

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Wednesday, July 6, 2022

6:30 PM

HYBRID MEETING INFORMATION

[Click here to join Zoom Meeting](#)

[Meeting ID: 891 4466 4964](#) [Passcode: 768764](#)

Members of the public may attend this Planning Commission meeting in person, provided they follow all City policies and protocols related to the pandemic.



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).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - a. Approval of Draft Meeting Minutes of June 20, 2022
 - b. Approval of Planning Commission Report and Recommendation of Approval for Development Application at 900 Wayzata Boulevard East
5. **Public Hearing Items**
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:
City Council - July 19, 2022
Planning Commission - July 18, 2022

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



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 6, 2022	AGENDA ITEM: 4.a
TITLE: Approval of Draft Meeting Minutes of June 20, 2022	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

See attached Draft Meeting Minutes of June 20, 2022.

ACTION REQUESTED:

Staff recommends approval of the attached regular meeting minutes of June 20, 2022.

ATTACHMENTS:

1. PC.06.20.2022 Minutes for PC Approval

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JUNE 20, 2022**

AGENDA ITEM 1. Call to Order

Vice-Chair Stockton called the meeting to order at 6:30 p.m., and read a prepared statement related to meeting protocols and public participation.

AGENDA ITEM 2. Roll Call

Present at roll call were Commissioners: Douglas, Merriam, Stockton, Sorensen, Schwalbe, and Severson. Absent at roll call was Commissioner Parkhill. Also present were Community Development Director Emily Goellner, Project Engineer Jen Schumann, Assistant Planner Valerie Quarles, and City Attorney David Schelzel.

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Severson made a motion, seconded by Commissioner Schwalbe, to approve the meeting agenda, as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the June 6, 2022 Planning Commission Meeting Minutes

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

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

Commissioner Douglas made a motion, seconded by Commissioner Sorensen, to approve the Consent Agenda as presented.

The motion carried unanimously.

AGENDA ITEM 5. Public Hearing Items

a) Development Application for Wayzata Gateway at 900 Wayzata Boulevard East

Assistant Planner, Valerie Quarles, gave an overview of the proposal for a development application for 900 Wayzata Boulevard by Mithun Enterprises. She reviewed the zoning and land use

1 designations of the surrounding neighborhood, details from the 2040 Comprehensive Plan, the
2 existing conditions of the site and building, and the history of the site. She explained that the
3 proposal is to re-plat the property into three lots in order to support a mixed-use, campus style
4 project with a bank, office, apartments, townhomes, and green space. She reviewed the parking
5 plans, tree preservation and replacement, traffic flow, and the details and requests related to each
6 of the three proposed lots.

7
8 Commissioner Merriam asked about the proposed subdivision creating three parcels and if the
9 office building were to be sold, what would happen with the parking spots that the other parcel
10 would be using.

11
12 Planner Quarles explained that when land is entitled, that entitlement travels with the land,
13 regardless of who owns it. This means that no matter who owns the office building parcel, they
14 will have rights to those spots under the CUP. She continued with a description of the green space
15 areas and the variance requests made for the residential parcel. She gave a brief overview of the
16 comments received from Engineering and the Fire Department, and noted that there was a
17 neighborhood meeting held on April 21, 2022 with 12 people in attendance. She explained that
18 the City had received 11 public comments prior to the packet deadline, and reviewed both the
19 positive comments and concerns that had been received regarding the proposal.

20
21 At the conclusion of Planner Quarles' presentation, Vice-Chair Stockton asked if the Commission
22 had any questions for Staff.

23
24 Commissioner Sorensen asked if the Commission should think of this recommendation for
25 approval or denial based on a request for 67 units or 70 units.

26
27 Planner Quarles stated that they should be considering 67 units.

28
29 Commissioner Sorensen noted the height on the residential building and asked if they would be 35
30 feet or less from the vantage point of Wayzata Boulevard.

31
32 Planner Quarles clarified that it reads that way from the ground at Wayzata Boulevard and
33 explained that if it were a separate building, it would meet the height limitation. She noted that
34 they would not be getting any bonus height through this design along Wayzata Boulevard.

35
36 Commissioner Merriam asked exactly how tall it would be.

37
38 Planner Quarles stated that she believes it would be 35 feet, but noted that they can ask that of the
39 applicant as well.

40
41 Commissioner Sorensen stated that the thing that makes his head spin more than anything is the
42 impervious surface issue. He asked what would need to happen in order to get back to 50%, and
43 whether that would even be possible with the topography of the site and the joint use nature of the
44 three parcels.

1 Planner Quarles stated that she thinks it is more difficult because of the joint use nature of the three
2 parcels, but that this would also be a good question for the applicant on whether they see a version
3 of this site that could meet the impervious surface limitation.
4

5 Commissioner Douglas asked about park dedication requirements, and whether there was a
6 minimum amount required by the City because this appears to be 8-9%.
7

8 Community Development Director Goellner stated that there is a different percentage required
9 based on the use of the land, so for residential use it is 6%, and for office or commercial use, it is
10 10%. She stated that this lot was already platted and used for office uses a long time ago, so the
11 office users in this location were already using the City's park system. She stated that she thinks
12 the best approach would be to focus on the increase in residential use, and use that as the guidance
13 to help understand its impact on the park system. She stated that she thinks there is adequate park
14 space here, and noted that the difference in this proposal from others is that this one is requesting
15 to keep the park property privately owned, but publicly accessible. She stated that based on
16 conversations with various staff and departments, they think that it may be in the best interest of
17 the City for these park areas to be privately owned and maintained, but publicly accessible. She
18 stated that she is very interested in the Commission's input on the locations that have been chosen,
19 and the general use being proposed which is passive and not meant to include playgrounds.
20

21 Commissioner Schwalbe asked if City Engineer Kelly's report suggested that the current run-off
22 and groundwater situation would be able to handle this, and there would not be a concern about
23 not having enough pervious area.
24

25 Community Development Director Goellner stated that her understanding is that with sufficient
26 stormwater management, this is an acceptable amount of impervious surface.
27

28 Commissioner Schwalbe asked if her understanding was correct that the 50% rule was there unless
29 an applicant can show that it would not matter based on the topography and building materials.
30

31 Community Development Director Goellner stated that the reason for impervious surface
32 limitations is not just for stormwater management, but also for quality of life and having enough
33 yard space, which means there is an aesthetic component as well as an environmental component.
34 She noted that the City has a number of parcels that are zoned R-4 and R-5 that have a similar
35 amount of impervious surface, so this proposal is generally in line with the apartment buildings
36 that are seen around the City.
37

38 Commissioner Merriam asked for clarification on whether Community Development Director
39 Goellner was stating that there are other apartment buildings in the City that have impervious
40 surfaces that are greater than 50%.
41

42 Community Development Director Goellner explained that this was just anecdotal evidence staff
43 found from looking at aerial photographs.
44

45 Commissioner Merriam asked if this impervious surface amount was a new requirement since it
46 is required in the code but there are many buildings that exceed that requirement.

1
2 Community Development Director Goellner stated that it is not a new requirement, however some
3 of the apartment buildings in the City are from the 1960s and 1970s, so it may have been 'newer'
4 than those time periods.

5
6 Commissioner Merriam asked how much of the impervious surface is taken up by the pool area
7 and the underground parking.

8
9 Planner Quarles explained that the underground parking footprint and the building footprint are
10 roughly the same, so there wouldn't be a greater impact because of the parking. She noted that
11 she did not know that exact square footage, but that is another question that could be asked of the
12 applicant. She noted that the pool deck will have less of an impact because they do not count the
13 pool water as impervious surface.

14
15 Commissioner Schwalbe asked about the height variance request, and noted that it sounds like a
16 big variance. She stated that she had driven around the site and also looked at Folkstone, and
17 asked if staff saw granting this variance having an impact on the City's ability to hold the line at
18 35 feet moving forward.

19
20 Planner Quarles stated that many of the parcels on Lake Street are on pretty flat parcels or have a
21 minimal slope. She stated that if there is a precedent set by this particular project, it would be for
22 large parcels with extreme slopes, and she does not believe there are many of those in the City.
23 She stated that she did not think the City would be sacrificing any height limitation resiliency in
24 other parts of the City considering the slope in this location.

25
26 Commissioner Douglas stated that she did not notice an HVAC depicted on the rooftop in any of
27 the drawings.

28
29 Planner Quarles noted that Planning Consultant Zweber had also made that comment, so one of
30 the updates that they are asking for is that the applicant add where HVAC equipment would be
31 located, and the plan would be for it to follow the City's design standards for screening and
32 location.

33
34 There being no further questions for staff, Vice-Chair Stockton asked the applicant to address the
35 Commission.

36
37 Applicant's principle, Matt Mithun, 465 Bovey, stated that he is a firm believer in not tearing down
38 a building until it is time, but through this process, with mixed emotions, they have come to the
39 conclusion that it is time, because both the building and the site are under-utilized. He gave a
40 history of the uses on the parcel and noted that the existing building was constructed a little over
41 40 years ago. He stated that they began working on concept planning in 2020, and explained that
42 their proposal closely follows the guidance of the 2040 Comprehensive Plan and the Design
43 Standards. He stated that their proposal changes the site from what was largely an auto-oriented
44 use to a more pedestrian friendly mixed-use development, because the vast majority of the parking
45 will be underground. He reviewed what they see as the proposal's benefits to the community, and
46 noted that they do not believe there is any way to conform with the impervious surface or height

1 limits. He noted that they are planning for 1, 2, and 3 bedroom apartment units as well as
2 townhomes, and noted that special attention was put into the public use of the site. He explained
3 that they are reducing the curb cuts on the site from 5 to 3, and explained that the existing site at
4 full capacity creates more traffic counts than what they are proposing, so they feel this is a good
5 use of the space and that traffic will be very manageable. He stated that when they were looking
6 at incorporating an affordable housing component to this project, they were able to partner with
7 Interfaith Outreach and Outreach Development Corporation to purchase the nearby buildings at
8 426 and 434 Rice Street. He stated they will keep those buildings affordable, and are planning
9 various improvements there this summer.

