



Wayzata Planning Commission

Meeting Agenda

Monday, January 5, 2015

Community Room,
600 Rice Street East,
Wayzata, Minnesota

- 7:00 p.m.**
- 2. Call to Order and Roll Call, and Approval of Minutes**
 - 3. Regular Agenda Public Hearing Items:**
 - a. 294 Grove Lane - Wayzata Brew Works LLC and Boatworks II LLC
 - i. Amendment to PUD/CUP to allow microbrewery and distillery operation.
 - ii. Conditional Use Permit to allow to allow microbrewery and distillery operation.
 - 4. Other Items:**
 - a. Review and Adoption of Planning Commission Report and Recommendation on PUD and Associated Approvals for 236 and 240 Minnetonka Ave and 519 Indian Mound.
 - b. Review of Development Activities
 - c. Other items
- 9:00 p.m.**
- 5. Adjournment**

NOTES:

¹ Time(s) are estimated and provided for informational purposes only.

² Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

**WAYZATA PLANNING COMMISSION
MEETING MINUTES
December 15, 2014**

AGENDA ITEM 1. Call to Order, Roll Call and Approval of Minutes.

Chair Gonzalez called the meeting to order at 7:00 p.m.

Present at roll call were Commissioners: Pearson, Gonzalez, Tyacke, Gnos, Ramy, Vanderheyden, and Iverson. City Planner Gadow and City Attorney David Schelzel were also present.

Chair Gonzalez stated the minutes to be reviewed are from the December 1, 2014 meeting.

Commissioner Tyacke stated he had provided corrections to Staff.

Commissioner Vanderheyden made a motion, Seconded by Commissioner Ramy, to approve the October 6, 2014 meeting minutes as amended. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

- a. **227 Walker Avenue and 529 Park Street – Joseph and Mary Kiser**
 - i. **Concurrent Preliminary/Final Plat for Lot Combination**

City Planner Gadow stated the applicants had not arrived and requested the item be moved in the agenda.

Chair Gonzalez moved to the next item on the agenda.

- b. **324 Bushaway Road – Jyland Construction**
 - i. **Review of Residential Building Plans**

City Planner Gadow stated on March 6, 2012, the City Council approved a five (5) lot subdivision at 310 and 324 Bushaway Road and the Planning Commission also unanimously recommended approval of the subdivision. One of the conditions of approval was that the applicant or future homeowner submit plans for review and approval by the Planning Commission and the City Council depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the buildings proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood. The Planning Commission and City Council approved design plans in July but since that time the property has come under new ownership and they are proposing building plans for review for Lot 1. He reviewed the Staff reports and outlined the proposal including the tree inventory and removal and impervious surface coverage.

1 Chair Gonzalez asked if this building design would require the removal of fewer trees than the
2 previously approved design.

3
4 City Planner Gadow stated the original plan was removing about 12 trees and this plan would be
5 removing 5 trees.

6
7 Chair Gonzalez requested the applicant work to minimize the tree loss. She asked if there were
8 any building material samples available.

9
10 Mr. Bob Carlson, Jyland Construction Management Company, 401 Lake Street E., Wayzata,
11 stated the asphalt shingles that would be used were similar to those in the neighborhood and the
12 color palette would most likely be slate gray. He provided pictures of the stone, stucco and
13 windows that they were considering and they were currently working to put together samples.

14
15 Chair Gonzalez suggested samples be provided when the application was presented to the City
16 Council.

17
18 Commissioner Vanderheyden stated the property had drainage issues off the southeast corner of
19 the lot. There had been discussions about resolving the drainage issues and grading.

20
21 City Planner Gadow stated they had proposed additional tree removal because the house pad had
22 shifted to the west. They should be able to avoid the drainage issues with this shift in location.

23
24 Mr. Carlson clarified this particular plan would be a look out design and not a walk out design as
25 had been previously approved.

26
27 Commissioner Tyacke asked if the proposed design would be similar to the characteristics and
28 quality of the previously approved design.

29
30 Mr. Carlson stated they would be maintaining the same quality.

31
32 Commissioner Tyacke asked if the building pad was the same as the one previously approved
33 and if the original home was facing more north than east.

34
35 Mr. Carlson stated the proposed home is larger than the one previously approved, He stated the
36 previous design had the home more parallel to the street and this design would have the home
37 facing more southeast.

38
39 Commissioner Tyacke asked if the neighbors facing the property agreed with the redesign.

40
41 Mr. Carlson stated they had not talked with the neighbors but this would be an attractive home in
42 the neighborhood.

43
44 Commissioner Iverson stated she liked the use of the copper and this would be a nice design
45 element in the neighborhood.

46

1 Commissioner Gnos stated he appreciated there would be fewer trees removed.

2
3 Chair Gonzalez asked how much landscaping would be done and what provisions they would be
4 taking to ensure that there would not be chemical runoff into the lake from the lawn.

5
6 Mr. Carlson stated with sod there would be less hard surface, which will prevent more runoff.

7
8 Chair Gonzalez asked if they had considered adding rain gardens to keep the runoff from going
9 into the lake.

10
11 Mr. Carlson stated they are following the outline regarding the amount of runoff. Adding rain
12 gardens may interfere with the roots of the trees and cause additional damage. The rain water
13 should not reach the lake.

14
15 City Planner suggested adding a condition for approval to stated the Planning Commission finds
16 that the conditions of the Subdivision Ordinance have been satisfied and the Planning
17 Commission recommends approval by the City Council as outlined in the Staff report.

18
19 Commissioner Vanderheyden made a motion; Seconded by Commissioner Iverson to
20 recommend approval of the 324 Bushaway Road residential building designs and the Planning
21 Commission finds that the conditions of the Subdivision Ordinance have been satisfied as
22 outlined in the Staff report. The motion carried unanimously.

23
24 City Planner Gadow stated this application would be presented to the City Council at their
25 December 16 meeting.

26
27 **c. 227 Walker Avenue and 529 Park Street – Joseph and Mary Kiser**

28 **i. Concurrent Preliminary/Final Plat for Lot Combination**

29
30 City Planner Gadow stated Joseph and Mary Kiser have submitted a Development Application
31 for approval of a Concurrent Preliminary /Final Plat Lot Combination under Sections 805.14 and
32 805.15 to combine 227 Walker Avenue N and 529 Park Street into one (1) lot that conforms with
33 the R-3A District standards. The lots as they currently exist are each legally non-conforming
34 due to lot area. He reviewed the Staff reports.

35
36 Commissioner Tyacke stated the Commission should consider if the application would have an
37 adverse affect on the surrounding area. He asked if there had been any history of adverse affects
38 of lot combinations in the City.

39
40 City Planner Gadow stated that he was not aware of any. There is a minor lot combination
41 process that can be done administratively but because this application if more than 125% of the
42 district minimum it has to go through the regular process. This lot combination would be
43 resolving the lot nonconformity by creating a conforming lot.

44
45 Chair Gonzalez asked if the applicant anticipated doing construction.

46

1 Mr. JC Kiser, 227 Walker Avenue stated they did not have construction plans at this time but
2 may consider adding to the home in the future.

3
4 Chair Gonzalez stated the Planning Commission had approved some variances when the current
5 home had been remodeled. She asked if the lot combination would make this conforming.

6
7 City Planner Gadow stated he would need to check the north set back but all the other
8 requirements would be conforming.

9
10 Chair Gonzalez opened the public hearing at 7:22 p.m.

11
12 Chair Gonzalez requested the record show that there had been no public present during the
13 discussions for 324 Bushaway Road so there had been no public hearing.

14
15 There being no public comments Chair Gonzalez closed the public hearing at 7:23 p.m.

16
17 City Planner Gadow recommended developing findings of fact based upon this Staff report, with
18 any additions or deletions that the Planning Commission wishes to make, and adopt a
19 recommendation on the Application at this time.

20
21 Commissioner Tyacke made a motion, seconded by Commissioner Gnos, to recommend
22 approval of the Concurrent Preliminary/Final Plat for lot combination at 227 Walker Avenue and
23 529 Park Street based on the findings of fact outlined in the Staff report and the addition that
24 there had been no public comments against this request and the resulting lot combination
25 establishes a conforming lot for the district. The motion carried unanimously.

26
27 City Planner Gadow stated this Application would be presented to the City Council on January 6,
28 2015.

29
30 **d. 236 and 240 Minnetonka Avenue and 519 Indian Mound – John Adams,**
31 **Representing John Kraemer & Sons**

- 32 i. **Concurrent Concept and General Plan PUD and Rezoning**
33 ii. **Project Design Review**
34 iii. **Concurrent Preliminary and Final Plat Lot Combination**
35 iv. **Building Height and Site Variances, and CUP**
36 v. **Shoreland Conditional Use Permit**
37

38 City Planner Gadow stated the proposed project would remove the existing commercial building
39 and redevelop the properties for one (1) mixed use commercial and residential condominium
40 building. He reviewed the Staff reports including the concept and general Planned Unit
41 Development (PUD), project design, the lot combination, the Shoreland Conditional Use Permit
42 (CUP), the variance for building height above 35-feet in a PUD District, building and site
43 setback variances, the CUP for elevator penthouse above 40-feet and the request for a deviation
44 from the landscaping plan.

45

1 Commissioner Tyacke stated the Zoning Ordinance for C-1 property had a lot coverage
2 requirement of 50%. He asked how this related to the impervious coverage requirement.

3
4 City Planner Gadow stated the lot coverage would be the footprint of the building itself. The C-
5 1 District does not have its own stand alone impervious surface requirement and because this
6 property is in the Shoreline Overlay District the amount of impervious surface requirement is no
7 more than 25% unless a Shoreland Conditional Use Permit is approved with innovative storm
8 water management techniques.

9
10 Commissioner Tyacke asked for clarification regarding the heights of the surrounding buildings.

11
12 City Planner Gadow stated the building height is figured from the average grade plane. The
13 building official takes data points around the foundation of the building at finished grade and
14 measures up from this imaginary plane. The proposed buildings footprint against the lot area the
15 lot coverage would be at 47.2%, which is under the maximum allowed for the C-1 District.

16
17 Commissioner Ramy asked City Attorney Schelzel if the request for 5% over a height variance
18 would be the same as a request for 50% over the height variance.

19
20 City Attorney Schelzel stated the standards are the same but this amount could be a factor in
21 determining if a variance would be appropriate and this would be a standard of reasonableness.

22
23 Commissioner Iverson asked if the sidewalk for the retail space along Minnetonka Avenue was
24 ADA compliant with an ADA access.

25
26 City Planner Gadow stated the Applicant is proposing a ramp area so that people can get down to
27 the sidewalk and as a requirement the sidewalk would have to be maintained at 5-feet, which
28 meets ADA standards.

29
30 Chair Gonzalez asked what the north side sideyard setback would be.

31
32 City Planner Gadow stated the north side with the parking lot has a setback of 2-feet.

33
34 Chair Gonzalez asked if the open space area would meet the park dedication requirements.

35
36 City Planner Gadow stated it would because there is not a requirement to pay when the number
37 of lots is being reduced.

38
39 Mr. John Adams, realtor from Caldwell Banker Burnett, representing John Kraemer & Sons, 201
40 E. Lake Street, Wayzata, reviewed the Lake Effect Design used to develop the project. He
41 reviewed the neighborhood meetings and workshop input that the Applicant had received. He
42 explained if the building was measured at existing grade, they would be asking for a 2-foot
43 height variance or a 3-foot variance if it is measured from the proposed grade. He explained the
44 Ordinance does allow for an overall height of 40-feet including everything and the Applicant is
45 proposing an overall height of 40-feet including everything. The language in the variance
46 requirements allows granting a variance for practical difficulties and this means the proposal for

1 the property is reasonable but not permitted by the Zoning Ordinance, do to circumstances
2 unique to the property, and it would not alter the essential character of the locality. This project
3 meets these requirements because the variances from the Zoning Ordinances are minor and
4 reasonable; this particular property has one of the lowest elevations in the City and providing the
5 desired retail spaces present practical difficulties with building height, hardcover, and setbacks;
6 and the project will improve the character by providing a retail/residential project and not an
7 office building and encourage future projects to do similar retail/residential buildings in this
8 corridor.

9
10 Commissioner Vanderheyden stated the report shows a height of 53-feet including the elevator.
11 He stated the Ordinance allows for 10-feet for this type of equipment and with a building height
12 of 37-feet this would only allow for a maximum height of 47-feet.

13
14 Ms. Allis Richardson, Tanek, Inc., 118 East 26th Street, Minneapolis, stated the 53-feet shown in
15 the report would be considered a worst-case scenario. They are looking at different elevator
16 options that would minimize this height.

17
18 Commissioner Vanderheyden asked for clarification regarding the use of the proposed “sunken”
19 outside area outside of the retail space.

20
21 Mr. Adams clarified each retailer would have their own outdoor space to design.

22
23 Commissioner Vanderheyden asked if the retail space could be used for food.

24
25 Mr. Adams stated a sandwich/coffee shop use had been looked at but they have agreed with the
26 residents of Wayzata Place that all those types of businesses would close by 7:00 p.m.

27
28 Commissioner Vanderheyden asked if the paver system in the parking lot connected to the City’s
29 sewer and where the retention portion would be.

30
31 Ms. Richardson stated this was her understanding but she would need to talk with the Civil
32 Engineer to verify this.

33
34 City Planner Gadow explained the system would be volume controlled and the retention would
35 be the cistern. He would confirm the storm water system with the City Engineer.

36
37 Commissioner Pearson asked the Applicant to explain the circumstances unique to the property
38 that would justify the City granting a variance.

39
40 Mr. Adams stated there is no economic benefit to adding the retail space and this is what is
41 creating the majority of problems on this particular site. The Applicant felt that adding the retail
42 would be the right thing to do for the community. The Applicant could do a building that would
43 not require variance requests if this were the direction given by the City.

44
45 Commissioner Tyacke asked if the Applicant had looked at a building that would be 2-stories.
46

1 Mr. Adams explained the Applicant had looked at this and it was not financially feasible. The
2 Applicant is willing to construct a 3-story residential building that does not incorporate retail but
3 would meet the City's Ordinances.

4
5 Mr. Tacke asked what changes had been done to bring the height down from the original 40-feet
6 to the current proposed 37-feet.

7
8 Mr. Adams explained the original plan had 10-foot ceilings for the condos on the second and
9 third floors. Removing these brought the height down to 38-feet. The last foot was achieved by
10 removing 3-inches from the height in the retail spaces and another 9-inches between the floors.

11
12 Commissioner Iverson stated the retail portion was a small portion of the overall building. She
13 stated the building would have to be redesigned in order to meet all of the City's Ordinances if
14 the retail space were removed. She expressed concerns that the limited hours of operation and
15 the retail being located below it would not be successful.

16
17 Commissioner Ramy asked if the impervious agreement the Applicant would have to enter into
18 with the City would require an annual agreement for the maintenance.

19
20 City Planner Gadow stated the City Engineer would work out the details but the City has done
21 similar agreements in the past that require an annual inspection and this is recorded against the
22 property so the obligations go with the property.

23
24 Commissioner Gnos clarified that the retail would be required to close at 7:00 p.m. regardless of
25 what type of retail.

26
27 Mr. Adams stated this was correct. The residents of Wayzata Place had expressed concerns
28 about extended hours and this had been the compromise they had agreed to.

29
30 Chair Gonzalez asked what the height of the building would be because there have been different
31 heights talked about.

32
33 City Planner Gadow stated the City calculates height from the average grade using data points
34 around the façade. When you do that calculation you take into account the high and low areas of
35 the site. With this analysis the height would be 38.1-feet and this is what the variance request
36 would be based on. When you include the stairs in the penthouse area that adds additional height
37 on top but this can be done with a building conditional use permit. There are two (2) different
38 height requests the Planning Commission is being asked to review; does the Planning
39 Commission recommend approval for the building height variance and does the Planning
40 Commission recommend approval of the building height conditional use permit for the
41 penthouse elevator and stairs above 40-feet, or a height of 53.1-feet to the top.

42
43 Chair Gonzalez stated the green space behind the post office had been a good addition. She
44 stated looking at the landscaping plan all the trees appeared to be the same type. She
45 recommended if this project were to move forward the Applicant consider a mixture of native
46 trees.

1
2 Chair Gonzalez opened the public hearing at 8:19 p.m.
3

4 Mr. Dan Goldman, 520 Indian Mound Street, Wayzata, stated Wayzata Place has met with Mr.
5 Adams and overall they like the plan and how it fits in with the neighborhood. There had been
6 concerns with the residents that office building would be built. They have no problems with the
7 height variance requests and it would be a positive asset for the community.
8

9 Mr. Bruce Mary, 216 Minnetonka, Wayzata, stated he has been impressed with the Applicants
10 willingness to meet with the residents and consider their input and concerns. He would be
11 visually impacted by this project but he feels comfortable knowing that a good quality builder
12 would be a part of this project. The height variance is not going to make a difference in the
13 visual impacts that he would experience. There is value in a quality builder and a project that
14 has a design that would be a good asset to the community.
15

16 Ms. Polly Grows, 540 Indian Mound Street, Wayzata, stated the property is vulnerable to
17 development and commercial/office building development. The proposed project would be an
18 asset to the community and she would support moving ahead with it.
19

20 Ms. Mary Dollan, 540 Indian Mound Street, Wayzata, stated the only concern she had was
21 ensuring the architects addressed down lighting and possible noise pollution. She stated the
22 below street level areas would be difficult to maintain in the winter.
23

24 Chair Gonzalez closed the public hearing at 8:26 p.m.
25

26 Chair Gonzalez asked the Planning Commission for comments regarding the concurrent concept
27 and general plan PUD and rezoning portion of the Applicant's requests.
28

29 Commissioner Gnos stated this would be a good use of the space and general concept he
30 supports but he does have concerns about the viability of the retail spaces. He understands the
31 addition of the retail space had been a request from the City. Overall he would be in favor of the
32 concept and general plan PUD.
33

34 Commissioner Ramy asked if the right-of-way issue would go away if the retail portion of the
35 project is not included.
36

37 City Planner Gadow stated they Applicant would not need the sunken patio area so there would
38 be no need for the City to give this type of approval.
39

40 Commissioner Iverson stated she had no comments regarding the concept and general plan PUD.
41

42 Commissioner Tyacke asked if the City's Comprehensive Plan was definitive with having retail
43 in this area.
44

45 City Planner Gadow stated the Comprehensive Plan states the site is guided for mixed use
46 commercial defined as commercial areas that are almost exclusively retail and office use. The

1 mixed use commercial category is intended to be a mix of commercial and office use and
2 residential uses with an emphasis on commercial and office use but allowing for residential use
3 when properly integrated. He would see this project as working with the Comprehensive Plan.

4
5 Commissioner Iverson stated that the other buildings that could be redeveloped in this area
6 would most likely not include retail.

7
8 City Planner this may be the case for the short term but there may be a desire for additional retail
9 over time.

10
11 Commissioner Tyacke stated he would be comfortable with the concept knowing that the retail
12 portion of this project is considered expendable and could be removed if that is the direction
13 from the City.

14
15 Commissioner Pearson agreed with the concept plan and PUD.

16
17 Commissioner Vanderheyden stated he would also support the concept and PUD.

18
19 Chair Gonzalez stated the problem with the project and the PUD Ordinance is the height. It is
20 very clear the maximum height allowed in the PUD District would be 35-feet or 3-stories;
21 whichever is less. As the Application is presented it does not meet the spirit or the letter of the
22 Ordinance. This would be a policy question that the City Council would need to address. She
23 does like the project and the building. This project would set a precedent if it moves forward
24 because developers would continue to ask for taller and taller buildings. This request is also
25 being driven by economic considerations and this cannot be a consideration when granting a
26 variance. The Comprehensive Plan also talks about having a need for mixed uses. She asked
27 what the price range would be for the condominiums being proposed.

28
29 Mr. Adams explained that the exact price had not been determined because they did not know
30 what the size of the units would be. He estimated that the units would start at \$900,000 to \$1
31 million for the larger units. There would be a limit of 10-units even though it is zoned for up to
32 12-units.

33
34 Chair Gonzalez stated the PUD Ordinance addresses the setbacks and this project is not meeting
35 any of the setbacks that are required. She does not believe a variance would be justified for any
36 of the requests because it is being driven mostly by economic considerations.

37
38 Commissioner Pearson stated the Applicant is more than willing to take the retail portion out of
39 the proposal and then they would not need the variances. This does take the question of
40 economic consideration out of the equations. The Applicant is trying to respond to the needs of
41 the City and this is not a circumstance that is being created by the landowner.

42
43 Chair Gonzalez stated if the City is not going to enforce an Ordinance then the City should
44 change them.

45

1 Commissioner Iverson stated approving the variance requests in this application would set
2 precedent and make it difficult for the City to deny future applicants that request the same
3 variances.

4
5 City Planner recommended the Planning Commission continue discussing each component of the
6 application separately. He clarified the rezoning was to change the zoning from C-1 to PUD
7 District. This did not have anything to do with the variance requests.

8
9 Chair Gonzalez stated if the project were to meet the underlying Zoning Ordinance then she
10 would recommend approval. She asked the Planning Commission for comments regarding
11 request for a variance for building height in a PUD District.

12
13 Commissioner Vanderheyden stated the 3-foot request is a reasonable accommodation in
14 exchange for the retail space the City would get. The neighborhood has weighed in on this and
15 they are in support of the project. He would agree with the building height variance and the
16 CUP for the penthouse.

17
18 Commissioner Pearson stated the request for the variance is in response to the request from the
19 City to incorporate retail so he would support the variance requests.

20
21 Commissioner Tyacke agreed with Commissioner Pearson and Commissioner Vanderheyden.

22
23 Commissioner Iverson stated she would like to see the building remain at a maximum height of
24 35-feet.

25
26 Commissioner Ramy asked if the City was allowing enough height for elevator penthouses and
27 other mechanical equipment in their ordinances to accommodate for ADA requirements. The
28 City allows for 5 additional feet above the building and the Applicant is requesting 10-feet in
29 order to be ADA compliant.

30
31 City Planner Gadow stated he would need to look into this and discuss this with the Building
32 Official.

33
34 Commissioner Ramy stated he agrees this would be a reasonable request for a variance but he is
35 also concerned about future developers asking for reasonable requests to do something higher.
36 The Planning Commission has a set of rules they need to follow and he finds it difficult to allow
37 a building to be over the 35-feet height allowance.

38
39 Commissioner Gnos stated this is a reasonable request and is a trade for the developer to work
40 with the City and residents in terms of incorporating retail space. The neighborhood is in favor
41 of the project so he would be in favor of granting the variance for height.

42
43 Chair Gonzalez stated the Ordinance states a maximum height of 35-feet or three (3) stories;
44 whichever is less. This project is 3-1/2 stories.

45
46 City Planner Gadow stated this would be included in the building height variance.

1
2 Chair Gonzalez asked the Planning Commission for comments regarding the request for a CUP
3 for elevator penthouse above 40-feet.
4

5 City Planner Gadow stated items such as stairs or elevator shafts are allowed to go above 35-feet
6 but no more than 40-feet, unless a conditional use permit is approved. In the proposed project,
7 the top of the elevator penthouse would be 53.1-feet and would require a CUP per Section
8 801.19.2.B.
9

10 Chair Gonzalez stated a reasonable condition would be that an enclosure would be designed using
11 the same materials as the building.
12

13 Commissioner Vanderheyden stated he considered the CUP request a reasonable request and he
14 would support this. He would also support a condition regarding the quality of materials being
15 used.
16

17 Commissioner Pearson stated he would also support the CUP request.
18

19 Commissioner Tyacke stated with the understanding that the 53.1-feet would be the maximum
20 height and the Applicant has stated they are working to make this as little as technically possible.
21

22 Commissioner Iverson stated she is not comfortable with the overall height so she would not
23 support the CUP request.
24

25 Commissioner Ramy stated in regards to the elevator penthouse specifically he would agree with
26 allowing the minimum required to accommodate what is necessary. He suggested additional
27 screening of the structure with plantings or other screening devices.
28

29 Commissioner Gnos stated he would agree with the conditions presented by the Planning
30 Commission.
31

32 Chair Gonzalez stated she would recommend these conditions be included if the City Council
33 approves this request. She asked the Planning Commission to comment on the building setback
34 variance request.
35

36 Commissioner Vanderheyden stated the request is reasonable given the design the Applicant is
37 proposing.
38

39 Commissioner Pearson stated the variances are being requested to accommodate for the retail
40 that the City Council would be interested in having included in the project so he would support
41 the variance request.
42

43 Commissioner Tyacke stated the Applicant has included pavers in the parking lot to get in
44 compliance with the hard cover requirements. He would like to see some screening between the
45 park and the parking lot. He would support the request.
46

1 Commissioner Iverson stated the proposed building is too big for the lot. The scale and mass are
2 too large and this is why they are requesting the variances.

3
4 Commissioner Ramy stated the building is big for the lot and he would like to see less hard cover
5 but he would support this particular request.

6
7 Commissioner Gnos stated the retail component of this project is driving the variance requests
8 and the retail is being included at the request of the City. He would agree with Commissioner
9 Tyack that additional screening along the north side would be a benefit. The Applicant is also
10 adding additional trees to the project and this is a positive.

11
12 Chair Gonzalez stated on the east setback because the City does not know what development
13 would take place in that lot. If the variance is granted then there could be two buildings close
14 together and this may not be justifies. She also stated the City requires too much parking from
15 developers and if this could be reduced then they setback variances could be reduced. She
16 expressed concerns with the lack of any setback by the Post Office park.

17
18 Mr. Adams stated the building is set back 10-feet from the Post Office park.

19
20 Chair Gonzalez clarified that as part of the CUP the number of parking spaces could be reduced
21 so that if another building were to be constructed there would not be such a large expanse of
22 parking.

23
24 City Planner Gadow stated the Planning Commission could allow this if they found that the need
25 for parking was such that a reduced number of stalls would accommodate the need. This is
26 something that could be worked out with the Applicant.

27
28 Mr. Adams stated if the retail is removed then the hard cover issues would be removed as well.
29 Regardless of the project that is approved the Applicant would still request to have the building
30 on the lot line because the surrounding buildings are along the lot line and it would look off if
31 one building were set back along Minnetonka Avenue.

32
33 Chair Gonzalez asked the Planning Commission for comments regarding the Shoreland
34 Conditional Use Permit.

35
36 Commissioner Vanderheyden stated the proposed hardcover is approximately 82%, which is
37 extremely high compared to the 25% maximum allowed. As a condition of approval he would
38 recommend including the Applicant's offer to include the rain runoff from the building roof in
39 the storm water management in addition to the parking lot; this would get the project to less than
40 45% along with a maintenance agreement for this system.

41
42 Commissioner Tyacke stated he would include a condition that pervious pavers are included in
43 the parking lot along with a maintenance agreement for these pavers.

44

1 Chair Gonzalez clarified the Planning Commission agreed with the conditions recommended and
2 would be in support of the Shoreland Conditional Use Permit. She asked for comments from the
3 Commission regarding the preliminary and final lot combination request.

4
5 Commissioner Vanderheyden stated he had no issues with the lot combination.

6
7 Commissioner Tyacke asked if City Planner Gadow was aware of any adverse affects that have
8 occurred in the past pertaining to lot combinations.

9
10 City Planner stated he not seen any adverse affects due to a lot combination.

11
12 Chair Gonzalez clarified the Commission would approve the preliminary and final lot
13 combination request and that it is reasonable and meets the requirements of the Ordinance and
14 Comprehensive Plan. She asked the Commission for input regarding the design standards of the
15 project.

16
17 Chair Gonzalez stated the third story is not setback an average of 10-feet across the full public
18 facades along Indian Mound and Minnetonka Avenue South.

19
20 Commissioner Vanderheyden stated the standard seemed unreasonable in this context and he
21 found the design presented to be reasonable.

22
23 City Planner Gadow outlined the criteria the Planning Commission could use to allow for a
24 deviation from the design standards.

25
26 Commissioner Tyacke recommended including screening and plantings along the north side of
27 the parking area. He stated he likes the building design as it is proposed and trying to enforce
28 the setbacks would eliminate the feasibility of usable upper levels. The effect of the project on
29 the area would be positive so he would recommend a deviation.

30
31 Chair Gonzalez stated the City has enforced this design standard along Lake Street and this
32 makes walking along Lake Street more enjoyable. She stated the City has required other
33 developers to meet the setback standards and other than to maximize the developers profits she
34 would not see a need to deviate from these standards. The design is not what the City wants.

35
36 Mr. Adams stated the design does setback the third floor 10-feet in portions. He stated this
37 project would not be feasible if the second floor were set back 25-feet and the third story an
38 additional 10-feet.

39
40 Mr. Tom Robbins, 523 Rice Street, Wayzata, stated this is located in an area that the surrounding
41 buildings are taller and it is a nice development for this area. He is concerned about the
42 additional height for the elevator and stair equipment.

43
44 Commissioner Tyacke stated he would recommend a deviation due to the Developer working to
45 break up the façade of the upper floors by adding open spaces that are only enclosed by

1 balconies rather than solid walls and the proposed design would have a positive impact on the
2 neighborhood.

3
4 Commissioner Vanderheyden stated the building is supportive of the City's Comprehensive Plan
5 by including retail space and he would recommend a deviation.

6
7 Chair Gonzalez expressed concerns that approving this design would set a precedent and the City
8 would have multiple square box buildings.

9
10 Commissioner Iverson stated she was concerned about the section of the building that overlooks
11 the parking lot because the elevation on this side of the building is extremely flat with no
12 dimension.

13
14 Chair Gonzalez stated that would not be required under the design standards.

15
16 Commissioner Iverson suggested the Applicant adding something to this side of the building to
17 add dimension because this side will be visible from the park.

18
19 Mr. Adams stated he had gotten this feedback previously and this is why they are proposing to
20 add Boston ivy to this side of the building.

21
22 Chair Gonzalez suggested the Applicant plant a variety of trees and not just one type.

23
24 City Planner Gadow stated Commissioner Tyacke had requested additional landscaping along
25 the northern façade between the parking lot and the property line.

26
27 Commissioner Iverson stated the building is too large for the property. She asked the Applicant
28 why they were not doing four individual townhouses with green space. From a design
29 perspective this is not what the City wants.

