

WAYZATA PLANNING COMMISSION

Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street

Monday, July 18, 2022

6:30 PM

HYBRID MEETING INFORMATION

[Click here to join Zoom Meeting](#)

[Meeting ID: 834 8001 9175](#) [Passcode: 675800](#)

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 July 6, 2022
5. **Public Hearing Items**
 - a. Consider Development Application for Lot Combination, Zoning Map Amendment, and Comprehensive Plan Amendment at 1022 Wayzata Blvd E
 - b. Consider Application for Parking Variance and Conditional Use Permit for Outdoor Sales and Service at 830 Lake St E (Baja Haus)
6. **Other Items**
 - a. Review of Development Activities
 - b. Planning Commission Meeting Schedule
7. **Adjournment**

Upcoming Meetings:
City Council - July 19, 2022
Planning Commission - August 1, 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 18, 2022	AGENDA ITEM: 4.a
TITLE: Approval of Draft Meeting Minutes of July 6, 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 July 6, 2022.

ACTION REQUESTED:

Staff recommends approval of the attached regular meeting minutes of July 6, 2022.

ATTACHMENTS:

1. PC.07.06.2022 - Minutes for PC Approval

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JULY 6, 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

Vice-Chair Stockton asked Community Development Director Goellner to take roll call.

Present at roll call were Commissioners: Douglas, Merriam, Stockton, Sorensen, Schwalbe, and Severson. Community Development Director Emily Goellner and City Attorney David Schelzel were also present.

Absent at roll call was: Commissioner Parkhill

AGENDA ITEM 3. Approval of Agenda

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

Commissioner Schwalbe made a motion, seconded by Commissioner Douglas to approve the July 6, 2022 agenda as presented. The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

- a.) Approval of the Draft Meeting Minutes of June 20, 2022 Planning Commission Meeting
- b.) Approving of Planning Commission Report and Recommendation of Approval for Development Application at 900 Wayzata Boulevard East

Vice-Chair Stockton read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion. She noted that she would like to see two minor changes in the meeting minutes on page 17, line 2 and on page 18, line 28.

Vice-Chair Stockton asked for a motion to approve the Consent Agenda with the edits to the minutes, as discussed.

Commissioner Douglas made a motion, seconded by Commissioner Merriam to approve the Consent Agenda with the edits to the minutes, as discussed. The motion carried unanimously.

AGENDA ITEM 5. Public Hearing Items

There were none.

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

2
3 **a) Review of Development Activities**

4
5 Community Development Director Goellner noted that the application for 900 Wayzata Boulevard
6 East will be brought before the City Council on July 19, 2022. She stated that there are two public
7 hearings scheduled for the next Planning Commission meeting on July 18, 2022 and noted that
8 there are currently 13 other development projects that staff is working on right now. She explained
9 that she would expect there to be one or two public hearings at each of the Planning Commission
10 meetings for the next few months. She reminded the Commission that the City website is always
11 be a resource for residents because as soon as the plans are considered 'complete' by staff, they
12 are posted to the website.

13
14 **AGENDA ITEM 7. Adjournment.**

15
16 There being no further business on the agenda, Vice-Chair Stockton asked for a motion to adjourn.

17
18 Commissioner Severson made a motion, seconded by Commissioner Sorensen to adjourn the
19 Planning Commission meeting. The motion carried unanimously.

20
21 The Planning Commission meeting was adjourned at 6:44 p.m.

22
23 Respectfully submitted,
24 Kayla Atkins Rokosz
25 *TimeSaver Off Site Secretarial, Inc.*
26



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 18, 2022	AGENDA ITEM: 5.a
TITLE: Consider Development Application for Lot Combination, Zoning Map Amendment, and Comprehensive Plan Amendment at 1022 Wayzata Blvd E	
PREPARED BY: Valerie Quarles, Assistant Planner, Eric Zweber, Planning Consultant	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: September 13, 2022 (extended to 120 days)	

BACKGROUND:

Applicant Reprise Design has submitted a development application to combine two parcels at 1022 Wayzata Boulevard to serve a potential retail business. The existing gas station building would remain and be renovated. In order to combine the parcels, the applicant is requesting a lot combination through preliminary and final plat, a Comprehensive Plan Amendment for the southern parcel, and a Zoning Map Amendment for the southern parcel.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the lot combination, Zoning Map Amendment, and Comprehensive Plan Amendment requested in the application, for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. 1022 Wayzata Blvd - Staff Report
2. 1022 Wayzata Blvd - Application Materials



**Staff Report
Wayzata Planning Commission
July 18, 2022**

Project Name: Wayzata Retail

Requests: Lot Combination through Preliminary and Final Plat
Comprehensive Plan Amendment
Zoning Map Amendment

Applicant: Reprise Design (on behalf of M & Z Holdings)

Addresses of Request: 1022 Wayzata Boulevard E

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

“120 Day” Deadline: September 13, 2022

Development Application Introduction

The applicant, Reprise Design, has submitted a development application requesting approval of a lot combination of two parcels through a preliminary and final plat, a Comprehensive Plan Amendment for the southern parcel, Zoning Map Amendment for the southern parcel to allow for remodeling of the existing building for a retail business located at 1022 Wayzata Boulevard.

Property Information

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

Address	PID	Owner
1022 Wayzata Boulevard E	06-117-22-41-0015 06-117-22-41-0016	M & Z Holdings

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

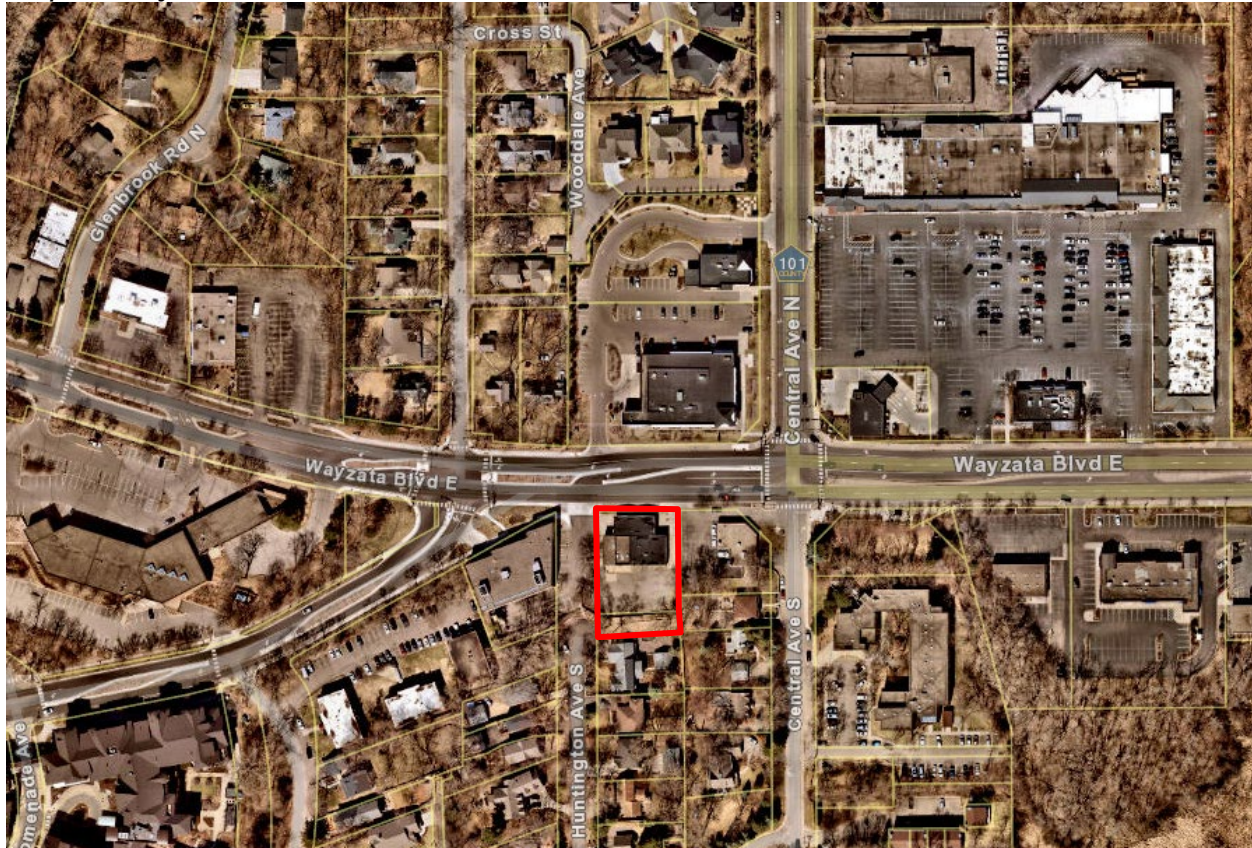
	1022 Wayzata Boulevard E
Current Zoning:	PID 0015: C-3 Service District PID 0016: R3-A Single and Two Family Residential

	1022 Wayzata Boulevard E
Comprehensive Plan Designation:	PID 0015: Mixed Use Commercial/Residential PID 0016: Central Core Residential

Project Location

The property is located on the south side of Wayzata Boulevard between Central Avenue and Huntington Avenue.

Map 1: Project Location



Source: Hennepin County

Application Requests

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

- A. Lot Combination through Preliminary and Final Plat (§ 1003.02 & 1003.03): The applicant has proposed to combine the smaller southern parcel with the larger parcel that fronts Wayzata Boulevard.
- B. Comprehensive Plan Amendment: The applicant has proposed to change the smaller southern parcel (PID: 0611722410016) from Central Core Residential to Mixed Use Commercial to align with the larger parcel.

- C. Zoning Map Amendment (§ 903.02.F): The applicant has proposed to change the smaller southern parcel (PID: 0611722410016) from R3-A Single and Two Family Residential to C-3 Service District to align with the larger parcel.

Public Hearing Notice

Notice of the public hearing on the Application was published in the *Sun Sailor* on July 7, 2022. The public hearing notice was also mailed to all property owners located within 500 feet of the subject property on July 7, 2022.

Neighborhood Notification

The applicant held a neighborhood meeting on June 29, 2022, to discuss their proposed plans. The meeting was attended by three residents/owners of nearby properties. The following primary concerns were discussed:

- Buffer between the commercial and residential uses
- Current state of the retaining wall and vegetation on the southern parcel
- Limited potential for a residential use on the southern parcel

Existing Conditions

The existing site is split between two parcels that total 0.52 acres. The larger parcel fronts Wayzata Boulevard and the Huntington Avenue right-of-way and contains a vacant gas station and a parking lot. The smaller parcel to the south is undeveloped and abuts the unimproved Huntington Avenue right-of-way and a residential neighborhood. The larger parcel is relatively flat while the southern parcel contains steep slopes as the elevation drops down nearly 15 feet from north to south.

Huntington Avenue right-of-way abuts the properties to the west and is used as a parking lot for the neighboring office building. Huntington Avenue was disconnected from the Huntington Avenue road to the south with the construction of the Edina Realty office building (1000 Superior Blvd) and created the elevation change that occurs adjacent to the smaller parcel. Huntington Avenue road ends in a cul-de-sac southwest of the property and there are stairs from the cul-de-sac up to the parking lot.

There is a parking lot abutting the east of the property that serves a multi-tenant building (1042 Wayzata Boulevard).

As mentioned above, the property abuts Wayzata Boulevard to the north. Walgreens is located directly across from the property on the north side of Wayzata Boulevard.

The smaller parcel is 4,368 square-feet, which does not meet the minimum lot area and width standards of the R3-A zoning district. City Code 915.B.6 establishes this parcel as legal non-conforming. The requested lot combination would remove the non-conforming status of the parcel. The requested lot combination would also bring the existing parking lot on the north parcel into compliance with parking area setbacks.

Proposed Changes

The applicant proposes to combine the two parcels into one and renovate the existing gas station to be occupied by a retail business. Retail is a permitted use in the C-3 Service District. A previous development application submitted by the applicant included drive-thru service. A drive-thru is not being requested with this application.

Analysis of Application

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

Comprehensive Plan Amendment

The Comprehensive Plan land use designation for the subject property is Mixed Use Commercial for the larger northern parcel and Central Core Residential for the smaller southern parcel. The applicant would like to change the southern parcel from Central Core Residential designation to Mixed Use Commercial/Residential so that the proposed combined lot is designated for Mixed Use Commercial/Residential use.

The Mixed-Use Commercial/Residential designation represents a broad range of retail, service, office, and multi-family uses. The proposed multi-tenant building would be a retail use. Central Core Residential allows for smaller lot sizes with densities of 3-6 units per acre with single-family homes being the primary use in the district. It should be kept in mind that the parcel is non-conforming for its designated use due to its small size.