10
11 Applicant's architect, Burt Coffin, ESG Architecture and Design, Minneapolis, reviewed the site
12 plans and noted that they believe this proposal creates a very pedestrian friendly environment. He
13 explained that the buildings are laid out in a campus like style, and noted that they sort of think of
14 it like an Italian hill town because of the extreme slope. He reviewed some of the architectural
15 design details of the planned buildings. He stated that one of the Commissioners had asked a
16 question about the height and whether it was 35 feet if you are standing at Wayzata Boulevard,
17 and noted that that is true. He explained that they had a diagram that showed that if the site were
18 flat, the building would meet the 35 feet requirement exactly. He explained that their geotechnical
19 report had been done by a geotechnical engineer and shows that the site has very poor soils and is
20 not able to infiltrate stormwater. He stated that this means that even if they were able to be at the
21 50% impervious surface requirement, all the stormwater would have to be put into underground
22 tanks. He stated that their proposal is to provide filtration tanks and rate flow tanks so when there
23 is a stormwater event, the stormwater will be channeled into those tanks, which is the only way
24 the stormwater for the site can be successfully treated due to the poor soils. He stated that the front
25 yard setback request for the residential building is because there is a really beautiful stand of
26 mature trees in the public right-of-way which will do a nice job of softening the edge of Wayzata
27 Boulevard.

28
29 Applicant's Landscape Architect, Ryan Herm, Urban Ecosystems, St. Paul, stated that over time,
30 many of the green spaces on this property have become tired and overgrown. He shared the general
31 parameters they used in their landscaping design to rejuvenate areas, create pollinator friendliness,
32 and activate the spaces for people. He stated that the proposed increase in impervious surface will
33 not result in increased pollutant load to the existing stormwater system and will instead result in
34 reduced loads. He explained that their plans are to reinvigorate the site by planting 400 new trees,
35 provide ample green/open space and introduce sustainable, maintenance friendly materials and
36 vegetation. He reviewed renderings that depicted their landscape design proposals.

37
38 Commissioner Douglas asked the applicant to address the questions raised about the HVAC
39 equipment.

40
41 Mr. Coffin explained that the design will require some rooftop units for all of the buildings, but
42 noted that they would be screened and would meet City code. He noted that there is also a recessed
43 area near the parking entrance that they are hoping to use for as much mechanical equipment as
44 possible, so it does not have to go up on the roof.

1 Commissioner Douglas asked if Wells Fargo would be in the office building or if it would be other
2 tenants.

3
4 Mr. Mithun stated that the plan is for Wells Fargo to have about two-thirds of the office building.

5
6 Commissioner Schwalbe asked about the walkway between the parking lot and the backdoor to
7 the townhouses.

8
9 Mr. Coffin clarified that what Commissioner Schwalbe was referring to is an interior hallway that
10 will be heated and cooled.

11
12 Commissioner Merriam asked about the measurement of the pool deck and the roof of the parking
13 garage that is between the office building and the residential building.

14
15 Applicant's architect, Ryan Samsa, ESG Architects, stated that the pool deck is 42 x 86 feet and
16 includes the pool which is 15 x 35.

17
18 Commissioner Merriam stated that for the residential parcel, they are proposing a 69% impervious
19 surface and asked how much the impervious surface would be reduced if the City were to give
20 them credit for the pool area.

21
22 Mr. Samsa explained that the total square footage of the pool courtyard is 3,300 square feet and
23 unofficially the roofed area would be about 2,500 square feet.

24
25 Commissioner Merriam asked what it would be if the applicant got credit for the 5,800 square feet.
26 She asked if the applicant would ever consider a green roof on the parking garage since there is
27 nothing above it.

28
29 Mr. Mithun stated that they had discussed the idea of a green roof and making it useable space, so
30 it is something that they could once again consider. He stated that he thinks the 5,800 square feet
31 is about 5% of the residential square footage.

32
33 Planner Quarles stated that a green roof or the turf situation near the pool would be great
34 stormwater mitigation, but would not necessarily reduce the impervious surface number because
35 they are still both above.

36
37 Commissioner Merriam stated that she thinks the pool is a nice amenity for the apartment building
38 and does not think any others in the City have an outdoor pool. She explained she was just thinking
39 about ways to get them credit for that space.

40
41 Commissioner Sorensen asked if the intent was for the units to be for rent or for sale.

42
43 Mr. Mithun stated that they will all be for rent, including the townhomes.

44
45 Commissioner Severson asked for details on what they are thinking for rental rates.

1 Mr. Mithun stated that he expects the rents to be less than what the new buildings on Lake Street
2 are charging. He stated that he thinks their product will fill a void even though they will be on the
3 upper end, just not as extreme as some of the others in the City.

4
5 Commissioner Schwalbe asked about the choices for what Gateway Park would look like.

6
7 Mr. Mithun explained that they originally proposed seating on the corner, but after they discussed
8 it and got some feedback related to the amount of cars/buses that travel through there, the thought
9 was that it may not be the most appealing place to sit. He stated that there will be a lot of seating
10 areas as they go south, so they then thought about just leaving the tip as green space.

11
12 Commissioner Schwalbe asked if they were questioning whether to give it a more manicured look
13 versus other styles.

14
15 Mr. Mithun stated that Mr. Herm had alluded to wildflowers because it is a very sustainable way
16 to plant this rather than having manicured grass. He stated that he would like to hear the
17 Commissions thoughts on whether there should be a seating area on the tip or not.

18
19 Vice-Chair Stockton stated that she likes both ideas, but from a practicality point of view, making
20 the corner safer and having more space to make things more walkable was very appealing to her.
21 She stated that she hopes that both sides can have more depth because that would help the
22 walkability factor and safety.

23
24 Mr. Mithun asked if she was saying that the area should not necessarily have designated seating,
25 but rather some depth in that location.

26
27 Vice-Chair Stockton stated that was correct.

28
29 Commissioner Severson stated that she would also like to make sure that the corner is visible for
30 cars and not so dense with landscaping that they cannot see around the corner when drivers are
31 making a right hand turn.

32
33 Commissioner Schwalbe asked about the idea of the wildflowers and letting it be more natural.
34 She stated that while the picture makes it look very pretty, her experience is that sometimes those
35 areas look nice for a year or two and then other stuff grows up and less of the flowers come up, so
36 they end up looking pretty rough after a few years.

37
38 Mr. Mithun joked that Mr. Herm has promised to go out every Saturday and pick all the weeds.

39
40 Mr. Herm noted that they have installed many of these across the Twin Cities and gave the example
41 of Room & Board in Golden Valley. He stated that there will be some weeding required
42 throughout the season, especially early on, but it has been very successful in other projects. He
43 explained that they feel very confident about this plan.

44
45 Commissioner Douglas stated that she doesn't think there needs to be a large formal seating area
46 but would like to see some benches scattered around because that looks more inviting. She asked

1 if they had considered on the east side putting some arbor vitae or something in that location near
2 the bank to help soften the solid wall.

3
4 Mr. Herm stated that it could be arbor vitae or some other green trellis to help screen the area. He
5 stated that arbor vitae tend to not do so well with the heat island effect and during the winter
6 months, but they can consider something else to help soften this area.

7
8 Commissioner Merriam asked about the tree removal plan and the ravine on the west side.

9
10 Mr. Herm stated that there are a few trees that they are impeding the roots on and noted that the
11 trees that they are able to save on the west side, they will. He stated that the ravine she mentioned
12 is a bit farther west, which is where the majority of the trees are located. He explained that they
13 are planning to plant a 'ton' of trees in addition to what is existing in the ravine, so over time it
14 will become a lush forest on the whole west side.

15
16 Commissioner Merriam stated that she had not seen any visuals of the office building from
17 Superior.

18
19 Vice-Chair Stockton stated that to build on that question, she would like to see, for the southeastern
20 corner, its height and how it relates to the Presbyterian Homes development.

21
22 Mr. Mithun stated that the office building is about 31'6".

23
24 Commissioner Merriam asked about that compared to the current building elevation on that corner.

25
26 Mr. Samsa stated that they do not have a dimension at the southeast corner but reviewed the
27 average grade and noted that he thinks it will probably be pretty comparable at the corner. He
28 stated that he believes the existing building will be a foot or two larger than what they are
29 proposing.

30
31 Commissioner Merriam asked if the proposed building was shorter or taller than the existing
32 building.

33
34 Mr. Mithun explained that it depends on where the measurement is taken because of the
35 topography. He stated that the proposed building will be similar right on the corner.

36
37 Commissioner Merriam asked if she was correct that the office building will only be 2 stories, but
38 will almost be the same height as the 3 story residential building.

39
40 Mr. Mithun stated that this was correct.

41
42 Mr. Samsa noted that the existing building is probably about 4-5 feet taller than what they are
43 proposing in terms of average grade plane.

44
45 Planner Quarles asked if the applicant had the peak elevations for those buildings because she
46 thinks that may answer the questions more clearly.