30
31 Commissioner Gnos stated the Applicant has done a good job in working with what the City
32 wants and what the neighborhood wants. He stated he would support the project.

33
34 Commissioner Ramy asked where the shipping, receiving, and deliveries would occur for the
35 retail spaces.

36
37 Ms. Richardson stated there is a loading area on the east end of the parking lot.

38
39 Commissioner Ramy stated the trouble he has with the project is number of variances the
40 Applicant is requesting so he would not support the project.

41
42 Commissioner Iverson stated she would not be in support of this project due to the amount of
43 variances being requested.

44

1 Commissioner Tyacke stated his recommendation would be to approve this with the Council
2 affirming the retail portion of this project is appropriate for the area and the Comprehensive
3 Plan.

4
5 Commissioner Pearson stated there have been workshops and meetings pertaining to this project
6 and this Application is taking into account what the Council has stated they would like to see in
7 the project. He would support recommending approval.

8
9 Commissioner Vanderheyden stated this project is about trade-offs and the Developer and the
10 Applicant have done a good job in gathering feedback and redesigning the project to address
11 concerns. Most of the variance requests are due to the desire of the City requesting retail space
12 be included in the project and he would rather see the project with the retail than all residential.

13
14 Chair Gonzalez stated her concern would be the precedent this would set for future
15 developments. She also feels that the request for the variances is being driven by the Applicants
16 desire to maximize profit and the number of variances being requested is too many to justify
17 approval. She would not support a recommendation for approval.

18
19 Commissioner Vanderheyden stated the next meeting would include two new Commissioners
20 and they have not been a part of these discussions. He recommended the Commission move to
21 recommend approval at this meeting.

22
23 City Attorney Schelzel stated in order to do address the requests appropriately he would suggest
24 the Commission request Staff to draft the recommendation with the findings of fact based on the
25 Staff report and comments of the Commission and the Commission could approve this at the
26 next meeting.

27
28 City Planner Gadow stated the minutes from this meeting would be included for the Council's
29 consideration and they would know where each of the Commissioners stood on the project and
30 what their concerns were.

31
32 Chair Gonzalez stated the Planning Commission had received an email from Kathleen Nash in
33 support of the project.

34
35 Commissioner Vanderheyden made a motion, Seconded by Commissioner Tyacke to direct Staff
36 to prepare a Planning Commission Report and recommendation for approval with the appropriate
37 finding of fact from the Staff report and the Planning Commission meeting for review and
38 adoption at the next Planning Commission meeting. The motion passed 6-ayes and 1-nay
39 (Gonzalez).

40
41 City Planner Gadow stated this would be back to the Planning Commission at the January 5,
42 2015 meeting.

43
44 Commissioner Ramy stated he had been unclear what the motion had been for and he had not
45 voted the way he had intended.

46

1 City Attorney Schelzel suggested the Planning Commission take another vote.

2
3 Chair Gonzalez called the motion to a vote. The motion passed 4-ayes and 3-nays (Gonzalez,
4 Iverson, and Ramy).

5
6
7 **AGENDA ITEM 3. Other Items:**

8
9 **a. Review and adoption of Planning Commission Report and Recommendation on**
10 **Concept Plan PUD and Building Height Variance for 253 and 259 Lake Street**

11
12 City Planner Gadow reviewed the recommendation and report.

13
14 Commissioner Tyacke stated there was no mention of the parking space short fall that had been
15 discussed at the Planning Commission meeting for this project.

16
17 City Planner Gadow stated he would add language that the Applicant does not have a written
18 agreement with the Boatworks Building for use of the 85-parking spaces that are designated
19 under the parking easement.

20
21 Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson to adopt the
22 Planning Report and Recommendation on the Concept Plan PUD and Building Height Variance
23 for 253 and 259 Lake Street as amended. The motion passed unanimously.

24
25 City Planner Gadow stated this application would be presented to the City Council at their
26 December 16 meeting.

27
28 **b. Review of Development Activities**

29
30 City Planner Gadow stated the next Planning Commission meeting would include the Planning
31 Commission Report for the 236 and 240 Minnetonka Avenue and 519 Indian Mound project.
32 Wayzata Brewworks has made some modifications to their project and they will be presenting to
33 the Planning Commission at the January 5 meeting. Staff is working on setting up a tour with
34 Mr. Pembrous at the Great River Energy facility in Maple Grove.

35
36 **c. Other Items**

37
38 Commissioner Vanderheyden reviewed the City Council meeting and actions taken by the
39 Council including the 165/213 Central Avenue subdivision was adopted 3-1 and 151 Westwood
40 Lane subdivision, which was tabled until the full Council could be present because the four
41 members present were split on the project.

42
43 Commissioner Iverson provided an update from the Heritage Preservation Board meeting.

44
45 Chair Gonzalez thanked Commission Tyacke and Commissioner Pearson for serving on the
46 Planning Commission.

AGENDA ITEM 4. Adjournment.

There being no further business, Commissioner Vanderheyden made a motion, seconded by Commissioner Pearson, to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,

Tina Borg

TimeSaver Off Site Secretarial, Inc.



Planning Report

Wayzata Planning Commission Monday, January 5, 2015

File Case No:	PR 2014-7
Applicant:	Boatworks II LLC & Wayzata Brew Works LLC
Address of Request:	294 Grove Lane
Prepared By:	Bryan Gadow, City Planner
Request(s):	Amendment to PUD Site Plan Review Conditional Use Permit for Microbrewery and Distillery Operation
Project Summary:	The proposed project is for an amendment to an existing Planned Unit Development/Conditional Use Permit Agreement for the Boatworks Building to allow a micro-brewery/taproom and distillery facility to operate within the building (the "Project").

Section 1: Introduction

Boatworks II LLC and Wayzata Brew Works LLC (collectively, the "Applicant") have submitted an application (the "Application") for approval of a Amendment to an existing Planned Unit Development (PUD) Conditional Use Permit (CUP) (the "PUD Amendment") and new Conditional Use Permit to allow the operation of a microbrewery/taproom and distillery facility (collectively, the "Micro-production Facility") at 294 Grove Lane (the "Property").

The Applicant previously submitted and received approval for a similar application in August of 2014 (via Resolution 23-2014, attached as Attachment G), but withdrew the Application to allow the operators an opportunity to make some modifications to their business plan and the proposed layout of the space. The Applicant has resubmitted a new Application requesting the same approvals as received in 2014.

The Micro-production Facility would utilize approximately 5,080 SF of the east wing of the Boatworks building, with 2,810 SF of brewing space, storage and support space, and 2,270 SF of taproom/bar space. In addition, the Brewery would also modify an existing lake side patio. The Brewery proposal would replace 3,183 SF of general office space within the building.

Along with the Development Application, the following plans and reports are included with this Application as Attachments A-1, A-2, B, and C:

- Revised Project Narrative describing modifications to the proposal
- Original Project Narrative (2014), Request to Amend Ordinance, and Frequently Asked Questions
- Life Safety Plan
- Site Plan
- Demolition Plan
- Construction Plan
- Elevations
- Interior Perspectives
- Area Allocations
- Additional Parking Plan
- Traffic Study

1.1 Property Background

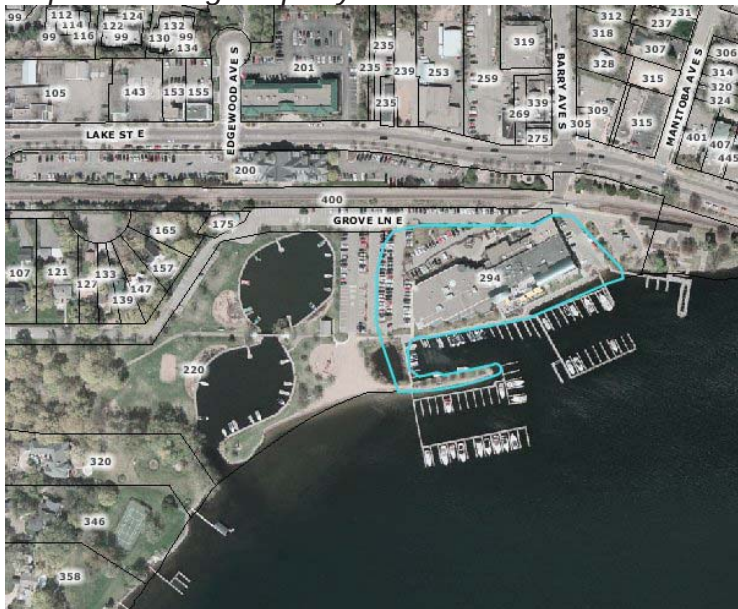
The Property includes an approximately 64,179 SF two story office building with a restaurant space with outdoor and upper level patio areas, and a seventy five (75) boat marina with fifteen (15) additional transient slips. A new restaurant, named 6 Smith, is now currently leasing the restaurant space within the building, which has hosted a few restaurant operations in past years. The site is 3.08 acres or 134,361 SF.

The current Boatworks building sits on the site of the original Moore Johnson Boat Works, which was a boat building operation run by Royal Moore, which burned in the late 1800s and was rebuilt. The Property is adjacent to the City Marina and Beach to the immediate southwest, and had a cross-parking agreement with the City for the parking spaces within the site and adjacent area. In addition, the trailhead for the Three River Park District's Dakota Rail Trail is located in the adjacent area, in the City's Shaver Park.

The Property is zoned C-3 and is subject to a Development Agreement and Planned Unit Development/Conditional Use Permit (the "PUD CUP") which was approved in 1997, amended in 2002, and amended again in 2005. The PUD CUP allowed for continuation of the marina and restaurant uses, as well as approval to renovate the existing building and construct related improvements. The Boat Works Development Company (the Property owner in 1997) and the

City also agreed to enter into a private/public partnership and jointly pay for the construction of various parking, landscaping, beach and marina improvements in order to improve the overall function and aesthetics of the beach and marina areas. A Grant of Easement is also recorded against the Property, which establishes a pedestrian easement along the lakeshore of the Boatworks Property, which connects Shaver Park and the Beach to the Boatworks building.

Map 1: Existing Property Aerial



Map 2: Existing Site Layout



1.2 Application Requests.

As part of the submitted Application, the Applicant is requesting approval of the following items:

- a. Amendment to existing PUD under Section 801.33.9 to allow a micro-brewery and taproom facility at 294 Grove Lane (the “PUD Amendment”)
- b. Site Plan approval under Section 801.22 (the “Site Plan”)
- c. Conditional Use Permit under Section 801.77.5 to allow micro-brewery, taproom, distillery and tasting room operations (collectively, the “Brewery/Distillery CUP”)

1.3 Property Description

A copy of the legal description for the subject properties are on file and available for viewing at City Hall. The following properties are included in the project area of the Application:

294 Grove Lane East	06-117-22-32-0023	Boatworks II LLC
---------------------	-------------------	------------------

1.4 Relevant Property Information

Zoning:	C-3 Service District with PUD/CUP
Comp Plan:	Central Business District
Shoreland District:	Property is in the Shoreland Overlay District
Total lot size:	134,361 square feet (SF) or 3.08 acres

1.5 Public Noticing Requirements

Zoning Ordinance Section 801.33.5 requires the Planning Commission to hold a public hearing on the Application. The Notice of Public Hearing was published in the Sun Sailor on December 25, 2014. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject property on December 18, 2014.

Section 2: **Summary of Issues**

2.1 Surrounding Uses

A summary of land uses for the immediate area:

Direction	Land Use
North	Office
South	Lake Minnetonka
East	City Park

West	City Park and Single Family Residential
------	---

2.2 Zoning History for the Property and PUD Amendment.

The Property is zoned C-3 and is subject to a Development Agreement and PUD CUP, which was approved in 1997, amended in 2002, and amended again in 2005. A Grant of Easement is also recorded against the Property, which establishes a pedestrian easement along the lakeshore of the Boatworks Property, which connects Shaver Park and the Beach to the Boatworks building.

Any modifications to the existing PUD and site conditions, such as allowing a micro-brewery operation require approval of an amendment to the PUD through the normal PUD process. Since the Application includes proposed additions to the existing structures, the Applicant has included a PUD Amendment request as part of their Application.

2.3 Previous Approvals and Amendment to City Liquor Ordinance to allow Micro breweries and Distilleries

A. Background.

In June of 2014, the City received an application from the Application requesting approval of an amendment to the existing Boatworks PUD to allow a microbrewery and distillery within the Boatworks. In addition, the Applicant also requested an amendment to the City's Zoning Ordinances and Liquor Ordinances to allow microbreweries, distilleries, and associated taprooms as Conditional Use Permits (CUPs) within certain commercial districts.

The Planning Commission and the City Council both reviewed the requests in July and August of 2014, and ultimately approved the requests to allow the operation and amend the City's ordinances. The minutes and *Planning Commission Report and Recommendation* from the Planning Commission's previous review of the Application are included as Attachments D and E. The previous approval resolution and associated conditions of approval are attached for reference (Resolution 23-2014, Attachment G). The ordinance amending the Zoning Ordinance to establish conditions associated with the microbrewery and distillery operations is attached for reference (Ordinance 746, Attachment F).

2.4 Operations.

The Applicant proposes to renovate a portion of the interior space of the east wing of the Boatworks building. The proposal includes 2,810 SF of brewing space, storage, and support space, and 2,270 SF of taproom/bar space.

A. *Trash.*

To address trash for the operation, the Applicant would install a new interior building trash room that would have all building waste from the office tenants, restaurant, and micro-brewery stored in smaller portable trash bins and taken out to the north side of the building at trash pick-up times. Cardboard recycling for the building would be in a screened space on the north side of the building.

B. *Hours of Operation.*

The Applicant proposes to adjust their hours of operation seasonally, with shorter hours in off-season winter months, and longer hours during the summer season. Hours of operation would need to be approved by the City as part of the liquor license application.

For summer, the Applicant proposes to open the taproom from approximately 1:00pm to 10:00pm Monday-Thursday; 12:00pm to 11:00pm on Friday and Saturday; and 1:00pm to 8:00pm on Sunday.

Winter months would likely be more limited from approximately 4:00pm to 10:00pm Wednesday and Thursday; 4:00pm to 11:00pm on Friday; 12:00pm to 11:00pm on Saturday; and 12:00pm to 8:00pm on Sunday.

C. *Special Events.*

The Applicant also desires to run special events during off-peak days and evenings. These events may include community events like J.J. Hills Day, senior groups, Chamber of Commerce gatherings, charity fundraisers, art shows, birthday events, anniversary parties, and corporate gatherings.

Other communities that allow micro-breweries and taprooms have allowed special events by incorporating it into the CUP for the operation. Some cities require the brewery operation to secure a special event permit from the City that outlines the details on the event (hours, seating, traffic controls, etc) and sets a limit on the number of special events per year.

D. *Brewing Operations.*

The Applicant has indicated that brewing activity will likely occur less than 2-3 days per week. Their initial 12-month production is estimated at around 1,000 barrels (at 20 barrels per time), for roughly fifty (50) brewing days. As part of the brewing production, the Applicant would like to ability to sell “Growlers” (specially designed and packed 64 ounce beer containers that are for off-premise consumption). State law would limit the amount of beer produced for growler sales to 500 barrels per year (included within total barrel limit per year).

2.5 Parking.

The Property, as it is currently configured, has two hundred and two (202) parking spaces, and has a cross-parking easement with the City for use of fifty seven (57) parking spaces for a total of 259. In addition, as part of the original 1997 Development Agreement, the Property has a parking easement over approximately seventy four (74) parking spaces for valet parking at 259 Lake Street (called the “Shaver and McCarthy Parcel”, which is on the north side of Lake Street).

Under Ordinance 734, the City established parking requirements for Micro-production Facilities and associated taproom/tasting rooms. The following chart analyzes the parking requirement for a Micro-production Facility within the Boatworks building:

Use	Requirement	Square Footage	Parking Requirement
Micro-Brewery/Distillery	1 per 1,000 SF	2,529 SF net space	3 spaces
Taproom/Tasting Room	1 per 40 SF	2,043 SF net space	51 spaces
			54 spaces

As the taproom use would generate more parking demand then the previous office use (fifty four (54) spaces for the brewery versus thirteen (13) for office use), the Applicant is proposing to implement a coordinate valet parking service with the new 6 Smith restaurant. In addition to the seventy four (74) available parking spaces at 259 Lake Street, the Applicant has also reached an arrangement with the adjacent TCF Bank property to utilize one hundred thirty eight (138) spaces in the west and east lot at 200 Lake Street East (which is on the south side of Lake Street). The Applicant has prepared a parking study of the area with the proposed uses, which is included as Attachment A-2.

The Applicant is also working with the City to install some additional surface parking spaces on the both the Boatworks property and the City owned parking area that were shown as “proof of parking” spaces in the original 1997 approvals.

Given the high usage of the parking areas for users of the Dakota Trail facility, the City is also working with the Three Rivers Park District to identify partnership opportunities to address parking concerns with the amount of trail usage parking.

2.6 Design.

The Project is utilizing an existing commercial building and making only a few minor modifications to the existing exterior to allow for the microbrewery operation. The proposed changes are under the threshold which would trigger a formal design review under Section 801.09; however the Planning Commission and City Council may provide feedback and comments on the minor exterior modifications.

The proposed modifications are as follows:

- A. Close the current east corridor exit door and add a new east entry into the Brew Works taproom.
- B. Convert the small masonry trash area under the existing stairs to the upper deck area into a bike rack area.
- C. Modify the patio seating area on the lake side of the taproom space including landscape screening the west side of the patio and providing a post and rope barrier around the patio area to require patrons to enter from the inside.
- D. Add a small screened area on the north side of the building that will screen the small waste containers and recycling container during trash pick-up days, and slightly reconfigure the south curb of the roadway to allow for a pull-off area for the garbage truck to pull into so as not to block traffic.

2.7 Comprehensive Plan.

The commercial portion of the Property is currently guided for Central Business District land use in the 2030 Comprehensive Plan. The Central Business District (CBD) is defined as follows: “The Central Business District provides a wide range of uses such as retail and service commercial, office, residential, and public uses along and in relative proximity to Lake Street”. The following are applicable Central Business District Policies from the Comprehensive Plan:

- Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of

Wayzata.

- Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.
- Investigate strategies to increase retail vitality throughout the CBD.
- Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.
- Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
- Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.

Section 3. Applicable Code Provisions for Review

- 3.1 Amendment of a PUD Permit. Section 801.33.9.A requires that any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD permit has been approved shall require an amendment of the original permit. An application for amendment of the original PUD permit specifying the proposed variance or alteration shall be submitted to the City, together with a fee established by City Council resolution and such information as is required by the City or as the applicant deems necessary to fully explain his application. Should the applicant request an amendment of a PUD permit to erect an additional building or buildings, the applicant fee therefore shall be established by City Council resolution. In either case, the applicant also shall pay, as an additional fee, any consulting expenses which are incurred by the City in review of the application. The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's Concept Plan, as outlined in Section 801.33.5.
- 3.2 Action by the Planning Commission and City Council. Section 801.33.9.B requires the same review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's Concept Plan, outlined in Section 801.33.5 and 801.33.6. The affirmative majority vote (3 of 5) of the City Council shall be required for approval of an amendment of a PUD permit.
- 3.3 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. The applicable standards for review of this Application are:
1. Health Safety and Welfare. The Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
 2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.
 4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
 5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.
 6. Utilities. All utilities associated with proposed PUD must be installed underground.
 7. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
 8. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
 9. Landscaping. All landscaping associated with the proposed PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
 10. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD

District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

11. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

3.4 Micro-production Facility Conditional Use Permit

- A. Standards. Section 801.77.5 of the Zoning Ordinance sets forth the standards for a Micro-production Facility Conditional Use Permit. The applicable standards are:
 1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minnesota Statutes Section 340A.
 2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
 3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.

4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.

11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 801.16.6 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Section 801.20 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 801.04.2.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

Section 4: Department Comments

Utility Superintendent

- Flow analysis for sewer discharge must be completed to verify that sewer lift station #5, located on Grove Lane, is designed to handle additional sewage flows from brewery, as well as restaurant. [Note: *the Applicant is in the process of completing a flow analysis for the lift station, which is included as part of Attachment A.*]
- Each pump of which there are two (2) in #5 sewer lift station on Grove Lane are designed to deliver a maximum of 130 gallons per minute (gpm) @ 20' total dynamic head (TDH). The design is such that if one pump fails, the second pump is able to handle flow while the other pump is pulled for maintenance, replacement etc. to prevent sewerage backup into buildings. The projected flows exceed the existing pumps maximum rated capacity. Your [the Project] projected flows have been sent over to an Engineering firm for review to determine what size pumps, mechanical plumbing and Electric panel upgrades would be needed to handle additional sewerage flow. When I receive that information, I will contact a sewer lift station supplier to get cost estimates to upgrade equipment in sewer lift station. I will send cost estimates to you when I receive.

Section 5: Action Steps

After considering the items outlined in this Report, the Planning Commission should pursue one of the following options as an action step:

1. Develop findings of fact basis upon this staff report, with any additions or deletions that the Planning Commission wishes to make, and adopt a recommendation on the Application after the conclusion of the public hearing at the January 5, 2015 meeting.
2. Direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the Application for review and adoption at the next Planning Commission meeting.

Attachments:

Attachment A-1: Updated Project Narrative

Attachment A-2: Original Project Narrative Submittals (June 2014):

- Wayzata Brew Works PUD Amendment Narrative
- Wayzata Brew Works Request for Ordinance Amendment
- Wayzata Brew Works Frequently Asked Questions
- Wayzata Brew Works Science of Craft Beer
- Parking Study
- Flow Analysis Letter

Attachment B: Updated Project Plan Set

Attachment C: Additional Parking Map

Attachment D: Planning Commission Meeting Minutes, July 7, 2014

Attachment E: Planning Commission Report and Recommendation – Zoning Ordinance

Attachment F: Ordinance 746 – Micro-Production Facilities

Attachment G: Resolution 23-2014 – Boatworks PUD Amendment

Attachment A-1: Project Narrative

Project Narrative for Minnetonka Boatworks Second Amendment of the Development Agreement and Planned Unit Development/Conditional Use Permit 11/24/14

Overview of Request:

After the first reading by the City Council of the Micro-Production ordinance and the PUD/CUP for a micro-brewery/taproom in the Minnetonka Boatworks building on Sept. 2, 2014 we decided to pull our application to evaluate a number of items including addressing several operational issues that had been identified, resolve a few building function issues and better evaluate the Micro-Production ordinance that was finally adopted. Boatworks II LLC, owner of the Minnetonka Boatworks project, and Wayzata Brew Works, LLC are re-submitting our application for an amendment to the Conditional Use Permit to allow a micro-brewery, taproom and micro distillery in approximately 5,080 SF of the east wing of the Boatworks Building. The proposal includes a redesign of the interior space of the east wing to include 2,810 SF of brewing space, storage and support space and 2,270 SF of taproom/bar space, and the modification of the outside patio to extend south the same distance as the 6Smith Restaurant on the lake side of the space (see attached plans and interior perspectives). While the footprint of the building remains the same, we will be converting the existing garage/trash room area and a portion of the east exit hall way space to beer manufacturing space. We would be constructing a new interior building trash room that would have all building waste from the office tenants, restaurant and micro-brewery stored in smaller portable trash bins and taken out the north side of the building at trash pick-up times. To resolve the issue of having adequate capacity to handle recycled cardboard from 6Smith, office space and the proposed Brew Works, we reconfigured the screened space on the north side of the building to accommodate a 4 CY recycling container. The new micro-brewery/taproom/micro-distillery would replace 3,183 SF of general office space.

Status of State law changes regarding micro-breweries and taprooms and coordination with related City ordinance changes to allow micro-breweries and taprooms:

The recently enacted Minnesota Pint Law (also called the Surly Bill) allows packaging breweries to apply for an on-premise taproom license from their local municipality. In other words, a local production brewery is now allowed to sell a pint of their own beer onsite in their own brewery. Previously, Minnesota brewers had to be either a packaging brewery --whose production was sold strictly for off-premise consumption-- or a brewpub --whose production was sold entirely on-premises.

While this change may seem small, the implications are huge. The primary reason is because even a small brewery is incredibly expensive to open, and the upstart brewery has to sell a substantial amount of beer just to break even. The ability to sell pints on premise lowers that barrier, helping the brewer get more sales at a higher margin in those crucial early years. Cities such as Portland, Denver, and San Diego have become popular for "beer tourism" thanks to their flourishing brewery/brewpub scene. The growth of such an industry could bring new jobs and new tax revenue to our community.

Small brewer license or Growler Law

Small brewers may also receive a license from their municipality for limited amounts of off-sale malt liquor that has been produced and packaged by the brewer. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually. Off-sale is limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold

Attachment A-1: Project Narrative

off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. The malt liquor is required to be packed in 64-ounce containers commonly known as "growlers" that can't be consumed on site, but would be taken home by the purchaser. The containers bear a twist-type closure, cork, stopper, or plug. The containers are identified as malt liquor, contain the name of the malt liquor, and bear the name and address of the brewer selling the malt liquor.

Proposed exterior changes:

The only exterior changes to the building/site are as follows:

- a. Close the current east corridor exit door and add a new east entry into the Brew Works taproom.
- b. Convert the small masonry trash area under the stairs to the upper deck to a bike rack area.
- c. Modify the patio seating area on the lake side of the taproom space including screening the west side of the patio and providing a post and rope barrier around the patio area to require patrons to enter the patio from the inside.
- d. Add a small screened area on the north side of the building that will screen the small waste containers and the recycling container during trash pick-up days, and slightly reconfigure the south curb of the roadway to allow for a pull-off area for the garbage truck to pull into so they do not block traffic.
- e. In a separate process, Boatworks II, LLC and the city staff are working on implementing additional 19 to 20 new parking spaces that were part of the existing PUD proof of parking.

Hours of Operation and compatibility with other building uses:

We believe the unique off peak hours we are open and the compatibility with the new 6 Smith restaurant, plus the joint implementation of a coordinated valet service with the 6 Smith restaurant, will alleviate most of the parking demand during the peak-summer warm-weather days. The actual brewing activity is essentially a manufacturing activity for quality crafted beer products and has very limited employee parking requirements. See below information on hours of operation.

Parking:

We have completed a full traffic/parking study for the entire Boatworks building uses including a micro-brewery/taproom and have obtained permission to use the parking lot of TCF after 6:30 PM on weekdays and 11:00 AM on weekends for valet parking if the 72 spaces available at 259 Lake St. East are fully utilized. The traffic/parking study concludes that with the utilization of valet parking during peak times there is more than adequate parking to accommodate all uses in the Boatworks building including 6Smith Restaurant and Wayzata Brew Works. The activity of the taproom will generate more parking demand than the previous office use (57 spaces for taproom vs 13 spaces for office = 44 more spaces). Our proposed hours that the taproom would be open to patrons in the summer months would be from 1:00 PM to 10:00 PM Monday-Thursday; 12:00 PM to 11:00 PM on Friday and Saturday; and 1:00 PM to 8:00 PM on Sunday. Our proposed hours for the taproom during the winter months would be from 4:00 PM to 10:00 PM Wednesday and Thursday; 4:00 PM to 11:00 PM on Friday; 12:00 PM to 11:00 PM on Saturday; and 12:00 PM to 8:00 PM on Sunday.

Attachment A-1: Project Narrative

We anticipate that there will be a significant amount of overlap between the customers for 6 Smith and Wayzata Brew Works, with customers opting to enjoy a craft beer while they are waiting for their table at 6 Smith. As mentioned above we will be implementing a joint coordinated valet parking service with 6 Smith that will utilize the off premise parking spaces at 259 Lake St. East (approximately 72 spaces on the north side of Lake Street) per the original development approval, plus a new arrangement with TCF Bank to utilize 48 spaces in their east lot at 200 Lake St. East (south side of Lake Street), and if needed 90 spaces on the west side of the TCF Bank building.

As mentioned above in Boatworks II, LLC is working with city staff to implement a number of the original approved “proof of parking” spaces that will add 19 to 20 new parking spaces to the on-site parking available for all users of the site.

Special Events:

In most other communities that have modified their ordinances to accommodate micro-breweries and micro-distilleries they have included a provision to allow “special events” to focus attention on locally crafted beer being provided. These special events may be part of regularly scheduled community wide events such as James J. Hill days, or independent events such as an “Oktoberfest”, charity fundraisers, art shows and corporate gatherings. We would ask that the provision for special events (typically one event per month) be incorporated into the CUP for the site. The special events would obtain a special permit that outlines the details of the event (date and hours, any special temporary features such as tents, seating areas, music systems, traffic control devices, designated parking areas or shuttle services from a remote location). City staff would then have the opportunity to review the details and establish any additional conditions that may be warranted.

CUP Criteria:

Consistency with Wayzata Comprehensive Plan

We believe that the construction of the micro-brewery, taproom and micro-distillery in the building would be consistent with the Comprehensive Plan’s stated desire to provide more mixed-use developments, will be consistent with the Lake Effect effort to attract more people to the west end of Lake Street, and will enhance the downtown Wayzata experience.

Compatibility with existing and future uses in the area

We have received very positive feedback from users of the Boatworks building including 6 Smith and from local business and residents that have become aware of our interest in putting a micro-brewery/taproom and micro-distillery in the Boatworks building. We believe the addition of a micro-brewery/taproom and micro-distillery will enhance the experience of local residents and visitors to Wayzata.

Conformity with performance standards contained in the Wayzata Zoning Ordinance including parking, noise, glare, odor, dust, etc.

We believe the changes that are being proposed are in conformance with the City’s performance standards. The actual brewing activity is very small-scale and self-contained. We are attaching a basic description of the brewing process, entitled “Science of Craft Beer” that provides a fairly clear understanding of the brewing process, and we can provide specific examples of micro-breweries that are currently in operation in other parts of the city.

Attachment A-1: Project Narrative

We expect that the micro-brewery/taproom/micro-distillery will be very popular with local residents and visitors to Wayzata, which means that properly managing the parking associated with that popularity will be a major factor in our success. We, along with the building owner and 6 Smith Restaurant, will take that responsibility very seriously.

Effect upon adjacent uses in the area

As discussed above, we believe that adding the experience of visiting a micro-brewery/taproom in Wayzata will have a positive effect on adjacent uses in the area and create an enhancement of the experience of living and visiting Wayzata.