Changing the designation of the smaller parcel must be evaluated with applicable principles and goals of the Comprehensive Plan and make sure the Comprehensive Plan amendment would not negatively affect these goals:

Land Use:

- *Wayzata's residential neighborhoods are generally strong. Wayzata neighborhoods are desirable for families young and old. A wide variety of single and multiple family housing exists. Housing development over the last 10 years has made multifamily units the predominate housing type within the community. **As the community continues to support a variety of housing types, access to amenities and services throughout the community should also be monitored.***
- ***Although viewed as primarily a residential community, the working day population welcomes a large number to the community. This commercial tax base helps offset the large percentage of residential land uses. Commercial areas are generally well defined along Lake Street and Wayzata Boulevard. Smaller pockets of mixed neighborhood commercial and residential uses exist north of downtown.***
- ***Throughout the visioning process of the Comprehensive Plan update, the community emphasized the need for a connected community. Mixed-use nodes were identified as a way to strengthen the sense of community and increase walkability throughout the City and provide enhanced connections***

between the residential neighborhoods and the commercial and recreational areas.

Land Use Goals:

- ***Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.***
- ***Promote a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents.***
- ***Provide connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types.***
- ***Support the existing commercial core within the community, and encourage business retention and reinvestment.***

Future Land Use:

- *The Mixed-Use Commercial/Residential category provides for a combination of commercial and residential uses. This mixture of uses can be achieved in many ways, including traditional vertical or horizontal mixed-use on a single lot. Additionally, mixed-use can be achieved on a block level, where individual lot sizes and property characteristics would make multiple uses difficult to implement. **In this case, a mixture of uses should be achieved at the block level where, for example, a lot with residential units may be situated next to a lot with commercial uses.** Development within this category is anticipated to be approximately 50 percent commercial and office uses and 50 percent residential. Residential uses within the category shall be comprised of multi-family units at a density of at least 10 units per acre. Residential densities of up to 30 units per acre may be considered.*
- **1022 Wayzata Boulevard is considered a redevelopment opportunity on Figure 3-5. It is also a part of Stage 2 (2020-2030) to be redeveloped on Figure 3-6.**

Housing:

- ***Protect and maintain the character of the existing established neighborhoods within the City, while recognizing that certain areas of the community are more suitable for infill developments.***

Zoning Amendment

The larger northern parcel is zoned C-3 Service District, and the smaller southern parcel is zoned R3-A Single and Two Family Residential. The applicant is requesting a zoning map amendment to change the smaller southern parcel to C-3 Service District and then

combining the lots through a preliminary and final plat. The following table outlines the standards compared with the proposal (both lots combined):

Regulation	C-3 District	Proposed (parcels combined)
Building Height (max.)	No building shall be erected or structurally altered to exceed two stories and 30 feet in height, whichever is lesser.	1 story: 18 feet 4 inches*
Lot Area	Minimum of 15,000 square-feet	22,825 square-feet
Lot Coverage (max.)	50%	18%
Building Setbacks (min.)	Front: 10 ft Sides: 10 ft Rear: 50 ft	North (front): 34 ft.* West (side): 11.6 ft.* East (side): 19.6 ft.* South (rear): 103 ft.
Parking Setbacks (min.)	Front: 10 ft Sides: 10 ft Rear: 10 ft Street: 15 ft	Wayzata Boulevard (front): 2 ft.* Huntington Avenue (west side): 0 ft.* East (side): 0 ft.* South (rear): 34 ft.
Floor Area Ratio (max.)	1.0	0.18

*Existing Dimensions

Lot Combination – Preliminary and Final Plats

The applicant is requesting to combine both parcels due to site layout issues. Combining the lots allows more space for zoning-compliant site design and eliminates the non-conforming status of the smaller southern parcel. The combination also brings the rear setback of the current parking area into compliance. The incorporation of the southern lot will also eliminate issues that may arise if the non-conforming lot is ever sold independently.

As seen above in the zoning table, the combined lot meets the lot area standards of the C-3 Service zoning district.

The smaller parcel has a different zoning and comprehensive plan designation than the larger parcel and needs both the zoning map amendment and a comprehensive plan amendment to match the larger parcel.

Parking

City Code § 920.11.B requires three (3) spaces for each 1,000 square-feet of floor area for retail uses. The existing 4,139 square foot building occupied by retail uses would require 13 parking spaces.

While the current parking lot is not striped, the existing parking lot behind the building could be striped for 22 code compliant parking spaces.

Loading

The site plan has adequate space for loading. City Code requires one loading space for each retail building over 10,000 square feet. Since the existing building is 4,139 square feet, no dedicated loading space is required.

Access and Circulation

No changes are proposed to the existing access to the site. Customers would access the site from Wayzata Boulevard via Huntington Avenue right-of-way or customers traveling eastbound on Wayzata Boulevard can use the joint access along the eastern property line. Drivers turning into Huntington Avenue can choose to turn into the access in front of the building directly off of Wayzata Boulevard or drivers could drive on the Huntington Avenue right-of-way to the rear access to the site. In order for drivers to circulate within this site, the pavement on both sides of the building would need to have a one-way traffic pattern.

Design Standards Review

Building plans have not been provided at this time. When submitted, building plans will be reviewed to ensure compliance with the design standards if applicable. If design standards deviations are requested by an applicant, they will need to be reviewed by the Planning Commission and approved by the City Council.

Fencing/Retaining Wall

City Code requires a six-foot privacy fence or vegetation a minimum of six feet high to be installed where any non-residential lots abut a residential lot. This fencing or landscaping would need to be installed during a renovation of the existing building.

The current retaining wall is in disrepair and is in violation of the International Property Maintenance Code. A formal complaint process is underway. The applicant has stated that they intend to repair the fence in the near future. Staff recommends that the Commission focus its review on the other facts of this application that are relevant to the Code criteria since a separate enforcement process is currently underway for the retaining wall in disrepair.

Tree Preservation Plan

There are currently eight significant trees and one heritage tree on the site with a cumulative total of 167 diameter inches. No trees are recommended for removal due to the lot combination.

Standards of Planning Commission Review of Application Requests

The applicant's Comprehensive Plan Amendment and Zoning Map Amendment requests are legislative reviews and decisions, meaning that the Planning Commission acts like a legislative body and has wide discretion on whether to recommend approval or denial if it has a rational basis for its decision.

The application's subdivision request is a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the Comprehensive Plan amendment if the Commission determines the amendment set appropriate policy to enforce, amend, and administrate the Zoning Ordinance in City Code § 901.04.

The Planning Commission should recommend approval of the zoning map amendment if the Commission determines that there are no substantial adverse effects of the amendment in City Code § 903.02.F.

The Planning Commission should recommend approval of the preliminary and final plat requested by the applicant if the Commission determines that they meet all criteria for platting standards in City Code § 1003.

Primary Questions to Consider

- Would the comprehensive plan amendment allow the proposed development to create access to services for the community?
- Would the comprehensive plan amendment help diversify the tax base by creating additional commercial land?
- Would the comprehensive plan amendment create better connections between residential neighborhoods and the proposed commercial building?
- Would the comprehensive plan amendment help support the existing commercial core?
- Would the comprehensive plan amendment allow for redevelopment of the property?
- Would the comprehensive plan amendment support the existing residential areas while recognizing that some areas of the city are more suitable for infill development?
- Would the zoning amendment be consistent with the comprehensive plan?
- Would the proposed lot combination be consistent with the comprehensive plan?

Action Steps

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

Attachments

Applicant's Narrative Dated June 14, 2022
Preliminary Plat
Final Plat
Boundary and Setbacks Survey
Tree Preservation Plan
Summary of June 29, 2022 Neighborhood Meeting

Applicable Code Provisions for Review

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

2040 Comprehensive Plan Amendment

Land Use:

- *Wayzata's residential neighborhoods are generally strong. Wayzata neighborhoods are desirable for families young and old. A wide variety of single and multiple family housing exists. Housing development over the last 10 years has made multifamily units the predominate housing type within the community. **As the community continues to support a variety of housing types, access to amenities and services throughout the community should also be monitored.***
- ***Although viewed as primarily a residential community, the working day population welcomes a large number to the community. This commercial tax base helps offset the large percentage of residential land uses. Commercial areas are generally well defined along Lake Street and Wayzata Boulevard. Smaller pockets of mixed neighborhood commercial and residential uses exist north of downtown.***
- *Throughout the visioning process of the Comprehensive Plan update, **the community emphasized the need for a connected community. Mixed-use nodes were identified as a way to strengthen the sense of community and increase walkability throughout the City and provide enhanced connections between the residential neighborhoods and the commercial and recreational areas.***
- ***The Central Core Residential category represents the single-family residential development located in the central core of Wayzata. These homes include smaller lot sizes, with densities of 3 to 6 units per acre. Single-family units are the primary uses within this district.***

Land Use Goals:

- ***Create connected neighborhoods that provide access to services, housing and recreation for all ages and mobility types.***
- ***Promote a diversity of retail, office, service and residential land uses at a high level of development quality to enhance Wayzata as a regional destination and provide services for residents.***
- ***Provide connectivity within new developments and between existing neighborhoods to promote a sense of community and encourage mobility of all types.***

- ***Support the existing commercial core within the community and encourage business retention and reinvestment.***

Future Land Use:

- *There are no new areas of Central Core Residential identified within the plan; therefore, any development activity within this category will be the result of redevelopment.*
- *The Mixed-Use Commercial/Residential category provides for a combination of commercial and residential uses. This mixture of uses can be achieved in many ways, including traditional vertical or horizontal mixed-use on a single lot. Additionally, mixed-use can be achieved on a block level, where individual lot sizes and property characteristics would make multiple uses difficult to implement. In this case, a mixture of uses should be achieved at the block level where, for example, a lot with residential units may be situated next to a lot with commercial uses. Development within this category is anticipated to be approximately 50 percent commercial and office uses and 50 percent residential. Residential uses within the category shall be comprised of multi-family units at a density of at least 10 units per acre. Residential densities of up to 30 units per acre may be considered.*
- **1022 Wayzata Boulevard is considered a redevelopment opportunity on Figure 3-5. It is also a part of Stage 2 (2020-2030) to be redeveloped on Figure 3-6.**

Housing:

- ***Protect and maintain the character of the existing established neighborhoods within the City, while recognizing that certain areas of the community are more suitable for infill developments.***

Lot Combination through Preliminary and Final Plat (1003.02 & 1003.03)

The City may agree to review the preliminary and final plat simultaneously. The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

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 filing 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 Chapter 909 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.

Zoning Map Amendment (903.02)

The Planning Commission shall consider possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.**
- 2. The proposed use's conformity with present and future land 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 value in the area in which it is proposed.
- 6. Traffic generation by the proposed use 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.

June 14, 2022

Mr. Eric Zweber
City of Wayzata
Planning Department
600 Rice St. East
Wayzata, MN 55391
planning@wayzata.org

Re: **Project Narrative**
1022 E. Wayzata Blvd.

Mr. Zweber:

Please accept these revised documents for the proposed project at 1022 East Wayzata Boulevard. We are requesting consolidation of the two adjoining lots, the northerly most lot currently designated as C-3 and the southerly most lot currently designated as R-3A.. Included in this submittal are the following additional application requests:

1. A lot combination of parcels #0611722410015 and #0611722410016 through a Preliminary and final Plat process.
2. A Comprehensive Plan Amendment to re-guide parcel #0611722410016 from Central Core Residential to Mixed-use Commercial / Residential.
3. Zoning Map Amendment of parcel #0611722410016 from R-3A to C-3.

In support of these application requests and in response to the Incomplete Letter dated May 26,, 2022 we are submitting the following revised documentation and associated submittal fees:

- Payments for the \$3,695 application and \$6,250 escrow fees.
- Site survey of the existing building and lot confirming C-3 Standards, including minimum front and side street setbacks and rear yard parking and building minimum setbacks
- Project Narrative, including information regarding the proposed use of the existing building
- Existing Tree Survey

PROJECT DESCRIPTION:

The total area of the two combined lots will be 22,301.44 square feet or 0.524 acre. The total existing building area is 4,139 SF. The intent is to remodel the interior and exterior of the existing building for a retail use as yet to be determined. We are requesting Lot Consolidation to unify the zoning of the adjoining lots with the same Ownership to maximize the efficiency of the unified parcel and allow for as much permitted parking as possible to optimize the retail use of the building.

The site environmental status will require removal of the existing underground tanks and completion of cleanup of any hazardous material (if any) on site. It is the Owner's intention to complete all required work regarding environmental issues prior to the re-development of the site and once a use has been determined.

In addition, we want to refer to the last city council meeting, during which some of the council members advised us to submit a request for combination of the lot.

It is also very expensive to maintain separate lots which including taxes, insurance maintenance and bookkeeping.

For the reasons stated above we are requesting for the city to combine both the lots, the only other possibility is for us to build a house on the back non-conforming lot.