1
2 Mr. Coffin noted that the office building does not need a height variance.
3

4 Commissioner Merriam stated that she understands that but would like an idea of what the overall
5 project will look like, compared to the existing building.
6

7 Mr. Coffin reiterated that the office building will be about 31.5 feet in appearance from the west
8 elevation.
9

10 Planner Quarles clarified that the top elevation of the proposed office building is 1,002 and the
11 elevation at the top of the roof of the existing building is 1,005, so they will be pretty comparable
12 in terms of height.
13

14 Mr. Mithun stated that he believes Presbyterian Homes was measured at 60 feet.
15

16 Commissioner Sorensen asked about the concept of shared parking between the residential and the
17 office building. He stated that it looks like there are 8 surface stalls for visitors which does not
18 seem like much to him.
19

20 Mr. Mithun stated that they have more than enough underground parking and visitors will also be
21 able to park underground. He stated that their plan was to designate 8 surface stalls but noted that
22 during the evenings and weekends, there will be quite a more available.
23

24 Commissioner Severson asked where the front entrance to the apartment building would be
25 located, as well as whether there was an entrance to the townhomes.
26

27 Mr. Samsa gave an overview of the entrance locations from aerial renderings.
28

29 Commissioner Severson gave the example of a townhome resident hosting a party and needing 8
30 parking spots for their guests, and asked where those would be located.
31

32 Mr. Mithun stated that there will be parking available underground and noted that there is also a
33 lot of unused public parking at Presbyterian Homes, which could also end up as another possible
34 if people chose that area.
35

36 Commissioner Severson asked if they expected there to be any spillover onto Rice Street.
37

38 Mr. Mithun stated that he did not see that being an issue because Rice Street would be a bit further
39 of a walk for most of the units and reiterated that he felt the parking would take place either
40 underground or in the other public parking.
41

42 Commissioner Severson asked about deliveries.
43

44 Mr. Coffin stated that most likely there will be a mail and package room in the lobby area with a
45 daytime staff member. He stated that the intent is that the drop off would allow the mailperson or
46 Fed-Ex/UPS driver to come there and drop off quickly.

1
2 Commissioner Severson asked about deliveries for the office building.

3
4 Mr. Coffin stated that there is a good sized loading zone for both the office building and the
5 residential building.

6
7 Commissioner Merriam asked about the glazing deviation for the bank. She stated that it looks
8 like the front door to the bank is on the west side and the lack of glazing for the vault is on the east
9 side with the 4 parking spots. She asked if those parking spots would be for the other portion of
10 the office building or for the bank.

11
12 Mr. Mithun stated that the 4 spots adjacent to the east would also be for the bank.

13
14 Commissioner Merriam stated that she is wondering if there would be a way to provide some
15 screening of the vault wall to enhance it so it visually looks more aesthetically pleasing.

16
17 Mr. Mithun stated that they can either do something on the wall itself or covering it in front.

18
19 There being no additional questions from the Commission for the applicant, Vice-Chair Stockton
20 opened the public hearing on the application at 8:24 pm.

21
22 Chris Morrison, 728 Widsten Circle, gave the example of 5 years from now when someone wants
23 to gut one of the places in the residential building, and posed the question of where the work people
24 would park. She asked if the garage would be wide open at all times to anyone, or whether there
25 would be security in the garage space. She stated that there are 29 homes at Widsten and there are
26 4 parking bays that each have 4-6 spaces, which is almost 1 per unit. She noted that she thinks
27 some of these kinds of things need to be well thought out because some of the workers around
28 Widsten have a tendency to just park in the first available spot that they can see. She stated that
29 she would also agree with the comment made by the applicant that Rice Street would not be a
30 particular viable alternative for parking because it is already full. She thanked the Commission
31 for their very careful analysis of this large proposal.

32
33 Community Development Director Goellner stated there were no people that called in to the
34 meeting that have asked to speak at the public hearing.

35
36 There being no other person wishing to speak, Vice-Chair Stockton closed the public hearing at
37 8:28 pm.

38
39 Vice-Chair Stockton recessed the meeting and reconvened at 8:34 p.m.

40
41 Vice-Chair Stockton asked for the Commission to share their questions and feedback on the
42 application.

43
44 Commissioner Severson asked for clarification on the need for a CUP for parking needed for the
45 office parcel.

1 Planner Quarles stated that the office requires 92 spaces because of its size, and they can only
2 accommodate 44 underground on the lot. Surface spots within the property can accommodate
3 another 7 which means they need to find 41 spaces on top of that in order to meet the 92 spaces
4 requirement. She stated that the way they have done that is to reserve some of the spaces on the
5 bank and residential parcels to meet that need, which is done through an off-site CUP, and
6 explained that CUP comes with an easement that travels with the land.

7
8 Commissioner Severson clarified that this meant if, for example, someday the bank was sold off,
9 the office portion would still keep access to those parking spaces.

10
11 Planner Quarles explained that was correct, and they would be entitled to them through the
12 easements and the CUP.

13
14 Commissioner Merriam asked what would happen if the other properties are redeveloped and there
15 is no longer parking spots available.

16
17 Planner Quarles explained that in that case, it would become a legal non-conforming use because
18 they would become non-conforming through no fault of their own.

19
20 Commissioner Merriam stated that the way they are doing the subdivision makes a little flag lot
21 underneath to connect to the residential portion, and said that she thought the City tried to
22 discourage having flag lots.

23
24 Planner Quarles explained that the definition of a flag lot is basically having a very narrow access
25 strip to a public street frontage that leads back to a larger parcel. She stated that condition does
26 not exist in this situation because there is so much public street frontage on the site. She clarified
27 that the portion of the lot Commissioner Merriam was indicating would not make the lot a flag lot.

28
29 Commissioner Douglas asked about the access points, and noted that she thought that the west off
30 of Wayzata Boulevard was ingress and the east was egress, however the drawing shows arrows
31 going both ways.

32
33 Planner Quarles stated that this is where she may have made an error putting the presentation slide
34 together, and noted that there were some last minute discussions with the applicant as to what was
35 ingress and egress based on potential updates to the traffic study. She suggested that the
36 Commission clarify the plans with the applicant.

37
38 Vice-Chair Stockton stated that based on the discussion by the Commission it appears that they
39 are somewhat comfortable with this parcel moving to mixed use.

40
41 There was consensus of the Commission that they are comfortable with mixed use for the property.

42
43 Vice-Chair Stockton suggested that the Commission move on to discussing the questions for each
44 request before them and asked for input on the north (bank) parcel.

1 Commissioner Severson stated that she thinks the zoning fits with the commercial land use and
2 the drive-thru CUP is appropriate. She stated that related to the request for deviation and not
3 having the windows on the east facing façade, she feels if the applicant would be willing to do
4 some kind of landscaping that would make it more aesthetically pleasing, then she would also be
5 comfortable with that.

6
7 Commissioner Merriam stated that she thinks that makes sense because of the vault.

8
9 Commissioner Douglas stated that she likes that the drive-thru is going from 7 lanes down to 2, so
10 she agrees with every request for this parcel.

11
12 Commissioner Sorensen stated that he would also agree with each request but would like the
13 applicant to acknowledge that something needs to be done with some type of landscaping to soften
14 that façade.

15
16 Commissioner Schwalbe stated that she was in total agreement with the proposal for the north
17 parcel.

18
19 Vice-Chair Stockton moved the discussion onto the east (office) parcel.

20
21 Commissioner Douglas noted that she looks at this as a whole campus, and is fine with the shared
22 parking concept and supports the setback request.

23
24 There was consensus of the Commission to support the requests for the east parcel.

25
26 Vice-Chair Stockton moved the discussion on the west (residential) parcel.

27
28 Commissioner Severson noted that the items she has the most concern about are the setbacks that
29 impact outside of this campus, and referenced the front yard setback variance in front of Wayzata
30 Boulevard from 20 feet to 10 feet and the side yard setback variance from 10 feet to 0 feet. She
31 stated that she is also looking at this as a campus-wide project, so variances and shared parking
32 really don't bother her as much and is thinking more about how it will impact their neighbors
33 overall. She stated that the building height is also a bit of a concern for her.

34
35 Commissioner Sorensen stated that, in general, he thinks the zoning amendment is appropriate and
36 supports the height variance. He stated that with reference to the impervious surface variance, he
37 has kind of come to the conclusion that 'it is what it is' and there is most likely not a better or
38 different way to resolve it because of the uniqueness of the site. He stated that the front yard
39 setback is a result of the jog in the property line and thinks it will visually still appear like a 20
40 foot setback from the sidewalk, so it is more a technical issue than a practical issue. He stated that
41 the side yard setback of 0 feet is just butting up to the underground parking so he does not think
42 that will be an issue. He stated that he also does not have a big issue with the pool and thinks it
43 will be a good amenity for the project. He noted that the massing break is a better solution than if
44 the building were completely separated, and feels that it was done very thoughtfully.

1 Commissioner Schwalbe stated that while she understands that this is not low income housing, she
2 likes that they are rentals so younger people and small families will be more able to afford living
3 there. She stated that she thinks having a swimming pool is also a great idea for that demographic.
4 She stated that she agrees with Commissioner Sorensen and has no issues with the requests.