Effect upon property values in the area

The fact that our use complements other local business and the experience of living, working and visiting Wayzata will have a positive effect on property values in the area.

Existing and anticipated traffic concerns

Our late afternoon/evening hours of operation should be very compatible with normal traffic patterns in Wayzata. The only potential concern that we will need to deal with is the train traffic that can make it difficult to enter and exit the site, especially with the inability to exit the site via Grove Lane East to the west (which is currently a one-way route). While this may create a little frustration with patrons of the Wayzata Brew Works (and 6 Smith), it is also part of the experience on being in downtown Wayzata.

Impact on governmental facilities and services, including roads, sanitary sewer, water, police and fire, and the City's service capability

We believe the conversion of existing office space and reconfiguration of the layout of the east wing would have no impact on City services or facilities, or the City's capability to provide those services in the future. We do need to confirm that the sanitary sewer discharge from the brewing operation estimated at a maximum of 32 gal. per minute is within the existing capacity of the Metro lift station that serves the area.

Attachment A-2: June 2014 Submittals

Project Narrative for Minnetonka Boatworks Second Amendment of the Development Agreement and Planned Unit Development/Conditional Use Permit 6/4/14

Overview of Request:

Boatworks II LLC, owner of the Minnetonka Boatworks project, and Wayzata Brew Works, LLC are requesting an amendment to the Conditional Use Permit to allow a micro-brewery and taproom in approximately 5,080 SF of the east wing of the Boatworks Building. The proposal includes a redesign of the interior space of the east wing to include 2,810 SF of brewing space, storage and support space and 2,270 SF of taproom/bar space, and the modification of the outside patio on the lake side of the space (see attached plans and interior perspectives). While the footprint of the building remains the same, we will be converting the existing garage/trash room area and a portion of the east exit hall way space to beer manufacturing space. We would be constructing a new interior building trash room that would have all building waste from the office tenants, restaurant and micro-brewery stored in smaller portable trash bins and taken out the north side of the building at trash pick-up times. The new micro-brewery/taproom would replace 3,183 SF of general office space.

Status of State law changes regarding micro-breweries and taprooms and coordination with related City ordinance changes to allow micro-breweries and taprooms:

The recently enacted Minnesota Pint Law (also called the Surly Bill) allows packaging breweries to apply for an on-premise taproom license from their local municipality. In other words, a local production brewery is now allowed to sell a pint of their own beer onsite in their own brewery. Previously, Minnesota brewers had to be either a packaging brewery --whose production was sold strictly for off-premise consumption-- or a brewpub --whose production was sold entirely on-premises.

While this change may seem small, the implications are huge. The primary reason is because even a small brewery is incredibly expensive to open, and the upstart brewery has to sell a substantial amount of beer just to break even. The ability to sell pints on premise lowers that barrier, helping the brewer get more sales at a higher margin in those crucial early years. Cities such as Portland, Denver, and San Diego have become popular for "beer tourism" thanks to their flourishing brewery/brewpub scene. The growth of such an industry could bring new jobs and new tax revenue to our community.

Small brewer license or Growler Law

Small brewers may also receive a license from their municipality for limited amounts of off-sale malt liquor that has been produced and packaged by the brewer. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually. Off-sale is limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. The malt liquor shall be packed in 64-ounce containers commonly known as "growlers". The containers bear a twist-type closure, cork, stopper, or plug. The containers are identified as malt liquor, contain the name of the malt liquor, and bear the name and address of the brewer selling the malt liquor.

Attachment A-2: June 2014 Submittals

While State statutes now allow cities to approve micro-breweries and taprooms, the City of Wayzata will need to amend their ordinances to authorize that specific use within the city. We have been working with city staff, who will be drafting the ordinance amendments to allow micro-brewery/taprooms in the city and establish appropriate conditions for that use. It is anticipated that the micro-brewery/taproom ordinance changes will be processed concurrently with our application. If for some reason the micro-brewery/taproom ordinance is not able to be adopted concurrently with our application, we would appreciate action on our request with a condition that it is not effective until the micro-brewery ordinance is effective.

Proposed exterior changes:

The only exterior changes to the building/site are as follows:

- a. Close the current east corridor exit door and add a new east entry into the Brew Works taproom.
- b. Convert the small masonry trash area under the stairs to the upper deck to a bike rack area.
- c. Modify the patio seating area on the lake side of the taproom space including screening the west side of the patio and providing a post and rope barrier around the patio area to require patrons to enter the patio from the inside.
- d. Add a small screened area on the north side of the building that will screen the small waste containers during trash pick-up days, and slightly reconfigure the south curb of the roadway to allow for a pull-off area for the garbage truck to pull into so they do not block traffic.
- e. In a separate process, Boatworks II, LLC and the city staff are working on implementing additional 19 to 20 new parking spaces that were part of the existing PUD proof of parking.

Hours of Operation and compatibility with other building uses:

We believe the unique off peak hours we are open and the compatibility with the new 6 Smith restaurant, plus the joint implementation of a coordinated valet service with the 6 Smith restaurant, will alleviate most of the parking demand during the peak-summer warm-weather days. The actual brewing activity is essentially a manufacturing activity for quality crafted beer products and has very limited employee parking requirements. See below information on hours of operation.

Parking:

The activity of the taproom will generate more parking demand than the previous office use (57 spaces for taproom vs 13 spaces for office = 44 more spaces), but the taproom will only be open after 4:30 PM and closing at 11:00 PM on weekdays when most of the office employees are leaving, and open after 12:00 PM on weekends and closing at midnight when the offices are closed.

We anticipate that there will be a significant amount of overlap between the customers for 6 Smith and Wayzata Brew Works, with customers opting to enjoy a craft beer while they are waiting for their table at 6 Smith. As mentioned above we will be implementing a joint coordinated valet parking service with 6 Smith that will utilize the off premise parking spaces at 259 Lake St. East (approximately 78 spaces on the north side of Lake Street) per the

Attachment A-2: June 2014 Submittals

original development approval, plus a new arrangement with TCF Bank to utilize 48 spaces in their east lot at 200 Lake St. East (south side of Lake Street).

As mentioned above in Boatworks II, LLC is working with city staff to implement a number of the original approved “proof of parking” spaces that will add 19 to 20 new parking spaces to the on-site parking available for all users of the site.

Special Events:

In most other communities that have modified their ordinances to accommodate micro-breweries they have included a provision to allow a set number of “special events” to focus attention on locally crafted beer being provided. These special events may be part of regularly scheduled community wide events such as James J. Hill days, or independent events such as an “Oktoberfest”. We would ask that this provision be incorporated into the proposed ordinance enabling micro-breweries/taprooms, and incorporated into the CUP for the site if that is appropriate. In addition to setting a limit on the number of special events (typically six-to-twelve per year), they usually entail obtaining a special permit that outlines the details of the event (date and hours, any special temporary features such as tents, seating areas, music systems, traffic control devices, designated parking areas or shuttle services from a remote location). City staff would then have the opportunity to review the details and establish any additional condition that may be warranted.

CUP Criteria:

Consistency with Wayzata Comprehensive Plan

We believe that the construction of the micro-brewery and taproom in the building would be consistent with the Comprehensive Plan’s stated desire to provide more mixed-use developments, will be consistent with the Lake Effect effort to attract more people to the west end of Lake Street, and will enhance the downtown Wayzata experience.

Compatibility with existing and future uses in the area

We have received very positive feedback from users of the Boatworks building including 6 Smith and from local business and residents how have become aware of our interest in putting a micro-brewery/taproom in the Boatworks building. We believe the addition of a micro-brewery/taproom will enhance the experience of local residents and visitors to Wayzata.

Conformity with performance standards contained in the Wayzata Zoning Ordinance including parking, noise, glare, odor, dust, etc.

We believe the changes that are being proposed are in conformance with the City’s performance standards. The actual brewing activity is very small-scale and self-contained. We are attaching a basic description of the brewing process, entitled “Science of Craft Beer” that provides a fairly clear understanding of the brewing process, and we can provide specific examples of micro-breweries that are currently in operation in other parts of the city.

We expect that the micro-brewery/taproom will be very popular with local residents and visitors to Wayzata, which means that properly managing the parking associated with that

Attachment A-2: June 2014 Submittals

popularity will be a major factor in our success. We, along with the building owner and 6 Smith Restaurant, will take that responsibility very seriously.

Effect upon adjacent uses in the area

As discussed above, we believe that adding the experience of visiting a micro-brewery/taproom in Wayzata will have a positive effect on adjacent uses in the area and create an enhancement of the experience of living and visiting Wayzata.

Effect upon property values in the area

The fact that our use complements other local business and the experience of living, working and visiting Wayzata will have a positive effect on property values in the area.

Existing and anticipated traffic concerns

Our late afternoon/evening hours of operation should be very compatible with normal traffic patterns in Wayzata. The only potential concern that we will need to deal with is the train traffic that can make it difficult to enter and exit the site, especially with the inability to exit the site via Grove Lane East to the west (which is currently a one-way route). While this may create a little frustration with patrons of the Wayzata Brew Works (and 6 Smith), it is also part of the experience on being in downtown Wayzata.

Impact on governmental facilities and services, including roads, sanitary sewer, water, police and fire, and the City's service capability

We believe the conversion of existing office space and reconfiguration of the layout of the east wing would have no impact on City services or facilities, or the City's capability to provide those services in the future. We do need to confirm that the sanitary sewer discharge from the brewing operation estimated at a maximum of 516 gal. per day is within the existing capacity of the Metro lift station that serves the area.

Wayzata Brew Works, LLC

5108 W. 74th St., Suite 463
Edina, MN 55439-4063

March 20, 2014

Heidi Nelson, City Manager
City of Wayzata
600 East Rice St.
Wayzata, MN 55391

Re: Request to adopt city ordinance allowing micro-brewery/taprooms in Wayzata

Dear Heidi,

We are very interested in building a micro-brewery/taproom in the City of Wayzata. We have experience building one already, and for market research purposes, we have visited several vibrant micro-breweries in town, notably Steel Toe in St. Louis Park, as well as Dangerous Man, 612Brew, and Fulton Brewery in Minneapolis.

Based on our research and experience, we believe Wayzata provides an excellent location for a similar operation. We also acknowledge the City's interest in this concept expressed in the StarTribune last year. We are working on a specific location for the micro-brewery/taproom, but need to first have your City ordinances amended to permit the micro-brewery/taproom concept.

If you are open to amending your ordinance to allow a micro-brewery/taproom, we welcome the opportunity to work with you in developing the appropriate language. Several nearby communities are allowing similar ventures based on newly adopted state statutes that permit micro-brewery/taprooms. I have attached examples of similar ordinances adopted by Excelsior and Minnetonka for your review.

Please let me know what else we need to do to start the process of amending the ordinance. It would be our hope to get in operation yet this summer, so moving the process forward in a timely manner is important.

Sincerely,

Wayzata Brew Works, LLC

Robert Klick

Cc Ken Wilcox, Mayor



Wayzata Brew Works, LLC

Frequently Asked Questions (FAQ's)

1) Why Should Wayzata Support a Micro Brewery in its community?

A small, craft micro-brewery is a unique draw for many communities. Small-batch, fresh, creative flavors attract adventurous local patrons and visitors. Clustered together, small breweries complement rather than compete with existing restaurants and beer establishments (like the Muni). Many Minnesota waterfront cities welcome micro breweries because of their unique artisan attributes and draws. These cities include Minneapolis, St. Paul, Stillwater, Duluth, Minnetonka and Excelsior.

2) Isn't a Micro-Brewery really just code-word for a "bar"?

Not at all. Our products are produced by-hand in limited quantities on-site using fresh, local ingredients. Volume produced is minimal (less than 1,000 barrels per year). We feature four standard craft brews at all times and invite visitors to sample small 4-ounce pours of each. We also produce limited-run, seasonal and special flavor batches too.

3) What about the small and noise from a brewery?

The aroma from a small brewery is similar to fresh bread or fresh Malt-O-Meal production. Our manufacturing is limited to just 3 days per week and the aromatic part of the process takes less than 45 minutes each batch. Because we are one of the smallest taprooms in the state, our noise and crowd factor is diminimus. Plus, we don't plan to be open 7 days per week (in fact, we're currently prohibited by State Law), and expect to close much earlier than the other Wayzata area restaurants nearby including 6 Smith, the Muni, Giannis, and Cru.

4) How will you handle food?

By State Law, micro-breweries are prohibited from selling food. We do want to offer our patrons food options however and are working closely with 6 Smith in our building to provide a limited array of unique appetizers. We envision working with the Muni and other Wayzata food providers to offer an interesting array of choices.

5) What about parking? Isn't parking at the Boat Works a nightmare?

Not really. Our hours of operation complement those of the daytime businesses in the Boat Works so ample parking is available (currently over 200 spots on site). Plus, we have access to several hundred more parking spots (owned by our landlord) within 50 meters of our front door. Our small taproom generally requires only 30 – 50 parking spots at any given time.



Wayzata Brew Works, LLC

6) Wayzata is a municipal-owned liquor city. Won't your business conflict with that?

According to our consultant, attorney Jeff O'Brien who is actively working with over 20 micro breweries in Minnesota, "muni cities want breweries with taprooms, and growler sales go hand in hand with that. Buffalo already allows it, Elk River is very interested in attracting a brewery too. In my experience, muni cities are no different from others when it comes to welcoming breweries" and accommodating limited off-sale choices.

The City of Anoka is also a muni city. Anoka's city attorney told his council that he believed on-site sales of growlers by microbreweries would be allowed as isolated sales of just one product type. The council went on to approve the new rules in 2012.

7) What is a "Growler"? Won't this compete with Muni beer sales?

Growlers are an internationally recognized small bottle (64 ounces) containing 4 beers. They are strictly bound to labeling and sealing requirements but permit micro breweries to provide patrons a small sample to take with off-sale. Minnesota State Law (the Surly Bill) allows micro breweries to sell Growlers if they adhere to these standards. Our taproom is tiny and our off-sale Growler sales are expected to be small. Plus Growlers and ½ barrel kegs will be available to the Muni to sell on-site too. We believe Growler sales will help build loyalty, and in-turn, build demand for bottle sales from the Muni too (we are prohibited from selling anything but Growlers on-site by State Law).

9) Wayzata seems crowded already with liquor establishments. Why do we need yet another?

Our small taproom is unique and so is our product. Our theme is the proud manufacturing history of the Minnetonka Boat Works on the shores of Lake Minnetonka. We intend to partner with the Wayzata Historical Society (and others) to showcase the interesting and proud manufacturing history of Wayzata. Our on-site brewing, unique flavors, authentic historic location, and gorgeous lakefront vantage-point clearly distinguish us as destination location, just as Wayzata strives to do the same.

10) What styles of beer and price points do you anticipate?

We want to offer what customers want to taste. We will always have four stand-bys: a light lager, a heavier ale or porter, an IPA or EPA, and possibly a Stout. We also intend to experiment with lots of other styles and flavors as we develop a uniquely Wayzata flavor. Price points are typically \$5 - \$6 for a pint; a set of four 4-ounce samplers is likely \$8 - \$10; and Growlers (if approved) will likely sell for \$12 - \$15. We offer a fresh, premium product priced accordingly. We don't anticipate that we'll appeal to a rowdy, youngish crowd simply seeking cheap beer.



Wayzata Brew Works, LLC

11) Who in Wayzata believes liquor sales are good for the community?

Well, Mayor Willcox for one: “Muni revenue has been typically earmarked for the repair and maintenance of Wayzata’s roads and lights,” says Mayor Ken Willcox. We say, ‘Buy a burger. Fill a pothole...The funds transferred to the city from the Muni are typically the equivalent of what the city’s share would be on the property taxes of roughly 300 homes valued at \$350,000,” says Willcox. [source: Lake Minnetonka Magazine, July, 2011]

Community members do too: “Over the last year, community members have suggested the city revitalize its lakefront with everything from a band shell to beach yoga, a microbrewery, more docks and even food barges like popular food trucks” [source: StarTribune, Sept. 3, 2013]

12) Why the Boat Works building? What about other locations like the Meyer Bros. Dairy?

The landmark Boat Works building is a true Minnesota icon. Boats, buses, landing craft, and commercial vessels were manufactured in this site for nearly 100 years. The building has suffered in recent years with a bankruptcy, series of failed restaurants, and loss of identity. With the upcoming addition of a craft restaurant – 6 Smith – now is an ideal time to pair the restaurant with a craft micro brewery.

The Meyers building has a unique history too but is in bad disrepair. Plus, it is only a stones-throw from high-end residential condos, whose owners are likely not thrilled by any commercial development, much less a manufacturing facility.

Our small footprint faces the lake, so noise, crowds and congestion will be mitigated to a large degree.

13) How will the Brew Works benefit the Muni?

We strongly believe the presence of a micro-brewery complements the Muni. In our unique destination location, we offer small-batch, hand-crafted fresh products.

The Muni serves a broad variety of meals and alcoholic beverages. Many studies underline the benefit of clustering complementary businesses for maximum effect. Examples include Detroit's auto industry concentration, computer chip production in California's Silicon Valley, London's financial sector, the Napa Valley's wine production, and Hollywood's movie production industry.

Clustered with Cru, 6 Smith, Gianni’s, the Blue Point and the Muni, we anticipate that adding a unique small-batch micro brewery will complement Wayzata’s development efforts.

Attachment A-2: June 2014 Submittals



Wayzata Brew Works, LLC

Notable industry quotes:

- “The [craft brewing] industry is creating jobs and meeting Alaska's demands for local craft beers or microbrews, which are typically independently owned. Small-scale breweries focus on the taste and brewing techniques of the beer. It's just like if we are baking bread here; we have to have bakers," said Alaska Department of Labor and Workforce Development economist Neal Fried. "Instead of just shipping it up here, we are creating jobs. (Importing) generates less employment and less economic activity. (Local production) generates more activity. It creates an advantage and people are proud of locally-produced stuff.”
- “Small and independent American craft brewers contributed \$33.9 billion to the U.S. economy in 2012. The figure is derived from the total impact of beer brewed by craft brewers as it moves through the three-tier system (breweries, wholesalers and retailers), as well as all non-beer products like food and merchandise that brewpub restaurants and brewery taprooms sell. The industry also provided more than 360,000 jobs, with 108,440 jobs directly at breweries and brewpubs, including serving staff at brewpubs. [source: Brewer’s Association]
- “With a strong presence across the 50 states and the District of Columbia, craft breweries are a vibrant and flourishing economic force at the local, state and national level. As consumers continue to demand a wide range of high quality, full-flavored beers, small and independent craft brewers are meeting this growing demand with innovative offerings, creating high levels of economic value in the process. [source: Bart Watson, Staff Economist, Brewers Association]

Minnesota Growler Law

- “The malt liquor shall be packed in 64-ounce containers commonly known as "growlers" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extended over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100. Minn. Stat. § 340A.301”

Attachment A-2: June 2014 Submittals



Wayzata Brew Works, LLC

- “Questions about possible conflicts with its municipal liquor operations surfaced when the Anoka City Council discussed amending its zoning code to allow small-batch breweries, taprooms and brewpubs. Private liquor stores are not allowed in cities that have municipal stores.
- City planners in Arden Hills used regulations in Excelsior and St. Louis Park, home of Steel Toe Brewing Co., to craft its ordinance for microbreweries and taprooms. Arden Hills Mayor David Grant said the new rules position the city to respond to proposals yet to come.
- “We’re not one to go out and try to encourage [a microbrewery],” Grant said. “But they seem to be out there and popular, and the taproom is an important business aspect for them as a distribution channel.” [source: StarTribune, Dec. 7, 2013]

**Comparison of City Liquor Store Operations - 2012
Ranked by Gross Sales**

Ranking	Name of City	Type of Store	Foot- notes	Population	Sales	Cost of Sales	Gross Profit		Operating		Nonoperating		Net Profit/(Loss)	
							Amount	Percent of Sales	Expenses	Income/(Loss)	Revenues	Expenses	Amount	Percent of Sales
1	Lakeville	Off-Sale Only	----	57,048	\$15,220,064	\$11,380,341	\$3,839,723	25.2%	\$2,215,822	\$1,623,901	\$30,162	\$177,629	\$1,476,434	9.7%
2	Edina	Off-Sale Only	----	48,829	13,230,941	9,615,928	3,615,013	27.3%	2,124,476	1,490,537	----	340	1,490,197	11.3%
3	Eden Prairie	Off-Sale Only	----	62,004	12,371,628	9,014,543	3,357,085	27.1%	2,232,081	1,125,004	12,349	----	1,137,353	9.2%
4	Richfield	Off-Sale Only	----	35,979	11,807,489	8,802,442	3,005,047	25.5%	1,951,557	1,053,490	30,158	----	1,083,648	9.2%
5	Apple Valley	Off-Sale Only	----	49,895	9,231,890	6,703,467	2,528,423	27.4%	1,557,994	970,429	49,053	120,960	898,522	9.7%
6	Columbia Heights	Off-Sale Only	----	19,676	8,804,233	6,654,657	2,149,576	24.4%	1,465,683	683,893	1,000	229,954	454,939	5.2%
7	Saint Anthony	Off-Sale Only	----	8,417	7,139,381	5,403,321	1,736,060	24.3%	1,210,179	525,881	8,867	5,475	529,273	7.4%
8	Elk River	Off-Sale Only	----	23,147	6,525,234	4,638,550	1,886,684	28.9%	970,330	916,354	14,485	83,225	847,614	13.0%
9	Brooklyn Center	Off-Sale Only	----	30,569	5,963,908	4,316,716	1,647,192	27.6%	1,271,162	376,030	14,580	----	390,610	6.5%
10	Fergus Falls	Off-Sale Only	----	13,228	5,519,338	3,952,932	1,566,406	28.4%	877,907	688,499	33,271	42,256	679,514	12.3%
11	Hutchinson	Off-Sale Only	----	14,034	5,325,001	4,106,146	1,218,855	22.9%	670,824	548,031	7,242	39,723	515,550	9.7%
12	Wayzata	On- & Off-Sale	----	3,781	5,150,007	2,649,859	2,500,148	48.5%	2,006,861	493,287	15,176	147,722	360,741	7.0%
13	Bemidji	Off-Sale Only	----	13,560	5,132,559	3,716,554	1,416,005	27.6%	741,217	674,788	14,518	----	689,306	13.4%
14	Detroit Lakes	Off-Sale Only	----	8,763	4,909,641	3,749,632	1,160,009	23.6%	427,547	732,462	----	70,250	662,212	13.5%
15	Monticello	Off-Sale Only	----	12,901	4,854,798	3,640,053	1,214,745	25.0%	662,002	552,743	----	9,333	543,410	11.2%
16	Fridley	Off-Sale Only	----	27,591	4,705,523	3,497,168	1,208,355	25.7%	857,741	350,614	960	----	351,574	7.5%
17	Cambridge	Off-Sale Only	----	8,236	4,684,393	3,571,131	1,113,262	23.8%	687,595	425,667	10,148	379	435,436	9.3%
18	Savage	Off-Sale Only	----	27,552	4,560,288	3,353,290	1,206,998	26.5%	913,596	293,402	----	59,356	234,046	5.1%
19	Thief River Falls	Off-Sale Only	----	8,636	4,482,994	3,430,447	1,052,547	23.5%	599,416	453,131	8,893	----	462,024	10.3%
20	Alexandria	Off-Sale Only	----	13,008	4,402,535	3,428,169	974,366	22.1%	732,089	242,277	1,076	12,473	230,880	5.2%

**Table 6
Comparison of City Liquor Store Operations - 2011
Ranked by Gross Sales**

Ranking	Name of City	Type of Store	Foot- notes	Population	Sales	Gross Profit				Operating		Nonoperating		Net Profit/(Loss)		Transfers To/(From)
						Cost of Sales	Amount	Percent of Sales	Expenses	Income/(Loss)	Revenues	Expenses	Amount	Percent of Sales	Other Funds	
1	Lakeville	Off-Sale Only	----	56,534	\$14,373,261	\$10,826,384	\$3,546,877	24.7%	\$2,196,758	\$1,350,119	\$56,924	\$181,335	\$1,225,708	8.5%	\$1,134,131	
2	Edina	Off-Sale Only	----	48,262	13,172,484	9,648,160	3,524,324	26.8%	2,078,946	1,445,378	----	----	1,445,378	11.0%	1,255,100	
3	Eden Prairie	Off-Sale Only	----	61,151	11,676,390	8,656,149	3,020,241	25.9%	2,118,675	901,566	51,817	6,812	946,571	8.1%	1,000,000	
4	Richfield	Off-Sale Only	----	35,376	11,198,404	8,358,937	2,839,467	25.4%	1,932,217	907,250	18,387	----	925,637	8.3%	693,870	
5	Apple Valley	Off-Sale Only	----	49,801	9,005,660	6,448,087	2,557,573	28.4%	1,601,269	956,304	89,325	128,323	917,306	10.2%	525,000	
6	Columbia Heights	Off-Sale Only	----	19,619	8,494,962	6,413,886	2,081,076	24.5%	1,459,656	621,420	1,500	237,147	385,773	4.5%	98,955	
7	Saint Anthony	Off-Sale Only	----	8,333	6,995,923	5,341,718	1,654,205	23.6%	1,162,894	491,311	3,661	32,659	462,313	6.6%	417,200	
8	Elk River	Off-Sale Only	----	23,101	6,145,692	4,385,452	1,760,240	28.6%	947,692	812,548	45,444	33,827	824,165	13.4%	3,115,592	
9	Brooklyn Center	Off-Sale Only	----	30,204	5,789,346	4,175,906	1,613,440	27.9%	1,214,496	398,944	19,431	----	418,375	7.2%	147,488	
10	Fergus Falls	Off-Sale Only	----	13,103	5,244,209	3,821,399	1,422,810	27.1%	852,925	569,885	56,738	46,340	580,283	11.1%	340,811	
11	Detroit Lakes	Off-Sale Only	----	8,716	5,202,486	3,934,467	1,268,019	24.4%	359,660	908,359	48,798	69,600	887,557	17.1%	747,876	
12	Hutchinson	Off-Sale Only	----	14,148	5,099,629	3,946,363	1,153,266	22.6%	651,933	501,333	4,503	43,308	462,528	9.1%	451,030	
13	Bemidji	Off-Sale Only	----	13,528	4,990,978	3,643,412	1,347,566	27.0%	719,913	627,653	4,645	16,871	615,427	12.3%	547,395	
14	Fridley	Off-Sale Only	----	27,515	4,893,436	3,681,988	1,211,448	24.8%	886,294	325,154	761	----	325,915	6.7%	350,000	
15	Savage	Off-Sale Only	----	27,147	4,657,014	3,463,507	1,193,507	25.6%	643,648	249,859	----	65,681	184,178	4.0%	----	
16	Monticello	Off-Sale Only	----	12,840	4,653,476	3,502,213	1,151,263	24.7%	658,999	492,264	202,961	----	695,225	14.9%	250,000	
17	Alexandria	Off-Sale Only	----	12,920	4,609,760	3,613,420	996,340	21.6%	745,137	251,203	1,786	15,190	237,999	5.2%	200,000	
18	Wayzata	Off-Sale Only	----	3,720	4,391,203	2,294,347	2,096,856	47.8%	1,837,321	259,535	35,236	92,629	202,142	4.6%	20,000	
19	Cambridge	Off-Sale Only	----	8,194	4,355,132	3,338,052	1,017,080	23.4%	658,571	358,509	10,216	5,654	363,071	8.3%	----	
20	Thief River Falls	Off-Sale Only	----	8,587	4,216,698	3,229,473	987,225	23.4%	589,665	397,560	13,759	----	411,319	9.8%	362,835	
21	Faribault	Off-Sale Only	----	21,360	4,100,344	3,151,870	1,048,515	24.0%	638,007	100,508	----	1,705	107,803	2.6%	on nm	



WAYZATA BREW WORKS, LLC

The Science of Craft Beer, in Nine Easy Steps

Tuesday, September 21, 2010, by Christian DeBenedetti

They say great wine is made in the vineyard, but how about beer? The process is both surprisingly complex and beautifully simple.

Working with the basic ingredients of **malted barley**, fragrant **hop flowers**, **yeast**, and **water**, brewers conjure an amazing array of flavors in over 130 recognizable styles. The process of brewing craft beer varies but the basic steps to make a craft beer are outlined below.



Barley Malt

1. The vast majority of beers are made with a base of **malted barley**, which is grain that has been dampened, allowed to sprout, carefully dried and sometimes roasted (imparting color and texture to beers). The barley is produced in Minnesota, it is prepackaged in 50 pound bags, and delivered to the brewery on a pallet. Additionally, grains such as rye, wheat, and rice may also be used in conjunction with malted barley to make up the base malt. The malting process creates enzymes, which will later convert the starches already present in barley into sugars during the mashing process.



The Grain Mill

First the brewer **mills the grain** to crack the kernels' husks so the starches inside will be more accessible to enzymes during the mashing process. A standard batch requires 1000 -1400 pounds of grain, which is roughly 24 bags.



The Mash Tun

2. Next the grain is transferred into the **mash tun** with around 300 gallons of water at a temperature of 153 degrees. Every brewery uses a different mashing technique, adjusting the temperatures and mash times, but generally this is about a 1-hour process. The liquid must have time to rest, during which time the enzymes created during the malting process will convert the starches present into simple sugars, which will later be fermented.

The resulting mixture is called **wort**, and it's deliciously sweet and healthful. Some brewers make a point to drink a glass on their morning shift. Brewers also monitor their water very carefully: hardness and softness of water affect the brewing process and resulting flavors. Our water is treated through a reverse osmosis (RO) system. It is carefully reclaimed and reused for cleaning.



Hops

3. Next is the **kettle/whirlpool** stage. After a one-hour transfer of the wort into this tank, the brewer adds a first addition of bittering hops and brings the mixture to a boil for around an hour. Hops are a resinous plant and they give beer its bitterness and aromas, thanks to something called lupulin, which resides in pollen-like glands inside the base of the flowers.



The Kettle/Whirlpool

There are dozens of hop varieties, and brewers choose among them depending on their flavor and aroma profiles. At the end of this stage the brewer uses a **whirlpool** function to siphon out the used hops.



