93%
11	191	164	86%	128	67%	95	50%	148	77%
12	62	25	40%	23	37%	28	45%	19	31%
13	24	6	25%	18	75%	22	92%	8	33%
14	78	66	85%	63	81%	64	82%	62	79%
15	38	34	89%	30	79%	35	92%	35	92%
16	342	256	75%	205	60%	152	44%	200	58%
17	167	37	22%	37	22%	45	27%	49	29%
18	146	11	8%	19	13%	22	15%	120	82%
19	46	7	15%	19	41%	7	15%	5	11%
20	56	27	48%	13	23%	24	43%	28	50%
21	20	4	20%	1	5%	1	5%	3	15%
22	32	15	47%	17	53%	15	47%	22	69%
23	155	10	6%	20	13%	7	5%	2	1%
24	80	3	4%	33	41%	3	4%	8	10%
25	275	188	68%	221	80%	190	69%	207	75%
26	0	0	0%	0	0%	0	0%	0	0%
27	132	37	28%	47	36%	24	18%	28	21%
28	181	19	10%	57	31%	18	10%	2	1%
29	79	9	11%	19	24%	9	11%	4	5%
30	20	8	40%	9	45%	10	50%	6	30%
31	86	14	16%	28	33%	23	27%	24	28%
32	63	16	25%	21	33%	9	14%	10	16%
33	41	16	39%	10	24%	9	22%	11	27%
34	32	11	34%	25	78%	15	47%	11	34%
35	11	0	0%	0	0%	0	0%	0	0%
36	131	34	26%	20	15%	1	1%	1	1%
37	11	0	0%	0	0%	1	9%	1	9%
Total Parking Demand	3797	1734	46%	1910	50%	1547	41%	1712	45%

Parking Mitigation

Although parking overall throughout Downtown is between 40 to 50 percent utilized during the peak periods, the majority of the public parking facilities are heavily utilized, excluding the Promenade parking. Based on these findings, it is recommended to develop a wayfinding and communications plan to help bring awareness to the available public spaces within the new 153 stall surface lot constructed with access off Barry Avenue just north of Lake Street and the Promenade area. Note, while parking within Promenade is not public parking, due to the high vacancy there is opportunity to partner with owners to encourage Downtown employees to park in empty portions of the lots.

Wayfinding/Communication

In order to promote the available public parking spaces, a wayfinding and communications plan should be developed to bring awareness to both residents and visitors. Potential wayfinding opportunities include:

- Installing signs, similar to those used to promote the parking access at Lake Street and Walker Street or at the entrance to the Mill Street Ramp, with directions to the entrance of the parking facilities. The signs could be installed at the Lake Street and Barry Avenue intersection and Superior Street intersections with Promenade Avenue and Mill Street.
 - The current public parking wayfinding signing near the Promenade may be too small for drivers to detect. The larger signs, which can denote Public Parking can help promote the availability of the parking.



- In addition to larger “Public Parking” signing, consider installing wayfinding signing at the corners of intersections with pedestrian level signing or a kiosk with estimated walk times to key destinations.

- These types of signs can help encourage visitors familiarize themselves with Downtown and park in one (1) location and walk between sites and also promote the short walking distance to the available parking with the Promenade and the new parking lot.
- In addition to wayfinding opportunities communications can be sent out to both residents and area businesses/chamber of commerce promoting the use of the available parking facilities. While not all visitors to Wayzata are residents of the City, these communications can provide helpful information to a portion of the Downtown users.
- With the knowledge of the parking opportunities available to the general public, business owners can help provide guests alternative parking areas if the guests have concerns over parking availability.
- Another round of business owner surveys should be completed in the future for the entirety of downtown to understand current communications plans, employee parking behaviors, and opinion on the changes in work habits.

Lastly, under the current parking conditions, there is a potential that current office tenants may have a surplus of available parking due to work at home conditions. While these spots may not be available during all times of the day, the key parking times during the evening and weekends provide an opportunity to shared parking through agreements rather than constructing additional parking facilities. With the high cost of structured parking, considerations should be made for business owners to share parking when possible.

Other Considerations

The following details items that do not need to be explicitly considered based on the existing parking conditions, however, they should remain as relevant potential options as the future of Downtown unfolds.