5
6 Commissioner Douglas stated that she loves the variation for the massing break and supports the
7 rezoning and the height variance. She stated that this is a very difficult site to develop because of
8 the variations in elevation. She stated that she likes the front yard setback request because the
9 building jogs back and is not a solid building along Wayzata Boulevard. She explained that she
10 was also fine with the pool and noted that when she looked at the proposal, she thought it had less
11 pavement and impervious surface than what is in place right now. She stated that right now she
12 just sees two big parking lots on either side of the building, so she sees this proposal as an
13 improvement. She stated that in general, she is glad that the Mithun family is involved in this
14 project and explained that she has known three generations of the family and they have always
15 been very community-oriented, which is a real positive for this project.

16
17 Commissioner Merriam stated that there is a lot to like about this project, and believes that they
18 have taken a really thoughtful approach and this can be something that is truly an enhancement to
19 that corner and an improvement over what is currently there. She stated that she is okay with many
20 of the requests, but there are a few that have her concerned, such as the height variance because
21 the Commission has always held firm on height. She stated that she understands that this is not
22 along Lake Street, but it is about 16 feet higher than what is allowed. She noted that she also
23 understands that this is partially because of the slope, but it is 5 feet taller than the existing building
24 and will be taking over a much larger chunk of the land. She stated that she is also concerned
25 about the impervious surface variance for the residential portion, and noted that she would be
26 totally comfortable if it was only for the pool area and the underground parking, and reminded the
27 applicant that she thinks it would be nice if it had a green roof. She stated that the City allows for
28 50% impervious surface and the applicant is asking for 69%. She said that she thinks the proposal
29 is on the cusp of what is allowed density wise and noted that if they reduced a bit here and there,
30 they may be able to get closer to where they should be for impervious surface. She stated that in
31 terms of 'charm' she sees it in some areas of the project but thinks there could be a bit more
32 creativity in the architectural design, especially in the apartment building. She stated that she
33 thinks impervious surfaces affects environmental sustainability and a healthy ecosystem, which
34 are both part of the Comprehensive Plan guidance. She stated that she is very much in favor of
35 most of this project, but she would like to see a few modifications made before she can actually
36 recommend approval.

37
38 Vice-Chair Stockton stated that she thinks the project is a very creative use of the land, and she
39 doesn't have too many hesitations. She stated it was nice to see the amount of thought that went
40 into so many aspects of the project. She thinks that this will definitely improve the walkability of
41 the area, and will add a different quality of rental units that the City does not currently have. She
42 stated that she would be happy to see this project come to the City, and noted that she thinks the
43 impervious surface aspects are somewhat mitigated with the stormwater measures that are being
44 put in place that are not there now. She stated that she thinks it would be helpful for visual
45 acceptance if people could see a representation of the view from Lake Street up Superior on how
46 the building would relate to the other large building across the street, and so people have an

1 understanding of the relative heights. She stated that the height doesn't concern her and thinks it
2 will alleviate some of the concerns because of the slope and the design details.

3
4 Commissioner Sorensen stated that this is a significant project for the City and is essentially the
5 gateway as you come into the community. He stated that this is an important transitional property
6 coming from the commercial area down to Lake Street, and likes that there has been a lot of thought
7 put into this proposal. He stated that he likes the campus feel and feels it complements the
8 neighborhood and is a positive for walkability. He added that it will be a nice way to keep traffic
9 off of Wayzata Boulevard. He stated that the two things he would encourage the applicant to think
10 about as this project moves forward is the underground parking because he doesn't think that many
11 people, when they come to residential or office space, think about parking underground. He stated
12 that the second thing he would encourage the applicant to think about is the word 'charm' and
13 asked that they put on their 'creativity hats' to try to come up with something that would feel a bit
14 more unique to Wayzata in appearance, but clarified that overall, he thinks this is a great project.

15
16 Commissioner Severson asked if anyone else had any concerns about the points brought up by
17 Commissioner Merriam related to height and the impervious surface variances.

18
19 Commissioner Douglas stated that she had that concern but she went to the neighborhood meeting
20 and did not hear that as a concern. While she understands that it is 5 feet more than what is currently
21 there, she thinks there are enough other things that make up for that issue. She stated that if it
22 weren't across from Presbyterian Homes, she would also probably feel differently about that issue
23 and thinks they kind of pair up as you travel down Wayzata Boulevard, and noted she would not
24 want this on Lake Street. She stated that in relation to impervious surface, the applicant had
25 mentioned something about the stormwater being improved and asked if staff had reviewed that
26 information to ensure that it would be better than it is right now.

27
28 City Project Engineer Schumann stated that the applicant is proposing to provide stormwater
29 management above and beyond what is required for the site so even though the impervious surface
30 is exceeding what is allowed by code, they are providing stormwater management to mitigate the
31 effects. She stated that ideally less impervious surface would be better, but they are mitigating the
32 effects of the additional impervious surface with stormwater management and they are providing
33 underground stormwater volume storage and rate control.

34
35 Commissioner Douglas asked if there was any mitigation right now.

36
37 Project Engineer Schumann stated that there is currently no mitigation so overall, it will be a huge
38 improvement for the site to have stormwater management.

39
40 Commissioner Schwalbe stated that the explanation given by Planner Quarles on how the
41 maximum building height is determined when there is a slope made a lot of sense to her, and asked
42 if the other Commissioners were still worried about it.

43
44 Commissioner Merriam stated that she feels that the proposed height for the residential portion is
45 too tall.

1 Commissioner Schwalbe asked Planner Quarles if she would repeat the information she shared
2 earlier about determination of maximum building height.

3
4 Planner Quarles explained that her original intent in bringing up the grade plane was to explain
5 how the 51 feet number comes out of a building that views so differently from so many different
6 locations. She stated that there are places on the site where it reads differently, and noted that
7 looking south on Wayzata Boulevard you will see a 3-story building and a 2-story building and
8 when you look up from Superior Boulevard you will see a series of 2-story masses. She stated
9 that the west side will show all 50 feet; however, that goes up against the heavily wooded ravine
10 and the applicant is relying pretty heavily on those existing trees to screen the wall and make sure
11 that it doesn't visually impact those neighbors as much. She reiterated that when the Commission
12 is evaluating a variance, it is important to them to consider how the massing actually views from
13 a few different places.

14
15 Commissioner Merriam stated that the buildings along Superior are closer to the roads than the
16 existing bank building but the overall effect will be that it is five feet taller than what is there right
17 now. She stated that because of the slope, she can see giving them a bit of leeway; but an additional
18 five feet over what is already there, to her, seems excessive.

19
20 The Commission discussed general concerns related to impervious surface and height.

21
22 Commissioner Sorensen stated that with the height issue, the City is forced to make a calculation
23 because of the differences in elevation and it resulted in a number that is not within the ordinance.
24 He noted that given the information presented, he is comfortable with the requested height
25 variance.

26
27 Vice-Chair Stockton stated that, to her, it feels as though the overall benefit is exceeding the
28 casualties.

29
30 Commissioner Douglas stated that there is not another site like this within the City. She explained
31 that because this is so unique she is willing to recommend approval of the height variance. She
32 stated that Presbyterian Homes sits right up against the sidewalk, and this building will sit back a
33 bit and have landscaping and other green space that will catch their eye.

34
35 Vice-Chair Stockton noted that she likes the aesthetics of the proposal, and stated that she felt it
36 seems quite timeless.

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

39
40 Commissioner Douglas made a motion, to direct staff to prepare a draft Planning Commission
41 Report and Recommendation with appropriate findings reflecting a recommending approval for
42 of Wayzata Gateway at 900 East Wayzata Boulevard on the variances and CUPs requested for
43 review and adoption at the next Planning Commission meeting.

44
45 City Attorney Schelzel noted that staff has a few additional thoughts for the motion, based on the
46 items that the Commission had been discussing.

1
2 Community Development Director Goellner stated that she had taken notes on 4 specific things
3 that were relevant to their findings and would suggest that they be included as recommended
4 conditions in their motion. She gave an overview of staff's suggestion for additional conditions
5 of approval.
6

7 Commissioner Douglas amended her motion, seconded by Commissioner Schwalbe, to direct staff
8 to prepare a draft Planning Commission Report and Recommendation with appropriate findings
9 reflecting a recommendation of approval for of Wayzata Gateway at 900 East Wayzata Boulevard
10 on the variances and CUPs requested, for review and adoption at the next Planning Commission
11 meeting and include additional conditions as follows: submission of an updated landscaping plan
12 that includes the enhancement being made to the east wall of the bank; incorporation of a
13 construction management plan to be reviewed by City staff; incorporation of all the engineering
14 and fire comments and work with the Council on the final details; and inclusion of a development
15 agreement for the project.
16

17 Vice-Chair Stockton acknowledged the motion and second, and asked for any further discussion.
18

19 Commissioner Merriam stated that it sounds like the majority of the Commission is comfortable
20 with the motion, but she still has her two items of concern and cannot support, and just wanted it
21 noted for the record that would be the reason for her vote.
22

23 Commissioner Sorensen asked about the recommendation for a development agreement because
24 he does not recall seeing that before.
25

26 Community Development Director Goellner stated that she believes a lot of findings that the
27 Commission had made throughout the 13 different requests have a lot to do with site elements that
28 they found very important. She noted this included a general understanding that there were
29 easements required, a landscape plan, fire and engineering comments to address, park dedication,
30 stormwater facilities, trees, and ensuring all of those comments are made and done, so staff was
31 recommending a development agreement, particularly as this is a multi-site development.
32

33 City Attorney Schelzel added that they are talking about this being added as a recommended
34 condition of approval, so Council's approval would be contingent upon execution of that
35 agreement. He stated that it is really just to ensure these things are clear and binding on the
36 applicant.
37

38 Commissioner Douglas stated that she had observed during the recess that many times it takes 2
39 or 3 meetings to get to this point in the process and in this case, it is happening all in one meeting.
40

41 Commissioner Severson reiterated that she likes a lot of this proposal, but agrees with
42 Commissioner Merriam that the building height is a bit of a concern for her, as is the setback
43 against Wayzata Boulevard on the residential piece. She stated that she would also have liked to
44 see a bit more of a charming look with the design. She explained that she is 90% there, but not all
45 the way to 100% in terms of where the design is currently.
46

1 There being no further discussion, Vice-Chair Stockton asked for a roll call vote on the motion.

2
3 Community Development Director Goellner completed a roll call vote on the motion. Upon a
4 vote, the motion carried with 4 ayes, 2 nays (Merriam and Severson).