Stainless Steel Tanks for Fermentation

4. When the beer has cooled, the wort is transferred to stainless steel tanks for **fermentation**. Brewers' yeast is added for this stage, which immediately begin to feast on the sugar-rich brew, creating the **by products of alcohol and CO₂**. The beer stays here for seven to ten days, then the temperature is dropped to 32F for a period of seven days to two months, reaching anywhere from 3-7% alcohol by volume.



The Filter

5. Next the beers are pumped through a filter made of **diatomaceous earth** (DE for short), a highly porous, silica-rich powder made from **millions of fossilized diatoms, a sort of ancient algae**. The filter removes spent yeast cells, grain matter, and other impurities. Later the DE refuse and spent grains from the mash tun are mixed and sent to a local farmer as cattle feed.



The Brite Beer Tank

6. Here in the **brite beer tank** the beer rests for one day to a week in 20 barrel (BBL) tanks. This is about 620 gallons.



½ Barrel Kegs; each holds 15.5 gallons

7. Now clear, fully fermented, carbonated, and rested, the beer is packaged in kegs and transferred to four 10 barrel serving tanks in the taproom to serve customers. This reduces excess packaging and keeps the beers as fresh as possible.



Wayzata Boat Works

8. The brewery will be built in The Boat Works building, **a former wooden boat manufacturing plant in Wayzata**. This historic, lakefront location will bring small craft manufacturing and delicious beer to downtown Wayzata.



The Tap Room

Sample the Beer

9. Small 4 oz samples and 16 oz pints will be sold on-site for tasting. In accordance with Minnesota's new Surly Law, 64 oz Growlers will be sealed and sold for off-site consumption.

TRAFFIC IMPACT STUDY
Minnetonka Boatworks

Wayzata, Minnesota
July 2, 2014



Prepared For:

BOATWORKS II LLC
294 Grove Lane East
Wayzata, MN 55391

Prepared By:



Westwood

TRAFFIC IMPACT STUDY

MINNETONKA BOATWORKS

294 Grove Lane East
Wayzata, Minnesota

July 2, 2014

Prepared For:

BOATWORKS II, LLC
294 Grove Lane East
Wayzata, MN 55391

Prepared By:



Westwood Professional Services
7699 Anagram Drive
Eden Prairie, MN 55344

PHONE 952-937-5150
FAX 952-937-5822
TOLL FREE 1-888-937-5150

www.westwoodps.com

Westwood Project No. 0004064.00

TRAFFIC IMPACT STUDY

MINNETONKA BOATWORKS

294 Grove Lane East
Wayzata, Minnesota



I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

A handwritten signature in black ink, appearing to read "Stephen J. Manhart".

By: _____

Stephen J Manhart, P.E.
License No. PE-22428

Date: _____ July 2, 2014

TABLE OF CONTENTS

I. INTRODUCTION	1
II. EXISTING CONDITIONS	2
A. Existing Land Uses.....	2
B. Vehicular Traffic.....	2
C. Rail Traffic.....	2
D. Pedestrian/Bicycle Traffic.....	3
E. Boating Traffic	4
F. Existing Parking.....	4
G. Existing Trip Generation.....	5
H. Existing Traffic Operation.....	5
III. PROPOSED CONDITIONS.....	8
A. Proposed Land Uses.....	8
B. Proposed Trip Generation	8
C. Projected Traffic Operation.....	9
D. Projected Parking.....	10
E. Shared Parking.....	12
F. Valet Parking.....	14
IV. SEASONAL IMPACTS	15
V. SUMMARY AND CONCLUSIONS.....	16
APPENDIX.....	19

LIST OF FIGURES

Figure 1 -- Vicinity Map.....	1
Figure 2 -- Existing Traffic Counts.....	3
Figure 3 -- Existing Pedestrian/Bicycle Traffic Counts	4
Figure 4 -- Projected Traffic Counts.....	9
Figure 5 -- Existing and Proposed Parking -- Minnetonka Boatworks	11
Figure 6 -- BNSF Wayzata Subdivision Tracks.....	16

LIST OF TABLES

Table 1 -- Existing Uses, Boatworks Building	2
Table 2 -- Existing Trip Generation	5
Table 3-- Levels of Service vs. Average Delay - Signalized and Unsignalized Intersections.....	6
Table 4 -- Existing Peak Hour Capacity - Lake Street E. & Grove Lane E./Barry Ave. S.	7
Table 5 -- Proposed Uses, Boatworks Building	8
Table 6 -- Projected Trip Generation.....	8
Table 7 -- Projected Peak Hour Capacity Analysis -- Lake Street E. & Grove Lane E./Barry Ave. S.	10
Table 8 -- Off-Street Parking Requirements.....	12
Table 9 -- Shared Parking Calculations.....	13
Table 10 -- Time-of-Day Parking Reductions.....	13

I. INTRODUCTION

The Minnetonka Boatworks project, located at 294 Grove Lane East in Wayzata, MN, encompasses a 63,306 sq. ft. building south of the intersection of Lake Street East and Grove Lane East/Barry Avenue South in Wayzata, MN. The site, which currently houses office uses, will be revised to include a 6,900 sq. ft. restaurant, a 5,100 sq. ft. micro-brewery and taproom and the balance remaining office use. The site is shown in Figure 1.

Figure 1 – Vicinity Map



Source: Google Maps, 2014.

This traffic study will:

- analyze existing traffic and parking conditions,
- analyze projected year-round and seasonal traffic & parking demands,
- determine functionality of valet parking, impacts of train traffic,
- identify traffic impacts at intersection of Grove Lane East/Lake Street, and
- provide recommendations for traffic & parking mitigation.

II. EXISTING CONDITIONS

A. Existing Land Uses

Currently, the Boatworks building is partially occupied. There are some office uses leasing space in the building, but there is also vacant space available. Therefore, to assess the impacts of the future uses, one must first assess the trip generation of the existing uses in order to find the ultimate potential traffic.

Table 1 shows the current usage of the Boatworks building.

TABLE 1 – EXISTING USES, BOATWORKS BUILDING

Current Use	Usable Area Square Footage
Office	45,545 sq. ft.
Vacant*	15,137 sq. ft.
Storage	2,624 sq. ft.
Total	63,306 sq. ft.

Source: Project Developers, Inc.

*It is noted Six Smith Restaurant has opened since the traffic counts were taken and the study began, occupying 6,911 square feet. The remaining vacant space includes 3,146 square feet for office space and 5,080 square feet for the proposed Microbrew. Extensive staff training and construction traffic was observed as the restaurant prepared to open.

B. Vehicular Traffic

For the analysis of the Minnetonka Boatworks site, Westwood Professional Services deployed traffic counters at the intersection of Lake Street East and Grove Lane East/Barry Avenue South. Figure 2 illustrates the A.M. and P.M. Peak Hour turning movements at the intersection.

C. Rail Traffic

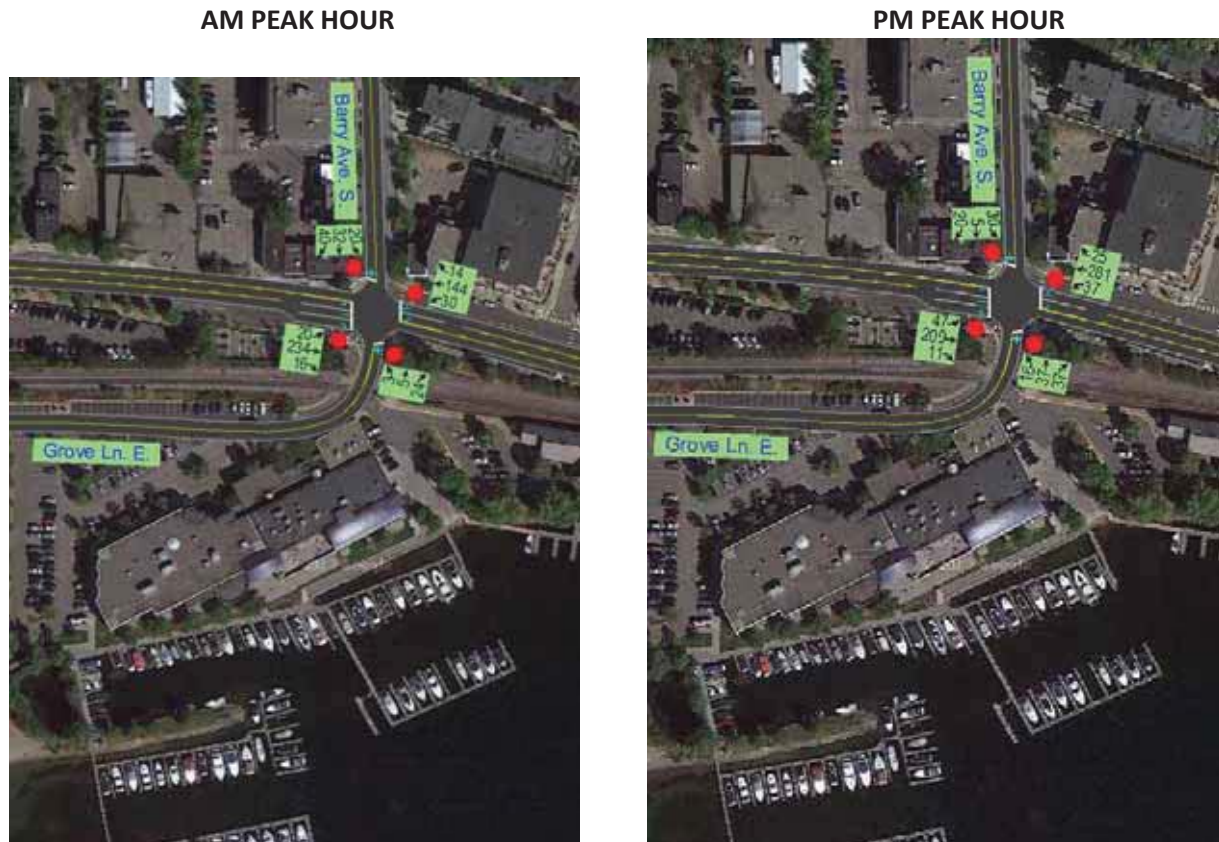
A railroad track lies between the intersection of Lake Street East & Grove Lane East/Barry Avenue South and the Minnetonka Boatworks building. According to the Minnesota Freight Railroad Map (May 2013), these tracks are primarily operated by BNSF, and carry approximately 17 trains per day.

This rail crossing is controlled by gates and flashers. Also, the advance rail crossing signs indicate that there are no trail horns sounded between 10 PM and 7 AM.

Attachment A-2: June 2014 Submittals

It should be noted that no train traffic was witnessed at the crossing during the AM Peak, the Noon Peak or the PM Peak Hours.

Figure 2 – Existing Traffic Counts



Source: Westwood Professional Services, June 2014.

D. Pedestrian/Bicycle Traffic

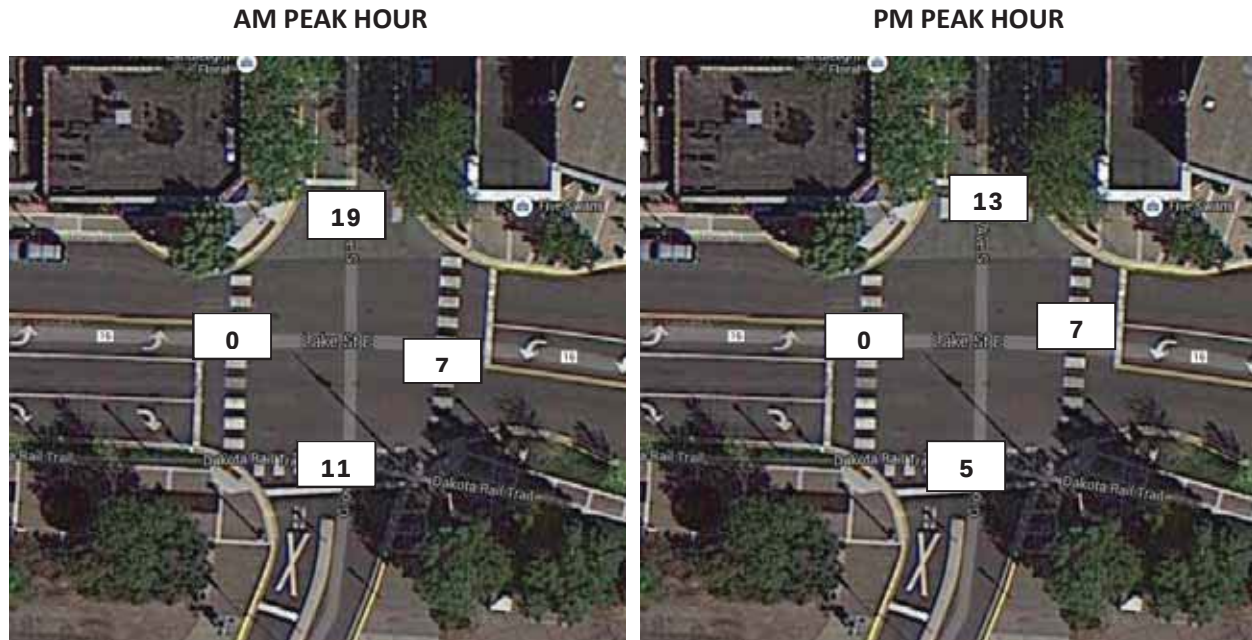
Figure 3 shows the pedestrian/bicycle activity recorded at the intersection of Lake Street East and Grove Lane East/Barry Avenue South during the A.M. and P.M. Peak Hours.

The Dakota Rail Regional Trail extends along the south leg of the intersection of Lake Street East & Grove Lane East/Barry Avenue South and north of the railroad track. This segment is part of a 13-mile paved trail in Hennepin County that follows the path of the former Dakota Rail corridor through Saint Bonifacius, Minnetrista, Mound, Spring Lake Park, Minnetonka Beach, Orono and Wayzata. In Carver County, an additional 12.5 miles of paved trail extends west of Saint Bonifacius to Mayer. According to an article regarding the trail printed in the Minneapolis Star Tribune (05/17/2011), "The portion of the trail that runs 13.5 miles from Wayzata to St. Bonifacius is already the most popular trail in Hennepin County, with an estimated 363,900 users during 2010."

To the southwest of the Minnetonka Boatworks building lies Wayzata Beach. This is a popular public swimming beach for Wayzata residents. The beach is open to the public from Mid-June to mid-August, and is patrolled by a lifeguard from noon till 6PM seven days a week. In addition to swimming, the

beach offers shady picnic areas, playground equipment, canoe racks, volleyball court, boat slips and playing fields.

Figure 3 – Existing Pedestrian/Bicycle Traffic Counts



Source: Westwood Professional Services, June 2014.

E. Boating Traffic

There is a City Marina located west of the Boatworks building. The marina is designed to dock approximately 100 small boats. There is also a boat dock area directly to the south of the Boatworks building that serves larger boats, plus there is a smaller dock to the south of the Depot building that can serve a handful of boats. Although the number of trips is unknown at this time, there has been interest expressed by some at the thought of boating to work.¹

F. Existing Parking

There are 259 existing parking stalls located on the Minnetonka Boatworks and City property.

- Of this total, 57 stalls are designated as City property of which 21 are reserved for residents or those who purchase a City parking sticker (\$30-35 fee) for Monday through Friday use.

¹ "Wayzata's Boatworks is for sale", article in [Minneapolis/Saint Paul Business Journal](#), July 13, 2013.

Attachment A-2: June 2014 Submittals

- The remaining 202 stalls are designated for the weekday use for the Boatworks building.
- There are 74 available off-site parking spaces for Boatworks employees and staff and valet parking at 259 Lake Street East.
- Additional valet parking on TCF property at 200 Lake Street East after 4:30 PM, which includes 48 spaces in the east lot and 90 spaces in the west lot. This brings the total of on-site and offsite including valet parking to 471 spaces.
- There exist 82 on-street parking stalls that lie within one-eighth of a mile (660') from the Boatworks building.

This brings the total number of existing parking stalls available to Minnetonka Boatworks and other uses within an eighth-mile area to 553 stalls.

G. Existing Trip Generation

For comparison purposes, trip generation for the occupied office space and other existing uses in this area were calculated using the findings from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. They are shown in Table 2.

TABLE 2 – EXISTING TRIP GENERATION

Group No.	Type	Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
					Enter	Exit	Enter	Exit	Enter	Exit
1	Office	General Office Building	710	46 k.s.f.	251	251	62	8	12	56
1	Recreational	Beach Park	415	1 acres	10	10	0	1	0	0
1	Recreational	Marina	420	100 berths	148	148	3	5	11	8
2	Office	General Office Building	710	2 k.s.f.	12	12	3	0	1	3
-	-	-	-	-	-	-	-	-	-	-
					421	421	68	14	24	67
					842		82		91	

Source: ITE Trip Generation Manual, Ninth Edition, 2012.

The trips generated by the existing site are slightly higher than the trip generation values projected by the ITE manual. Currently the AM inbound traffic is 78 trips/hour, while the AM outbound traffic is 32 trips/hour. Thus, 110 trips/hour are recorded at the intersection, versus 82 trips/hour projected by ITE. In the PM Peak Hour, the current traffic is 53 trips/hour, while the PM outbound traffic is 90 trips/hour. Similarly, 143 trips/hour are recorded versus 91 trips/hour projected by ITE.

H. Existing Traffic Operation

Analysis was conducted of the existing traffic operation at the intersection of Lake Street East and Grove Lane East/Barry Avenue South. This analysis comprised modeling the operation of the intersection using the industry-standard Synchro/SimTraffic software (Version 8), and the capacity analysis found in the 2010 Edition of the Highway Capacity Manual (HCM). The software model was calibrated to replicate existing conditions as accurately as possible before being used to assess future conditions.

The operating conditions of transportation facilities, such as traffic signals, stop-controlled intersections and roundabouts, are evaluated based on the relationship of the theoretical capacity of a facility to the

Attachment A-2: June 2014 Submittals

actual traffic volumes on that facility. Various factors affect capacity, including travel speed, roadway geometry, grade, number and width of travel lanes, and intersection control. The current standards for evaluating capacity and operating conditions are contained in the 2010 HCM. The procedures describe operating conditions in terms of a Level of Service (LOS). Facilities are given letter designations from A, representing the best operating conditions, to F, representing the worst. Generally in the Twin Cities, Level of Service D represents the threshold for acceptable overall intersection operating conditions during a peak hour.

At intersections, the letter grades are assigned based on the average delay per vehicle experienced during the peak hour on a particular approach or movement. The grade for the intersection as a whole is based on a weighted average of each movement. Grades are different at unsignalized and signalized intersections, due to the fact that drivers anticipate longer delays at signalized intersections. Table 3, below, details the ranges for each letter grade for both types of intersection, which is in seconds of average delay per vehicle.

Table 3—LEVEL OF SERVICE VS AVERAGE DELAY - SIGNALIZED AND UNSIGNALIZED INTERSECTIONS

Unsignalized Intersections		Signalized Intersections	
Level of Service	Average Delay per Vehicle (Seconds)	Level of Service	Average Delay per Vehicle (Seconds)
A	≤10	A	0 – 10
B	>10 and ≤15	B	>10 and ≤20
C	>15 and ≤25	C	>20 and ≤35
D	>25 and ≤35	D	>35 and ≤55
E	>35 and ≤50	E	>55 and ≤80
F	>50	F	>80

Source: 2010 Highway Capacity Manual, published by the Transportation Research Board.

The acceptable level of service threshold for a particular movement at an intersection depends on both the priority assigned to that movement and its traffic volume. In general, the higher the priority and the higher the traffic volume, the more stringent the acceptable threshold will be. For example, the acceptable threshold for a high-priority/high-volume rural movement might be C, while LOS F on a low-priority/low-volume urban movement might be appropriate.

For side street stop-controlled intersections, a key measure of operational effectiveness is the side street LOS. Long delays and poor LOS can sometimes result on the side street, even if the overall intersection is functioning well, making it a valuable design criterion. Again, depending on priority and traffic volume, acceptable side-street LOS can range from D to F. Side streets can operate at LOS F without the intersection warranting all-way stop control or a traffic signal.

A final fundamental component of operational analyses is a study of vehicular queuing, or the lineup of vehicles waiting to pass through an intersection. An intersection can operate with an acceptable level of service, but if queues from the intersection extend back to block entrances to turn lanes or accesses to adjacent land uses, unsafe operating conditions could result. The 95th percentile queue, or the length

Attachment A-2: June 2014 Submittals

of queue with a 5% chance of occurring during the peak hour, is typically considered the standard for design purposes.

Table 4 lists the levels of service recorded for the intersection of Lake Street East and Grove Lane East/Barry Avenue South during a typical weekday. The analysis shows that the intersection and each movement functions at LOS-A with minimal delay and queuing.

TABLE 4 – Existing Peak Hour Capacity Analysis – Lake Street E. & Grove Lane East/Barry Ave S.¹

Intersection	A.M. Peak			P.M. Peak		
	LOS	Total Delay	Critical Movement	LOS	Total Delay	Critical Movement
Lake Street E. & Grove Lane East/Barry Ave S	A	7.2 sec	NB Lt = 9.9 sec (LOS-A)	A	7.9 sec	WB Thru = 9.2 sec (LOS-A)
	Site Max queue = NB (47')			Site Max queue = NB (72')		

¹Based on traffic counts conducted by Westwood Professional Services

III. PROPOSED CONDITIONS

A. Proposed Land Uses

It is proposed that the Minnetonka Boatworks building will include several existing uses along with new uses. Table 5 illustrates the existing and proposed uses for the site.

TABLE 5 – PROPOSED USES, BOATWORKS BUILDING

Projected Use	Usable Area Square Footage
Office	45,545 sq. ft.
Quality Sit-Down Restaurant	6,911 sq. ft.
Microbrewery	2,810 sq. ft.
Taproom	2,270 sq. ft.
Vacant (Office Space)	3,146 sq. ft.
Storage	2,624 sq. ft.
Total	63,306 sq. ft.

Source: Project Developers, Inc.

B. Proposed Trip Generation

For comparison purposes, trip generation for the occupied office space and additional projected uses in this area were calculated using the findings from the ITE Trip Generation Manual, 9th Edition. They are shown in Table 6. The additional uses will nearly double the P.M. Peak trip generation of the site.

TABLE 6 – PROJECTED TRIP GENERATION

Trip Generation - Projected										
Group No.	Type	Land Use	ITE Code	Size	Weekday		AM peak		PM Peak	
					Enter	Exit	Enter	Exit	Enter	Exit
1	Office	General Office Building	710	46 k.s.f.	251	251	62	8	12	56
2	Recreational	Beach Park	415	1 acres	10	10	0	1	0	0
2	Recreational	Marina	420	100 berths	148	148	3	5	11	8
2	Office	General Office Building	710	2 k.s.f.	12	12	3	0	1	3
1	Retail	Quality Restaurant	931	7 k.s.f.	311	311	3	3	35	17
1	Retail	Drinking Place	925	2 k.s.f.	n.a.	n.a.	0	0	17	9
1	Retail	Microbrewery		3 k.s.f.	n.a.	n.a.	0	0	11	2
-	-	-		-						
					732	732	71	17	87	95
					1,464		88		182	

Source: ITE Trip Generation Manual, Ninth Edition, 2012.

Attachment A-2: June 2014 Submittals

The trips shown in highlighted area represent the additional traffic generated by the new uses. Trips calculated for the new quality restaurant were derived from the ITE Trip Generation Manual. This will result in a 6-trip increase during the A.M. Peak trips (i.e., 3 additional inbound trips and 3 additional outbound trips), and a 91-trip increase in the P.M. Peak trips (i.e., 63 additional inbound trips and 28 additional outbound trips).

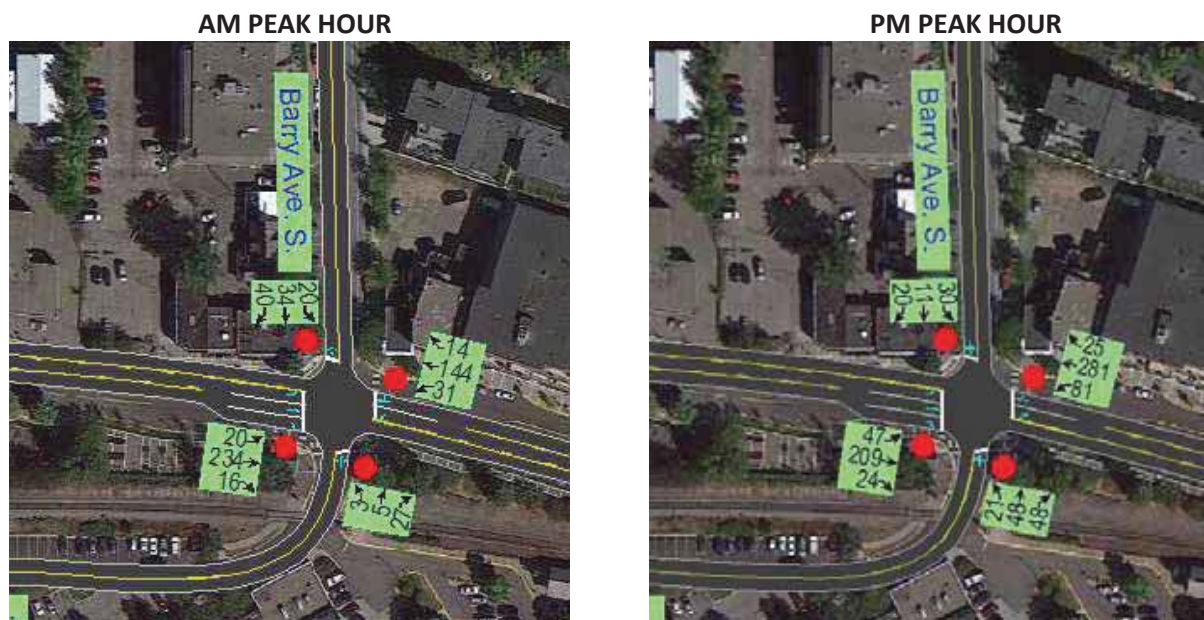
Trip generation data for the microbrewery and taproom uses were quite scarce. Westwood was able to utilize a study from the late 1990's that provided trip generation for microbreweries.² Because the microbrewery trips are primarily generated by the workers, the trips are few in number.

Westwood was not able to find a direct trip generation rate for a taproom affiliated with a Microbrewery. The land use seems to be too new. As a result, Westwood utilized the existing land use code for "Drinking Place" found in the ITE Trip Generation Manual. This is a more appropriate application for taproom than other types of establishments because this does not specialize in serving food.

C. Projected Traffic Operation

By applying the directional distribution of the existing uses onto the new uses, the additional traffic volumes can be determined proportionally. Figure 4 illustrates the projected existing plus new turning movements for the site.

Figure 4 – Projected Traffic Counts



Source: Westwood Professional Services, June 2014.

² Doyle, Julie M., "Trip Generation for Entertainment Land Uses", Street Smarts, Duluth, GA, 1999.

Table 7 lists the levels of service projected for the intersection of Lake Street East and Grove Lane East/Barry Avenue South during a typical weekday. This analysis would assume that all of the traffic generated by the site, beach, depot and new uses would enter and exit from the intersection of Lake Street East and Grove Lane East/Barry Avenue S. The analysis shows that the intersection and each movement functions at LOS-A with minimal delay and queuing.

TABLE 7 – Projected Peak Hour Capacity Analysis – Lake Street E. & Grove Lane East/Barry Ave S.¹

Intersection	A.M. Peak			P.M. Peak		
	LOS	Total Delay	Critical Movement	LOS	Total Delay	Critical Movement
Lake Street E. & Grove Lane East/Barry Ave S	A	6.9 sec	WB Thru = 7.9 sec (LOS-A)	A	8.0 sec	WB Thru = 9.8 sec (LOS-A)
	Site Max queue = NB (73')			Site Max queue = NB (72')		

¹Based on traffic counts conducted by Westwood Professional Services

This analysis indicates that all existing and projected uses could enter and exit the site via the site intersection and not impact the Level of Service. The operation is currently LOS-A and will remain such with the new uses functioning.

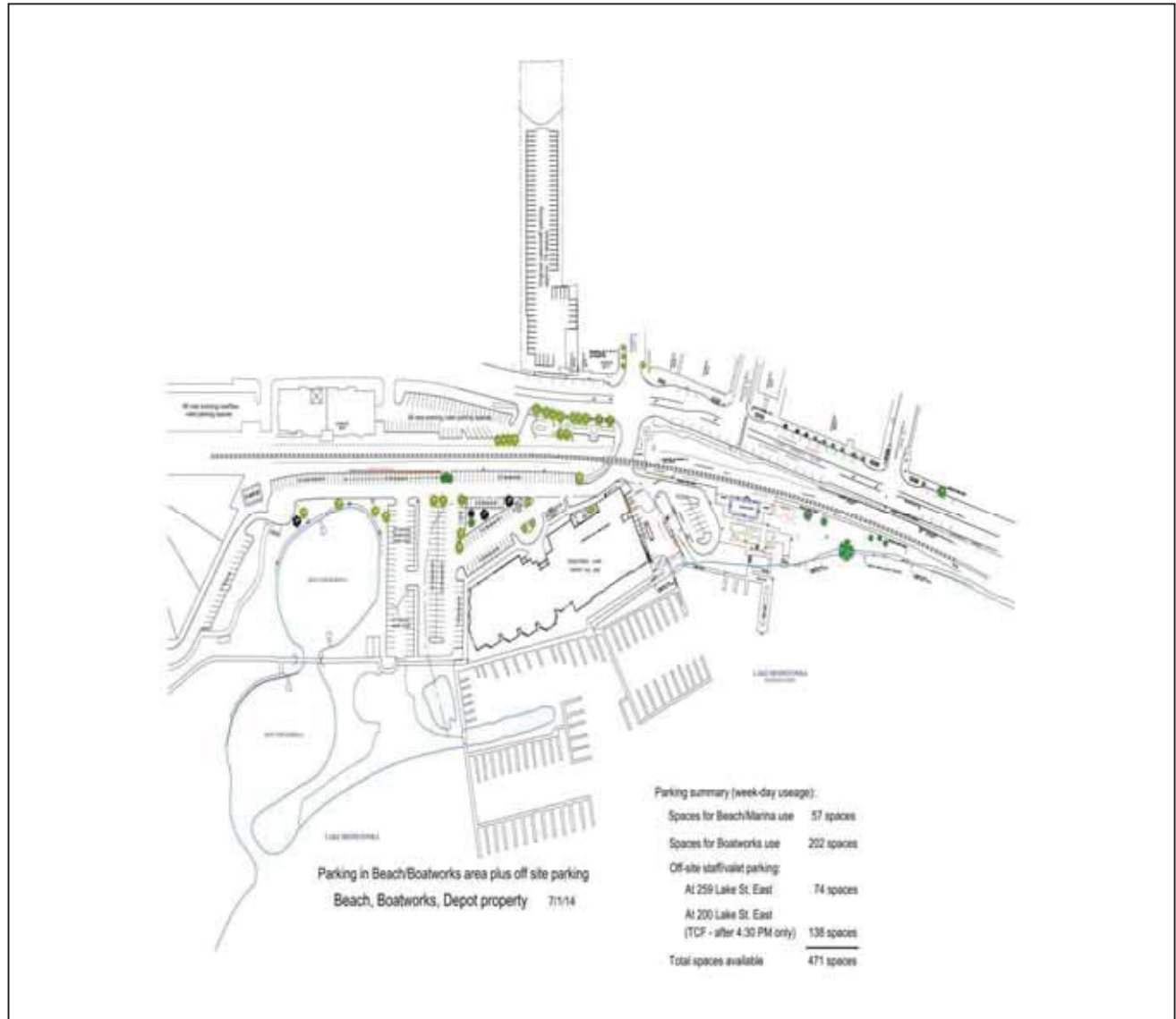
D. Projected Parking

Figure 5 shows the existing and projected parking associated with the Minnetonka Boatworks building.