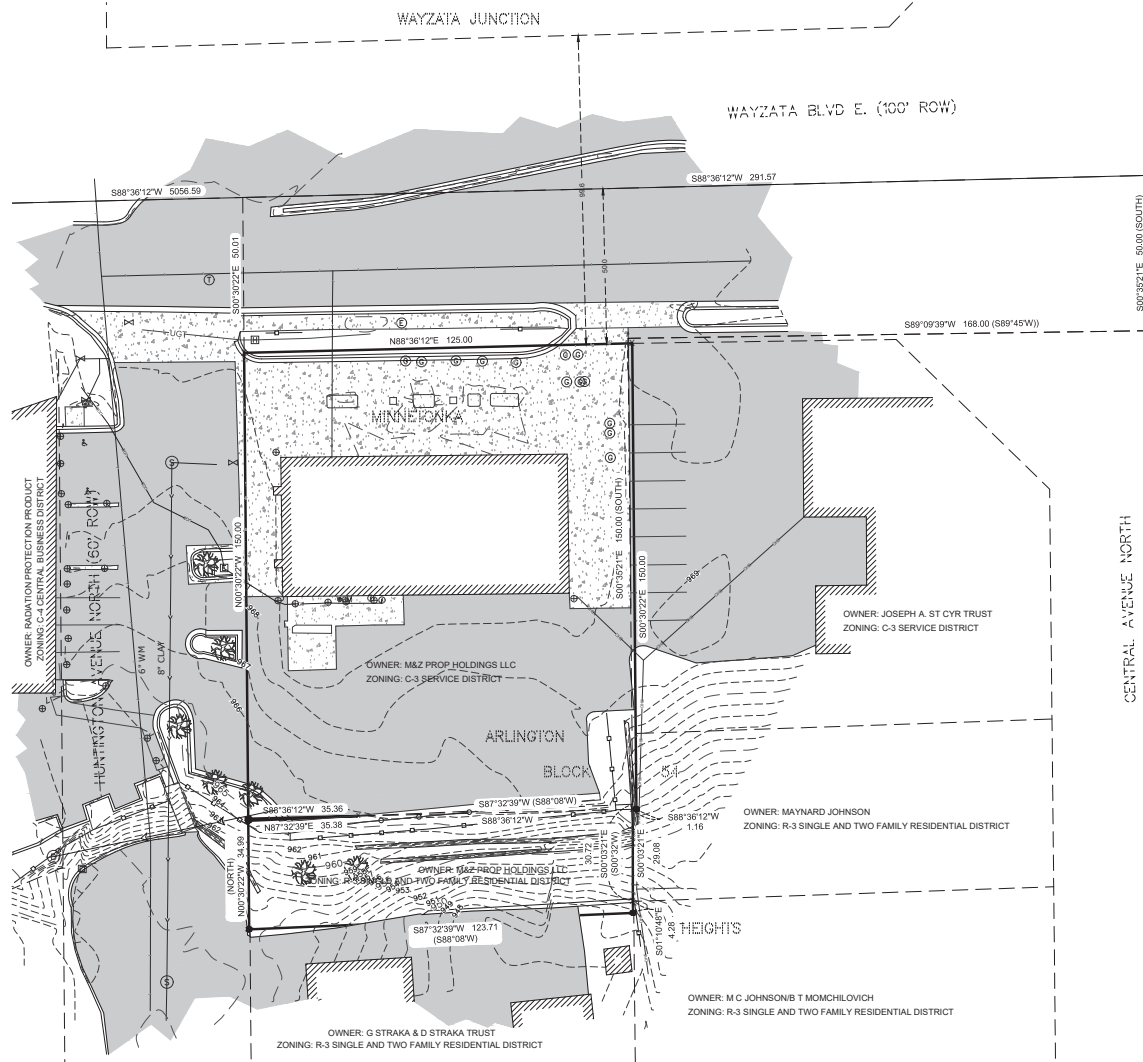
Thank you for your consideration of this application. Please let me know if you have any questions or if you need additional information. We look forward to working with you to make this project an asset to everyone involved!

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Schatz". The signature is fluid and cursive, with the first name "Charles" and last name "Schatz" clearly distinguishable.

Charles Schatz
Project Manager
Reprise Design

PRELIMINARY PLAT OF WAYZATA BOULEVARD RETAIL



OWNERS:
M & Z Property Holdings, LLC and LN REI, LLC
16924 Cottage Grove Avenue
Wayzata, MN 55391
Telephone: 612-462-1559

SURVEYOR:
Design Tree Engineering and Land Surveying
Jonathan D. Schuette, Professional Land Surveyor
Minnesota License Number 45352
Telephone: (320) 460-7110

ENGINEER:
Design Tree Engineering and Land Surveying
Jeremy E. Anderson, Professional Engineer
Minnesota License Number 44223
Telephone: (320) 460-7104

LEGEND

PLATTED & EXISTING LOT LINES	HYDRANT
EXISTING RIGHT OF WAY	GATE VALVE
EASEMENT LINES	WELL
CENTERLINE	SANITARY MANHOLE
BOUNDARY LINE	SANITARY SEWER CLEANOUT
WOOD FENCE	STORM MANHOLE
CHAINLINK FENCE	CATCH BASIN
WIRE FENCE	APRON
STORM SEWER LINE	SHRUB
SANITARY SEWER LINE	POWER POLE
WATERMAIN	LIGHT POLE
OVERHEAD ELECTRIC	GUY WIRE
UNDERGROUND TELEPHONE	POWER BOX
UNDERGROUND FIBER	ELECTRIC METER
UNDERGROUND ELECTRIC	COMMUNICATION PEDESTAL
UNDERGROUND GAS LINE	HAND HOLE
EDGE OF WETLAND	GAS METER
BUILDING	SIGN
EDGE OF TREE LINE OR WOODS	BOLLARD
CONCRETE PAVEMENT	SOIL BORING
BITUMINOUS PAVEMENT	AIR CONDITIONER
AGGREGATE SURFACING	DECIDUOUS TREE
LANDSCAPING	CONIFEROUS TREE

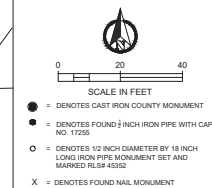
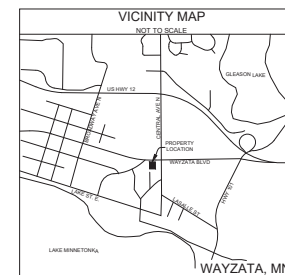
SURVEYOR'S NOTES:

1. TOTAL ACREAGE: 0.53± ACRES OR 23,004 SQ. FT.

LEGAL DESCRIPTIONS

Parcel: 1 (Abstract)
That part of Block 45, Minnetonka Arlington Heights, Wayzata, Minn., bounded and described as follows: Commencing at a point where the Easterly line of Huntington Avenue intersects the present Southerly line of Superior Boulevard (formerly known as Wayzata Boulevard); thence in an Easterly direction along the Southerly line of said Superior Boulevard a distance of 125 feet; thence in a Southerly direction on a line parallel with the Easterly line of said Huntington Ave. a distance of 150 feet; thence Westerly on a line parallel with the Southerly line of said Superior Boulevard to a point on the Easterly line of Huntington Ave. 150 feet Southerly of point of beginning; thence Northerly along the Easterly line of said Huntington Ave. to the place of beginning, Hennepin County, Minnesota.

Parcel: 2 (Torrens)
That part of Block 45, "Minnetonka Arlington Heights", described as commencing at the Northeast corner of Government Lot 4, Section 6, Township 117, Range 22; thence South along the East line of said Government Lot 4, a distance of 50 feet; thence South 89 degrees 45 minutes West (assuming said East line as bearing North and South) a distance of 168 feet; thence South, parallel to the East line of said Government Lot 4, a distance of 150 feet to the actual point of beginning; thence South 0 degrees 32 minutes West a distance of 30.72 feet; thence South parallel to the East line of said Government Lot 4, a distance of 4.28 feet; thence South 88 degrees 08 minutes West a distance of 124.7 feet, more or less, to the West line of said Block 45; thence North along the West line of said Block 45 a distance of 35 feet to an intersection with a line bearing South 88 degrees 08 minutes West from the actual point of beginning, thence North 88 degrees 08 minutes East to the actual point of beginning, Hennepin County, Minnesota.



DESIGN TREE
engineering + land surveying
St. Cloud | Alexandria | Rogers
320-217-5557

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

PRINTED NAME: Jonathan D. Schuette
DATE: 1/21/22 LICENSE #: 45352

PREPARED FOR:
WAYZATA BLVD
RETAIL

1022 WAYZATA
BLVD. E.,
WAYZATA, MN
55391

THIS DRAWING AND THE INFORMATION THEREIN IS THE PROPERTY OF DESIGN TREE ENGINEERING INC. USE BY THE HOLDER OR DISCLOSURE TO OTHERS WITHOUT THE PERMISSION OF DESIGN TREE ENGINEERING INC. IS PROHIBITED. IT CONTAINS PROPRIETARY AND CONFIDENTIAL INFORMATION OF DESIGN TREE ENGINEERING INC. REPRODUCTION OF THE MATERIAL HEREIN WITHOUT WRITTEN PERMISSION OF DESIGN TREE ENGINEERING INC. VIOLATES THE COPYRIGHT LAWS OF THE UNITED STATES AND WILL SUBJECT THE VIOLATORS TO LEGAL PROSECUTION.

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DRAWN BY: NK		
CHECKED BY: JDS		
PROJECT NO.: 10521003		
NO.	DATE	DESCRIPTION

PRELIMINARY PLAT

1 of 1

WAYZATA BOULEVARD RETAIL

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

KNOW ALL PERSONS BY THESE PRESENTS: That M & Z Property Holdings, LLC, a Minnesota limited liability company and LN REI, LLC, a Minnesota limited liability company, owners of the following described property:

That part of Block 45, Minnetonka Arlington Heights, Wayzata, Minn., bounded and described as follows: Commencing at a point where the Easterly line of Huntington Avenue intersects the present Southerly line of Superior Boulevard (formerly known as Wayzata Boulevard); thence in an Easterly direction along the Southerly line of said Superior Boulevard a distance of 125 feet; thence in a Southerly direction on a line parallel with the Easterly line of said Huntington Ave. a distance of 150 feet; thence Westerly on a line parallel with the Southerly line of said Superior Boulevard to a point on the Easterly line of Huntington Ave. 150 feet Southerly of point of beginning; thence Northerly along the Easterly line of said Huntington Ave. to the place of beginning, Hennepin County, Minnesota.
(Abstract)

And

That part of Block 45, "Minnetonka Arlington Heights", described as commencing at the Northeast corner of Government Lot 4, Section 6, Township 117, Range 22; thence South along the East line of said Government Lot 4, a distance of 50 feet; thence South 89 degrees 45 minutes West (assuming said East line as bearing North and South) a distance of 168 feet; thence South, parallel to the East line of said Government Lot 4, a distance of 150 feet to the actual point of beginning; thence South 0 degrees 32 minutes West a distance of 30.72 feet; thence South parallel to the East line of said Government Lot 4, a distance of 4.35 feet; thence South 88 degrees 08 minutes West a distance of 124.7 feet, more or less, to the West line of said Block 45; thence North along the West line of said Block 45 a distance of 35 feet to an intersection with a line bearing South 88 degrees 08 minutes West from the actual point of beginning, thence North 88 degrees 08 minutes East to the actual point of beginning, Hennepin County, Minnesota.
(Torrens)

Has caused the same to be surveyed and platted as WAYZATA BOULEVARD RETAIL

In witness, whereof, said M & Z Property Holdings, LLC, a Minnesota limited liability company and LN REI, LLC, a Minnesota limited liability company, has cause these presents to be signed by its proper officer this _____ day of _____, 20____.

Signed: M & Z Property Holding, LLC

By _____, its _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on this _____ day of _____, 2022 by _____, its _____ of M & Z Property Holdings, a Minnesota limited liability company, on behalf of the corporation.

signature

print

Notary Public, _____ County, Minnesota

My commission expires _____

Signed: LN REI, LLC

By _____, its _____

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on this _____ day of _____, 2022 by _____, its _____ of LN REI, a Minnesota limited liability company, on behalf of the corporation.

signature

print

Notary Public, _____ County, Minnesota

My commission expires _____

I, Jonathan D. Schuette 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____.

Jonathan D. Schuette, Licensed Land Surveyor
Minnesota License No. 45352

STATE OF _____

COUNTY OF _____

The instrument was acknowledged before me on _____ by Jonathan D. Schuette

signature

print

Notary Public, _____ County, Minnesota

My commission expires _____

WAYZATA, MINNESOTA
This plat of WAYZATA BOULEVARD RETAIL was approved and accepted by the City Council of Wayzata, Minnesota at a regular meeting thereof held this _____ day of _____, 20____.