5
6 **AGENDA ITEM 6. Other Items:**

7
8 **a) Review of Development Activities**

9
10 Community Development Director Goellner stated that there is another proposal in for 1022
11 Wayzata Boulevard East to combine the lots and reuse the existing building for retail. She stated
12 that there will likely be a public hearing on this application at the July 18, 2022 meeting, and noted
13 that staff are still working on a few other applications that may be ready for that meeting as well.

14
15 **b) Planning Commission Meeting Schedule**

16
17 Community Development Director Goellner stated that they would like to hold a Planning
18 Commission meeting on July 6, 2022 that would just include the Consent Agenda for the item on
19 tonight's agenda.

20
21 **AGENDA ITEM 7. Adjournment.**

22
23 There being no further business on the agenda, Vice-Chair Stockton asked for a motion to adjourn.

24
25 Commissioner Douglas made a motion, seconded by Commissioner Schwalbe, to adjourn the
26 Planning Commission meeting.

27
28 The motion carried unanimously.

29
30 The Planning Commission meeting was adjourned at 9:29 p.m.

31
32 Respectfully submitted,
33 Kayla Atkins Rokosz
34 *TimeSaver Off Site Secretarial, Inc.*
35



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 6, 2022	AGENDA ITEM: 4.b
TITLE: Approval of Planning Commission Report and Recommendation of Approval for Development Application at 900 Wayzata Boulevard East	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: August 1, 2022	

BACKGROUND:

The applicant and property owner, Mithun Enterprises LLC, has submitted an application to redevelop 900 Wayzata Blvd East. The applicant is seeking 13 approvals in connection with a project that includes demolition of the existing building, construction of a new office building, a new multi-family residential building with up to 67 units and 9 townhomes, and a new bank building with drive-thru service.

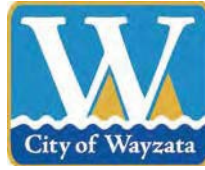
A public hearing was conducted at the Planning Commission meeting on June 20, 2022. The Planning Commission recommended that staff prepare a Report and Recommendation of approval for review at the next Planning Commission meeting.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. PC Report and Recommendation - 900 Wayzata Blvd E
2. Preliminary Plat - 900 Wayzata Blvd E



WAYZATA PLANNING COMMISSION

July 6, 2022

REPORT AND RECOMMENDATION OF APPROVAL OF PRELIMINARY PLAT, REZONING, CONDITIONAL USE PERMITS, VARIANCES, AND DESIGN DEVIATIONS FOR 900 WAYZATA BLVD

DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval*** of Preliminary Plat for Subdivision of Property into 3 Lots
2. **Approval*** of Rezoning of 2 New Lots
3. **Approval*** of CUPs for Bank Drive-thru, Swimming Pool, and Off-Site Parking
4. **Approval*** of Variances for Side Yard Setbacks, Front Yard Setback, Building Height, and Impervious Surface
5. **Approval*** of Design Standards Deviation for Reduced Glazing and Massing Break

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Proposed Land Use.** The applicant and property owner, Mithun Enterprises LLC, (the "Applicant") has submitted an application (the "Application") for the land use approvals detailed in Section 1.2 of this Report for the property located at 900 Wayzata Blvd E and legally described on Attachment B (the "Property"). The Applicant is seeking the approvals in connection with a project that includes demolition of the existing bank and office building on the Property, and the construction of a new office building, a new multi-family residential building with up to 67 units and 9 townhomes, and a new bank building with drive-thru service (the "Project"). The Project makes extensive use of underground parking and seeks to create a campus-like site with a mixture of uses.

1.2 Approvals Requested. The Application includes requests for approval of the following:

- A. Preliminary Plat (the “Proposed Subdivision”): Subdivision and preliminary plat approval under Sec. 1003.02 to create three lots from the existing two lots that comprise the Property. The three proposed lots are shown in the Preliminary Plat attached to this Report as Attachment B. The three proposed lots are described as the North Parcel (Bank), East Parcel (Office), and West Parcel (Residential) in this Report and identified on the preliminary plat as Lots 1, 2, and 3 respectively.

North Parcel (Bank)

- B. Zoning Map Amendment (the “North Parcel Rezoning”): An amendment to the official Zoning Map of the City under Sec. 903.02 to rezone the North Parcel from C-1, Office and Limited Commercial, to C-3, Service District to facilitate a bank with drive-thru service.
- C. Conditional Use Permit for Bank Drive-Thru (the “Drive-Thru CUP”): A conditional use permit under Section 937.05.D for a drive-thru banking service on the North Parcel.
- D. Design Standards Deviation for Reduced Glazing (the “Glazing Deviation”): A deviation from the Design Standards under Section 909.29 to reduce the glazing required under Section 909.13.A.1 from 50% to 0% on the east wall of the bank on the North Parcel, due to the location of the bank’s vault.

East Parcel (Office)

- E. Side Yard Setback Variance (the “East Parcel Side Yard Setback Variance”): A side yard setback variance under Section 905.01 of 10 feet off of the required minimum under Section 975.06 of 10 feet to 0 (zero) feet from the west property line of the East Parcel for the proposed shared parking garage entrance.
- F. Conditional Use Permit for Off-Site Parking (the “Off-Site Parking CUP”): A conditional use permit under Section 920.08 for the East Parcel for locating 41 of the required office parking stalls on the proposed shared surface parking lot, with 17 stalls on the North Parcel (Bank) and 24 stalls on the West Parcel (Residential).

West Parcel (Residential)

- G. Zoning Map Amendment (the “West Parcel Rezoning”): An amendment to the official Zoning Map of the City under Sec. 903.02 to rezone the West Parcel from C-1, Office and Limited Commercial, to R-5, High Density Multiple Residential District.
- H. Building Height Variance (the “Building Height Variance”): A building height variance under Section 905.01 on the West Parcel for a variance of 16 feet, 8 inches from the maximum permitted height of 35 feet under Section 959.08.C, for a building height of up to 51 feet, 8 inches for the proposed building.
- I. Impervious Surface Variance (the “Impervious Surface Variance”): An impervious surface variance under Section 959.08.A for an additional 19% of the area of the West Parcel above the maximum permitted 50%, to a total impervious surface of 69% of the area of the West Parcel.
- J. Front Yard Setback Variance (the “Front Yard Setback Variance”): A front yard setback variance under Section 905.01 for a variance of 10 feet from the required minimum setback of 20 feet under Section 959.06.B.1.A to 10 feet from the north property line of the West Parcel.
- K. Side Yard Setback Variance (the “West Parcel Side Yard Setback Variance”): A side yard setback variance under Section 905.01 of 10 feet off of the required minimum of 10 feet under Section 959.06.B.1.B to 0 (zero) feet from the east property line of the West Parcel for the proposed shared parking garage entrance.
- L. Conditional Use Permit for Swimming Pool (the “Swimming Pool CUP”): A conditional use permit under Section 937.04.C for the West Parcel for a swimming pool associated with the residential building.
- M. Design Standards Deviation for Massing Break (the “Massing Break Deviation”): A design standards deviation under Section 909.29 for the West Parcel to interrupt the building massing break required under Section 909.07.A with a constructed walkway.
- 1.3 Property. The address and property identification numbers, and owner of the Property involved in the Project are:

Address	PID	Owner
900 Wayzata Blvd E	06-117-22-41-003 06-117-22-41-001	Mithun Enterprises LLC

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

Zoning:	C-1 Office and Limited Commercial District
Comp Plan:	Mixed-Use – Commercial/Residential (10-30 units/acre)
Overlay Districts:	N/A
Design District:	Wayzata Boulevard District

- 1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on June 9, 2022 and mailed to all property owners located within 500 feet of the Property on June 8, 2022. The public hearing on the Application was held at the June 20, 2022 Planning Commission meeting.

Section 2. STANDARDS

2.1 Subdivision / Preliminary Plat.

- A. Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Part X, Chapters 1001 through 1009 of the City Code. Section 1003.03.A.
- B. In reviewing requests for approval under the Subdivision Ordinance, the Planning Commission shall consider possible adverse effects of the proposed subdivision or lot combination reflected in the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors found in Section 1003.02.E:
 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
 4. Existing stands of significant trees shall be retained where possible.
Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
 5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
 6. The design of a lot, the building pad, and the site layout shall

respond to and be reflective of the surrounding lots and neighborhood character.

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.2 Zoning Map Amendment. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance (Text or Zoning Map). In considering a proposed amendment to the Zoning Ordinance under Sec. 903.02.F of the Zoning Ordinance, the Planning Commission and City Council must consider the possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.