As stated earlier, there are 259 existing parking stalls located in the parking lot adjacent to the Minnetonka Boatworks building. There are 74 staff and valet spaces at the 274 Lake Street East lot. The Boatworks has a letter of understanding with TCF to utilize 138 parking spaces for valet purpose after 4:30 PM. Further, there exist 82 on-street parking stalls that lie within one-eighth of a mile (660') from the Boatworks building. This brings the total number of existing parking stalls available to Minnetonka Boatworks and other uses within an eighth-mile area to 553 stalls.

The City is also evaluating the addition of six new stalls near the northwest corner of the marina, and reconfiguring the existing cul-de-sac to add more stalls.

FIGURE 5 – EXISTING AND PROPOSED PARKING – MINNETONKA BOATWORKS¹



¹Source: Project Developers, Inc., 2014.

The City of Wayzata has established off-street parking and loading requirements in its Zoning Ordinance. Table 8 lists the land uses for the Minnetonka Boatworks Building and the number of parking and off-street loading spaces that are required.

There are, however, land uses that are not listed in the Wayzata Zoning Ordinance regarding off-street parking requirements. “Microbrewery” and “Taproom” uses are relatively new land uses and many communities have yet to include them in their off-street parking requirements. To estimate the needs for the new Microbrewery we utilized the information provided by the Lucid Brewing Company to The City of Minnetonka, Minnesota for their new facility. Table 8 incorporates these uses, and provides example requirements for these new uses being proposed in the Minnetonka Boatworks building.

TABLE 8 – OFF-STREET PARKING REQUIREMENTS¹

Projected Use	Usable Area Square Footage	Required Rate of Parking Spaces	No. of Parking Spaces Required	Required Rate of Loading Spaces	No. of Loading Spaces Required
Office	45,545 sq. ft.	One (1) space for each 250 sq. ft. of floor area	182	One (1) space for buildings 10k ≥ 100k sq. ft.	1
Quality Sit-Down Restaurant	6,911 sq. ft.	One (1) space for each 40 sq. ft. of floor area	173	One (1) space for buildings up to 10k sq. ft.	1
Microbrewery	2,810 sq. ft.	One (1) space per 900 sq. ft. GFA	3	N/A	
Taproom	2,270 sq. ft.	One (1) space per Table; One(1) space per 3 seats of general seats ²	40	N/A	
Vacant (office)	3,146 sq. ft.	One (1) space for each 250 sq. ft. of floor area	13	One (1) space for buildings 10k ≥ 100k sq. ft.	0
Storage	2,624 sq. ft.	n.a.	0	n.a.	0
Total	63,306 sq. ft.		411		2

¹Rates from Wayzata Zoning Ordinance, last amended 09/15/2009.

²Rates from Lucid Brewing Company submittal to City of Minnetonka.

There are 553 stalls available and the stated demand is 411. Therefore, there exists sufficient parking capacity for the proposed uses. That being said, the stated demand can be reduced by taking into account shared parking, multi-modal and valet parking factors.

E. Shared Parking

Per ITE and the Urban Land Institute (ULI), it is reasonable to assume that not all uses will be operating at the same time as all other uses. For example office uses have their peak parking demand during the workday, while restaurants and entertainment uses have their peak parking demand after hours. Therefore, the concept of shared parking comes into play. Shared parking is a type of parking management, which means parking spaces are shared by more than one land use, allowing parking facilities to be used more efficiently.

Utilizing the methodology described by the Urban Land Institute (ULI), allowances for reductions in required parking if the applicant has two or more uses within the development can be made. Table 9

Attachment A-2: June 2014 Submittals

illustrates the shared parking percentages that are allowed per ULI and adopted by the City of Minneapolis for certain land uses.

TABLE 9 – SHARED PARKING CALCULATIONS¹

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 2:00 a.m.	2:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 2:00 a.m.
Office	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant (not 24 hour)	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel						
Guest rooms	100%	55%	100%	100%	55%	100%
Restaurant/lounge	40%	60%	100%	50%	45%	100%
Conference rooms	0%	100%	100%	0%	100%	100%
Religious institution	0%	25%	50%	0%	100%	50%
Reception or meeting hall	0%	70%	90%	0%	70%	100%
Museum	0%	100%	80%	0%	100%	80%
School, grades K—12	0%	100%	25%	0%	30%	10%

¹From Table 541-4 of the City of Minneapolis' Reducing Off-Street Parking Requirements Application

If one were to apply these shared parking percentages to the Minnetonka Boatworks Building, one would concentrate on the weekday demand as the office uses would overlap with the restaurant use for some time. Possible parking reductions are shown in Table 10.

TABLE 10 – TIME-OF-DAY PARKING REDUCTIONS

Projected Use	Required Parking, by Code	WEEKDAY PARKING					
		2:00 a.m. – 7:00 a.m.	Adjusted Demand	7:00 a.m. – 6:00 p.m.	Adjusted Demand	6:00 p.m. – 2:00 a.m.	Adjusted Demand
Office	182	5%	9	100%	182	5%	9
Restaurant	173	10%	17	70%	121	100%	173
Microbrewery*	3	0%	0	90%	3	40%	1
Taproom*	40	0%	0	40%	16	75%	30
Vacant (office)	13	5%	1	100%	13	5%	1
TOTAL	411		27		335		214

*Percentages based on assumed utilization

In addition, many cities provide incentives of reductions in vehicle parking if the applicant is adjacent to transit, provides bicycle parking or provides valet parking within stipulations.

F. Valet Parking

Phase II: Community Design Workshops conducted as part of the “Lake Effect Wayzata” project suggested the use of valet parking in areas of downtown Wayzata as an alternative to structured parking.

Because valet parking affords the operator to pack in the vehicles tightly, more vehicles can be parked in relatively small spaces. Therefore, valet parking can be a worthy alternative to additional off-street parking lots or structures.

For this development, three valet areas have been established:

- ORIGINAL VALET/STAFF PARKING: 74
- NEW EVENING VALET PARKING SPACES (TCF site): 48 spaces East Lot, 90 spaces West Lot; 138 spaces Total

Thus, assuming that 57 weekday stalls are designated for Marina and beach use, the Boatworks building has 202 parking stalls for its use. Assuming that the peak demand will be between 7:00 a.m. and 6:00 p.m., the shared parking requirement will be an adjusted number of 335 stalls.

- The difference between the required 335 and the existing and proposed 202 stalls in the lot is 133 stalls.
- Some residents and office workers who purchase parking permits will utilize the permit parking stalls, thus reducing the demand.
- The restaurant parking requirement adjusted for shared parking is 121 stalls during the period of 7:00 a.m. to 6:00 p.m. Valet parking is being provided for 74 stalls all day, plus an additional 138 valet stalls for evening use.
- Further, there exist 82 on-street parking stalls that lie within one-eighth of a mile (660') from the Boatworks building. While not to be included in the off-street parking requirements, it is logical to assume that some restaurant and taproom patrons will be parking elsewhere within the downtown area and walking to and from the Boatworks building.

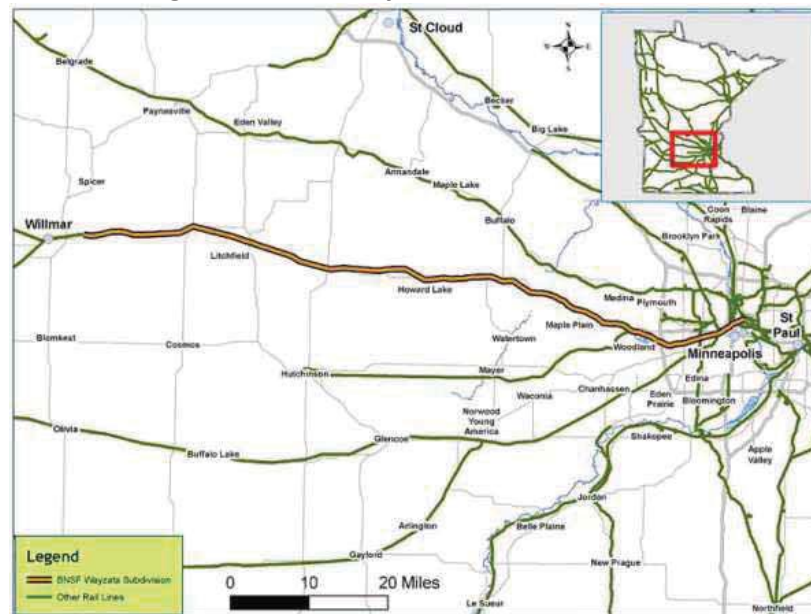
Therefore, with the application of the adjustment factors, the available plus added parking supply will exceed the projected parking demand.

IV. SEASONAL IMPACTS

It is likely that the Minnetonka Boatworks building will see the heaviest traffic and parking demand in the spring, summer and fall.

- Boat slips in the small marina are available by lottery system and permit from the City during ice-out conditions on the lake.
- Dakota Rail Trail usage is higher during fair weather months. The trail is heavily used, but is limited to bikers, in-line skaters and hikers. No snowmobiling is allowed on the trail. Cross country skiing, however, is allowed.
- The docks for larger boats lie to the south and east of the Boatworks building directly adjacent to the Depot. Steamboat Minnehaha provides a variety of cruises, primarily on weekends and holidays between Memorial Day and Labor Day with special Fall Color Cruises from Labor Day through mid-October. Special Wayzata Concert Cruises take place on Wednesday nights throughout the summer. (NOTE: Directions for the Wayzata dock states that parking is available on the street, and does not specify any parking availability in the Boatworks lot.)
- The BNSF Railway, which operates the tracks at the crossing on Grove Lane East as part of their “Wayzata Subdivision” (route between downtown Minneapolis and Willmar), states that their peak season for intermodal shipments is defined as September 1 through December 15. This coincides with the Thanksgiving and Christmas shopping season. See Figure 6 below.

Figure 6 – BNSF Wayzata Subdivision Tracks¹



¹Source: Minnesota Comprehensive Statewide Freight & Passenger Rail Plan, MnDOT & Cambridge Systematics, Inc., July 31, 2009.

V. SUMMARY AND CONCLUSIONS

Westwood Professional Services has reviewed the traffic and parking issues associated with the Minnetonka Boatworks building at 294 Grove Lane East in Wayzata, MN. Approximately 72% of the building is occupied by leased office space. Approximately 24% of the building lies vacant.

The building lies along the northwest shore of Wayzata Bay in downtown Wayzata. The building is adjacent to the Wayzata Beach, the rental boat slips, boat docks and the Wayzata Historical Society's museum. It sits just to the south of the heavily-used Dakota Rail Trail and the BNSF railroad tracks.

The intersection at Lake Street East & Grove Lane East/Barry Avenue North currently operates at LOS-A under an all-way stop condition. Railroad crossing signals and gates control the train crossings, which currently occur up to 17 times a day, although none were witnessed during peak traffic hours.

The proposed redevelopment of the Minnetonka Boatworks building will include the existing office uses plus in-fill of a quality restaurant and a microbrewery with taproom. This will result in a 6-trip increase during the A.M. Peak trips (i.e., 3 additional inbound trips and 3 additional outbound trips), and a 91-trip increase in the P.M. Peak trips (i.e., 63 additional inbound trips and 28 additional outbound trips).

Assuming the addition of these new trips onto the existing street network, traffic operation has been found to remain the LOS-A for the A.M. and P.M. Peak Hours at the intersection of Lake Street East & Grove Lane East/Barry Avenue South. Maximum queue lengths also appear to be minimal.

The existing parking lot adjacent to the Minnetonka Boatworks building is utilized by numerous parties – the employees of the Boatworks building, beachgoers at the Wayzata Beach, renters of the boat slips to the west of the lot, and Three River Trail users. In addition, to the north and east of the building lies the Depot, which houses offices of the local Chamber of Commerce and Wayzata Historical Society Museum. There is a small parking lot between the Boatworks and the Depot building.

There are 259 existing parking stalls located in the parking lot adjacent to the Minnetonka Boatworks building.

- Of this total, 57 stalls are designated as City property of which 21 are reserved for residents or those who purchase a City parking sticker (\$30-35 fee) for Monday through Friday use.
- The remaining 202 stalls are designated for the Boatworks building

In addition, there exist 82 on-street parking stalls that lie within one-eighth of a mile (660') from the Boatworks building.

According to the Wayzata Zoning Ordinance, the office and restaurant uses will require 411 off-street parking stalls. One can consider the impacts of shared parking. Not all uses will be generating 100% demand at all times of the day. Using the percentages of shared parking derived by ULI one can claim that the peak parking demand for the Minnesota Boatworks building will be between 7 a.m. and 6 p.m., and at a parking demand of 335 spaces.

Attachment A-2: June 2014 Submittals

Thus, assuming that 57 stalls are designated for permit parking only (beach and boat slip users), the Boatworks building has 202 parking stalls for its use. Assuming that the peak demand will be between 7:00 a.m. and 6:00 p.m., the shared parking requirement will be an adjusted number of 335 stalls.

- The difference between the required 335 and the existing and proposed 202 stalls in the lot is 133 stalls.
- Some residents and office workers who purchase permits will utilize the permit parking stalls, thus reducing the demand. (Assume 25 stalls utilized.)
- The restaurant parking requirement adjusted for shared parking is 121 stalls during the period of 7:00 a.m. to 6:00 p.m. Valet parking is being provided for 74 stalls all day, plus an additional 138 valet stalls for evening use.
- Further, there exist 82 on-street parking stalls that lie within one-eighth of a mile (660') from the Boatworks building. While not to be included in the off-street parking requirements, it is logical to assume that some restaurant and taproom patrons will be parking elsewhere within the downtown area and walking to and from the Boatworks building.

Further, study is underway to evaluate the incorporation of parking to the west of the Marina by creating an access route to the existing spaces from the east. This would be beneficial to the 3 Rivers biking community and would make this more accessible to beach and Marina users. This connectivity option should be considered.

The City is considering the adoption of a trolley system along the waterfront. This would decrease the amount of vehicular traffic on the waterfront and would be a big benefit to the residents and businesses in the area.

In conclusion, the additional uses proposed for the Minnetonka Boatworks building will not degrade the traffic operation of the intersection of Lake Street East & Grove Lane East/Barry Avenue South. Further, the addition of the restaurant and microbrewery/taproom will increase parking demand for the site. Nevertheless, by considering shared parking by time-of-day and seasonally, as well as considering the use of bike stalls and valet parking for the restaurant parking demand (as has been done in other municipalities), parking demand will be satisfied. With the application of these adjustment factors, the available plus added parking supply will meet the projected parking demand.

APPENDIX

Synchro/SimTraffic Output for the following periods:

1. Existing AM Peak LOS
2. Existing PM Peak LOS
3. Proposed AM Peak LOS
4. Proposed PM Peak LOS

Attachment A-2: June 2014 SubmittalsAM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Del/Veh (s)	3.3	0.5	2.9	3.1	0.3	0.1	0.1	0.1	0.1	0.2	0.1	0.1
Total Del/Veh (s)	7.0	8.7	4.8	5.2	7.4	3.1	9.9	7.1	3.0	6.8	7.5	3.3

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	All
Denied Del/Veh (s)	0.6
Total Del/Veh (s)	7.2

Total Network Performance

Denied Del/Veh (s)	0.6
Total Del/Veh (s)	9.2

Attachment A-2: June 2014 SubmittalsAM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

Intersection: 4: Grove Ln. E./Barry Ave. S. & Lake St. E.

Movement	EB	EB	EB	WB	WB	NB	SB
Directions Served	L	T	R	L	TR	LTR	LTR
Maximum Queue (ft)	89	99	90	46	65	47	63
Average Queue (ft)	17	50	10	14	31	18	36
95th Queue (ft)	49	81	40	38	52	41	54
Link Distance (ft)	1182				1153	831	335
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	65		65	55			
Storage Blk Time (%)	0	2	0	0	1		
Queuing Penalty (veh)	0	1	0	0	0		

Network Summary

Network wide Queuing Penalty: 1

Attachment A-2: June 2014 SubmittalsPM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Del/Veh (s)	3.2	0.5	3.3	2.8	0.5	0.7	0.2	0.1	0.1	0.1	0.1	0.1
Total Del/Veh (s)	6.0	8.8	3.2	6.3	9.2	6.6	4.8	7.5	4.4	5.6	8.1	3.4

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	All
Denied Del/Veh (s)	0.7
Total Del/Veh (s)	7.9

Total Network Performance

Denied Del/Veh (s)	0.7
Total Del/Veh (s)	9.9

Attachment A-2: June 2014 SubmittalsPM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

Intersection: 4: Grove Ln. E./Barry Ave. S. & Lake St. E.

Movement	EB	EB	EB	WB	WB	NB	SB
Directions Served	L	T	R	L	TR	LTR	LTR
Maximum Queue (ft)	74	128	23	46	132	72	76
Average Queue (ft)	22	51	7	20	56	29	30
95th Queue (ft)	50	92	25	42	93	49	49
Link Distance (ft)	1182				1153	831	335
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	65		65	55			
Storage Blk Time (%)	0	3		0	6		
Queuing Penalty (veh)	0	1		0	2		

Network Summary

Network wide Queuing Penalty: 4

Attachment A-2: June 2014 SubmittalsAM Peak
Projected

Minnetonka Boatworks - Wayzata, MN

6/24/2014

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Del/Veh (s)	3.2	0.3	3.0	3.3	0.3	0.3	0.1	0.1	0.1	0.1	0.2	0.2
Total Del/Veh (s)	5.2	7.8	4.7	5.7	7.9	4.2	3.4	6.8	3.4	5.2	7.4	3.6

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	All
Denied Del/Veh (s)	0.6
Total Del/Veh (s)	6.9

Total Network Performance

Denied Del/Veh (s)	0.6
Total Del/Veh (s)	8.9

Attachment A-2: June 2014 SubmittalsAM Peak
Projected

Minnetonka Boatworks - Wayzata, MN

6/24/2014

Intersection: 4: Grove Ln. E./Barry Ave. S. & Lake St. E.

Movement	EB	EB	EB	WB	WB	NB	SB
Directions Served	L	T	R	L	TR	LTR	LTR
Maximum Queue (ft)	28	73	23	51	107	73	64
Average Queue (ft)	14	48	10	20	41	18	34
95th Queue (ft)	37	73	28	43	74	44	58
Link Distance (ft)	1182				1153	831	335
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	65		65	55			
Storage Blk Time (%)		1		0	2		
Queuing Penalty (veh)		0		0	1		

Network Summary

Network wide Queuing Penalty: 1

Attachment A-2: June 2014 SubmittalsPM Peak
PROJECTED

Minnetonka Boatworks - Wayzata, MN

6/24/2014

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Denied Del/Veh (s)	3.1	0.5	3.2	2.8	0.6	0.8	0.2	0.1	0.2	0.1	0.1	0.1
Total Del/Veh (s)	6.4	9.0	3.5	6.8	9.8	7.4	5.9	7.7	3.9	6.1	7.2	3.1

4: Grove Ln. E./Barry Ave. S. & Lake St. E. Performance by movement

Movement	All
Denied Del/Veh (s)	1.0
Total Del/Veh (s)	8.0

Total Network Performance

Denied Del/Veh (s)	1.0
Total Del/Veh (s)	9.8

Attachment A-2: June 2014 SubmittalsPM Peak
PROJECTED

Minnetonka Boatworks - Wayzata, MN

6/24/2014

Intersection: 4: Grove Ln. E./Barry Ave. S. & Lake St. E.

Movement	EB	EB	EB	WB	WB	NB	SB
Directions Served	L	T	R	L	TR	LTR	LTR
Maximum Queue (ft)	74	113	85	79	132	72	48
Average Queue (ft)	26	50	16	35	62	31	25
95th Queue (ft)	46	87	45	62	106	49	43
Link Distance (ft)	1182				1153	831	335
Upstream Blk Time (%)							
Queuing Penalty (veh)							
Storage Bay Dist (ft)	65		65	55			
Storage Blk Time (%)	0	2	0	1	7		
Queuing Penalty (veh)	0	1	0	2	6		

Network Summary

Network wide Queuing Penalty: 10



Date: July 23rd, 2014

To: **Terry Schneider**
Project Developers, Inc
15333 Boulder Creek Dr.
Minnetonka, MN 55345

Re: Peak Water Usage GPM of Boatworks Building

Terry,

You have requested that Legend Mechanical come up with a peak gallon per minute amount of waste water from the Boatworks building. With the spreadsheet provided by you dated 7/22/14 providing information of plumbing fixtures in each tenant space and my calculations which include the remainder of the public restrooms and the Sixsmith Restaurant. I come up with a current peak drainage load of 127 gpm in the building. Based off the drawings I have received from the Wayzata Brew Works CEO Robert Klick, I come up with an additional 32 gpm if this space was added to the current load of the building.

Sincerely,

Dustin Rasmussen
Legend Mechanical

Attachment A-2: June 2014 Submittals

Letter of Understanding
between TCF National Bank and Boatworks II, LLC
regarding usage of TCF lot for overflow valet parking

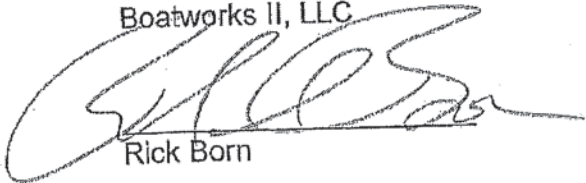
This Letter of Understanding between TCF National Bank (TCF) and Boatworks II, LLC (Boatworks) is to confirm the understanding between both parties and the usage of the TCF parking spaces at 200 Lake Street East for overflow valet parking of 6 Smith Restaurant and the proposed Wayzata Brew Works located in the Minnetonka Boatworks building at 294 Grove Lane East.

TCF agrees to allow "overflow valet" parking on its street level parking lots subject to the following conditions:

1. The valet parking is for customers of the 6 Smith Restaurant (6 Smith) and the proposed Wayzata Brew Works (WBW) only.
2. 6 Smith and WBW are to utilize the parking available for staff and customers on the lot at 259 Lake Street East first, and any valet parking that is not able to be accommodated on that lot may use the TCF lots.
3. The spaces on the TCF lots will be available after 6:30 PM on weekdays and after 11:00 AM on the weekends.
4. There shall be no overnight parking on either lot.
5. The Valet Company and Boatworks II, LLC shall be responsible for removing any trash or clutter created by the valet parking use of the spaces on a nightly basis.
6. The Valet Company and Boatworks II, LLC shall indemnify TCF from any liability for property damage or personal injury that may be associated with the use of the property for valet parking.
7. It is noted that TCF is not receiving any compensation for this and can terminate this agreement at any time with 30 days notice.

The above is agreed to by:

Boatworks II, LLC


Rick Born

Date:

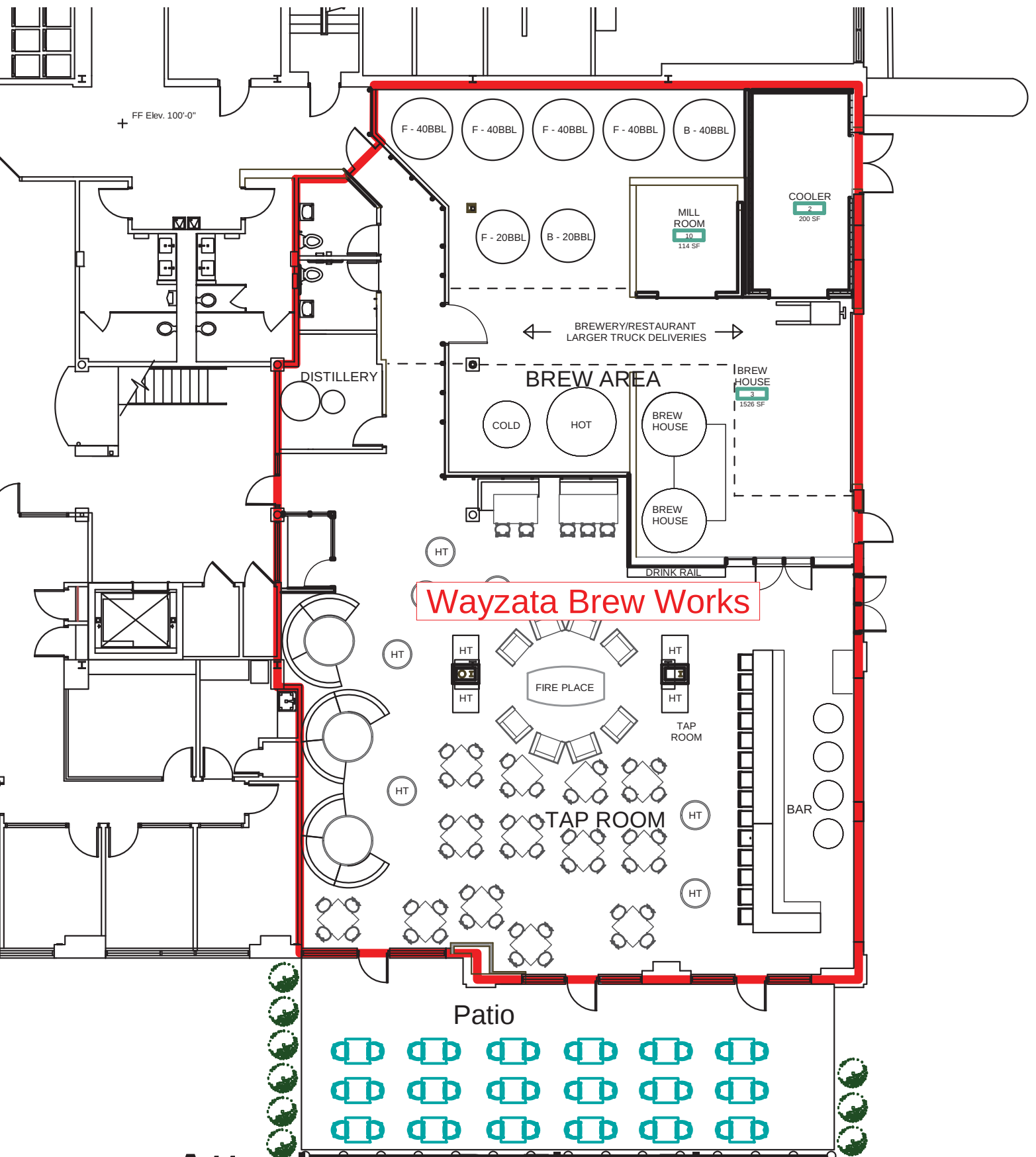
7/21/2014

TCF National Bank


Earl Stratton

Date:

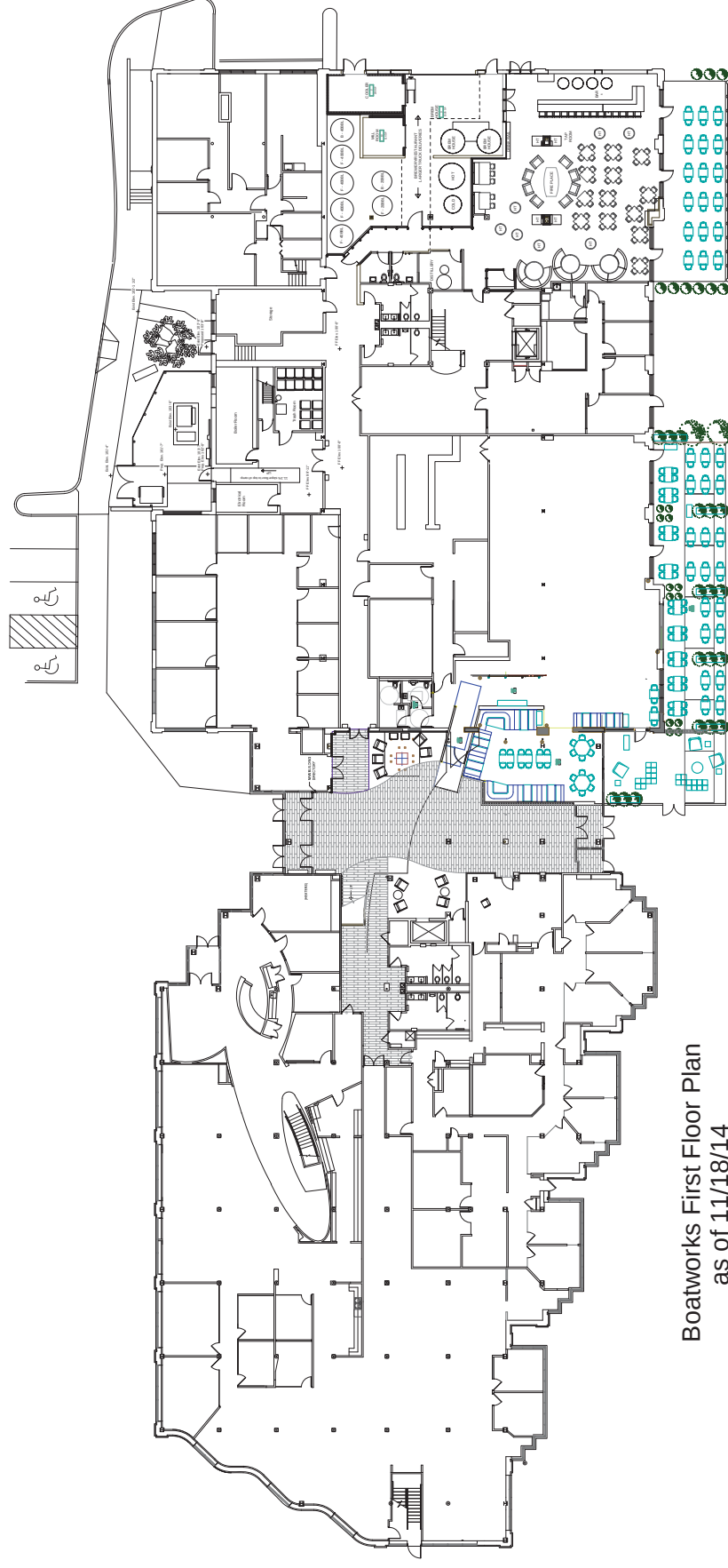
7/30/14



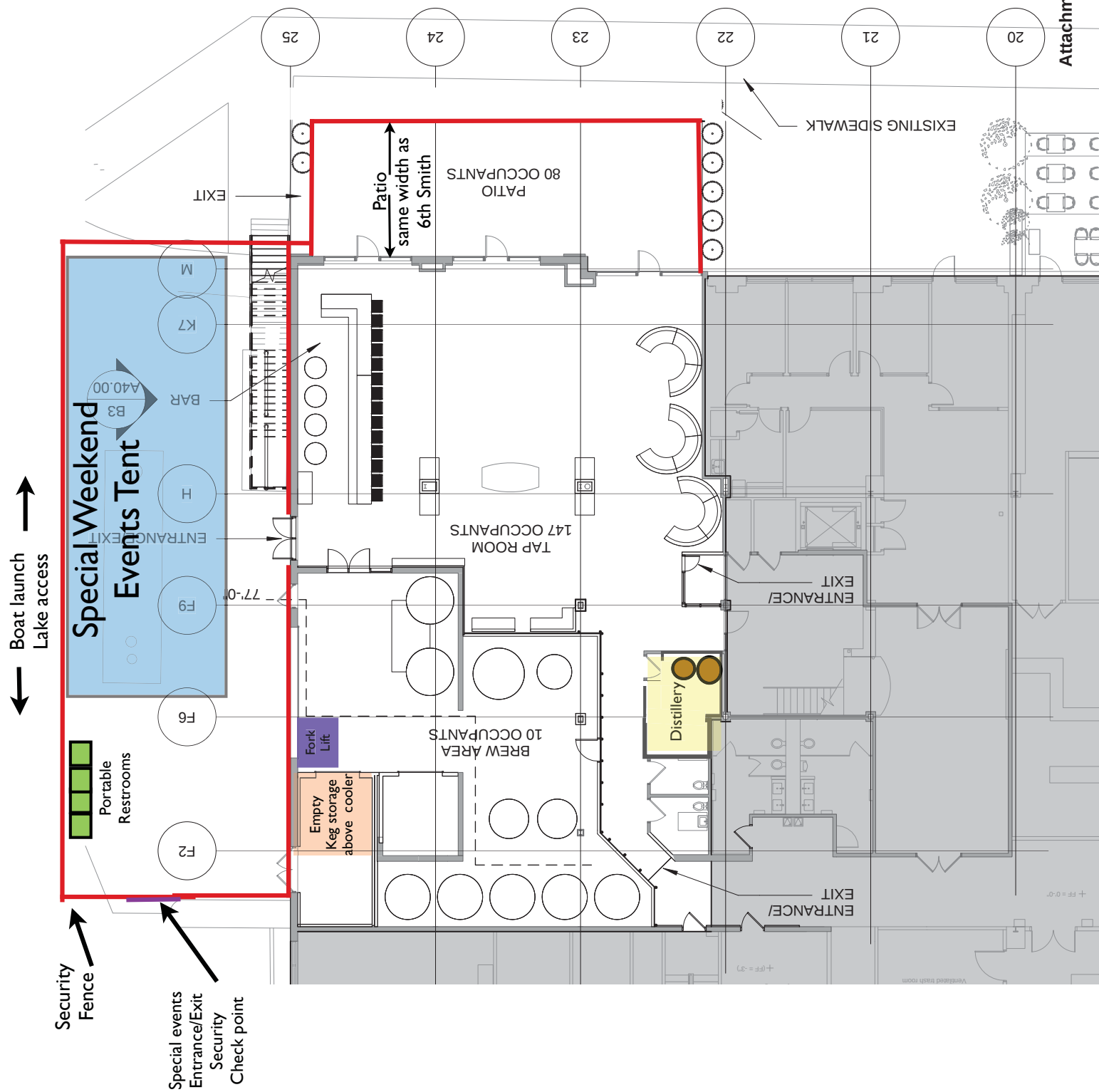
Attachment B: Floor Plans

Wayzata Brew Works

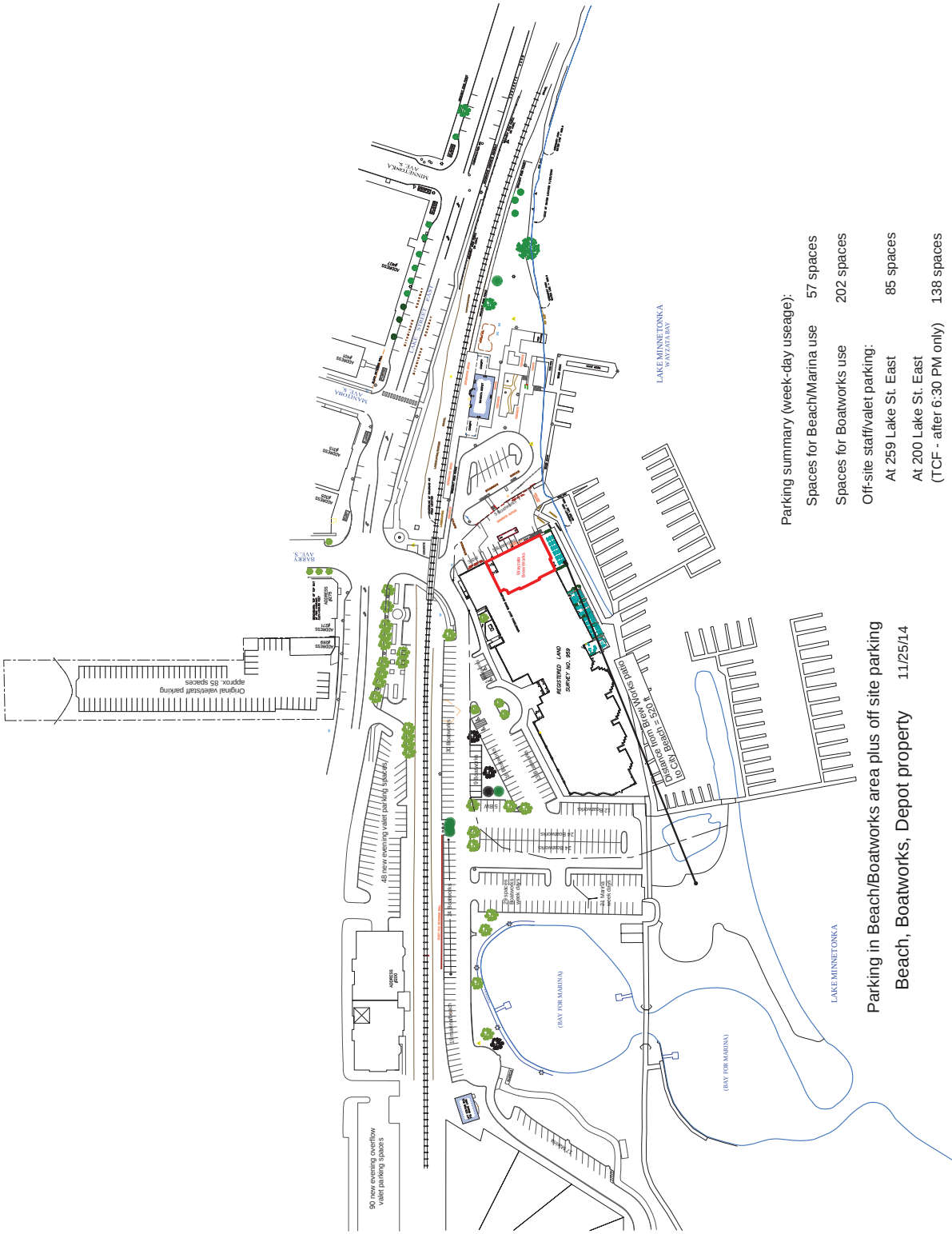
11/24/14



Boatworks First Floor Plan
as of 11/18/14



Attachment C: Site Parking



Parking summary (week-day usage):

Spaces for Beach/Marina use	57 spaces
Spaces for Boatworks use	202 spaces
Off-site staff/valet parking:	
At 259 Lake St. East	85 spaces
At 200 Lake St. East	
(TCF - after 6:30 PM only)	138 spaces
Total spaces available	482 spaces

Parking in Beach/Boatworks area plus off site parking

Beach, Boatworks, Depot property 11/25/14

Chair Gonzalez stated she would be more willing to recommend approval if there were justification for the variance for a private road due to the hardship the surrounding neighborhoods would have due to a public road.

Commissioner Iverson asked where guests would park if this were a private roadway.

City Planner Gadow stated unless this were a public road it would be signed no parking and the City would work with the Applicant to resolve potential parking problems.

Commissioner Pearson made a motion, Seconded by Commissioner Tyacke to continue the discussions to the next available meeting and to direct Staff and the Applicant to review and address the questions and concerns brought up by the Planning Commission and additional information for the Planning Commission to develop findings of fact as outlined during the meeting. The motion carried 6-0.

Chair Gonzalez recessed the meeting at 8:53 p.m.

Chair Gonzalez reconvened the meeting at 9:00 p.m.

b. 294 Grove Lane – Wayzata Brew Works LLC and Boatworks II LLC

i. Amendment to PUD/CUP to allow microbrewery and taproom facility

ii. Review draft ordinance regarding Micro-Production Facilities and Taprooms/Tasting Rooms

City Planner Gadow stated Boatworks II LLC and Wayzata Brew Works LLC have submitted an application for approval of an amendment to an existing Planned Unit Development (PUD)/Conditional Use Permit (CUP) to allow the operation of a microbrewery and taproom facility at 294 Grove Lane. As part of the submitted application, the Applicant is requesting approval of the an Amendment to existing PUD to implement a proposed expansion of the Property under Section 801.33.9, a Site Plan Review under Section 801.22, and a Review and Approval of an Ordinance to allow Micro-production Facilities and Taprooms/Tasting Rooms. If the City allows Micro-Production facilities then an amendment to the City's General Ordinance, as it relates to liquor laws, to establish a licensing procedure and process for these types of applications would need to be reviewed. He reviewed the building layout and proposed project. He explained the Applicant has reconfigured the layout to allow for trash receptacles to be housed inside the building. He reviewed the parking study and plans for parking for the site. He clarified the hours of operation would be approved separate. He reviewed the potential changes to the Ordinance that the Planning Commission could consider. He stated the Planning Commission will need to consider if the operation of a micro-production facility would be a permitted or conditional use for the various zoning districts in the City. He stated he would recommend a conditional use in certain districts in the City.

It was the Consensus of the Planning Commission to designate micro-production facilities as a conditional use.

1 Commissioner Iverson asked what the long-term use was for the dirt lot used for valet parking at
2 the facility.

3
4 City Planner Gadow stated at this time he did not know. If it were redeveloped then a set number
5 of parking spaces would need to be set aside as part of the agreement with the City.

6
7 Commissioner Tyacke asked how Bay Holdings LLC was related to Boatworks II LLC.

8
9 City Planner Gadow stated when Boatworks LLC purchased the property all of the Development
10 Agreement requirements and conditions transferred to the new owner of the property.

11
12 Commissioner Tyacke asked if the off street parking, as outlined in Section 801.20.5 of the
13 Parking Ordinance, was being met.

14
15 City Planner Gadow stated the Boatworks site had access to 202 parking spaces within near
16 proximity of the building and this meets the requirements. Staff is satisfied they meet the
17 parking requirements.

18
19 Chair Gonzalez asked if this could be considered manufacturing and she asked if this would be
20 included in the City's definition of commercial in the City's Comprehensive Plan.

21
22 City Planner Gadow stated the City does not have a definition for industrial in the
23 Comprehensive Plan.

24
25 Chair Gonzalez asked if the City has reviewed the water usage for this facility.

26
27 City Planner Gadow stated the Applicant would speak to this. They were asked for a flow
28 analysis for the Lift Station located in this area to ensure that it has the capacity to handle these
29 new facilities. The Utilities Superintendent will review this information when it is available.

30
31 Commissioner Vanderheyden expressed concerns about the patio being so close to the sidewalk
32 and he clarified that all building garbage would be contained inside the building.

33
34 Mr. Cavanaugh, Brew Works LLC, 294 Grove Lane, Wayzata, stated it was his understanding
35 that there would be an interior location for garbage from their location and the restaurant that
36 will also be added. The patio is no closer to the boardwalk than the one located at 6 Smith. The
37 difference is theirs would be at a higher elevation. Their patio is higher than the boardwalk.

38
39 Commissioner Pearson asked for an explanation of the mitigation that will be done to reduce the
40 odors.

41
42 Mr. Robert Klick, Brew Works LLC, 294 Grove Lane, Wayzata, stated the brewing hours would
43 be early morning and the chimney will be on top of the roof and the odor would not be any more
44 than the surrounding restaurants. They would be brewing for 2-3 days a week for about 1 hour
45 per batch and they would do 2 batches a day.

46

1 Commissioner Tyacke asked if the “growlers” were recyclable.

2
3 Mr. Klick stated these were 64 oz glass jugs that were recyclable. They would collect a deposit
4 of them and they could be brought back in to be refilled or exchanged. They are etched glass
5 and say Wayzata.

6
7 Mr. Cavanaugh stated it takes about 3-gallons of water to make 1-gallon of beer. A lot of the
8 water is used for cleaning and they do plan on recycling as much of the water as possible.

9
10 City Planner Gadow stated the City does have the capacity to handle the increased usage for
11 production but they are waiting to get additional information for the flow analysis for the Lift
12 Station.

13
14 Commissioner Iverson stated that particular Lift Station is noisy. She asked if the increase flow
15 would cause this station to run longer.

16
17 City Planner Gadow stated he would check into this.

18
19 Chair Gonzalez stated on page 2 of the draft ordinance it states a winery is a facility operated by
20 the owner of the farm. She asked if this was from State Statute.

21
22 City Planner Gadow explained this is how it has been defined in other municipal statutes and
23 ordinances and the State Statute.

24
25 Commissioner Vanderheyden suggested removing the language requiring owning a farm to
26 operate a winery.

27
28 City Attorney Schelzel suggested directing Staff to remove this language if permissible
29 according to State Statute.

30
31 Commissioner Iverson stated the language for #8 regarding garbage was a little loose.

32
33 City Planner Gadow stated this was common language in other ordinances in the City. This can
34 be set as a discussion point for the City Council.

35
36 It was the consensus of the Commission to leave the existing language for item #8 regarding
37 screening garbage.

38
39 Commissioner Tyacke clarified the required City and State licenses would be required for them
40 to operate but Federal license should be added.

41
42 Commissioner Vanderheyden stated requiring “no odor beyond the property line” was a high
43 standard.

44
45 City Planner Gadow stated if there is alternative language he would be open to this.

46

1 City Attorney Schelzel stated the City should consider what they want to enforce. If there were
2 significant complaints this language would give the City the ability to enforce if there real issues.

3
4 Commissioner Pearson stated the defined terms should be either capitalized or not throughout
5 the ordinance and the State does not capitalize.

6
7 Chair Gonzalez asked if there were any plans to serve food.

8
9 Mr. Cavanaugh stated food can be brought in and they will have a partnership with other
10 restaurants but they would not be making any food at this facility.

11
12 Chair Gonzalez opened the public hearing at 9:55 p.m.

13
14 Mr. Jason Markkula, 16603 Holdridge Road, Wayzata, stated he owns a brewery in Hendricks
15 and he supports opening one in Wayzata.

16
17 Chair Gonzalez closed the public hearing at 9:56 p.m.

18
19 Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson to direct staff
20 to prepare a report and Planning Commission recommendation with appropriate findings to
21 reflect comments received recommending approval for review and adoption at the next Planning
22 Commission meeting of draft ordinance #746 regarding Micro-Production Facilities and
23 Taprooms/Tasting Rooms. The motion carried unanimously.

24
25 Commissioner Tyacke asked if the amendment to the PUD/CUP would be binding to both the
26 Applicant and the property owner.

27
28 City Planner Gadow stated it would be binding to the property owner and as it applies to the
29 applicant but it would be recorded against the property.

30
31 Commissioner Iverson suggested the Applicant verify the outdoor seating is in alignment with
32 the other patio seating.

33
34 Commissioner Tyacke asked if there would be signage for the facility.

35
36 City Planner Gadow showed the sign over the door and any other signage would be handled
37 through the City's signs ordinance.

38
39 Chair Gonzalez suggested adding a condition that the Utility Superintendent reviews the flow
40 analysis provided by the Applicant prior to permits being issued.

41
42 Commissioner Vanderheyden made a motion, Seconded by Commissioner Pearson to direct staff
43 to prepare a report and Planning Commission recommendation with appropriate findings to
44 reflect comments received recommending approval for review and adoption at the next Planning
45 Commission meeting for the amendment to the PUD/CUP to allow microbrewery and taproom at
46 294 Gove Lane and the site plan. The motion carried unanimously.



WAYZATA PLANNING COMMISSION

July 21, 2014

REPORT AND RECOMMENDATION OF APPROVAL WITH CONDITIONS FOR PUD AMENDMENT AND SITE PLAN FOR 294 GROVE LANE

SUMMARY OF RECOMMENDATIONS

1. Approve Amendment to PUD *with conditions*
 2. Approve Site Plan *with conditions*
-

REPORT

Section 1. BACKGROUND

- 1.1 Project. Boatworks II LLC and Wayzata Brew Works LLC (collectively, the “Applicant”) have submitted an application (the “Application”) for approval of a Amendment to an existing Planned Unit Development (PUD) Conditional Use Permit (CUP) (the “PUD Amendment”) at 294 Grove Lane (the “Property”) to allow the operation of a microbrewery and taproom facility (the “Brewery” or the “Project”) as depicted on Attachment A attached hereto.

The Brewery would utilize approximately 5,080 SF of the east wing of the Boatworks building, with 2,810 SF of brewing space, storage and support space, and 2,270 SF of taproom/bar space. In addition, the Brewery would also modify an existing lake side patio. The Brewery proposal would replace 3,183 SF of general office space within the building.

The Application also include a concurrent request for certain amendments to the City’s Zoning Ordinance and General City Code to allow the micro-brewery and taproom operations (the “Proposed Zoning Ordinance Amendments”) which are covered in a separate Report and Recommendation.

- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:

- A. Amendment to existing PUD under Section 801.33.9 to allow a micro-brewery and taproom facility at 294 Grove Lane (the "PUD Amendment")
- B. Site Plan approval under Section 801.22 (the "Site Plan")
- 1.3 Legal Description. The address, property identification number and owner of the property included in the Application (the "Property") are:

294 Grove Lane East	06-117-22-32-0023	Boatworks II LLC
---------------------	-------------------	------------------

- 1.4 Land Use. The land use designations for the Property are:

	Boatworks Building Parcel
Zoning:	C-3 Service District with Planned Unit Development (PUD)/Conditional Use Permit
Comp Plan:	Central Business District
Total lot size:	134,361 square feet (SF) or 3.08 acres

- 1.5 Notice. Notice of a public hearing on the Application at the July 7, 2014 Planning Commission Meeting was published in the *Sun Sailor* on June 26, 2014. A copy of the notice was mailed to all property owners located within 350 feet of the Property on June 26, 2014.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Process. Section 801.33.9 of the Zoning Ordinance provides that the same review procedure is followed by the Planning Commission and City Council for an amendment of a PUD permit as is followed for a new PUD. The affirmative majority vote (3 of 5) of the City Council is required for approval of an amendment of a PUD.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application.

The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.

2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council:
(i) dedicated to the public, where a community-wide use is anticipated,
(ii) Landlord control, where only tenant use is anticipated, or
(iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Site Plan.

Site and construction plans must be submitted to and approved by the Building Official prior to the issuance of any building permit. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specifications without prior submission of a plan modification request to the Building Official for his review and approval. City Code Section 801.22.2-4.

Section 3. FINDINGS

The Wayzata Planning Commission has reviewed the Application and makes the following findings:

3.1 PUD Amendment.

- A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance. One (1) individual spoke in favor of the Project at the Public Hearing. The Planning Commission was generally supportive of the Project, given that it is an innovative use that would add commercial activity to the west end of Lake Street. The main concerns of the Planning Commission with the Amended PUD centered on traffic impacts and public utility systems being appropriately sized to handle the Project. The conditions recommended for approval are intended to address these concerns.
- B. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.233.2.A and in Section 2.1 of this Report.
 1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.

4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.
5. Landscaping. Landscaping in the Amended PUD would be according to a detailed plan approved by the City Council.
6. Health, Safety, and Welfare. Provided the recommended conditions of approval are met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.

3.2 Site Plan Review. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan should be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

Section 4. RECOMMENDATION

Based on the Findings of this Report, the Planning Commission recommends the following, subject to the conditions noted below:

- 4.1 PUD Amendment. The request for approval of the PUD Amendment, as set forth in the Application, be **APPROVED**, subject to the following conditions:
 - A. The Applicant agree to an amendment to the existing development agreement, as amended, for the Property and PUD, ("Development Agreement Amendment") binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, as directed by the City Council, setting forth the approvals granted herein and all applicable conditions.
 - B. The Applicant provide a flow analysis report for the existing Lift Station adjacent to the Property for appropriate City Staff to review and approve. The Applicant shall provide for any infrastructure improvements determined by City Staff to be necessary to ensure that the stormwater sewer system has the capacity to support the Project.
 - C. The Applicant submit written verification to City Staff that the patio area is designed to be and is subsequently installed in alignment with the adjacent patio area at 6 Smith restaurant, and landscaped in a similar fashion.
 - D. The Applicant records the Development Agreement Amendment with the appropriate officials at Hennepin County and provide the City with a recorded copy thereof.

- E. The Applicant constructs the Project in accordance with the submitted plan set, as described in Attachment A.
 - F. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.
 - G. The Proposed Zoning Ordinance Amendments are approved by the City Council.
- 4.2 Site Plan. The request for approval of the Site Plan, as set forth in the Application, be **APPROVED** subject to the condition that prior to the issuance of any building permits for the Property, the final Site Plan must be reviewed and approved by City Staff to ensure conformance with the approved PUD Plan.

Adopted by the Wayzata Planning Commission this ____ day of July, 2014.

Chair, Planning Commission

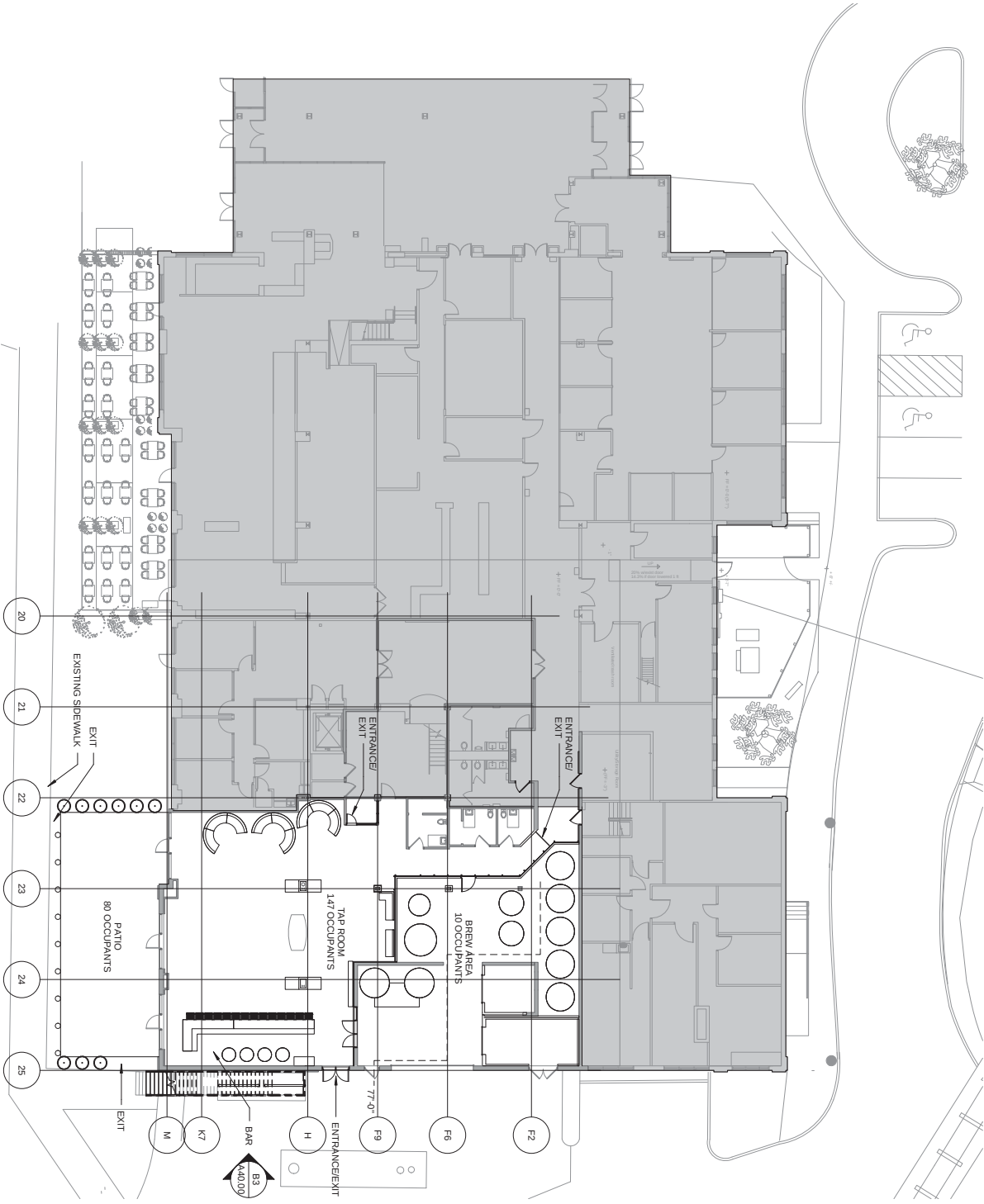
Attachment A

Applicant Plan Sets

Attachment E- Planning Commission Report - July 2014



LIFE SAFETY PLAN



**WAYZATA
BREW
WORKS**

284 Grove Lane E., Ste 150
Wayzata, MN 55391

**NOT FOR
CONSTRUCTION**

1	CITY DESIGN REVIEW	06/02/14
NO	ISSUE	DATE

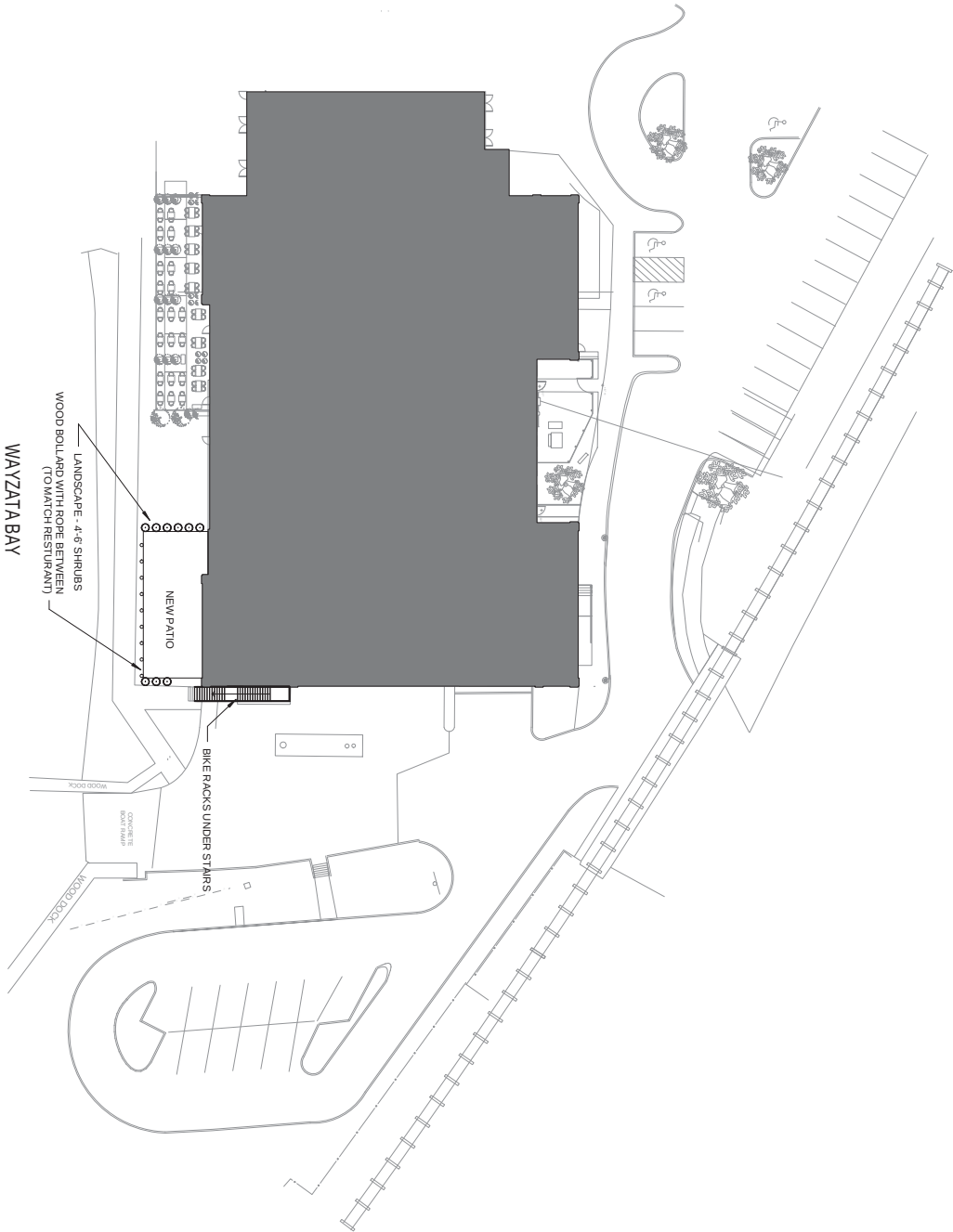
Sheet Information

Date	14.010.0424
Job Number	14.010.0424
Drawn	Author
Checked	Checker
Approved	Approver
Title	