CITY COUNCIL OF WAYZATA, MINNESOTA

Mayor _____ City Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota
I hereby certify 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 MN. STAT. Sec. 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 WAYZATA BOULEVARD RETAIL was filed in this office this _____ day of _____, 20____ at _____ o'clock ____M.

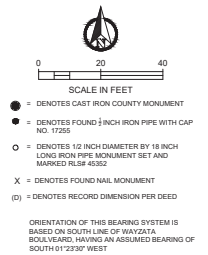
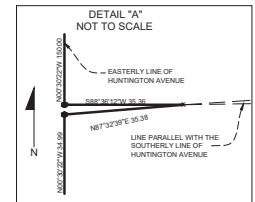
Amber Bougie, Registrar of Titles by _____ Deputy

COUNTY RECORDER, Hennepin County, Minnesota
I hereby certify that the within plat of WAYZATA BOULEVARD RETAIL was recorded in this office this _____ day of _____, 20____ at _____ o'clock ____M.

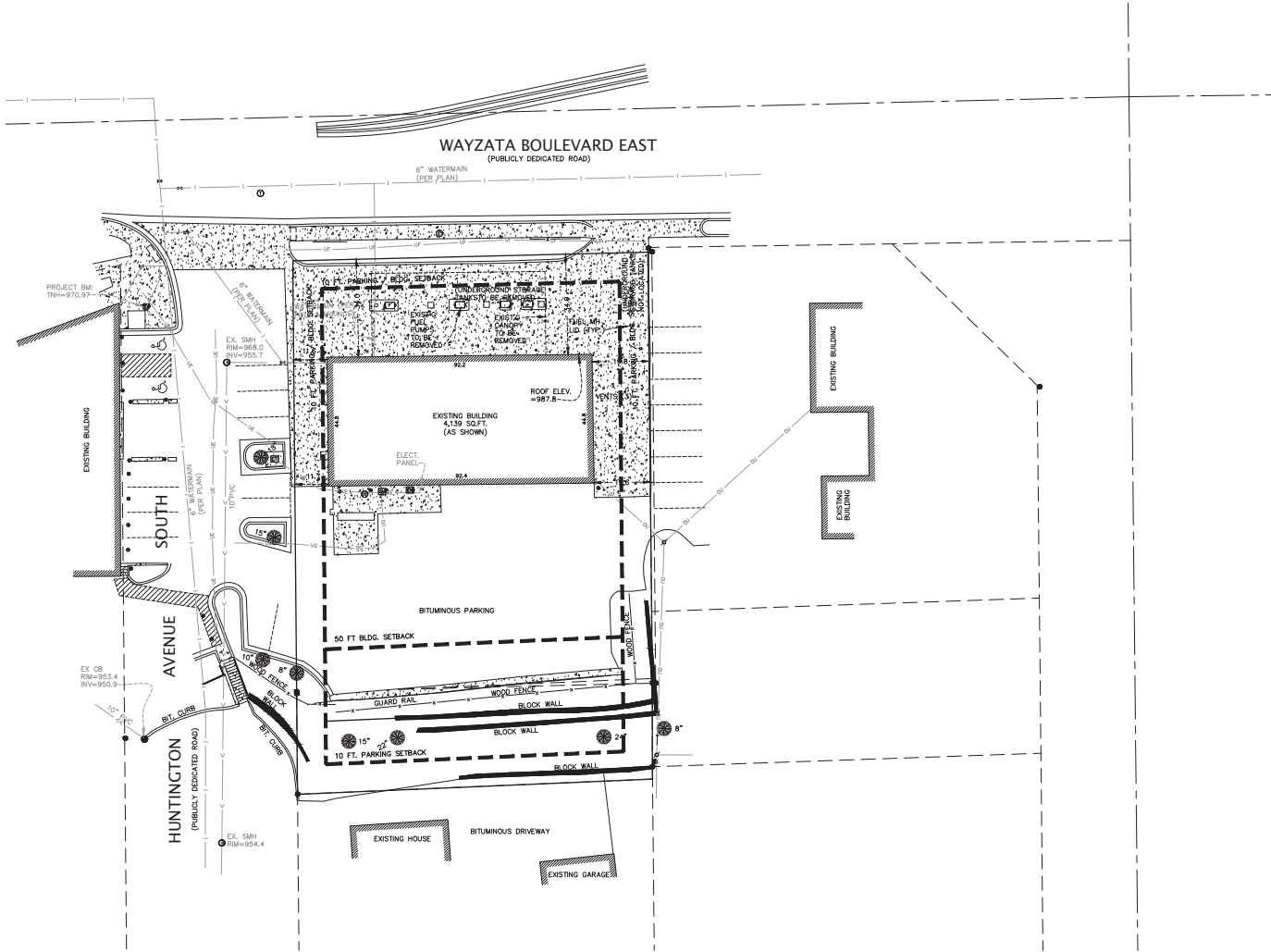
Amber Bougie, County Recorder by _____ Deputy

R.T. DOC. NO. _____

C.R. DOC. NO. _____



DESIGN TREE
engineering + land surveying
St. Cloud | Alexandria | Rogers
320-217-5557



LEGEND			
	FOUND MONUMENT		FIRE DEPT. CONNECTION
	SET 1/2" BORN PIPE		HYDRANT
	MANHOLE ALL NO. 25718		CURB STOP
	CABLE TV TYPICAL		WATER MAIN
	AIR CONDITIONER		WATER METER
	ELECTRIC MANHOLE		POST INDICATOR VALVE
	ELECTRIC METER		BALLARD
	ELECTRIC PEDIESTAL		WATER VALVE
	ELECTRIC TRANSFORMER		STORM SEWER
	LIGHT POLE		WATERMAIN
	GUT WIRE		FLAG POLE
	POWER POLE		MAIL BOX
	GAS MANHOLE		TRAFFIC SIGN
	GAS METER		UNKNOWN MANHOLE
	TELEPHONE MANHOLE		SOIL BORING
	TELEPHONE PEDIESTAL		SPOT ELEVATION
	SANITARY CLEANOUT		TRAFFIC SIGNAL
	SANITARY MANHOLE		CONIFEROUS TREE
	CATCH BASIN		DECIDUOUS TREE
	STORM DRAIN		PLANNED ROAD SECTION
	PLANNED ROAD SECTION		STORM MANHOLE
	UNDERGROUND ELECTRIC		UNDERGROUND CABLE TV
	UNDERGROUND FIBER OPTIC		UNDERGROUND TELEPHONE
	OVERHEAD UTILITY		UNDERGROUND GAS
	SANITARY SEWER		STORM SEWER
	WATERMAIN		FENCE
	CURB (TYPICAL)		CONTOUR
	BITUMINOUS SURFACE		CONCRETE SURFACE
	GRAVEL SURFACE		DENOTES A BEARING OR DISTANCE OF RECORD

LEGAL DESCRIPTION:

PARCEL 1: (PID-0611722410015)
The following legal description appears on the the Hennepin County Limited
Warranty Deed as Document Number A10560653:

That part of Block 45, MINNETONKA ARLINGTON HEIGHTS, Wayzata, Minnesota, bounded and described as follows: COMMENCING at a point where the easterly line of Huntington Avenue intersects the present southerly line of Superior Boulevard (formerly known as Wayzata Boulevard); thence in an easterly direction along the southerly line of said Superior Boulevard a distance of 125 feet; thence in a southerly direction on a line parallel with the easterly line of said Huntington Avenue a distance of 150 feet; thence westerly on a line parallel with the southerly line of said Superior Boulevard to a point on the easterly line of Huntington Avenue 150 feet southerly of the POINT OF BEGINNING; thence northerly along the easterly line of said Huntington Avenue to the place of beginning. (Abstract)

PARCEL 2: (PID-0611722410016)
The following legal description appears on the Hennepin County Certificate of Title, Certificate Number 1464737:

That part of Block 45, "Minnetonka Arlington Heights", described as commencing at the Northeast corner of Government Lot 4, Section 6, Township 117, Range 22; thence South along the East line of said Government Lot 4, a distance of 50 feet; thence South 89 degrees 45 minutes West (assuming said East line as bearing North and South a distance of 168 feet; thence South, parallel to the East line of said Government Lot 4, a distance of 150 feet to the actual point of beginning; thence South 0 degrees 32 minutes West a distance of 30.72 feet; thence South parallel to the East line of said Government Lot 4, a distance of 4.28 feet; thence South 88 degrees 08 minutes West a distance of 124.7 feet, more or less, to the West line of said Block 45; thence North along the West line of said Block 45 a distance of 35 feet to an intersection with a line bearing South 88 degrees 08 minutes West from the actual point of beginning, thence North 88 degrees 08 minutes East to the actual point of beginning. (Torrens)

*NOTE: MULTIPLE DESCRIPTION GAPS AND OVERLAPS APPEAR TO BE CREATED FROM THE ABOVE LISTED PROPERTY DESCRIPTIONS. CONSULT WITH A QUALIFIED TITLE OR REAL ESTATE ATTORNEY TO RECTIFY THIS ISSUE IF NECESSARY.

AREAS:

TOTAL AREA = 22,815 SQ.FT., BEING 0.524 ACRES, MORE OR LESS

TITLE NOTES:

NO TITLE WORK WAS PROVIDED FOR THE BENEFIT OF THIS SURVEY.
EASEMENTS OF WHICH WE ARE UNAWARE MAY EXIST.

BENCHMARKS

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

LOCAL PROJECT BENCHMARK SHOWN GRAPHICALLY

SURVEY NOTES:

1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE HENNEPIN COUNTY SURVEYORS OFFICE.
2. UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND AS-BUILTS PLANS PROVIDED BY THE CITY OF WAYZATA.
3. THERE MAY SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.

UNDERGROUND UTILITIES NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. GOPHER STATE ONE CALL LOCATE TICKET NUMBER(S) 201883877. SOME MAPS WERE RECEIVED, WHILE OTHER UTILITIES DID NOT RESPOND TO THE LOCATE REQUEST. ADDITIONAL UTILITIES OF WHICH WE ARE UNAWARE MAY EXIST.

1022 WAYZATA BLVD

WAYZATA, MN

CONTACT:

REPRISE DESIGN
Charles Schatz, LEED AP BD+C
Senior Project Architect
12400 Portland Ave South
Suite 100
Burnsville, MN 55337
952-252-4042
cschatz@reprisedesign.com

COUNTY/CITY:

HENNEPIN COUNTY
CITY OF WAYZATA

VICINITY MAP

REVISIONS:

07-20-20 PRELIMINARY ISSUE

CERTIFICATION:

PRELIMINARY
07-20-20

PROJECT LOCATION:

1022
WAYZATA BLVD. E.
PID#0611722410015
PID#0611722410016

Suite #200
1970 Northwestern Ave
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@cssurvey.net

CORNERSTONE
LAND SURVEYING, INC.

BOUNDARY AND
TOPOGRAPHIC
SURVEY

Arborist Report & Tree Protection Plan

January 2022



**Prepared
For:**

Reprise Design, Inc.
12400 Portland Ave #100
Burnsville, MN 55337

Prepared By: Davey Resource Group Inc.

1196 7th St E
St. Paul, MN 55106
Contact: Ryan Gustafson
Direct: (763) 360-3335
ryan.gustafson@davey.com
Corporate Office: 800.966.2021



Notice of Disclaimer

Assessment data provided by Davey Resource Group is based on visual recording at the time of inspection. Visual records do not include testing or analysis and do not include aerial or subterranean inspection unless indicated. Davey Resource Group is not responsible for discovery or identification of hidden or otherwise non-observable risks. Records may not remain accurate after inspection due to variable deterioration of surveyed material. Risk ratings are based on observable defects and mitigation recommendations do not reduce potential liability to the owner. Davey Resource Group provides no warranty with respect to the fitness of the trees for any use or purpose whatsoever.

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Summary

On January 24th, 2022 an International Society of Arboriculture (ISA) Board Certified Master Arborist (MN-4145-BM) completed an assessment of the trees and inventory data at 1022 Wayzata Blvd, Wayzata, MN. The assessment was contracted by the Reprise Design, Inc.. The arborist performed a visual assessment of the property and collected data about the significant and heritage trees on the site. The results were used to determine the critical root zone of the trees (CRZ), as well as recommended tree protection measures required during construction in order to limit construction impacts on these trees that will remain. The quantity of trees being removed was also analyzed to determine the amount of replacement trees needed to be planted once the project is complete. At the time of the assessment, no grading or any construction activity had been conducted. This tree assessment forms part of a tree protection plan which may be submitted for approval to the City of Wayzata.