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

2.3 Conditional Use Permits for Bank Drive Thru, Off-Site Parking, and Swimming Pool. The general standard for conditional use permits (CUPs) under Section 904.02.F is that the Planning Commission and City Council consider the possible adverse effects of a proposed conditional use. Their judgment is to 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.

In addition to the general CUP standard above, the following specific standards apply to Conditional Use Permits for Drive Thru Sales and Services, Off-Site Parking, and Swimming Pools:

A. Drive-thru Sales and Service CUP. (Sec. 937.05.D)

1. Access. The driveway access is not on a residential street. The curb cut setbacks and parking must be in conformance with Chapter 920.
2. Compatibility. The service windows and driveway are screened from view if adjacent to a residentially used property.
3. 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.
4. Hours. 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.
5. 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.
6. Stacking. Not less than 180 feet of segregated automobile stacking lane is provided for the service window.
7. 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.
8. Use of Street. No part of the public street or boulevard is used for stacking of automobiles.

B. Off-Site Parking CUPs. (Sec. 920.08)

1. Ordinance Compliance. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
2. Access. Reasonable improved access from off-street parking facilities to the use being serviced shall be provided.
3. Proximity to Multiple Residence. Off-site parking for multiple family dwellings shall not be located more than 100 feet from any normally used entrance of the principal use serviced.
4. Proximity for Non-Residential Uses. Off-site parking for non-residential uses shall not be located more than 300 feet from the main entrance of the principal use being served. No more than one main entrance shall be recognized for each principal building.

C. Swimming Pool CUPs. (Sec. 937.04.C)

1. The use is fenced in accordance with Chapter 918 of the Zoning Ordinance.
2. The use is not located within the required front yard.
3. The use meets setbacks for accessory structures.

2.4 Variances for Side Yard Setbacks, Front Yard Setback, Building Height, and Impervious Surface. 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.
- 2.5 Design Standards Deviations. Significant deviations from the Design Standards may be permitted under Section 909.29 (with the exception of Sec. 909.10 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:
- A. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
 - B. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
 - C. The positive effect of the project on the area in which the project is proposed.
 - D. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
 - E. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
 - F. A national, state or local historic designation.
 - G. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

Section 3. FINDINGS OF FACT

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

3.1 Subdivision / Preliminary Plat.

- A. The Planning Commission finds that there would be no significant adverse effects of the Proposed Subdivision based upon the following factors found in Section 1003.02.E:
 - 1. The Proposed Subdivision is consistent with the Wayzata

Comprehensive Plan, which guides the Property to Mixed-Use – Commercial/Residential. The Property achieves a mixed-use condition by creating a horizontal, interdependent campus containing three different uses.

2. The building pads that results from the Proposed Subdivision will not negatively impact sensitive natural, scenic, historic or community assets. The Applicant has provided sufficient information about how the slope and other natural assets of the Property will be sensitively integrated and improved as part of the construction of the Project.
3. The building pads that results from the Proposed Subdivision will respect natural topography and minimize filing and grading.
4. Existing stands of significant trees will be retained where possible, and significant additional tree planting and enhanced landscaping will occur with the Project.
5. The Proposed Subdivision will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas, and is designed to work within the larger plans for the surrounding area, including the prominent intersection of Wayzata and Superior Boulevards, and the scale, pattern and character of the adjacent residential, commercial and office areas. The site's overall adherence to the design standards has furthered this condition.
6. The design of the lots, the building pads, and the site layout respond to and is reflective of the surrounding lots and neighborhood character as noted elsewhere in this Report.
7. The lot sizes resulting from the Proposed Subdivision are not dissimilar to the nearby commercial and residential lots.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the proposed buildings on the Property would be similar to the characteristics and quality of those in the surrounding buildings.
9. The design, scale and massing of the buildings proposed complies with the applicable criteria of the Wayzata Design Standards, except those for which deviations have been requested.
10. The Proposed Subdivision is not likely to depreciate the values of neighboring properties in the area in which it is proposed.
11. The Proposed Subdivision will be accommodated with existing

public services, including those related to transportation and utility systems, and will not overburden the City's service capacity, as demonstrated in studies conducted by the Applicant and reviewed by the Public Works Director/City Engineer.

3.2 Zoning Map Amendment. The Planning Commission has considered all of the factors of Sec. 903.02.F of the Zoning Ordinance and finds that the North Parcel Rezoning and the West Parcel Rezoning (collectively, the "Zoning Ordinance Amendments") would not have any adverse effects that would not be appropriately managed or outweighed by the overall positive effects of the Project. The Zoning Ordinance Amendments meet the applicable standards in that:

- A. The Zoning Ordinance Amendments do not contravene any policies and provisions of the official City Comprehensive Plan, and would instead better implement them as noted elsewhere in this Report. The Zoning Ordinance Amendments would further contribute to the mixed-use nature of the site. The West Parcel Rezoning would contribute to the Comprehensive Plan goal of creating City Nodes with Greater Housing Diversity and the inclusion of rental units on the site would promote opportunities for younger families to move into Wayzata, promoting the Comprehensive Plan goal of creating a more Multi-Generational community. The North Parcel Rezoning supports commercial services for the motoring public on Wayzata Boulevard.
- B. The Zoning Ordinance Amendments would conform to the present and future land uses within the City. The North Parcel Rezoning is consistent with the current bank use on the site, as well as being oriented toward the motoring public and accessed from a major thoroughfare in keeping with the C-3 District's purpose statement. The West Parcel Rezoning is consistent with the surrounding residential districts, most of which contain multifamily housing. The mixed-use nature of the site created by the Zoning Ordinance Amendments is in keeping with the intended transitional character of this portion of Wayzata Boulevard, as zoning districts to the east side of the Property are generally of a more suburban and automobile oriented nature and districts to the west side are typically commercial uses and dense residential developments on the neighborhood scale.
- C. The Zoning Ordinance Amendments would conform to all performance standards contained in the Zoning Ordinance, with the exceptions noted elsewhere, and improve the conditions of the North and West Parcels.
- D. The Zoning Ordinance Amendments would not have a negative effect on any areas of the City, and instead improve the conditions of the North and West Parcels, and at a prominent intersection of two major roadways in the City.

- E. The Zoning Ordinance Amendments would not have any known negative effect on property values in the City.
- F. Traffic generated by the use associated with the Project in relation to capabilities of streets serving the Property would be well-managed and some aspects would improve under the Project.
- G. The Zoning Ordinance Amendments would not negatively impact existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity, as demonstrated in studies submitted by the Applicant and reviewed by the Public Works Director/City Engineer.

3.3 Conditional Use Permits for Bank Drive Thru, Off-Site Parking, and Swimming Pool. The provisions of 904.02.F of the Zoning Ordinance have been considered and are satisfactorily met.

A. General CUP Criteria.

1. The Project and associated use is compatible with the specific policies and provisions of the official City Comprehensive Plan. The CUP for Off-Site Parking supports an efficient use of land. The CUP for Swimming Pool promotes the Comprehensive Plan goal of supporting Multi-Generational activity with modern residential amenities for all ages.
2. The Project and associated use is compatible with present and future uses of the area. The Drive-Thru CUP is a consistent use with the current drive-thru on site. The Off-Site Parking CUP promotes inclusion of a mixture of uses, which is consistent with the current and future uses in the surrounding area. The Swimming Pool CUP is compatible with residential and commercial uses in the area.
3. The Project and associated use conforms to all performance standards contained in the Zoning Ordinance, except those for which variances and deviations have been requested and/or granted in other approvals for the Project.
4. The Project and associated use will not have a negative effect upon the surrounding area. The Drive Thru CUP includes a reduction of 7 drive-thru lanes to 2 for this Project, which has a positive impact on the walkability of the area. The Off-Site Parking CUP supports a walkable campus. The Swimming Pool CUP supports a private, screened residential amenity in a location that does not have a negative effect on the area.

5. The Project and associated uses are not likely to have a negative impact upon surrounding property values.
6. The Project and associated uses will not increase traffic above capacity, as demonstrated in studies conducted by the Applicant and reviewed by the Public Works Director/City Engineer.
7. The Project and associated uses will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity, as demonstrated in studies conducted by the Applicant and reviewed by the Public Works Director/City Engineer

In addition to the above, the Commission makes the following additional findings with respect to each requested CUP:

B. Drive-thru Sales and Service CUP.

1. Access. The driveway access is not on a residential street. The curb cut setbacks and parking are in conformance with Chapter 920.
2. Compatibility. The service windows and driveway are screened from view from the nearest residential properties by landscaping and the bank building.
3. Green Strip. A strip of not less than five feet is shown as landscaped and maintained on the south side of the North parcel to create an effective visual screen and sound buffer and separation of uses.
4. Hours. Standard bank hours of operation are sufficient to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.
5. Noise. The stacking lane, 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.
6. Stacking. Over 180 feet of segregated automobile stacking lane is provided for the service window.
7. 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.
8. Use of Street. No part of the public street or boulevard is used for stacking of automobiles.

C. Off-Site Parking CUPs.

1. Ordinance Compliance. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
2. Access. Reasonable improved access from off-street parking facilities is provided to the use being serviced. The off-site parking is in the same parking lot as the on-site parking provided for the East (Office) Parcel.
4. Proximity for Non-Residential Uses. Off-site parking for non-residential uses is located within 300 feet from the main entrance of the principal use being served.

D. Swimming Pool CUPs.

1. The use is fenced in accordance with Chapter 918 of the Zoning Ordinance.
2. The use is not located within the required front yard.
3. The use meets setbacks for accessory structures.