LIFE SAFETY PLAN

Sheet
A10.00

A3 SITE PLAN
1" = 10'-0"



3201 32nd Ave South
Minneapolis, MN 55406
Tel: 612.532.4147

**WAYZATA
BREW
WORKS**

284 Grove Lane E., Ste. 150
Wayzata, MN 55391

**NOT FOR
CONSTRUCTION**

1.	CITY DESIGN REVIEW	DATE
NO.	ISSUE	DATE

Sheet Information

Date	
Job Number	14.010.0424
Drawn	Author
Checked	Checker
Approved	Approver
Title	

SITE PLAN

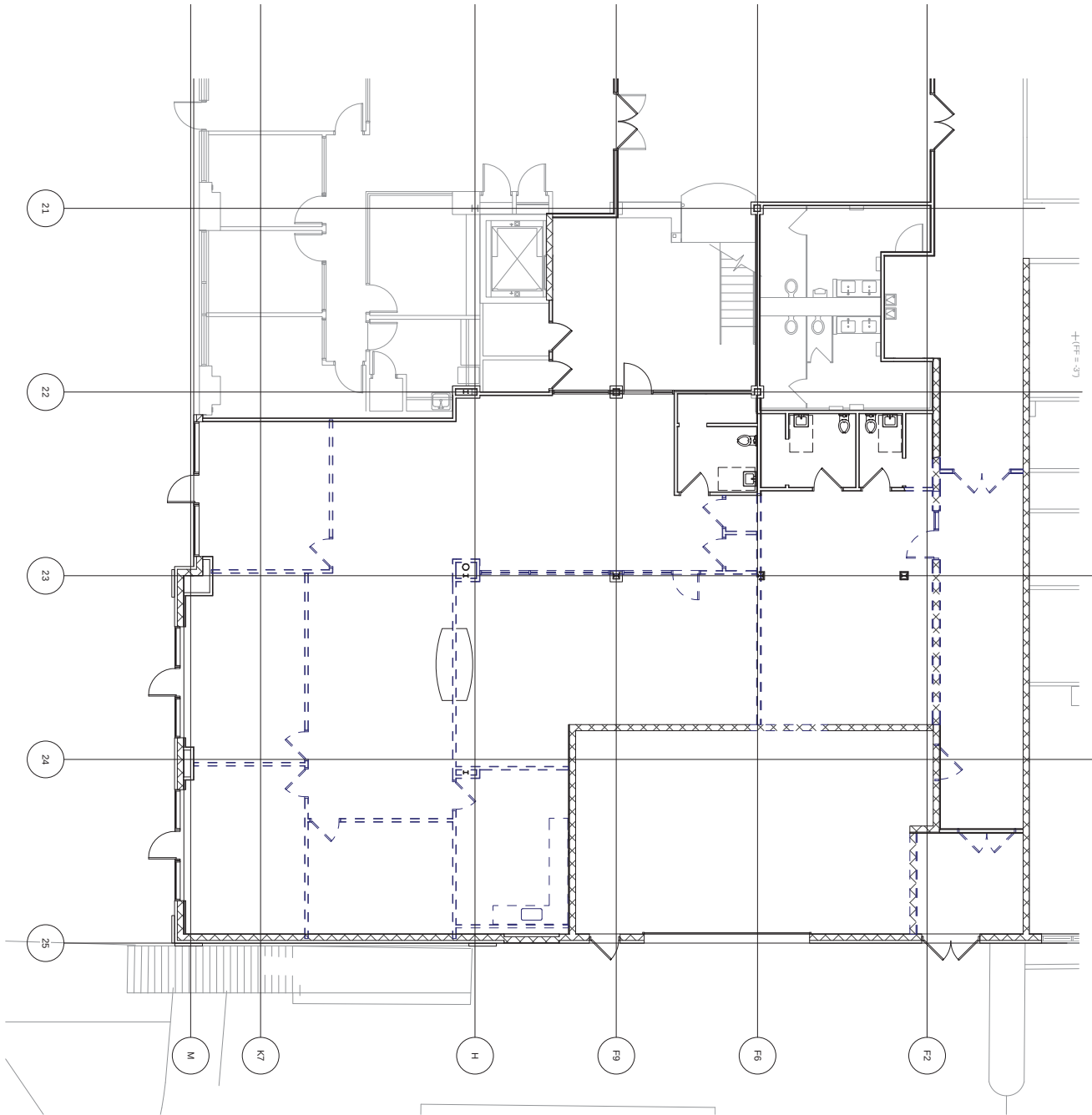
Sheet

A20.00

Attachment E- Planning Commission Report - July 2014



FIRST FLOOR DEMOLITION PLAN
1/8" = 1'-0"



NOT FOR
CONSTRUCTION



**WAYZATA
BREW
WORKS**
284 Grove Lane E., Ste. 150
Wayzata, MN 55391

CITY DESIGN REVIEW		DATE
1.	NO.	06/02/14
ISSUE		DATE

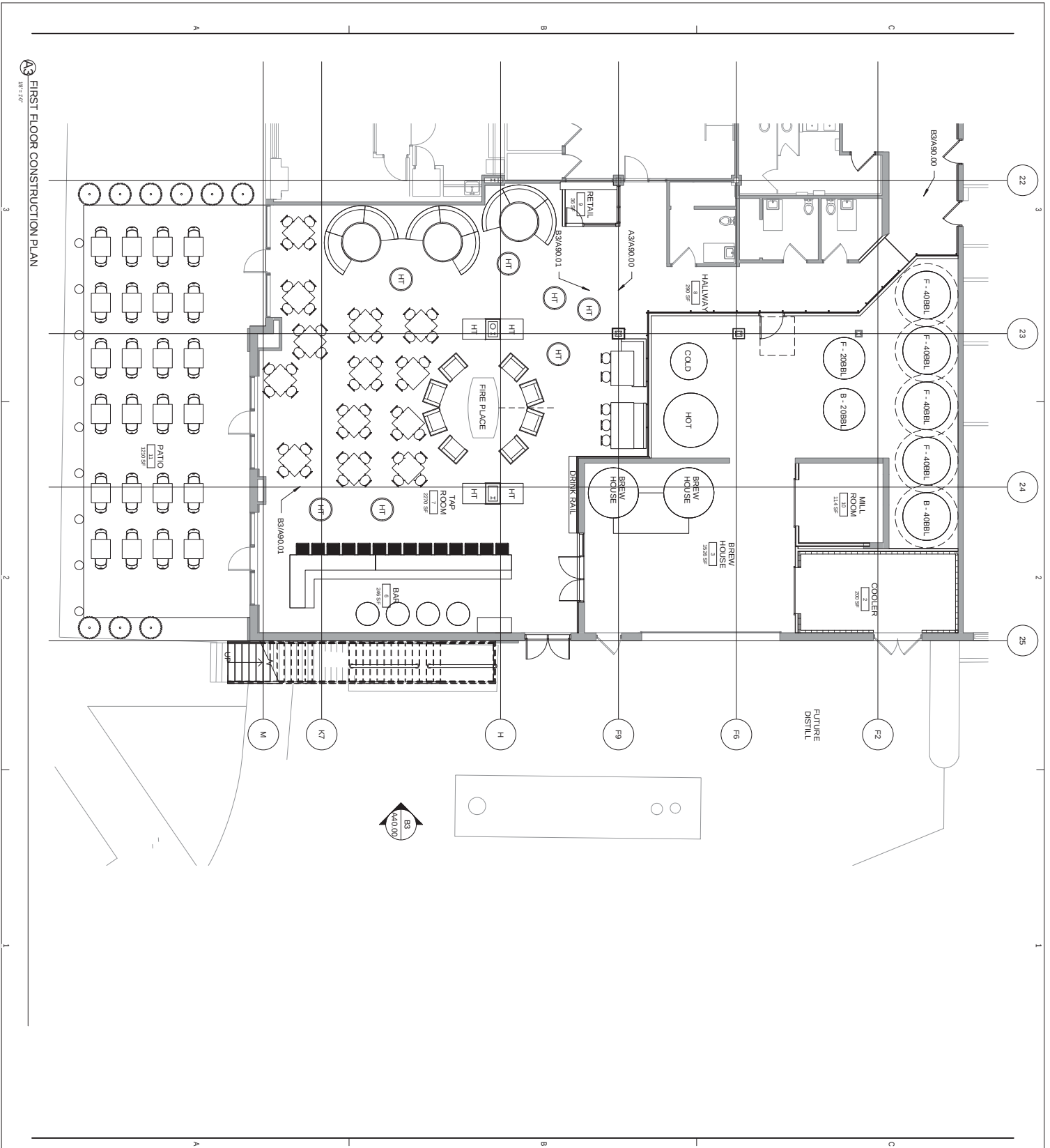
Sheet Information

Date	14.010.0424
Job Number	14.010.0424
Drawn	Author
Checked	Checker
Approved	Approver

**FIRST FLOOR
DEMOLITION
PLAN**

Sheet
AD30.00

Attachment E- Planning Commission Report - July 2014



A3 FIRST FLOOR CONSTRUCTION PLAN
BR-14-0

3

2

1



2301 39th Ave South
Minneapolis, MN 55406
1.612.532.4147

**WAYZATA
BREW
WORKS**

284 Grove Lane E, Ste 150
Wayzata, MN 55391

**NOT FOR
CONSTRUCTION**

1	CITY DESIGN REVIEW	06/02/14
NO	ISSUE	DATE

Sheet Information

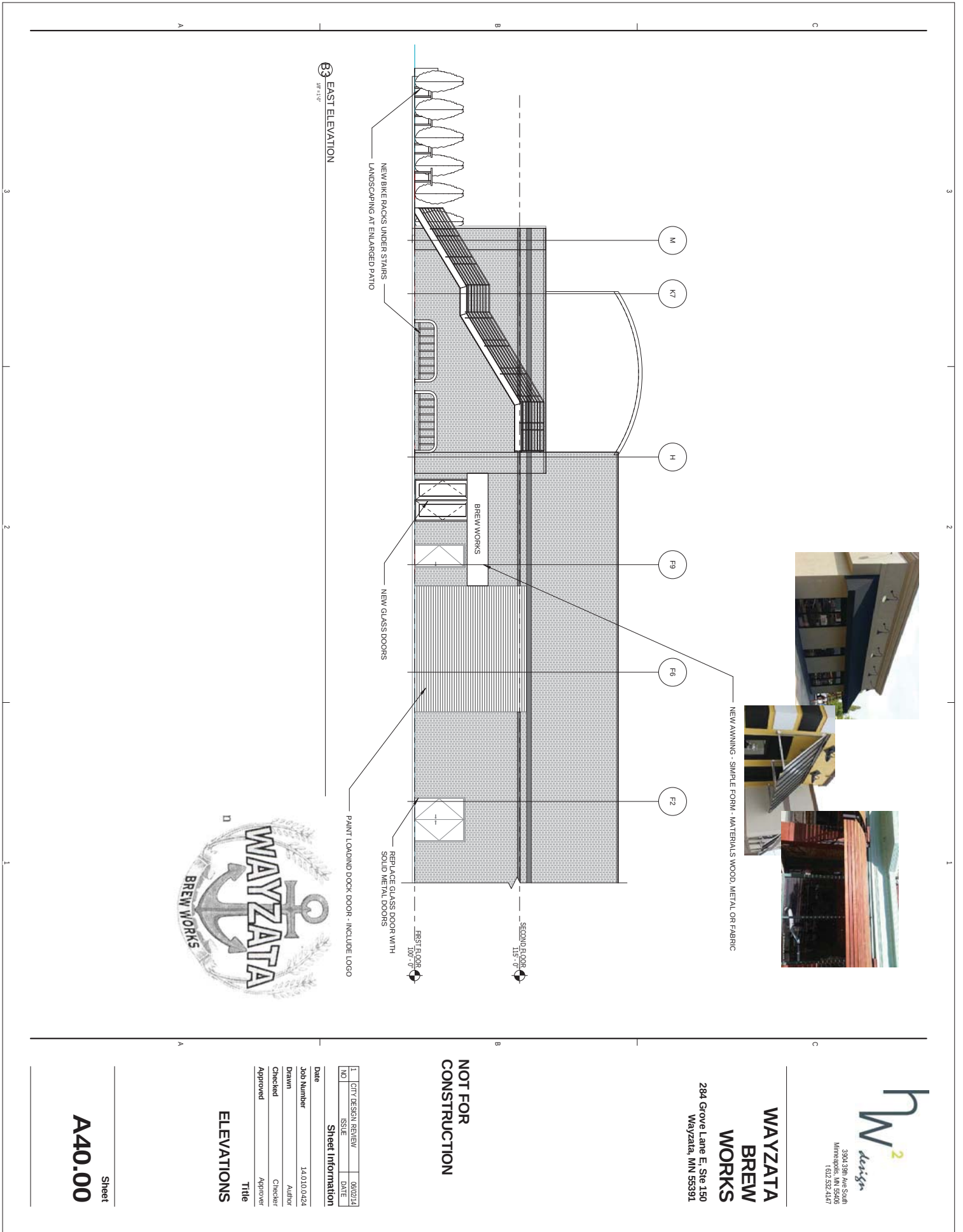
Date	14.010.0424
Job Number	
Drawn	Author
Checked	Checker
Approved	Approver

**FIRST FLOOR
CONSTRUCTION
PLAN**

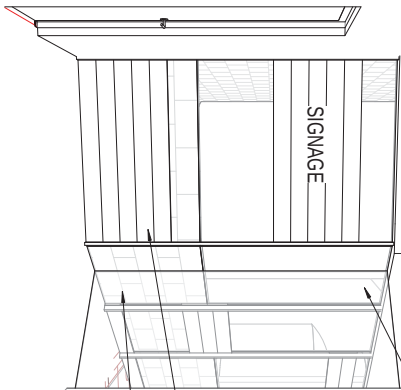
A30.00

Sheet

Attachment E- Planning Commission Report - July 2014

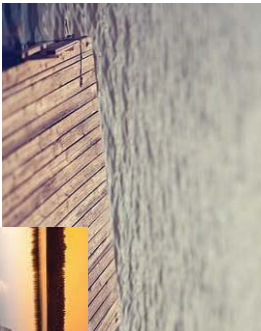


Attachment E- Planning Commission Report - July 2014



① PERSPECTIVE 1

REUSED GLASS, CLEAR



WEATHERED WOOD
"DOCK WALL"

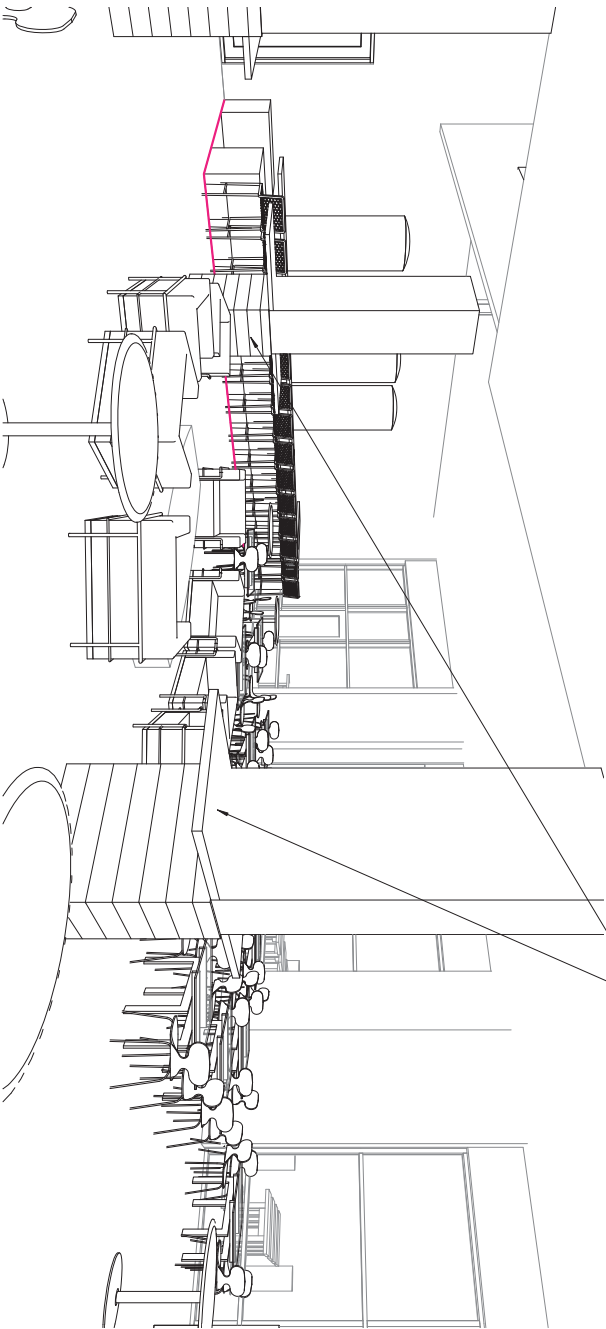
REUSED GLASS, WITH
FILM AT BASE



SIGNAGE/LOGO



WOOD DRINK TOP AND BASE



② PERSPECTIVE 2



**WAYZATA
BREW
WORKS**

284 Grove Lane E., Ste 150
Wayzata, MN 55391

**NOT FOR
CONSTRUCTION**

1.	CITY DESIGN REVIEW	DATE
NO	ISSUE	DATE

Sheet Information

Date	14.010.0424
Job Number	14.010.0424
Drawn	Author
Checked	Checker
Approved	Approver

**INTERIOR
PERSPECTIVES**

Sheet

A90.00

Attachment E- Planning Commission Report - July 2014

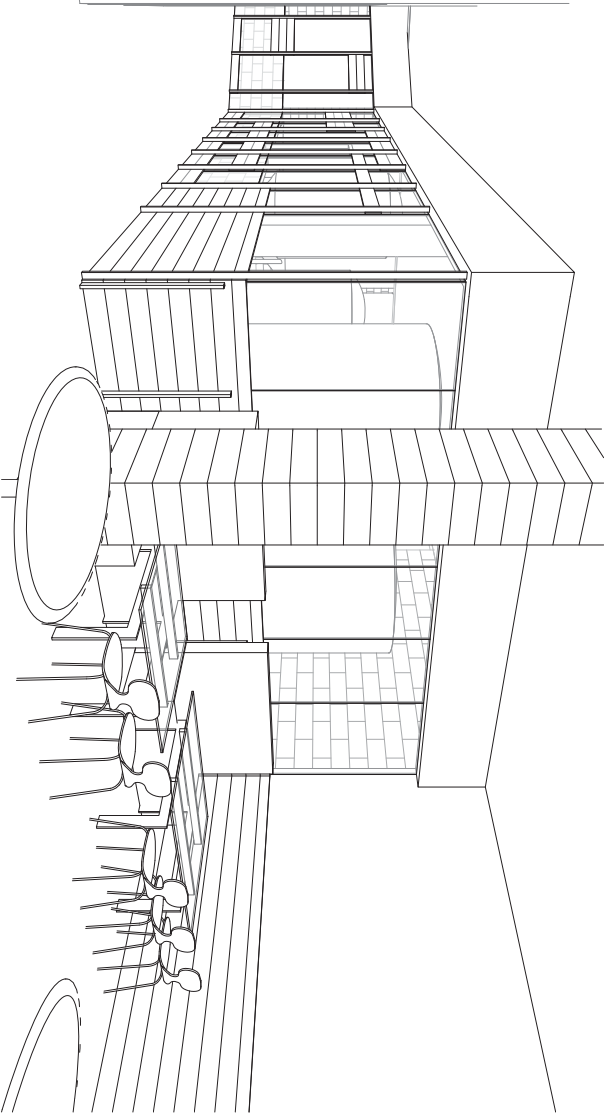


PERSPECTIVE 4

3

2

1

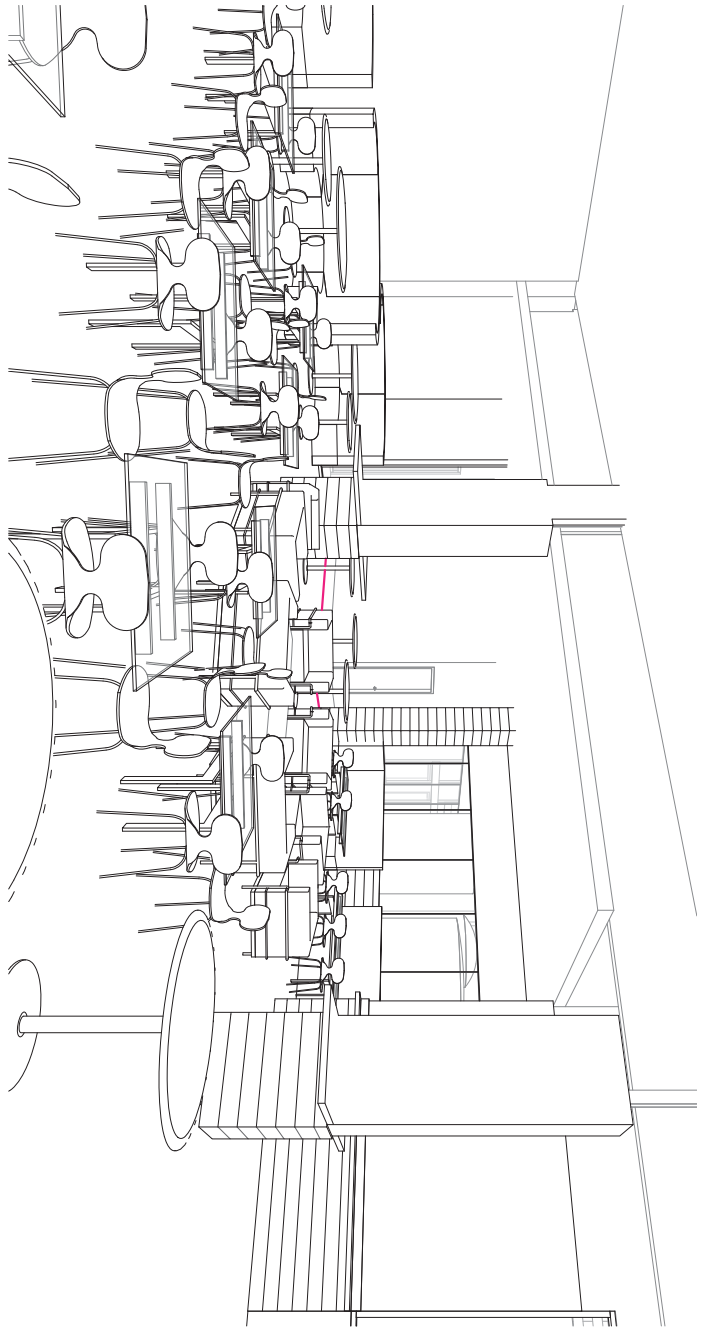


PERSPECTIVE 3

3

2

1



**WAYZATA
BREW
WORKS**

284 Grove Lane E., Ste. 150
Wayzata, MN 55391

**NOT FOR
CONSTRUCTION**

1.	CITY DESIGN REVIEW	DATE
NO.	ISSUE	DATE

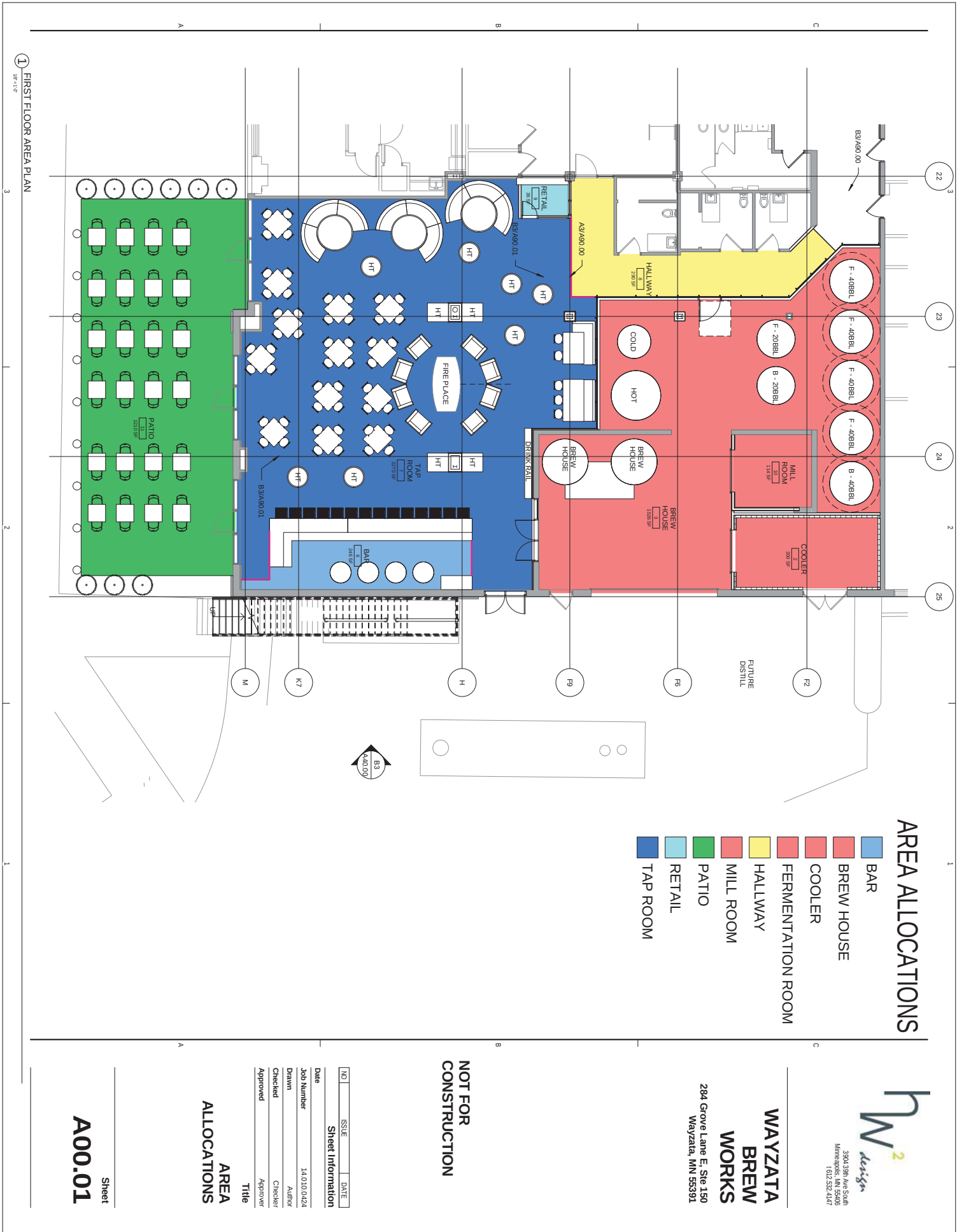
Sheet Information

Date	14.010.0424
Job Number	14.010.0424
Drawn	Author
Checked	Checker
Approved	Approver

**INTERIOR
PERSPECTIVES**

Sheet
A90.01

Attachment E- Planning Commission Report - July 2014



Attachment F: Ordinance 746

CITY OF WAYZATA HENNEPIN COUNTY, MINNESOTA

ORDINANCE NO. 746

AN ORDINANCE AMENDING WAYZATA'S ZONING ORDINANCE TO ALLOW MICRO-PRODUCTION FACILITIES AND TAPROOMS/TASTING ROOMS AS CONDITIONAL USES

THE CITY OF WAYZATA ORDAINS:

- 1.1 In accordance with the Report and Recommendation of the Wayzata Planning Commission dated July 21, 2014, the City Council of the City of Wayzata, hereby amends Chapter 801 of the City Code as follows:

- A. Section 801.02.2 (Definitions), is amended to include the following new definitions:

Micro-production Facility: A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption. Micro-production facilities include breweries, brewpubs, wineries, and distilleries.

Taproom (Brewery): An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of malt liquor produced at the brewery location or adjacent taproom and owned by the brewery for off-premises consumption, packaged subject to Minnesota Statute 240A.301, subdivision 7(b), or its successor.

Tasting Room (Winery/Distillery): An area for the on-sale consumption of distilled spirits or wine produced on the premises of one winery or one distillery and in common ownership to the producer of the wine or distilled spirits.

Growler: A specially designed sixty four (64) ounce beer container for exclusive off-sale of micro-production facility beer. A growler shall have the following packaging requirements:

- i. Growlers shall bear a twist-type closure, cork, stopper or plug.
- ii. At the time of sale, paper or plastic adhesive band, strip, or sleeve shall be applied to the container and extended over the top of the closure, forming a seal.

Attachment F: Ordinance 746

- iii. The growler and/or band, strip or sleeve shall bear the name and address of the brewer, and the container shall be identified as malt liquor, contain the name of the malt liquor, and shall be considered intoxicating liquor unless labeled otherwise.