Tree information is summarized as follows:

Observations

- According to the City of Wayzata Ordinance Code Chapter 936.02 a "Significant Tree" means a Healthy Deciduous Hardwood Tree that is six inches or greater in DBH, a Healthy Softwood Deciduous Tree that is 12 inches or greater in DBH, or a Healthy Coniferous Tree that is 12 feet or greater in height or 12 inches or greater in DBH. A "Heritage Tree" means a Healthy Softwood Deciduous Tree that is 30 inches or greater in DBH, a Healthy Hardwood Deciduous Tree that is 25 inches or greater in DBH, or a Healthy Coniferous Tree that is 25 inches or greater in DBH.
- A total of 8 Significant trees and 1 Heritage tree were inventoried on the property with a cumulative total of 167 diameter inches.
- No trees are recommended for removal due to construction activities.
- Four of the tree's inventories are within the property boundaries, the other 5 are adjacent to the property but could be significantly impacted by construction activities.

Recommendations

- Install fencing and signage prior to any construction activities to prevent soil compaction and tree damage.
- Pruning of trees surrounding the building should be performed prior to any construction.
- If damage during construction occurs to any trees they should be inspected by an arborist for further recommendations.
- The two inventoried ash should be considered for treatment to protect them from Emerald Ash Borer.

This report focuses on tree protection recommendations for tree preservation and removal, and provides the CRZs of these trees for planning purposes. DRG has provided general site preservation and/or removal recommendations based on the provided construction plans. This report also helps to determine the quantity of trees needing to be replanted as replacement trees.

Introduction

Background

The property at 1022 Wayzata is a commercial property with plans to remove the current building and redevelop the property. Davey Resource Group, Inc. (DRG) was contracted to provide a tree preservation report for the property. This report details the amount of Significant Trees on the property, tree protection and retention measures, the amount of significant trees being removed, and the amount of replacement trees needed.

The arborist visually assessed the trees on the site, and checked the provided tree inventory data for accuracy. Following data assessment, the provided plans were used to develop a tree preservation plan.

Limits of the Assignment

Many factors can limit specific and accurate data when performing evaluations of trees. The determinations and recommendations presented here are based on current data and conditions that existed at the time of the evaluation and cannot be a predictor of the ultimate outcomes for the trees. A visual inspection was used to develop the findings, conclusions, and recommendations found in this report. No physical inspection of the upper canopy, sounding, and resistograph or other technologies were used in the evaluation of the trees.

At the time of the site visit, the deciduous trees had no foliage to evaluate.

Methods

This site was visited on January 24th, 2022 by an ISA Board Certified Master Arborist (Ryan Gustafson MN-4145 BM). A visual inspection of the trees, overall site, and provided design plans was used to develop the recommendations found in this report.

Observations

Site Observations

The project site is located at 1022 Wayzata Blvd, Wayzata, MN. The adjacent properties are commercial and residential. The adjacent roads have heavy traffic. The lot is fairly level in the front $\frac{3}{4}$ of the property with retaining walls in the back $\frac{1}{4}$ of the property where the elevation drops off significantly to a residential property..

At the time of the assessment, no significant ground disturbance or any construction activity had occurred.

Tree Observations

Of the 9 trees that were inventoried 8 of them are considered to be Significant trees and 1 a Heritage Tree. The data recorded about the trees by DRG include species, size, and condition. 5 of the trees inventoried are on adjacent property, but could be significantly impacted by construction activities. Of the 9 inventoried trees on the property none of them are planned for removal.

The trees in the upper portion of the property are growing in planting beds surrounded by pavement. The trees in the back of the property are growing in a turf area where a retaining wall already exists.

Besides the three honeylocust trees growing on the adjacent property all of the other trees are not highly desirable species of trees. Two of the four Significant trees on the property are green ash (*Fraxinus pennsylvanica*) are susceptible to the Emerald Ash borer (EAB), which is present in Wayzata. At the time of inspection EAB did not appear to be present in the trees.

Analysis & Recommendations

There are two considerations when evaluating tree root disturbance during construction; the removal of absorption roots and anchoring roots. Removal (or compaction in the area) of the feeder roots can cause immediate water stress and a significant decline in tree health. The ability of a tree to survive root loss is dependent on its tolerance of drought, tree health, and the ability to form new roots quickly. Removal of larger anchoring roots can lead to structural instability or failure.

All Significant and Heritage trees on site are recommended for preservation. Tree protection fencing should be installed to protect the CRZ's of these trees prior to any construction activities.

Root Zone Calculations

The CRZ is considered the ideal preservation area of a tree. It is equal to 1 foot of radius for every inch of trunk diameter measured at 4.5 feet from grade. For example; a tree with a DBH of 10 inches has a calculated CRZ radius of 10 feet from the trunk center (diameter of 30 feet). The CRZ represents the typical rooting area required for tree health and survival. Construction activities should be limited near or in the CRZ of any tree to be retained. This includes but is not limited to the storage of materials, parking of vehicles, contaminating soil by washing out equipment, (concrete, paint, etc.), or changing soil grade.

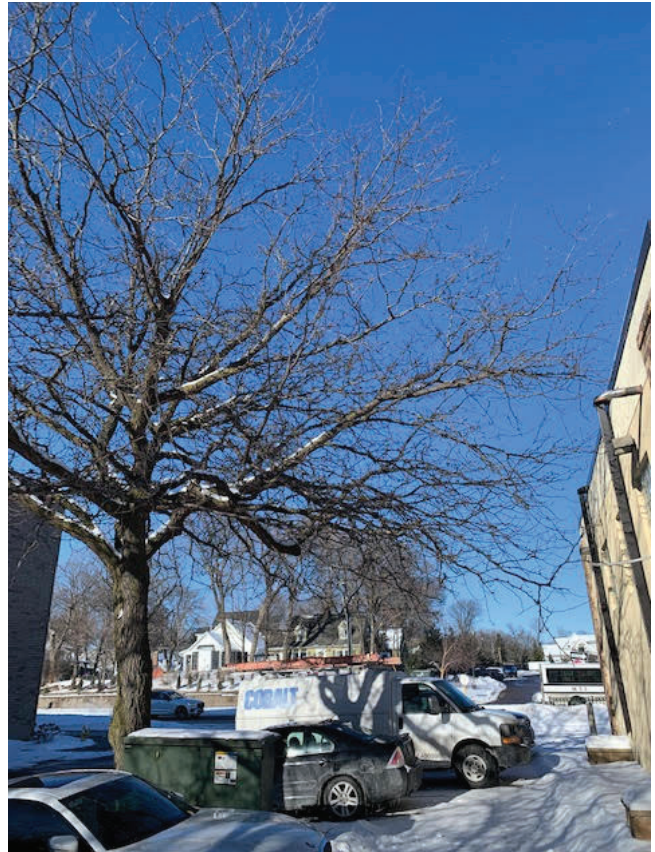
Tree #	Species	DBH (inches)	CRZ (feet)
1	boxelder	13	13
2	boxelder	28	28
3	green ash	28	28
4	green ash	15	15
5	siberian elm	12	12
6	boxelder	13	13
7	honeylocust	12	12
8	honeylocust	12	12
9	honeylocust	20	20

For the trees growing in planting beds surrounded by pavement the CRZ could be reduced to the area of the planting bed. With the highly compacted soils needed for paved surfaces very few roots are typically found growing below pavement. But this makes it extremely important that no disturbance occurs in the non paved areas of the CRZ. The photo below shows the trees on adjacent property growing in planting beds surrounded by pavement.



Pre-Construction

- Establish a tree protection zone. At a minimum trees that will remain on site should be protected with fencing to protect the CRZ.
- No intrusion whatsoever should occur to the CRZ of any tree to be retained.
- Applying a 4 inch layer of mulch to the CRZ of trees in the work area, particularly if the entire CRZ cannot be fenced due to construction, is a best practice that should be considered.
- Tree #9 of the inventory has low hanging branches, and branches growing into the existing building. This tree should be pruned prior to any construction activity to prevent limbs from being broken by equipment. The image to the right shows this tree growing into the current building.



During Construction

Once development begins, several measures are necessary to help ensure optimal outcomes for all trees selected for preservation:

- **Retain a Certified Arborist** on site to monitor activities and assess impacts to trees. The arborist can make as-needed recommendations to improve tree preservation activities throughout the development process. This is particularly important in order to make a timely response when a preserved tree is accidentally damaged or otherwise impacted during development.
- **Discuss tree protection** regularly at required staff meetings. Reiterate the importance of respecting the Tree Protection Zone as critical to the safety of staff working on site and the success of tree preservation efforts.
- No material shall be stored, nor concrete basins washed, or any chemical materials or paint stored within the CRZ of trees, and no construction chemicals or paint should be released into landscaped areas, as these can be toxic to trees and contaminate soil.
- Strictly **enforce** the Tree Protection Zones as “No-Go” zones. No activity, human or machinery, should breach the established TPZ unless under the supervision of a Certified Arborist.

Post-Construction

- A Certified Arborist should inspect the trees on construction completion, and promptly if any changes in tree health, condition or structural stability develop. If trees begin to decline, they should be monitored monthly or more frequently and additional treatments to improve the health of the trees should be recommended.
- Annual monitoring should be anticipated and scheduled for several years, as the effects of construction may take anywhere from 3 to 7 years to become visibly apparent.

Replacement Plantings

Since there are no Significant or Heritage trees being removed replacement trees are not needed.

Conclusion

This report, along with the tree inventory, is the first step in preserving the health, function, and value of the trees on the site during and after development. Trees and green spaces provide benefits and add value to the property. Tree preservation starts with a basic understanding of the health and structure of the trees on the site. With proper care and protection, these trees can continue to thrive. Tree protection guidelines and strategies should be shared with contractors and employers prior to any disturbance at the site.

Evaluating the suitability of a tree for preservation is a qualitative process based on the interaction of many factors. A tree inventory and arborist report provides a snapshot in time of each individual tree assessed across many of the most important observable factors relative to preservation. Healthy, vigorous trees better tolerate impacts from construction and more readily adapt to the new site conditions that exist after completion of development. Additionally, tolerance to impact from construction activities varies across species and sites. The percentage impact to the critical root zone also greatly influences the suitability of a particular tree for preservation.

Successful tree preservation requires a team effort to find the right balance and select the appropriate trees. Using the findings of this report as a guiding foundation, planners are equipped to design, prepare, and implement a tree preservation plan tailored to achieving the optimal outcome.

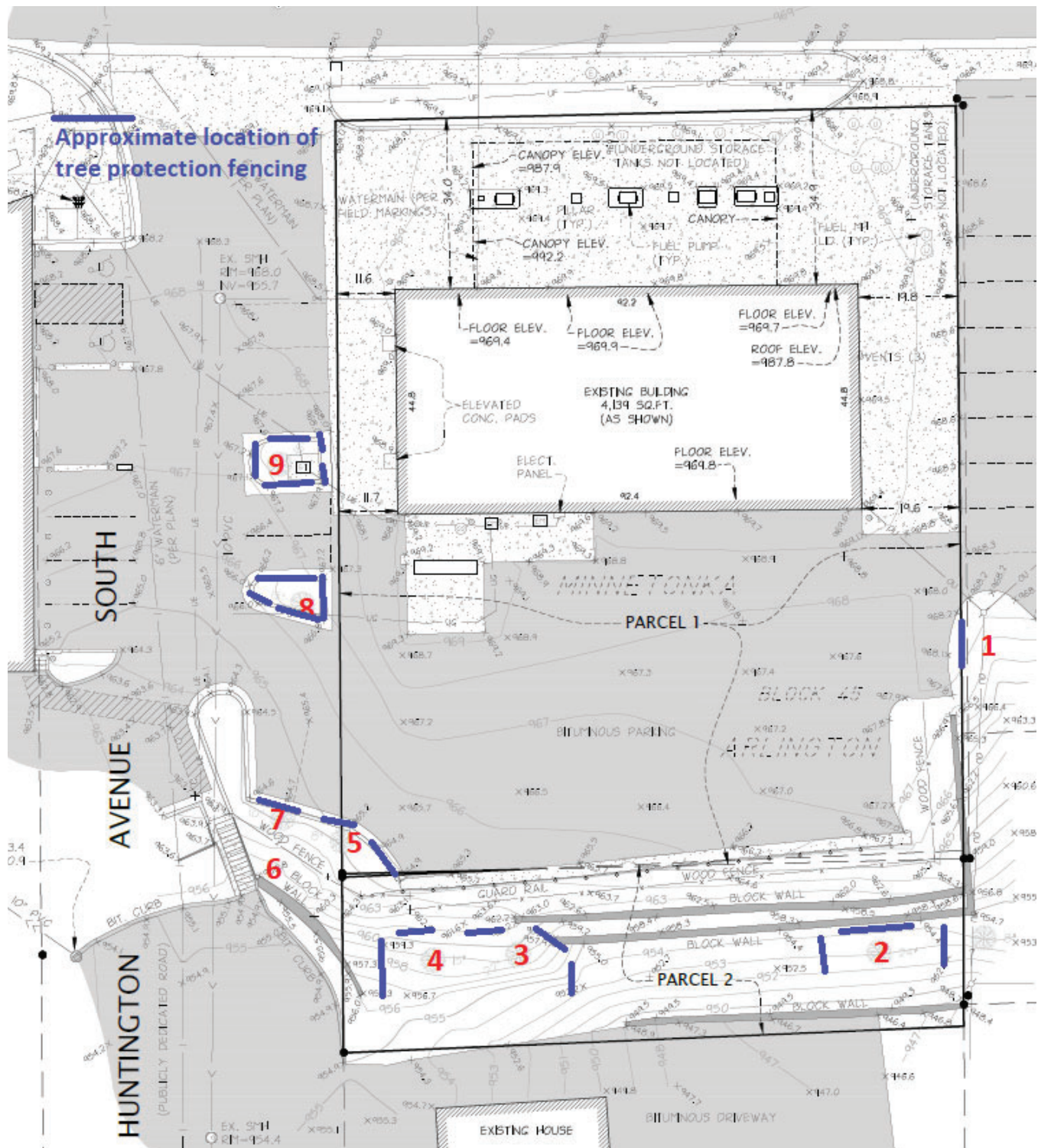


Ryan Gustafson
ISA Board Certified Master Arborist (MN-4145BM)
Davey Resource Group, Inc.