3.4 Variances for Side Yard Setbacks, Front Yard Setback, Building Height, and Impervious Surface. The variances requested in the Application meet all of the standards for granting a variance under the Zoning Ordinance based on the following findings:

East and West Parcel Side Yard Setback Variances ("Side Yard Setback Variances")

- A. The Side Yard Setback Variances are in harmony with the general purposes and intent of the Zoning Ordinance in terms of proposed office use, design and construction; and are consistent with the Mixed-Use – Commercial/Residential guidance of the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with all of the District Standards, in that:
 1. The Applicant's proposal for the Property is reasonable in that it is consistent with the Comprehensive Plan and current use, but would require certain standards not permitted in the Zoning District. The shared underground parking enabled by the side yard setback variances contributes to the Comprehensive Plan goals of promoting walkability and connectedness, by reducing the amount of surface area that needs to be used for exposed parking.
 2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that Applicant seeks

to use the location and topography of the site in a way that is consistent with and in furtherance of the Comprehensive Plan, as noted elsewhere in this Report; and

3. The Side Yard Setback Variances, if granted, will not alter the essential character of the locality in that it seeks to preserve the slope of the Property while still providing shared underground parking. The Side Yard Setback Variances also allow for the existing curb cut at Superior Boulevard to be utilized for access to the underground parking.
- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the topography and features of the site, and the integrated campus and mixed use design of the Project.
- D. The Side Yard Setback Variances are not use variances.
- E. The Application submitted by the Applicant set forth reasons that the Side Yard Setback Variances are justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings. The setback variances enable the East (Office) Parcel and the West (Residential) Parcel to share a common entrance for underground parking and better preserve the slope of this site.

Front Yard Setback Variance

- A. The Front Yard Setback Variance is in harmony with the general purposes and intent of the Zoning Ordinance in terms of proposed multi-family residential use; and is consistent with the Mixed-Use – Commercial/Residential guidance of the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with all of the District Standards, in that:
 1. The Applicant's proposal for the Property is reasonable in that it is consistent with the Comprehensive Plan, but would require certain standards not permitted in the Zoning District;
 2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that Applicant seeks to use the location and topography of the site in a way that is consistent with and in furtherance of the Comprehensive Plan, as noted elsewhere in this Report; and
 3. The Front Yard Setback Variance, if granted, will not alter the essential character of the locality due to the significant increase in

the right of way width on Wayzata Boulevard along that portion of the property line. The visual state created by the encroachment on the variance is comparable to the state created by those properties on Wayzata Boulevard that have front yard property boundaries closer to the street. The building design also mitigates the impact of the setback variance by varying the façade depth along the northernmost walls of the building.

- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the topography and features of the site, and the integrated campus and mixed use design of the Project.
- D. The Front Yard Setback Variance is not a use variance.
- E. The Application submitted by the Applicant set forth reasons that the Front Yard Setback Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.

Building Height Variance

- A. The Building Height Variance is in harmony with the general purposes and intent of the Zoning Ordinance in terms of proposed multi-family residential use; and is consistent with the Mixed-Use – Commercial/Residential guidance of the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with all of the District Standards, in that:
 - 1. The Applicant's proposal for the Property is reasonable in that it is consistent with the Comprehensive Plan and largely a factor of the steep slope, not affecting views from Wayzata Boulevard or to the Lake, but would require certain standards not permitted in the Zoning District. The view of the building from Wayzata Boulevard is of a three- and two-story structure, while the view of the building from Superior Boulevard and Rice Street are of a terraced structure that serves to reduce the overall visual impact. Landscaping and tree planting on all sides of the building also serves to mitigate visual impact, and;
 - 2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that Applicant seeks to use the location and topography of the site in a way that is consistent with and in furtherance of the Comprehensive Plan, as noted elsewhere in this Report; and

3. The Building Height Variance, if granted, will not alter the essential character of the locality.
- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the topography and features of the site, and the integrated campus and mixed use design of the Project.
- D. The Building Height Variance is not a use variance.
- E. The Application submitted by the Applicant set forth reasons that the Building Height Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.

Impervious Surface Variance

- A. The Impervious Surface Variance is in harmony with the general purposes and intent of the Zoning Ordinance in terms of proposed multi-family residential use; and is consistent with the Mixed-Use – Commercial/Residential guidance of the Comprehensive Plan.
- B. The Applicant has established that there are practical difficulties in complying with all of the District Standards, in that:
 1. The Applicant's proposal for the Property is reasonable in that it is consistent with the Comprehensive Plan, but would require certain standards not permitted in the Zoning District;
 2. The plight of the Applicant is due to circumstances unique to the Property and not created by the Applicant, in that Applicant seeks to use the location and topography of the site in a way that is consistent with and in furtherance of the Comprehensive Plan, especially in regards to substantial underground parking, as noted elsewhere in this Report; and
 3. The Impervious Surface Variance, if granted, will not alter the essential character of the locality in that the uses and buildings of the Project would be substantially similar to adjacent uses, while improving the condition of stormwater runoff due to improved treatment facilities on the overall site. Though the Impervious Surface Variance is only for the West (Residential) Parcel, the stormwater runoff mitigation on the site is integrated into all three proposed parcels as an interdependent system. There is limited stormwater mitigation on the site today.

- C. Economic considerations alone do not constitute the practical difficulties in this case, but rather the topography and features of the site, and the integrated campus and mixed use design of the Project.
- D. The Impervious Surface Variance is not a use variance.
- E. The Application submitted by the Applicant set forth reasons that the Impervious Surface Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the land and buildings.

3.5 Design Deviations. The Commission finds that there would be little, if any, negative impacts of the Glazing and Massing Break Deviations, in that the proposed overall design of the Project is well-considered and high quality, and the requested Deviations are reasonable in light of the overall design and proposed uses. To the extent there are any negative impacts of the Deviations, those impacts are outweighed by one or more of the following factors:

Design Standards Deviation for Glazing

- A. The Project advances specific policies and provisions of the City's Comprehensive Plan, particularly regarding the implementation of automobile oriented uses on Wayzata Boulevard and within the C-3 zoning district.
- B. The extent to which the Glazing Deviation would alleviate an undue burden, taking into account the necessary design and security considerations for a bank vault.
- C. The positive effect of the Project on the area in which the Project is proposed, with the condition of approval recommended by the Planning Commission that greenery is provided adjacent to the unglazed wall to improve the aesthetic condition.

Design Standards Deviation for Massing Break

- A. The Project advances specific policies and provisions of the City's Comprehensive Plan, particularly regarding residential goals.
- B. The Massing Break Deviation would alleviate an undue burden, taking into account the design issues with creating two separate "cores" for the residential building.
- C. The massing break as designed provides for a break in building's façade and provides transparency so that views are possible through the proposed walkway, which has a positive impact on the area. A separate pedestrian path is located on the East (Office) Parcel and West (Residential) Parcel that incorporates the Design Standards intention of having pedestrian access through project sites.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the (i) Proposed Subdivision; (ii) North Parcel Rezoning; (iii) Drive-Thru CUP; (iv) Glazing Deviation; (v) East Parcel Side Yard Setback Variance; (vi) Off-Site Parking CUP; (vii) West Parcel Rezoning; (viii) Building Height Variance; (ix) Impervious Surface Variance; (x) Front Yard Setback Variance; (xi) West Parcel Side Yard Setback Variance; (xii) Swimming Pool CUP; and (xiii) Design Deviation for Massing Break, subject to the following conditions:
- A. The Applicant must provide an updated landscaping plan that includes elements to screen the eastern wall on the North (Bank) Parcel's building, as well as updates to the tree survey per the comments made by Public Works in Attachment C.
 - B. The Applicant must enter into a Development Agreement with the City, with terms and in a form acceptable to the City Attorney, that incorporates the approvals and conditions of this Resolution, and the requirements of the Zoning and Subdivision Ordinances, including parkland dedication, as well as locations and conditions of easements. The Development Agreement must include the updated documentation described in Condition C of this Report.
 - C. The Applicant must provide updated documentation that addresses the comments regarding traffic, utilities, stormwater, trees, and other proposed site conditions as provided and attached to the Planning Commission Staff Report dated June 20, 2022, by the Public Works Department, Consulting Planner, Fire Department, Traffic Consultant, and Utility Consultant, to the satisfaction of Community Development Director, for inclusion in the Development Agreement with the City.
 - D. The Applicant must provide a Construction Management Plan, to the satisfaction of the City Engineer, prior to the issuance of any building permits.
 - E. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations.

- F. Stormwater Facilities, Grading, Drainage, and Erosion Plans for the Project the must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.
- G. 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 July 2022.

Attachments:

Attachment A: Legal Description

Attachment B: Preliminary Plat

MITHUN PARK

R.T. DOC. NO.	_____
C.R. DOC. NO.	_____

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

The Easterly 45 feet of all that part of Lot 14, DEAN'S PARK OUTLOTS TO WAYZATA lying South of the Minnesota Trunk Highway No. 10, now known as Trunk Highway No. 12, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Abstract Property

AND

All that part of Lots 14 and 15, "DEAN'S PARK OUTLOTS TO WAYZATA", except the East 45 feet of said Lot 14 lying between the Southerly line of State Highway No. 12 and the Northerly line of Rice Street extended across said lots, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Torrens Property

AND

That part of Lot 13, "DEAN'S PARK OUTLOTS TO WAYZATA", lying South of Trunk Highway No. 10, now known as Trunk Highway No. 12 more fully described as follows: Commencing at the point of intersection of the West line of said Lot 13, with the South line of the Highway as now laid out; thence South along the West line of said Lot 13, to the Southwest corner of said Lot 13; thence Easterly along the Southerly boundary line of said Lot 13; a distance of 100.9 feet; thence Northerly to a point on the South line of said Trunk Highway No. 12, as now laid out, which point is distant 90 feet along the South line of said Trunk Highway from the point of beginning; thence Westerly along the South line of said Trunk Highway, to the point of beginning, according to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Torrens Property

Has caused the same to be surveyed and platted as MITHUN PARK, and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Mithun Enterprises, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

MITHUN ENTERPRISES, LLC

Signature _____ Printed Name, Title _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me this _____ day of _____, 20____, by _____, as _____ of Mithun Enterprises, LLC, a Minnesota limited liability company, on behalf of the company.