Future Ramp Locations/Modifications

Although not currently indicated as a need, the City can consider the plan for a potential future ramp on the western side of Downtown as redevelopment occurs. Although shared parking opportunities with office land uses should be explored first, if potential redevelopment eliminated these opportunities, a future ramp could be considered to help alleviate any parking issues. Previous planning efforts have noted a potential ramp location north of Lake Street and east of Edgewood Avenue behind the Coldwell building. Additionally, the Metro Transit Park and Ride lot along Wayzata Boulevard is a potential site that the City could work on a development plan that includes public parking options. Note, future unknown redevelopment throughout the Downtown area also offers an opportunity to locate public parking options as well.

Also included in potential ramps or modifications to existing ramps would be the ability for signing to identify the number of available parking spaces prior to entering or utilizing a LED light system to indicate open spaces, similar to the Mall Of America.

Lastly, there is potential the City could consider reconfiguring the municipal parking lot adjacent to the Municipal Grill to include more parking spaces.

Parking Meters

Parking meters have not been specifically requested by users or business owners of Downtown, but they are a potential future option. Note, parking meters are intended to increase turnover of parking if it is determined that on-street spaces are being utilized for long periods of times. Note, previous business owner surveys did not provide any indication or desire for meters. For reference, current parking time limits within the majority of on-street parking in Downtown is a three (3) hour limit between 6:00 a.m. and 6:00 p.m. and no parking between 2:00 a.m. and 5:30 a.m.

Potential/Planned Redevelopment

Boatworks/6Smith

It is expected that a future restaurant development will replace the previous Wayzata Brew Works within Boatworks. Due to an increased parking need as a result of this use, the current lot is expected to be 30 stalls short of City code requirements. This is despite the current effects of the COVID-19 pandemic. However, the potential deficit may be able to be accommodated through relaxed restrictions on site after 5:00pm and potential to utilize the City's Fee In Lieu of Parking Policy in the Lake and Berry parking lot.

Future redevelopment opportunities (including the TCF site) should be reviewed to determine any parking deficits that may need to utilize the public parking facility.

Panoway Phase 2

The Panoway Phase 2 Boardwalk construction is slated for year 2022 or 2023. While it is expected that the boardwalk will become a feature attraction for Downtown, there is not currently any programming planned for the space. While there is potential the boardwalk will encourage people visit Downtown, it is expected the majority of users will already be visiting Downtown and utilizing another use (i.e. restaurant, office, or retail) and that the length of stay for visitors will increase rather than the number of visitors. The impact on parking is difficult to predict and will need to be reviewed under future utilization surveys. If additional programming that would be expected to bring in additional guests to Downtown is expected, a further review of that potential parking impact can be completed at a later date.

Next Steps

As Downtown emerges out of the COVID-19 pandemic and both commercial and office uses return to standard operations, a broader, Downtown wide parking survey is recommended to be completed to understand the full parking situation within Downtown Wayzata. Once again, a business owners survey should be completed, but to a broader audience, to identify if parking challenges exist throughout the entirety of Downtown. This additional survey can identify areas with low utilization that may be able to be used for employee parking, in turn helping customer/client parking needs. The timing of any future study will be discussed with City staff to ensure accurate results.

Additionally, a future parking utilization survey can be completed to help identify the impact of the new public parking lot on the west side of Downtown and help update the previously completed parking model developed for the City. Note, the parking model was not updated during this study as a result of COVID-19 impacts. Both the survey and utilization counts will help provide an understanding of the new “normal” presented after COVID-19 and help plan for any future redevelopment and parking needs.

APPENDIX A: Parking Utilization



Parking Utilization - Tuesday 2:00 PM

Downtown Wayzata Parking Study
City of Wayzata

02114587
August 2021

Figure X



Parking Utilization - Wednesday 10:00 AM

Downtown Wayzata Parking Study
City of Wayzata

Figure X



Parking Utilization - Thursday 6:00 PM

Downtown Wayzata Parking Study
City of Wayzata

Figure X



Parking Utilization - Friday 12:00 PM

Downtown Wayzata Parking Study
 City of Wayzata

Figure X



Parking Utilization - Saturday 1:00 PM

Downtown Wayzata Parking Study
 City of Wayzata

Figure X



Parking Utilization - Saturday 6:00 PM

Downtown Wayzata Parking Study
 City of Wayzata

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 August 2021

Figure X



Parking Utilization - Sunday 11:00 AM

Downtown Wayzata Parking Study
 City of Wayzata

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 August 2021

Figure X