Appendix A: Tree Inventory

Tree #	Common	Species	DBH	Condition	Stems	Significant	Heritage	Remove
1	boxelder	<i>Acer negundo</i>	13	Fair	1	Yes	No	No
2	boxelder	<i>Acer negundo</i>	28	Fair	1	No	Yes	No
3	green ash	<i>Fraxinus pennsylvanica</i>	28	Fair	1	Yes	No	No
4	green ash	<i>Fraxinus pennsylvanica</i>	14,15	Fair	2	Yes	No	No
5	Siberian elm	<i>Ulmus pumila</i>	12	Fair	1	Yes	No	No
6	boxelder	<i>Acer negundo</i>	13	Fair	1	Yes	No	No
7	honeylocust	<i>Gleditsia triacanthos inermis</i>	12	Fair	1	Yes	No	No
8	honeylocust	<i>Gleditsia triacanthos inermis</i>	12	Poor	1	Yes	No	No
9	honeylocust	<i>Gleditsia triacanthos inermis</i>	20	Fair	1	Yes	No	No

The following images show the approximate location for recommended tree protection fencing. The fencing is marked in blue.



Summary of Neighborhood Meeting for 1022 Wayzata Blvd E
Meeting Date: June 29, 2022, 4:30 PM – 5:30 PM
Summary Date: July 5, 2022

To Whom It May Concern,

The neighborhood meeting to discuss the lot consolidation at this property was conducted on June 29 at 4:30 PM.

- Farhad Hakim (the property owner) explained the intended project scope and the reason for the lot consolidation. The work on this site will involve a minor remodel to clean up the existing building on the site. The lot combination is being undertaken to simplify taxation, mortgages, and maintenance of this property and the adjacent non-conforming lot under the same ownership.
- The idea of rehabilitating the existing building was favorable to most residents in attendance.
- Gordon Straka, the owner of the property immediately to the south, announced his intention to fight the lot combination for the purpose of maintaining the non-conforming lot as a permanent “buffer zone” against future development.
- Mr. Straka debated grievances with Mr. Hakim regarding the current state of the property, such as vegetation and the condition of the retaining wall.
- The idea of a part of the property being used for a memorial for Mr. Straka’s wife came up. Cathy Iverson had proposed this idea in a phone call to Mr. Hakim the previous day. Mr. Straka found the idea offensive, and he immediately left the meeting.
- The discussion of the wall condition continued with the remaining residents in attendance. Mr. Hakim explained that the wall will be replaced, but the costs associated with this work would be a significant business loss if applied to an undevelopable buffer lot. He explained that the lot consolidation would justify these costs as an enhancement of a viable commercial property.
- The owner of the apartment building to the east was concerned about the parking lot being used and headlights shining into units. Mr. Hakim plans to replace the existing fencing with an opaque fence (likely of shiplap design) between the properties that is high enough to address this issue.
- The relative difficulty of developing the non-conforming lot as a residential property was discussed. The lot constraints would require a tall retaining wall and a long, narrow building.
- The residents in attendance found the idea of consolidating the lots as a single commercial property more favorable than leaving the non-conforming residential lot intact, since existing zoning codes would mandate a 50 foot setback and prevent new structures from being developed as far south on these properties.

Neighborhood Meeting - 1022 Wayzata Blvd E
June 29, 2022, 4:30 PM

Sign-In Sheet

1.	<i>Sanna Johnson</i>	_____
2.	<i>Leka G.</i>	_____
3.	<i>Garry St</i>	_____
4.	_____	_____
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17.	_____	_____
18.	_____	_____



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 18, 2022	AGENDA ITEM: 5.b
TITLE: Consider Application for Parking Variance and Conditional Use Permit for Outdoor Sales and Service at 830 Lake St E (Baja Haus)	
PREPARED BY: Valerie Quarles, Assistant Planner	
REVIEWED BY: Emily Goellner, Community Development Director	
60 DAY DEADLINE: September 21, 2022 (extended to 120 days)	

BACKGROUND:

Applicant, Bar Lazy H Three, and applicant's representative, Bill Rolandelli, have submitted an application to construct a seasonal, removable patio in front of the Baja Haus restaurant at 830 Lake St E. Making the patio a recurring fixture requires a conditional use permit for outdoor sales and service in the C-2 zoning district and a parking variance, as the patio is proposed to occupy four parking spaces. The shopping center parking lot is currently undersized compared to the City's parking minimums.

ACTION REQUESTED:

After considering the items outlined in this report, holding the public hearing on the application, and discussing the requests of the Application, the Planning Commission should direct staff to prepare a draft *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the lot combination, Zoning Map Amendment, and Comprehensive Plan Amendment requested in the application, for review and adoption at the next Planning Commission meeting.

ATTACHMENTS:

1. 830 Lake St - Staff Report
2. 830 Lake Street - Application Materials
3. 830 Lake St - Public Comments Recieved by July 12



**Staff Report
Wayzata Planning Commission
July 18, 2022**

Project Name: Baja Haus Patio
Requests: Conditional Use Permit, Variance
Applicant: Josh Friedt, Baja Haus
Applicant's Representative: Bill Rolandelli
Addresses of Request: 830 Lake St E
Prepared by: Eric Zweber, Consulting Planner
Valerie Quarles, Assistant Planner
"120 Day" Deadline: September 23, 2022 (extended from July 23, 2022)

Development Application

Introduction

The applicant's representative, Bill Rolandelli, on behalf of Baja Haus restaurant, has submitted a development application to construct an outdoor dining patio within the parking lot of The Village shopping center at 830 Lake St E. The development application requests approval of a conditional use permit and variance for outdoor sales and service.

Property Information

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

Address	PID	Owner
830 Lake St E	06-117-22-42-0044	Bar Lazy H Three, LLC

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

Current zoning:	C-2/Shopping Center District
Comp plan designation:	Central Business District
Overlay districts:	Shoreland Overlay District

Project Location

The property is in The Village shopping center on the south side of Lake Street between Superior Blvd and Circle A Dr.

Map 1: Project Location



Application Requests

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

- A. Conditional Use Permit (§ 937.05.L): Outdoor services or sales as an accessory use in the C-2 zoning district.
- B. Variance (§ 937.05.L.4): The conditional use permit standards for outdoor services or sales state that the use may not take up parking space that is required by the zoning ordinance. The proposed patio would occupy four stalls that are needed to meet the minimum parking requirement for the shopping center.

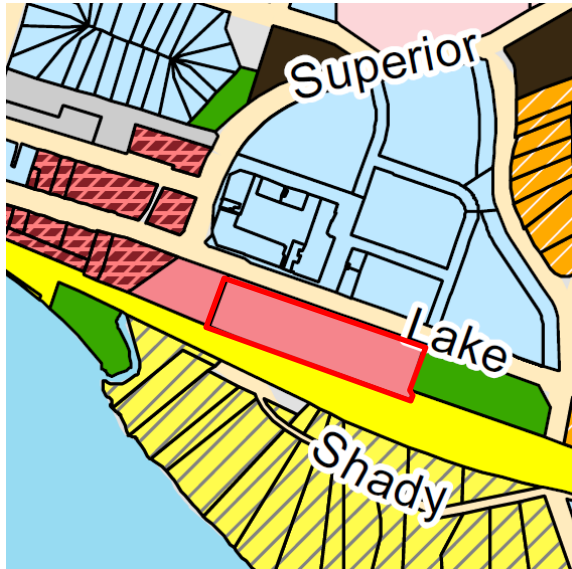
Adjacent Land Uses

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

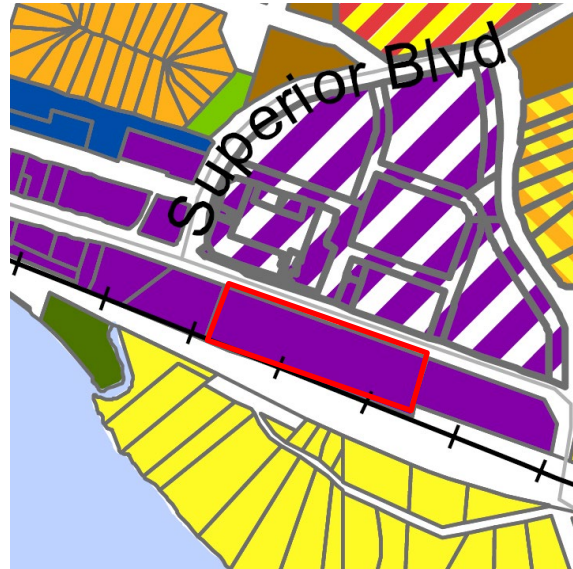
Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Promenade of Wayzata	PUD/Planned Unit Development	Downtown Mixed Use District
East	City-owned open space	Parks and Open Space	Central Business District
South	BNSF Railroad	R-2 Medium Density Residential District	N/A
West	Cross Creek Shoppes	C-2 Shopping Center Business District	Central Business District

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Sun Sailor* on July 7, 2022 and mailed to all property owners within 500 feet of the subject property on July 7, 2022.

Neighborhood Notification

Per the Neighborhood Notification and Meeting Policy, the applicant sent a letter to all properties within 500 feet describing their development proposal and their contact information on July 7, 2022.

Analysis of Application

Proposed Plans

Baja Haus is proposing to add an outdoor dining patio adjacent to their restaurant which would occupy four parking spaces within the existing parking lot. The applicant has provided renderings of the proposed patio. The patio would consist of a 18x34' platform base to align the patio floor with the sidewalk, a 9' tall pergola structure, and a railing along the perimeter of the patio, with one opening from the sidewalk for access. The patio would contain 8 tables and approximately 32 chairs. The proposed patio would be installed seasonally for outdoor use May-October. When not in use, the platform structure, pergola, and tables would be removed, and the parking stalls would be available for parking. The current hours of operation for Baja Haus are Monday-Thursday 4-9 p.m. and Friday-Saturday 4-10 p.m. The applicant states many tenants in the shopping mall are closing for the day when the restaurant opens, therefore opening up many parking spaces.

Business	Current Hours, Monday-Saturday (earliest closing to latest)
MDS Remodeling	Monday-Saturday: 9am-5pm
Village Meats and Deli	Monday-Friday: 8am-6pm Saturday: 8am-5pm
Hirshfield's Wayzata	Monday-Friday: 7am-6pm Saturday: 8am-4pm
Anna's Alterations	Monday-Friday: 10am-6pm Saturday: 10am-4pm
Lavish Salon Wayzata	Monday-Thursday: 9am-9pm Friday: 9am-5pm Saturday: 9am-4pm
Jade Fountain	Monday-Thursday: 11am-9:30pm Friday-Saturday: 11am-10pm
Baja Haus	Monday-Thursday: 4pm-9pm Saturday: 4pm-10pm

Hours of operation as seen on Google Maps, July 12, 2022

Jade Fountain hours of operation from company website

Previous Request

Baja Haus previously requested a conditional use permit and parking variance in June of 2018. The requests were withdrawn after the Planning Commission had approved a PC Report and Recommendation recommending denial of the requests.

During the local Emergency Order due to the COVID-19 pandemic, outdoor seating was encouraged for local restaurants. In 2021, Baja Haus installed the outdoor seating area that is currently being requested. The City has not received any complaints since the installation of the outdoor seating and attached to this memorandum is a letter of support from neighboring businesses within the shopping center.