Malt Liquor: Any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

Distillery: A facility that produces Ethyl Alcohol, hydrated oxide of ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use. A distillery may include a tasting room.

Winery: A facility operated by the owner of a Minnesota farm and producing table, sparkling, or fortified wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients grown or produced in Minnesota. A winery may include a tasting room.

Brewery: A facility that produces for sale beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. A brewery may include a taproom.

Brewpub: A Brewery that operates a restaurant on the same premises as the Brewery, whose malt liquor production per calendar year may be limited by Minnesota State Statute.

- B. Section 801.20.15. (Off-Street Parking and Loading), is amended to include the following off-street parking and loading requirements:

- GG. Micro-production Facility: One (1) space for each 1,000 sq. ft. of floor area.

- HH. Taproom/Tasting Room: One (1) space for each forty (40) sq. ft. of floor area.

- II. Brewpub: One (1) space for each 1,000 sq. ft. of Micro-brewery production floor area; one (1) space for each forty (40) sq. ft. of floor area of dining and bar area; and one (1) space for each eighty (80) sq. ft. of kitchen area.

- C. Section 801.76.5. (C-2 Shopping Center Business District); Section 801.77.5. (C-3 Service Commercial District); Section 801.78.5. (C-4 Central Business District); Section 801.79.5. (C-4A Limited Central Business District); and Section 801.80.5. (C-4B Central Business District) are amended to include the following conditional use:

Attachment F: Ordinance 746

Micro-production Facility, provided that:

1. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minnesota Statutes Section 340A.
2. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.

Attachment F: Ordinance 746

8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
10. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
11. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 801.16.6 of the Wayzata Zoning Ordinance.
12. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Section 801.20 of the Wayzata Zoning Ordinance, as applicable.
13. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
14. Other Provisions. The provisions of Section 801.04.2.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

1.2 This Ordinance shall become effective upon its passage and publication.

Adopted this 16th day of September, 2014.

Attachment F: Ordinance 746

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

First Reading: September 2, 2014
Second Reading: September 16, 2014
Publication: September 25, 2014

Attachment G

RESOLUTION NO. 23-2014

RESOLUTION APPROVING PUD AMENDMENT, CUP, AND SITE PLAN FOR 294 GROVE LANE

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

Section 1. BACKGROUND

- 1.1 Project. Boatworks II LLC and Wayzata Brew Works LLC (collectively, the “Applicant”) have submitted an application (the “Application”) for approval of a Amendment to an existing Planned Unit Development (PUD) Conditional Use Permit (CUP) (the “PUD Amendment”) at 294 Grove Lane (the “Property”) to allow the operation of a microbrewery and taproom facility (collectively, the “Brewery” or the “Project”) as depicted on Attachment A attached hereto.

The Brewery would utilize approximately 5,080 SF of the east wing of the Boatworks building, with 2,810 SF of brewing space, storage and support space, and 2,270 SF of taproom/bar space. In addition, the Brewery would also modify an existing lake side patio. The Brewery proposal would replace 3,183 SF of general office space within the building.

- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:

- A. Amendment to existing PUD under Section 801.33.9 to allow a micro-brewery and taproom facility at 294 Grove Lane (the “PUD Amendment”)
- B. Site Plan approval under Section 801.22 (the “Site Plan”)
- C. Amendment to the City’s Zoning Ordinance to allow the micro-brewery and taproom operations (the “Proposed Zoning Ordinance Amendments”)
- D. Amendment to the City’s General City Code pertaining to liquor licensing requirements and procedures (the “Proposed Liquor Ordinance Amendment”)

- 1.3 Legal Description. The address, property identification number and owners of the property included in the Application (collectively, the “Property”) are:

294 Grove Lane East	06-117-22-32-0023	Boatworks II LLC
---------------------	-------------------	------------------

- 1.4 Land Use. The land use designations for the Property are:

	Boatworks Building Parcel
Zoning:	C-3 Service District with Planned Unit Development

	(PUD)/Conditional Use Permit
Comp Plan:	Central Business District
Total lot size:	134,361 square feet (SF) or 3.08 acres

- 1.5 PUD Agreement. The Property is encumbered by a PUD Development Agreement that was entered into in 1997 between a previous owner of the Property and the City, which requires an amendment to allow the proposed expansion Project. The 1997 PUD Development Agreement was subsequently amended in 2002 and 2005.
- 1.6 Notice. Notice of a public hearing on the Application at the July 7, 2014 Planning Commission Meeting was published in the *Sun Sailor* on June 26, 2014. A copy of the notice was mailed to all property owners located within 350 feet of the Property on June 26, 2014.
- 1.7 Planning Commission Action. A Public Hearing on the Application was held at the Planning Commission's July 7, 2014 meeting at which one (1) individual spoke in favor of the Project during the hearing and the Planning Commission directed staff to prepare a Planning Commission Report and Recommendation recommending approval of the Application for consideration at the next Planning Commission meeting. On July 21, 2014, the Planning Commission reviewed and adopted a Planning Commission Report and Recommendation recommending approval of the Proposed Zoning Ordinance Amendments, the PUD Amendment and the Site Plan on a vote of seven (7) in favor and zero (0) opposed.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Application Procedures. Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD permit has been approved shall require an amendment of the original permit. An application for amendment of the original PUD permit specifying the proposed variance or alteration shall be submitted to the City, together with a fee established by City Council resolution and such information as is required by the City or as the applicant deems necessary to fully explain his application. The same application and hearing procedure for an amendment of a PUD permit shall be followed as was followed with respect to the applicant's Concept Plan, as outlined in Section 801.33.5.

- B. Action by the Planning Commission and City Council. The same review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD permit as was followed with respect to the applicant's Concept Plan, outlined in Section 801.33.5 and 801.33.6 of the Zoning Ordinance. The affirmative majority vote (3 of 5) of the City Council shall be required for approval of an amendment of a PUD permit.
- C. Council Discretion. If the Council determines that the proposed PUD project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the Zoning Ordinance, it may approve the PUD, although it shall not be required to do so. Section 801.33.2.A.
- D. Intent and Purpose of PUDs. The PUD process, outlined in Section 801.33 of the Zoning Ordinance, allows deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., for the purpose of encouraging:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.

7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- E. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or

public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along

those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

- F. PUD Agreement. A 1997 PUD Development Agreement (subsequently amended in 2002 and 2005) encumbers the Property. The City Council would need to approve an amendment to this PUD Agreement in order for the Project to be constructed.

2.2 Conditional Use for Microproduction Facilities. Under the Proposed Zoning Ordinance Amendments, Micro-production facilities would be permitted in the C-3 Service Commercial District provided that:

- A. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minnesota Statutes Section 340A.
- B. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
- C. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.

- D. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
- E. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
- F. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
- G. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- H. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
- I. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- J. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
- K. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 801.16.6 of the Wayzata Zoning Ordinance.

- L. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Section 801.20 of the Wayzata Zoning Ordinance, as applicable.
- M. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
- N. Other Provisions. The provisions of Section 801.04.2.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance.

2.3 Site Plan.

Site and construction plans must be submitted to and approved by the Building Official prior to the issuance of any building permit. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specifications without prior submission of a plan modification request to the Building Official for his review and approval. City Code Section 801.22.2-4.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the PUD Amendment and Site Plan depicted in the Application and subsequent submittals by the Applicant, if approved with the conditions set forth in this approval resolution, would meet the applicable requirements of Wayzata's Zoning Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD Amendment.

- A. Health, Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") conforms with the

overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance. One (1) individual spoke in favor of the Project at the Public Hearing. The Planning Commission was generally supportive of the Project, given that it is an innovative use that would add commercial activity to the west end of Lake Street. The main concerns of the Planning Commission with the Amended PUD centered on traffic impacts and public utility systems being appropriately sized to handle the Project. The conditions recommended for approval are intended to address these concerns.

B. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Resolution. The following standards are met:

1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.
4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.
5. Landscaping. Landscaping in the Amended PUD would be according to a detailed plan approved by the City Council.
6. Health, Safety, and Welfare. Provided the recommended conditions of approval are met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.

3.2 Conditional Use for Microproduction Facilities. The use proposed in the Application conforms with the applicable requirements of the Wayzata Zoning Ordinance for a Microproduction CUP.

A. Licensing. The Applicant has qualified for and received, or, as a condition of approval, shall qualify for and receive, all federal, state and city licenses necessary for the operation of the micro-production facility according to Minnesota Statutes Section 340A.

- B. Taproom License. The Applicant, as a condition of approval, shall qualify for and receive a taproom room license from the City of Wayzata, according to City Code Section 524.02.
- C. Off-sale. The Applicant, as a condition of approval, shall qualify for and receive a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02.
- D. Production of Beer. As a condition of approval, total production of malt liquor shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. The Applicant, as a condition of approval, shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
- E. Off-street Loading. The Project provides for adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length.
- F. Outdoor Storage. The Project provides for no outdoor storage on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
- G. Odors. As a condition of approval, no odors from the micro-production facility shall be perceptible beyond the property line, and the micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- H. Waste. As a condition of approval, waste products shall be disposed of in a timely manner and in such a way to reduce odors.
- I. Exterior Lighting. All exterior lighting for the Project has been designed in such a way as to have no direction source of light visible from adjacent property, and the lighting complies with the requirements of Section 801.16.6 of the Wayzata Zoning Ordinance.
- J. Parking. Parking supply for the Project shall be provided on-site and through off-site arrangement, to avoid street parking on residential streets.
- K. Hours of Operation. The Projects micro-production facility operation hours shall be limited to the hours specified in Minnesota

Statutes Chapter 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.

- L. Other Provisions. The provisions of Section 801.04.2.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are have been considered and satisfactorily met by the Applicant.
1. The Project does not contravene the policies and provisions of the Comprehensive Plan.
 2. The Project is compatible with the present and future uses of the area.
 3. The Project conforms with all required performance standards in the Ordinance.
 4. The Project would not have a negative impact on the area.
 5. The Project would not have an impact on adjacent property values.
 6. The Project would not have a significant negative impact on traffic. The Applicant has provided a traffic study reviewing the anticipated parking impacts and a plan for addressing overflow parking needs.
 7. The Project would not impact public services. The Applicant will be required to coordinate any upgrades to the existing Lift Station #5 with the Utility Superintendent.

- 3.3 Site Plan. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance.

Section 4. CITY COUNCIL ACTION

Based on the Findings of this Resolution, the City Council takes the following action:

- 4.1 PUD Amendment. The request for approval of the PUD Amendment, as set forth in the Application, is **APPROVED**, subject to the following conditions (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):
- A. The Applicant agree to an amendment to the existing development agreement, as amended, for the Property and PUD, ("Development Agreement Amendment") binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, as directed by the City Council, setting forth the approvals granted herein and all applicable conditions.
 - B. The Applicant provide a flow analysis report for the existing Lift Station adjacent to the Property for appropriate City Staff to review and approve.

The Applicant shall provide and maintain at its sole expense any infrastructure improvements that City Staff determines are necessary to ensure that the stormwater sewer system for the Property has the capacity to support the Project.

- C. The Applicant submit written verification to City Staff that the patio area is designed to be and is subsequently installed in alignment with the adjacent patio area at 6 Smith restaurant, and landscaped in a similar fashion.
 - D. The Applicant records the Development Agreement Amendment with the appropriate officials at Hennepin County and provides the City with a recorded copy thereof.
 - E. The Applicant constructs the Project in accordance with the submitted plan set, as described in Attachment A.
 - F. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.
 - G. The Proposed Zoning Ordinance Amendments and Proposed Liquor Ordinance Amendment are approved by the City Council and become part of the City Code according to law, and that the Applicant shall abide by all conditions and requirements established by those Amendments.
- 4.2 Micro-production Facility CUP. The request for a conditional use permit for a Micro-production facility, as set forth in the Application, is hereby **APPROVED** subject to the following conditions (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):
- A. The PUD Amendment being approved and effective.
 - B. The Proposed Zoning Ordinance Amendments and Proposed Liquor Ordinance Amendment being approved by the City Council and becoming part of the City Code according to law, and the Applicant abiding by all conditions and requirements established by those Amendments, as well as the conditions that are set forth in this Resolution for all aspects of the Project.
- 4.3 Site Plan. The request for approval of the Site Plan, as set forth in the Application, is hereby **APPROVED** subject to the following conditions (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):

- A. The PUD Amendment being approved and effective.
- B. That prior to the issuance of any building permits for the Property, the approved Site Plan must be reviewed by City Staff to ensure conformance with the approved PUD Plan.

Adopted by the Wayzata City Council this 2nd day of September, 2014.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption: Amdal

Seconded by: Anderson

Voted in favor of: Amdal, Anderson, Mullin, Willcox

Voted against: Tanner

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on September 2, 2014.

Becky Malone, Deputy City Clerk
SEAL

Attachment A
Applicant Submittals



WAYZATA PLANNING COMMISSION

January 5, 2015

REPORT AND RECOMMENDATION OF APPROVAL OF CONCEPT/GENERAL PLAN PUD AND REZONING, CONCURRENT PRELIMINARY AND FINAL PLAT, SHORELAND CUP, BUILDING SETBACK VARIANCES, CONDITIONAL USE PERMIT FOR ELEVATOR PENTHOUSE, PROJECT DESIGN REVIEW AND SITE PLAN REVIEW AT 236 MINNETONKA AVE S, 240 MINNETONKA AVE S, AND 519 INDIAN MOUND

DRAFT

SUMMARY OF RECOMMENDATIONS

1. Approval* of Concept/General Plan PUD
2. Approval* of Rezoning to PUD District
3. Approval* of Concurrent Preliminary and Final Plat for Lot Combination
4. Approval* of Shoreland Conditional Use Permit
5. Approval* of Variance for Building Height in a PUD District
6. Approval* of Conditional Use Permit for Elevator Penthouse and Stairs
7. Approval* of Building Setback Variances
8. Approval* of Project Design Review
9. Approval* of Site Plan Review

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** John Adams, representing John Kraemer & Sons, and Haglund's Corner LLC (collectively, the "Applicant") has submitted an application (the "Application") for approval of a Concurrent Concept and General Plan Planned Unit Development (PUD) (the "Proposed PUD"), a concurrent preliminary and final plat for a lot combination of commercial property (the "Plat" or "Proposed Subdivision"), a Shoreland Conditional Use Permit (CUP) (the "Shoreland CUP"), a variance for building height above thirty five (35) ft in a PUD District (the "Building Height Variance"), , a conditional use permit for elevator penthouse above forty (40) ft (the "Mechanical CUP") , building and site setback variances (collectively, the "Setback Variance"), approval of Project Design ("Project Design") and approval of a site plan

("Site Plan") to redevelop the properties at 236 Minnetonka Ave S, 240 Minnetonka Ave S, and 519 Indian Mound (collectively, the "Property").

The Applicant's proposed new a mixed use building of 45,227 SF with 3,000 SF of retail located half below grade and ten (10) residential condominium units in three stories (collectively, the "Project").

1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:

- A. Concurrent Concept and General Plan Planned Unit Development (PUD) under Section 801.33.
- B. Rezoning to PUD District.
- C. Concurrent Preliminary and Final Plat Subdivision to combine lot lines under Chapter 805.
- D. Shoreland Conditional Use Permit for Impervious Surface coverage above twenty five percent (25%) under Section 801.91.
- E. Variance for Building Height above thirty five (35) ft and three (3) stories under Section 801.33.2.A.14.
- F. Variance from Section 801.75.6 for ten (10) ft Building Setback to allow zero (0) ft setbacks on west and south building facades.
- G. Variance from Section 801.20.9.C to allow less than a ten (10) ft parking area setback.
- H. Variance from Section 801.20.9.E.8 to allow less than a ten (10) ft curb cut spacing from the side yard lot line.
- I. Conditional Use Permit (CUP) under Section 801.19.2.B for stairs and elevator penthouse taller than five (5) ft to a height of ten (10) and fifteen (15) ft, respectively.
- J. Project Design Review for a commercial structure under Section 801.09.
- K. Site Plan Review under Section 801.22.
- L. City Council approval of City Right of Way encroachment for outdoor patio area.

1.3 Property. The property identification numbers and owners of the parcels comprising the Property are:

236 Minnetonka Ave S	06-117-22-24-0064	Haglund's Corner LLC
240 Minnetonka Ave S	06-117-22-24-0065	Haglund's Corner LLC
519 Indian Mound	06-117-22-24-0066	Haglund's Corner LLC

1.4 Land Use. The Property is located within the C-1 Office and Limited Commercial District, as defined in Section 801.75 of the Wayzata Zoning Ordinance. The Property is guided for Mixed Use Commercial in the Wayzata Comprehensive Plan.

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on December 11, 2014. A copy of the notice was mailed to all property owners located with 350 feet of the Property on December 5, 2014. The required public hearing was held at the December 15, 2014 Planning Commission meeting.

Section 2. STANDARDS

2.1 Planned Unit Development – General Standards – 801.33.1

Purpose. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

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

2.2 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare. The Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
 2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.
 4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
 5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.
 6. Common Space. The proposed PUD must provide common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD.
 7. Common Space Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
 8. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall,

at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

9. Density. The proposed PUD must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
10. Utilities. All utilities associated with proposed PUD must be installed underground.
11. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
12. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
13. Landscaping. All landscaping associated with the proposed PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
14. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
15. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

- 2.3 Residential and Non-Residential PUD Standards – Section 801.33.3 and 4. Sections 801.33.3 and 4 set forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential and non-residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.
- 2.4 PUD Procedure.
- A. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of an application for a PUD. Concept Plan approval in no way binds the City to subsequent approval of a General Plan of Development or other approvals that may be required. Section 801.33.5.B.
 - B. Application Contents. An application for approval of a Concept Plan of development for a PUD project must contain the information and materials listed in Section 801.33.5.C.
 - C. Planning Commission Review and Recommendation. Within sixty (60) days following the public hearing on any an application, the Planning Commission shall forward a report on the application to the City Council, and it shall recommend (i) approval of the application as submitted, (ii) approval of the application subject to certain modifications or conditions therein, or (iii) disapproval of the application. Section 801.33.5.C.13.
- 2.5 Standards for Rezoning. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's conformity with present and future land uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property value in the area in which it is

proposed.

- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

2.6 Zoning Ordinance Variance Standards. Section 801.05.1.C of the Zoning Ordinance provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The criteria are as follows:

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

2.7 Subdivision / Preliminary and Final Plats.

Chapter 805 of the Wayzata City Code, (the “Subdivision Ordinance”) sets forth the procedure and substantive review criteria for applications for a subdivision. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.03. Section 805.15 of the Wayzata Subdivision Ordinance allows the City to review a proposed preliminary and final plat simultaneously. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:

A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:

1. Preserve and enhance Wayzata’s “small town” character (Comprehensive Plan).
2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must 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 Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform to all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

2.8 Concurrent Preliminary/Final Plat.

Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously. The final plat shall incorporate all changes, modifications, and revisions required by the City. Otherwise, it shall conform to the approved preliminary plat.

- 2.9 Design Standards. The design of all new buildings and exterior improvements to the public side of nonresidential and/or multifamily buildings in Wayzata which clearly alter the appearance of a structure are subject to the review and approval of the Wayzata Planning Commission and City Council. City Code Section 801.09; Wayzata Design Standards Section 1.5. The relevant design criteria for the “Bluff District” are included in Section 801.09.

Based upon Staff and Planning Commission’s review of the proposed design, there would be two (2) deviations requested from the design standards for this Project:

1. 801.09.5.A&B - Upper Story Setbacks – For 2nd and 3rd story
2. 801.09.15.1 – Parking Lot Landscaping – Along northern property line

- 2.10 Shoreland Impact Plan and Conditional Use Permit. Section 801.91.19 requires landowners or developers developing land in the Shoreland District to first submit a conditional use permit application in accordance with Section 801.04 (CUPs) and a Shoreland Impact Plan in accordance with Section 801.91.19A. The purpose of the Shoreland Impact Plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation. All conditional use permits for consideration under Section 801.91.19 are subject to the following stipulations:

1. *The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.*
2. *Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards and microsilt basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.*
3. *Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.*

4. *Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.*
5. *Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.*
6. *Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.*
7. *Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.*
8. *Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.*
9. *Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.*
10. *All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.*
11. *All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.*
12. *All projects shall be subject to the review of the Minnehaha Creek Watershed District.*

In addition to the above conditions, the provisions of Section 801.04.2.F must be considered and satisfactorily met. Section 801.04.2.F requires City Council to 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.

2.11 Site Plan.

Site and construction plans must be submitted to and approved by the Building Official prior to the issuance of any building permit. Except in the case of individual single family uses and minor projects, additions or alterations as determined by the Zoning Administrator and all building and site plans as specified by Section 801.09 of this Ordinance shall be subject to review by the Planning Commission and approval by the City Council. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the building contractor and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specifications without prior submission of a plan modification request to the Building Official for his review and approval. City Code Section 801.22.2-4.

Section 3. FINDINGS

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

3.1 Proposed PUD.

- A. Intent and Purpose of PUDs. The Proposed PUD conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. General Standards. The Proposed PUD satisfies all of the fourteen general standards listed in Section 801. 33.2.A and in Section 2.2 of this Resolution.

1. Health Safety and Welfare; Intent and Purpose of PUDs. The Proposed PUD would have not have a negative effect on the health, safety and welfare of residents of the community and the surrounding area. The Proposed PUD conforms with the overall intent and purpose of Section 33 of the PUD Ordinance.
2. Ownership. The Applicant owns, or at the time of final approval will own, all of the property to be included in the Proposed PUD.
3. Comprehensive Plan Consistency. The Proposed PUD is consistent with the City's Comprehensive Plan as the Property is guided for Mixed Use Commercial use.
4. Sanitary Sewer Plan Consistency. The Proposed PUD is consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. Proposed PUD will provide common public open space in the northwest corner of the Property. As a condition of approval, provisions shall be in place to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. As a condition of approval, the PUD plan for the Proposed PUD must contain provisions to assure the continued operation and maintenance of open space and service facilities to a predetermined reasonable standard, and the common private or public open space and service facilities within the Proposed PUD must be placed under the ownership of a Property Owners Association, provided the conditions of 801.33.2.A.6.c are meet.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD. The Project is not proposed as a staged development, but rather will be constructed in one stage.
8. Density. The Proposed PUD meets the density standards for the current zoning and is consistent with the Comprehensive Plan. The proposed Project density is ten (10) dwelling units, which is less than the twelve (12) dwelling units allowed under the R-5 Average Density Multiple Family District standards for mixed use projects.

9. Utilities. Under the General Plan for the Proposed PUD, all utilities associated with Proposed PUD shall be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
 10. Utility Connections. Under the General Plan for the Proposed PUD, all utilities associated with proposed PUD meet the utility connection requirements of Section 801.33.2.A.10.
 11. Roadways. There are no new roadways associated with the PUD.
 12. Landscaping. All landscaping associated with the Proposed PUD will be according to a detailed plan and take into account the natural features of Property, the architectural characteristics of the proposed residences and the overall scheme of the PUD plan.
 13. Setbacks. The front, rear and side yard restrictions on the periphery of the Proposed PUD meet the applicable setback requirements in the C-1 District, except where setback variances are requested for the Project, as noted elsewhere in this Report.
 14. Height. The proposed building height within the Proposed PUD is more than allowed under the PUD District Standards. The Applicant has included a Building Height Variance request, as noted elsewhere in this Report.
- C. Residential Area PUD Standards. The Proposed PUD meets the standards of Section 801.33.3 for PUDs with a residential component, as except as noted above.
- 3.2 Zoning Amendment. The Planning Commission has considered the possible adverse effects of the Zoning Amendment and finds as follows:
- A. The Zoning Amendment does not contravene the specific policies and provisions of the official City Comprehensive Plan as they apply to the Property.
 - B. The proposed mixed retail and residential use for the Property is in conformity with present and future land uses of the area.
 - C. The proposed mixed retail and residential use of the Property is in conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.), except as noted elsewhere in this Report.
 - D. The proposed mixed retail and residential use's effect on the area in which it is proposed would be generally compatible with the neighborhood and surrounding uses.

- E. The proposed mixed retail and residential use is not likely to have a negative impact upon property value in the area in which it is proposed.
- F. The capabilities of the streets serving the Property should be sufficient for the traffic generated by the proposed mixed retail and residential use.
- G. Existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity should be sufficient for the proposed mixed retail and residential use.

3.3 Proposed Subdivision (Lot Combination).

- A. Goals. The Proposed Subdivision is consistent with the goals of the Subdivision Ordinance, including a recognition of adjacent existing neighborhoods and commercial areas; providing additional housing supply for the mix of available housing in the City; and supporting a pedestrian environment at a human, not automotive scale, with the incorporation of below grade retail with outdoor areas.
- B. Criteria for Approval.
 - 1. The Project associated with the Proposed Subdivision is consistent with the Wayzata Comprehensive Plan. The proposed Subdivision conforms with the Mixed Use Commercial guidance of the Comprehensive Plan for this area.
 - 2. The building pad associated with the Project ("Proposed Building Pad") would not negatively impact any sensitive areas.
 - 3. The Proposed Building Pad has been selected and located with respect to natural topography to minimize filling or grading.
 - 4. Existing significant trees would be retained where possible on the Property. As part of the Project, there would be additional trees and screening planted as part of the landscape plan.
 - 5. The Proposed Subdivision would not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas as it would be consistent with the surrounding area.
 - 6. The design of the lots, the proposed building pad, and the site layout of the Proposed Subdivision responds to and is reflective of the surrounding lots and neighborhood and commercial character.

7. The lot that results from the Proposed Subdivision lot combination would not be dissimilar from adjacent commercial lots. The proposed lot conform with and exceed the C-1 Office and Limited Commercial District.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the commercial building is addressed in a separate design review under Section 801.09, as noted elsewhere in this Report.
9. The proposed lot layout and Proposed Building Pad of the Proposed Subdivision would conform will relevant performance standards, with setback and height variance requests noted elsewhere in this Report.
10. The Proposed Subdivision is not likely to tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
11. The Proposed Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

3.4 Shoreland CUP.

- A. The Applicant has complied with applicable requirements and regulations for a Shoreland CUP under Section 801.91.19 of the Zoning Ordinance.
- B. The Applicant has complied with the applicable requirements and regulations for a Conditional Use Permit under Section 801.04 of the Zoning Ordinance.
- C. The Application includes the installation of a pervious paver system in the surface parking lot. As a condition of approval, the Applicant shall also install a roof drain and cistern system to capture water runoff from the roof of the proposed building.

3.5 Mechanical CUP.

- A. The Applicant requests a Conditional Use Permit under Section 801.19.2.B for an elevator penthouse and stairs above forty (40) ft. The proposed elevator penthouse would not exceed 53.1 ft to the top of the penthouse.
- B. The Applicant has complied with applicable requirements and regulations for a Conditional Use Permit under Section 801.04 of the Zoning Ordinance.

- C. As a recommended condition of approval, the Applicant shall continue to work on reducing the height of the proposed elevator penthouse if practically feasible.

3.6 Project Design.

- A. The Project Design as proposed in the Application meets the criteria of the applicable Design Standards, with the exception of the following Design deviations noted in the Design Critique:
 - 1. 801.09.5.A&B - Upper Story Setbacks – For 2nd and 3rd story
 - 2. 801.09.15.1 – Parking Lot Landscaping – Along northern property line
- B. The negative impact of such deviations is outweighed by the positive effect the Project will have on the area in which it is proposed due to the use of high quality materials and the inclusion of retail use within the building.

3.7 Building Height and Setback Variances.

- A. The Property is guided for Mixed Use Commercial use. The Application does not alter the usage of the Property, and instead proposes a new retail and ten (10) unit residential building. The Variance requests are due to the City's stated desire to incorporate retail uses along the Minnetonka Avenue corridor.
- B. The Applicant has established that a practical difficulty exists in complying with certain requirements of the Zoning Ordinance due to the City's stated desire to incorporate retail uses along the Minnetonka Avenue corridor. The plight of the landowner is due to these unique circumstances related to the desired use of the Property. The requested Building Height Variance is the minimum amount necessary to facilitate both below grade retail and upper level residential uses within the proposed new building. The Variances, if granted, will not alter the essential character of the locality.
- C. The Applicant has proposed to use the Property in a reasonable manner under the Zoning Ordinance. The Property is currently guided for Mixed Use Commercial use, and the Applicant desires to construct a new mixed retail and residential building on the Property.
- D. Economic considerations are not the sole reason for the Variance requests. The City's stated desire for retail activity along the Minnetonka Avenue Corridor is the determinative factor for the Variance requests. The Project could meet the City's Zoning Ordinance standards with a residential-only building.

- E. The Applicant's narrative has articulated the reasons for the Variance requests due to the location and elevation of the Property.
- 3.8 Site Plan. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance, with exceptions noted elsewhere in this Report. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends approval of the (1) the Proposed PUD; (2) Proposed Subdivision; (3) Zoning Amendment; (4) Shoreland CUP; (5) Mechanical CUP; (6) Building Height Variance; (7) Setback Variances; (8) Project Design; and (9) Site Plan, subject to the following conditions:
- A. The Applicant must enter into a stormwater maintenance agreement with the City that will cover design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.
 - B. The Applicant must amend the stormwater plan to include a roof drain and cistern system as proposed and agreed to by the Applicant.
 - C. The Applicant must continue to work on reducing the height of the proposed elevator penthouse, if practically feasible.
 - D. The Applicant must add additional landscaping and screening between the northern parking lot and the adjacent City park.
 - E. The Applicant must design and construct the elevator penthouse and stair enclosures with the same building materials as the overall building.
 - F. The Applicant must maintain a sidewalk width of no less than five (5) ft and must meet applicable ADA standards.
 - G. The Applicant and/or the Property Owners' Association must enter into an agreement with the City for maintenance of the common open area in the northeast corner of the Property, as depicted on the Site Plan.
 - H. All comments of City Staff outlined in the Planning Report on the Application dated December 15, 2014 shall be incorporated into the PUD as specified in such comments and further directed by such staff.

- I. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- J. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.
- K. The Applicant must record the Final Plat document with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7, and provide a recorded copy to the City.

Adopted by the Wayzata Planning Commission this 5th day of January 2015.

Voting In Favor:
Voting Against:
Abstaining:

Chair, Planning Commission