Signature _____ Printed Name, Notary _____
Notary Public, _____ County, _____
My Commission Expires _____

SURVEYORS CERTIFICATION

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

Dated this _____ day of _____, 20____.

Max L. Stanislawski, Licensed Land Surveyor
Minnesota License No. 48988

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____ day of _____, 20____, by Max L. Stanislawski.

Signature _____ Printed Name, Notary _____
Notary Public, _____ County, Minnesota
My Commission Expires January 31, 2025

CITY COUNCIL, CITY OF WAYZATA, MINNESOTA

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

City Council, City of Wayzata, Minnesota

By: _____, Mayor By: _____, Clerk

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

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

Mark V. Chapin, County Auditor By: _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

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

Chris F. Mavis, County Surveyor By: _____

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of MITHUN PARK was filed in this office this _____ day of _____, 20____, at _____ o'clock ____M.

Amber Bougie, Registrar of Titles By: _____, Deputy

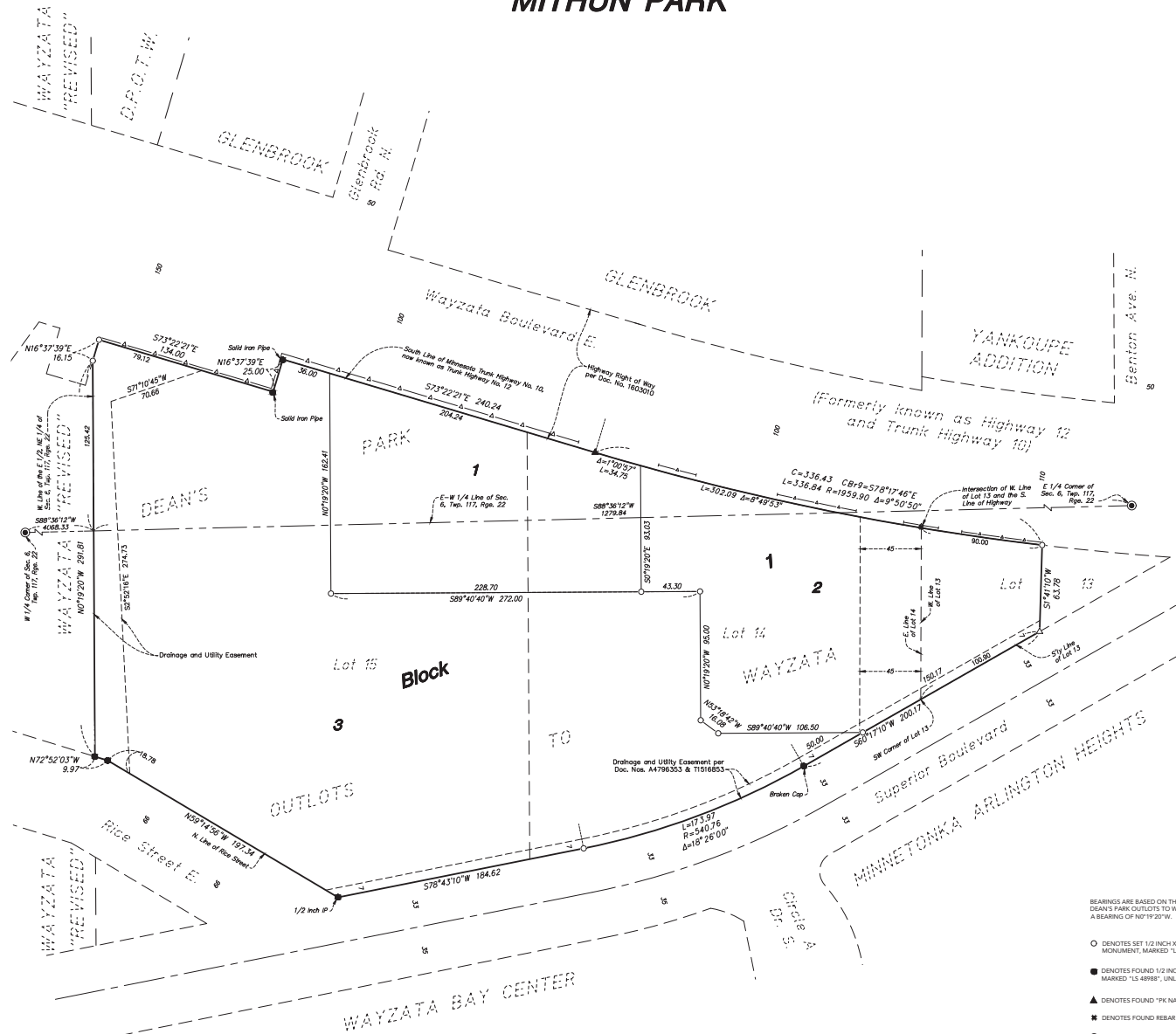
COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of MITHUN PARK was recorded in this office this _____ day of _____, 20____, at _____ o'clock ____M.

Amber Bougie, County Recorder By: _____, Deputy

MITHUN PARK

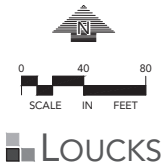
R.T. DOC. NO. _____
C.R. DOC. NO. _____



BEARINGS ARE BASED ON THE WEST LINE OF DEAN'S PARK OUTLOTS TO WAYZATA HAVING A BEARING OF N67°12'00\"

- DENOTES SET 1/2 INCH X 14 INCH IRON MONUMENT, MARKED "15 48988"
- DENOTES FOUND 1/2 INCH IRON MONUMENT, MARKED "15 48988", UNLESS OTHERWISE NOTED
- ▲ DENOTES FOUND "PK NAIL"
- ✱ DENOTES FOUND REBAR
- ⊙ DENOTES FOUND HENNEPIN COUNTY CAST IRON MONUMENT
- DENOTES LIMITATION OF RIGHT OF ACCESS PER DOC. NOS. 274888 & 4559127

D.P.O.T.W. DENOTES DEAN'S PARK OUTLOTS TO WAYZATA



LOUCKS

SHEET 2 OF 2 SHEETS



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 6, 2022	AGENDA ITEM: 6.a
TITLE: Review of Development Activities	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

A verbal update will be provided at the meeting.

ACTION REQUESTED:

N/A

ATTACHMENTS:

None



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 6, 2022	AGENDA ITEM: 6.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

The next Planning Commission meeting is on Monday, July 18 at 6:30 p.m. The 2022 City Meeting Calendar and Liaison Schedule are attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

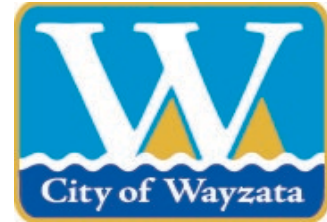
1. 2022 Wayzata City Calendar
2. 2022 Planning Commission Liaison Schedule

City of Wayzata

2022 Meeting Calendar

January 2022						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2022						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					



March 2022						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

April 2022						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2022						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June 2022						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July 2022						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August 2022						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2022						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2022						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2022						
S	M	T	W	Th	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2022						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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

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

Holiday Observed
City Offices Closed

Precinct Caucuses - Feb 1, 2022

Primary Election - August 9, 2022

General Election - November 8, 2022

Revised
9/29/2021

2022 Planning Commission Assignments at Council Meetings

	<u>Meeting Date</u>	<u>Commission Representative</u>
Tuesday	January 4, 2022	Ken Sorensen
Tuesday	January 18, 2022	Peggy Douglas
Tuesday	February 8, 2022	Laura Merriam
Tuesday	February 22, 2022	Jeffrey Parkhill
Tuesday	March 8, 2022	Bonnie Schwalbe
Tuesday	March 22, 2022	Jennifer Severson
Tuesday	April 5, 2022	Larissa Stockton
Tuesday	April 19, 2022	Ken Sorensen
Tuesday	May 3, 2022	Peggy Douglas
Tuesday	May 17, 2022	Laura Merriam
Tuesday	June 7, 2022	Jeffrey Parkhill
Tuesday	June 21, 2022	Bonnie Schwalbe
Tuesday	July 5, 2022	Jennifer Severson
Tuesday	July 19, 2022	Larissa Stockton
Wednesday	August 3, 2022	Ken Sorensen
Tuesday	August 16, 2022	Peggy Douglas
Tuesday	September 6, 2022	Laura Merriam
Tuesday	September 20, 2022	Jeffrey Parkhill
Tuesday	October 4, 2022	Bonnie Schwalbe
Tuesday	October 18, 2022	Jennifer Severson
Tuesday	November 1, 2022	Larissa Stockton
Tuesday	November 15, 2022	Ken Sorensen
Tuesday	December 6, 2022	Peggy Douglas
Tuesday	December 20, 2022	Laura Merriam