Parking

The shopping center is approximately 43,200 square feet in size and contains a mix of retail, restaurant, service commercial, and restaurant uses. When determining parking for a shopping center, the zoning ordinance does not distinguish between the individual tenants or uses in the building. The ordinance requires one parking space for each 150 square feet of floor area of the shopping center. Based on the building size and minimum parking requirement, the property is required to have 259 parking stalls, and there are 164 on-site parking stalls provided. Therefore, the property is non-conforming and does not meet the minimum parking requirements.

The availability of parking within the lot has not been subject to a formal study in recent years, but parking availability is likely related to the hours of operation for the collective businesses. The table at the top of this page shows that the hours for Baja Haus begin toward the end of the business day and have limited conflicts with most other immediately

adjacent businesses in the shopping center, with the exception of Jade Fountain and Lavish Salon.

Conditional Use Permit Standards – Outdoor Sales and Service

Outdoor sales and service operations requiring a conditional use permit are subject to specific standards for size, screening from residential areas, lighting, and ground surface material. The proposed patio meets these specific CUP standards.

The proposed patio is below 30% of the gross floor area of the principal use and patrons are minimally visible from the Promenade development apartment residents across Lake Street. The proposed lighting is directed so that the light source is not visible from the public right of way and the patio sits atop an asphalt surface.

The proposed patio does not meet one of the standards for required parking – it seasonally obstructs spaces that are needed for the property to meet minimum parking requirements. The minimum parking requirement is not increased with this proposal. Typically, seasonal patios are not included in the calculation of minimum parking requirements. Year-round patios are included.

Conditional Use Permit Standards – General

The general conditional use permit standards are designed to maximize the positive impact of the proposed use while minimizing negative effects that the proposed use may have on its surroundings. Outdoor dining appears to be compatible with present and future uses of the area, as restaurants are a common use along Lake Street and seasonal patios/sidewalk cafés are frequently seen. The Planning Commission should consider how the proposed patio may fulfill the Comprehensive Plan objectives of walkability and vitality, and what effect it may have on the rest of the parking lot, as well as the broader area.

Variance Standards

The variance standards are primarily intended to determine whether projects are being proposed as a result of a practical difficulty, and whether they meet the intent of the Ordinance and the Comprehensive Plan. The Zoning Ordinance requires that outdoor dining in the shopping center district be located in an area that does not take up parking spaces or loading areas. This can be difficult to achieve for shopping center tenants located in the center of the site. Tenants located on the end of a shopping center typically have more options for outdoor dining locations that comply with this requirement. In order to serve customers efficiently and comply with liquor sales restrictions, outdoor dining must be contiguous with indoor dining. It cannot be located elsewhere on the site.

The proposed patio has existed on the site over the past two summers under the temporary outdoor seating permits related to the pandemic, and cannot exist in front of the building without occupying parking spaces. The Planning Commission should consider whether the parking variance will alter the essential character of the area and whether the parking variance is consistent with the Comprehensive Plan.

Public Comments

The City received a signed letter from the two adjacent business owners (Village Meats & MDS Remodeling) to Baja Haus supporting the proposed patio. The letter states that the temporary patio approved for Baja Haus during the COVID-19 pandemic has been beneficial to all parties. The patio will be available to use for both tenants during non-business hours for Baja Haus.

Staff Comments

The Engineering Department stated that although the proposed patio will be located entirely on private property, there are concerns about safety and protection of patrons from motorists in the parking lot. Previously, concrete jersey barriers were used to separate the patio from the rest of the parking lot, which offers some protection for people in the patio area. In addition, the current layout of the parking lot doesn't meet the minimum standards described in City Code Chapter 920. The existing drive aisle is less than the 24 foot minimum, and the existing parking stalls are less than the 18 foot minimum length. This condition contributes to congestion and difficulty navigating the parking lot for motorists.

The Building Inspections Division stated that the proposed structure is a freestanding pergola, so it would be regulated by the building permit process. If the ADA parking access aisle is relocated, the applicant will be required to cut in a new curb ramp. The applicant should also include a ramp into the patio area.

Standards of Planning Commission Review of Application Requests

The application request is a quasi-judicial review and decision, meaning that the Planning Commission acts similar to a judge in a courtroom and applies the relevant rules of the Zoning Ordinance to this particular property and proposed development.

The Planning Commission should recommend approval of the conditional use permit request by the applicant if the Commission determines that they meet all criteria for granting a conditional use permit in City Codes § 904.02.F and § 937.05.L.

The Planning Commission should recommend approval of the variance request by the applicant if the Commission determines that they meet all criteria for granting a variance in City Code § 905.01.C.

Primary Questions to Consider

- Is the proposed use (outdoor dining patio within the parking lot) compatible with current and future uses in the area?
- Will the proposed use negatively affect the area where it's proposed?
- Is the removal of parking spaces for outdoor dining a reasonable use for this property?
- Is the plight of the landowner due to circumstances unique to the property, and not created by the landowner? Would the variance, if granted, alter the essential character of the locality?

Action Steps

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

Attachments

Application and Narrative

Proposed Site Plan

Proposed Patio Renderings

Signed Letter from Village Meats and MDS Remodeling

Applicable Code Provisions for Review

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

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

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.

City Code Section 937.05.K states additional requirements for granting a conditional use permit for open or outdoor services, sale and rental as a principal or accessory use.

1. Outside services, sales and equipment rental connected with the principal use is limited to 30 percent of the gross floor area of the principal use. Uses specified as requiring a separate conditional use permit shall be exempted from this provision.
2. Outside sales areas are landscaped and fenced or screened from view of neighboring residential uses or an abutting "R" District.
3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.
4. Areas are asphalt or concrete surfaced.
5. **The use does not take up parking space or loading areas as required for conformity to this Ordinance.**
6. **Additional parking, pursuant to Chapter 920 of this Ordinance is provided for said space.**
7. The provisions of Section 904.02.F of this Ordinance are considered and satisfactorily met

Variance Standards: Section 905.01.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

1. Variances shall only be permitted when they are:
 - a) in harmony with the general purposes and intent of this Ordinance; and
 - b) consistent with the Comprehensive Plan.

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

Project Narrative - Baja Haus CUP & Variance Submittal**Project Description**

Baja Haus proposes to Construct / Operate an Outdoor Dining Patio within the parking lot adjacent to the Baja Haus Restaurant located at 830 Lake Street E, Wayzata. Baja Haus is submitting this application for a Conditional Use Permit & associated Variance for Outdoor Sales & Service

Requests Conditional Use Permit

Outdoor Services as an Accessory Use in the C-2 Zoning District

Variance

Occupy 4 Parking Stalls that are currently needed to meet minimum Parking requirement in the Shopping Center

Proposed Plans

The proposed patio would consist of a platform base ,pergola structure,and railing along the perimeter to prevent patron access to the parking lot from the patio. There would be one opening onto the sidewalk directly in front of the Baja Haus Restaurant. ADA compliance will be met.

Seasonal Use

The Patio Operates May thru October

Hours of Operation

Hours of Operation are Mon-Thurs 4PM-9PM Friday & Saturday 4PM-10PM

How Project Meets CUP criteria

The Lake Street Area in the Spring / Summer / Fall has an outdoor oriented environment. A very high percent of the Dining Establishments operate outdoor Patio / Dining areas. In this CUP request Baja Haus cannot identify any adverse affects this CUP has to the current City of Wayzata CUP Criteria with the exception of the 4 Parking Stalls addressed in the Variance request being reviewed in this Development Application.

How Project Meets Outdoor Service /Sales CUP Criteria

Pursuant to Chapter 976.05 of the CUP Ordinance our focus for this part of the Narrative was in Item 1. We feel that items 1-4 are solidly met with a note that Item 1 requiring a limit of 30% of the Principle Uses sq ft is actually at approximately 5%. Well under what is the Limit. Items 5&6 are addressed by our Variance request and Item 7 is addressed in our CUP request.

How Removing Parking Stalls meets variance criteria

Baja Haus is requesting that we receive a Variance to use 4 parking stalls abutting the sidewalk directly in front of the Baja House Principle Structure during the months of May thru October each year for the Dining Patio. Baja Haus feels that our Variance request works well with the general purpose and intent of the Ordinance given the specific situation and location. It also appears to be consistent with the current City's Comprehensive Plan. To no fault of the Owners of the Baja Haus there is simply no other area available for the out door Dining / Patio that is afforded to many of the other Dining Establishments in the Lake Street Area. This Variance if granted we feel would have no adverse affects to the Lake Street area. This is also addressed in the "Proof of Concept" section of this narrative.

Project Narrative - Baja Haus CUP & Variance Submittal

How Removing Parking Stalls meets variance criteria (continued)

Baja Haus feels it should be noted that the Hours of Operation for the tenants in the overall Strip Mall is a factor that should be considered. The Baja Haus parking space impact is after 4:00 PM Mon- Sat, close to the time when a lot of the Mall tenants are closing for the day. With the exception of Saturdays on occasion , there is a consistent large amount of open Parking stalls in the overall Mall parking lot.

Proof of Concept

Baja Haus was approved for an Outdoor Dining space in the same size and location we are requesting in this CUP/ Variance application during the year of 2020 & 2021 during the Covid Pandemic Period. The operation of this Outdoor Dining Concept/ Size & Location prooved to work very well with no adverse affects relating to items in concern / review for the CUP and Variance Application. This Outdoor Dining space used 4 Parking Stalls .

Continued Need for Open Air / Outdoor Dining

The City of Wayzata and surrounding Communities has a large percent of the Public Officials and the General Public that continue to openly voice an ongoing concern to be Pro-active in providing open air and social distancing opportunities in any establishments where it is all possible now & in the future

Baja House 4 PARKING PATIO AREA

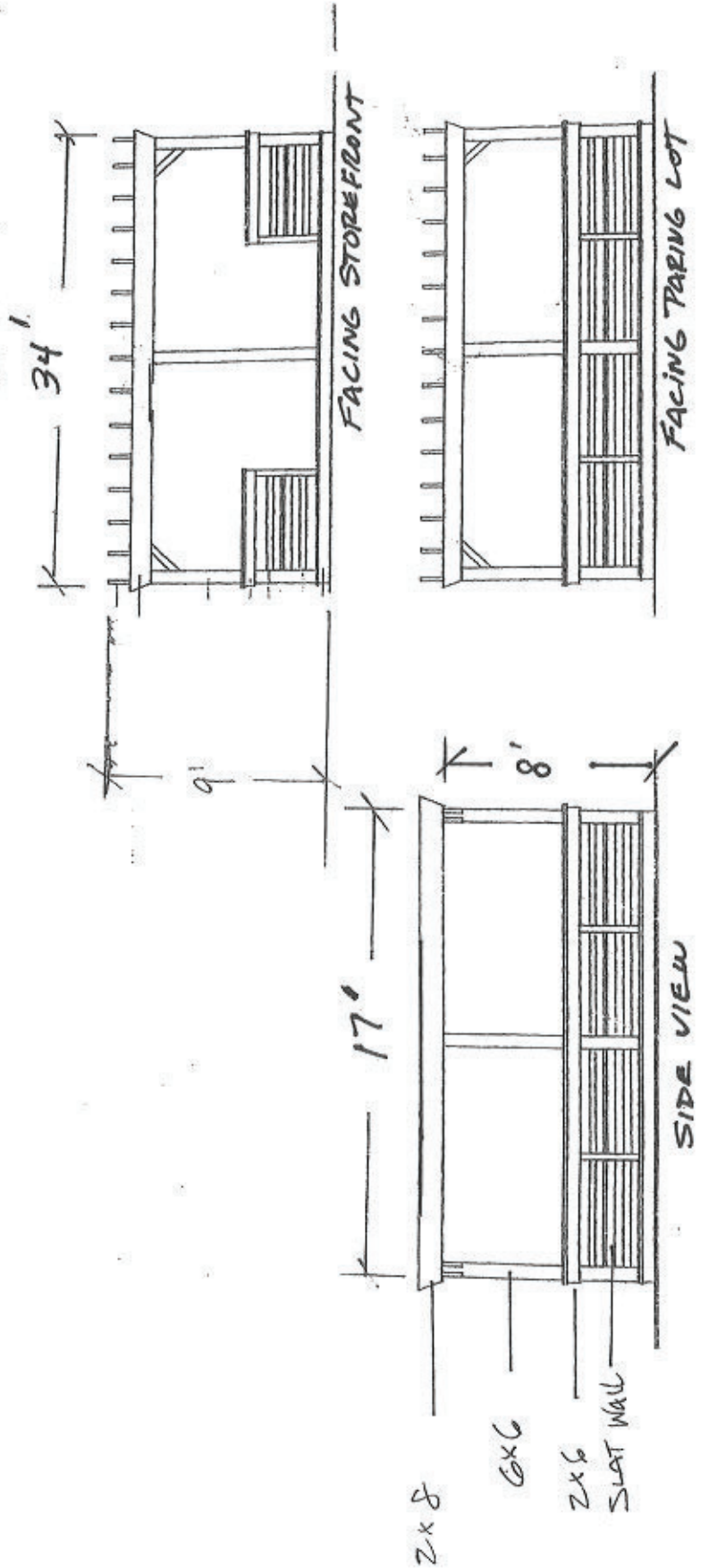


5/25/2022

BATA HAUS

PERGOLA STRUCTURE / BARRIER WALLS

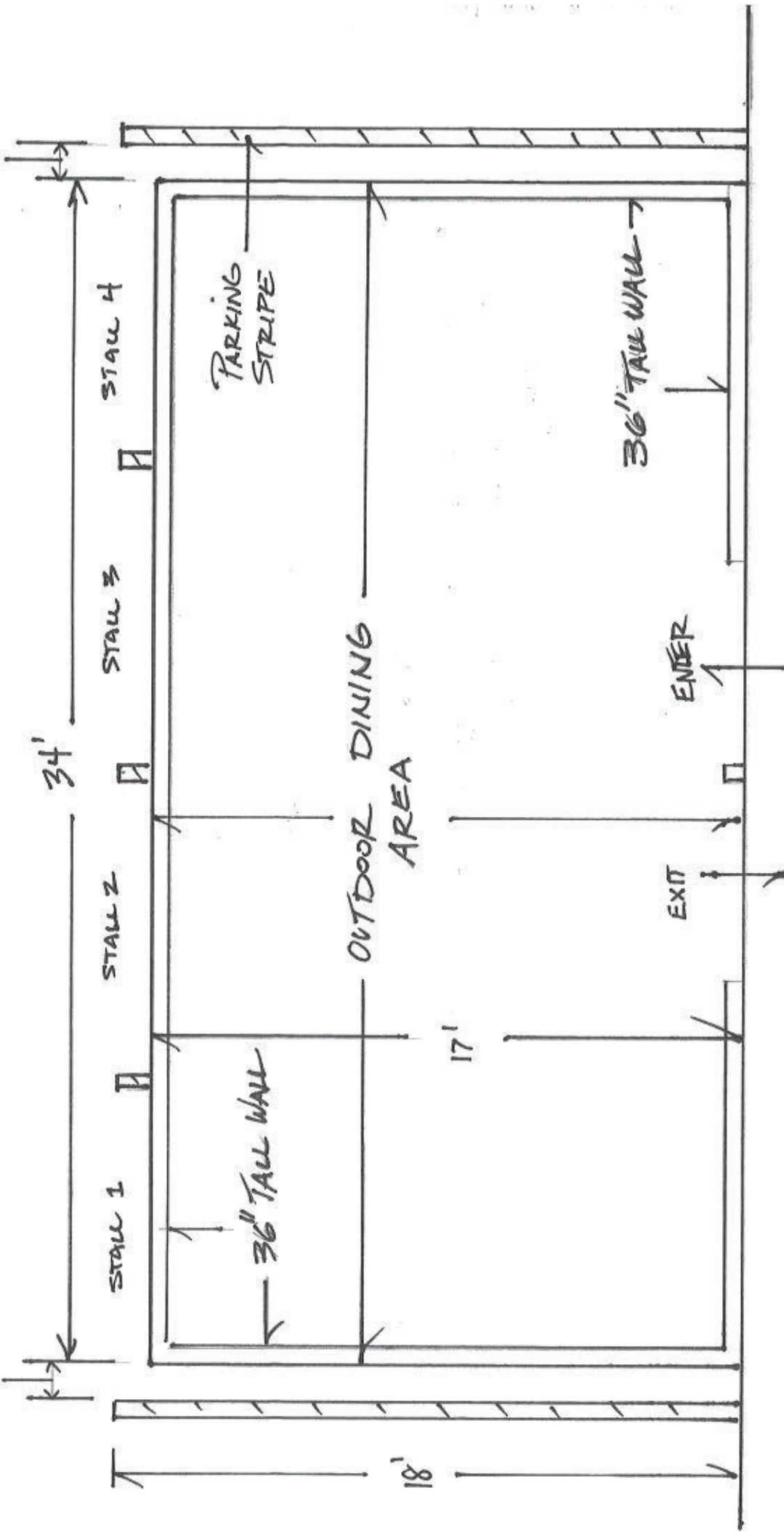
NO SCALE



SCALE 1/4" = 1' 5/25/2022
 BAJA HAUS PLAN VIEW
 4 PARKING STALLS / OUTDOOR DINING

12"

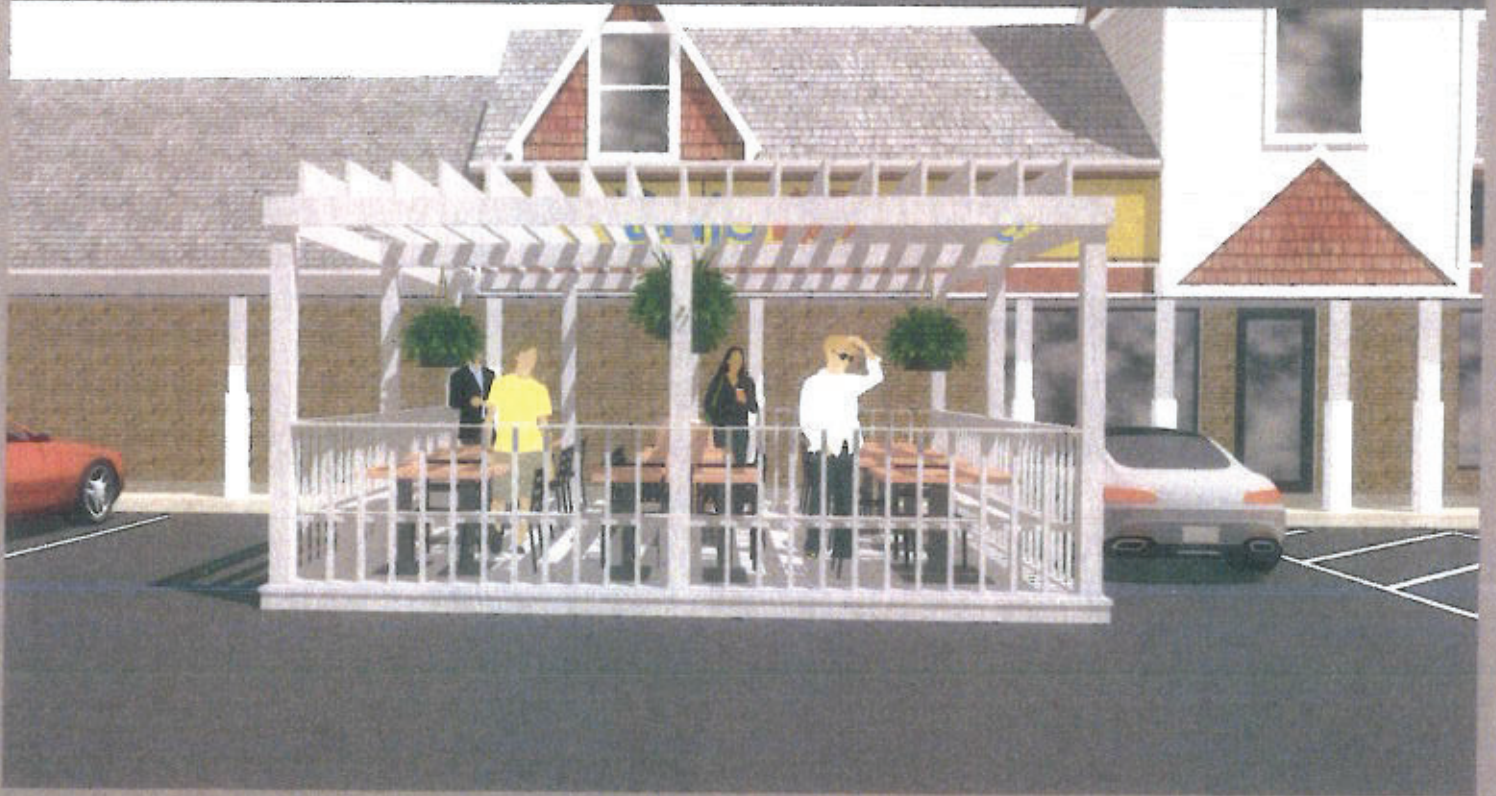
12"



— SIDEWALK —

← BAJA HAUS →

5/25/2022 BAJA HOUSE - OUTDOOR DINING PERSPECTIVE



5/25/2022

BAJA HAUS STOREFRONT PERSPECTIVE



2

Baja Haus Outdoor Deck Proposal, Village Shoppers, Wayzata, April 20, 2018

5/25/2022

Baja Haus outdoor patio lights

Product Overview

These decorative patio cafe string lights will illuminate your outdoor gathering in style. Featuring eight clear cafe bulbs with bronze dome and rustic metal wire covers, string along an 11 ft. 11 in. brown cord, up to 7 light strings can be connected together, making these lights ideal for any small or large outdoor space. Eight E12 candelabra-base 5-Watt incandescent bulbs are included.

- 11 ft. 11 in. string length with 9 ft. 11 in. lighted length
- End-to-end functionality allows interconnection of up to 7 sets (priced separately, using just 1 outlet)
- Looks great on a pergola, arbor, gazebo, canopy, or across a courtyard
- Includes (8) E12 candelabra-base 5-Watt incandescent bulbs
- End to end connection, maximum run of 432-Watts
- If 1-bulb burns out, the rest stay lit
- Manufactured with 20-Gauge wire and high-quality sockets



Specifications

Dimensions

Product Depth (in.)

4.33 in

Product Height (in.)

6.25 in

Product Length (in.)

143 in

Product Width (in.)

4.33 in

Details

Exterior Lighting Product Type

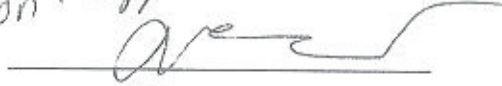
Rope and String Lights

To whom it may concern.

Listed below are the tenants adjacent to Baja Haus. We have discussed and requested approval from said tenants in regards to having a patio in front of Baja Haus. The patio has been beneficial to all parties in the years 2020 and 2021. We hope to continue this moving forward. The patio will be available to use for both tenants during our non-business hours. Baja Haus does not open until 4 p.m. Monday thru Saturday. Therefore, parking should not be an issue for all tenants of the Village Shoppes.

VILLAGE MEATS

Jon Hegg



5/25/2022

MDS Remodeling

Mitch Shepherd

5/25/2022

Thank you for your time,

Josh Friedt

Owner of Baja Haus

From: [Avery Merriman](#)
To: [Public Comment](#)
Subject: Baja Haus
Date: Saturday, July 9, 2022 2:03:39 PM

Hello

I suggest you approve the request from Bar Lazy H Three LLC for their Conditional Use Permit for outdoor sales and service.

Other establishments in Wayzata are currently approved for outdoor sales and service, and or, valet parking. All are using sidewalk, and or, parking spaces.

All of these enhance the Wayzata downtown experience.

The Baja Haus request is no different.

I'm a resident and enjoy and benefit from all that Wayzata has to offer.

Sincerely

Avery Merriman
875 Lake St N
Wayzata MN

From: [Jeffrey Dahl](#)
To: [Emily Goellner](#); [Valerie Quarles](#)
Subject: RE: Johanna goes by Mouton now.
Date: Tuesday, July 5, 2022 9:47:15 AM

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

From: Jeff Parkhill <jeffparkhill@gmail.com>
Sent: Monday, July 4, 2022 9:22 AM
To: analarana122@gmail.com
Cc: City <City@wayzata.org>
Subject: Johanna goes by Mouton now.

I am sure her new email is online or you can ask Jeff Dahl city manager. Here is his email.

Jeff Ana would like to see outdoor dining approved at baja haus.
Sent from my iPhone



City of Wayzata Planning Commission Agenda Report

MEETING DATE: July 18, 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 18, 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, August 1, 2022. The 2022 City Meeting Calendar and Liaison Schedule are attached.

ACTION REQUESTED:

N/A

ATTACHMENTS:

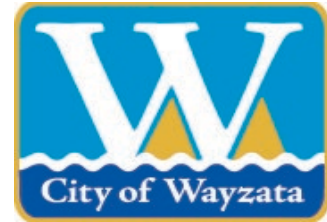
1. 2022 Wayzata City Calendar
2. 2022 Planning Commission Liaison Schedule

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						
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27	28					



March 2022						
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April 2022						
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May 2022						
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22	23	24	25	26	27	28
29	30	31				

June 2022						
S	M	T	W	Th	F	S
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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