WAYZATA PLANNING COMMISSION
Meeting Agenda

Wayzata City Hall Community Room, 600 Rice Street
Monday, September 8, 2025
6:30 PM

HYBRID MEETING INFORMATION
Click here to join Teams Meeting
Meeting ID: 227 108 065 937 4 Passcode: Lt2uB27b
Members of the public may attend this Planning Commission meeting in person, or watch and listen remotely by viewing the meeting on Channel 8, WCTV, and at the City's website at www.wayzata.org/WCTV.

Public comment during the Public Forum and/or Public Hearing portions of the meeting may be provided in person at the meeting, in advance, or by logging into the Teams call and raising your hand during the public hearing. **When your name is called in the meeting, you will be seen and heard in our Council Chambers and the cable channel**. You will be asked to unmute and then you may begin your comment. All public comments must include your full name and address.

The City encourages comments or questions about items on the agenda and, when possible, requests that you submit them in advance by emailing PublicComment@wayzata.org, calling City staff at 952-404-5323, or mailing Wayzata City Hall at 600 Rice St E, Wayzata, MN 55391 (Attn: Public Comment).

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
   a. Approve Meeting Minutes from August 18, 2025
   b. Approve Planning Commission Report and Recommendation for Approval of Shoreland Setback Variance at 547 Harrington Rd
   c. Recommend Approval of Preliminary Single-Family House Plans for 1400 Holdridge Ln
5. **Old Business Items**
6. **Public Hearing Items**
   a. Consider Development Application for Two Conditional Use Permits (CUP) for Xcel Energy at 701 Central Ave N
7. **Other Items**
   a. Review of Development Activities
   b. Planning Commission Meeting Schedule
8. **Adjournment**

Upcoming Meetings:
City Council - September 9, 2025
Planning Commission - September 22, 2025

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

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: September 8, 2025	**AGENDA ITEM:** 4.a
TITLE: Approve Meeting Minutes from August 18, 2025	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:
N/A

ACTION REQUESTED:
Staff recommends approval of the regular meeting minutes from August 18, 2025.

ATTACHMENTS:
1. Draft August 18, 2025 Planning Commission Minutes

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
AUGUST 18, 2025

AGENDA ITEM 1. Call to Order

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

Chair Cameron read a prepared statement that outlined multiple options for joining remotely or submitting comments and questions.

AGENDA ITEM 2. Roll Call

Chair Cameron asked Community Development Director Sharpe to take roll call.

Present at roll call were Commissioners: Plantan, Schwalbe, Severson, Elg, Cameron, and VanLoy. Community Development Director Alex Sharpe, Planner Haily Hedblom, and City Attorney David Schelzel were also present.

Absent at roll call were: Commissioner Ankeny.

AGENDA ITEM 3. Approval of Agenda

Chair Cameron asked for a motion to approve the agenda for the meeting.

Commissioner Plantan made a motion, seconded by Commissioner Severson, to approve the August 18, 2025, agenda as presented.

The motion carried unanimously.

AGENDA ITEM 4. Consent Agenda

a.) Approval of the June 9, 2025 Planning Commission Meeting Minutes
b.) Approval of the June 16, 2025 Planning Commission Meeting Minutes

Chair Cameron read the items on the consent agenda and asked if any Commissioner wished to pull an item for further discussion.

Commissioner Severson noted a spot in the minutes where a name needed to be removed.

Chair Cameron asked for a motion to approve the Consent Agenda as amended by Commissioner Severson.

Commissioner VanLoy made a motion, seconded by Commissioner Schwalbe, to approve the Consent Agenda as amended.

DRAFT

The motion carried unanimously.

AGENDA ITEM 5. Old Business Items

AGENDA ITEM 6. Public Hearing Items

a) 547 Harrington Road – Lake Shore Setback Variance

Community Development Director Sharpe reviewed the variance request for the lake shore setback at 547 Harrington Road. He reviewed the location, the Comprehensive Plan guidance, zoning, the property's location within the Shoreland Overlay District, details of the application, and the variance request.

Commissioner Severson asked if there would be a time limit attached if the City chose to grant the variance request.

Mr. Sharpe stated that, typically, the City has included a condition that a variance be utilized within a year of the resolution approval and noted that it would be reasonable if the Commission would like to suggest some sort of time limit on this request.

City Attorney Schelzel explained that there is a code provision that sets a 1 year requirement, which may be what Commissioner Severson was referencing. He noted that in this situation, it can be a bit confusing because they are dealing with both the residential and the Shoreland Overlay Districts, but the general conditions for a variance under Ch.905 include the requirement that the applicant substantially start construction of any building, structure, or alteration within one year of approval. He explained that in this case, if the applicant received approval of their variance request, they would have to move on it within a year.

Mr. Sharpe explained further that there have been situations where applicants have sought additional time beyond one year, which have typically been placed on the consent agenda, if they were unable to meet the one-year timeframe. He noted that this was not uncommon and explained that there have been 3 requests related to larger projects within the almost 6 months that he has been with the City, but explained that it would be a bit less common for a single-family lot such as the subject of this request.

Mr. Sharpe returned to his review of the application and outlined the existing conditions and setback requirements for the R-1A District. He explained the additional lakeshore setback requirements for properties within the Shoreland Overlay District, and the specific variance request, reviewed the existing buildable area beyond the required setback, and the possible buildable area if the variance was granted. He noted that there have been 4 public comments received, which were included in the packet materials. He reviewed the general criteria for evaluating a variance request under the Zoning Ordinance as well as the additional criteria for granting a variance in the Shoreland Overlay District.

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At the conclusion of Mr. Sharpe's presentation, Chair Cameron asked if there were any questions from the Commission for staff.

Commissioner Schwalbe noted that the existing home was built in 1929 and the house to the north was built in 1976, and the home to the south was built in 2016. She stated that she believed the home to the north had quite a bit of influence on this because they had to be moved back about 300 feet to accommodate the fact that there was a marshy area in front of the lake. She stated that the property to the south was setback 189 feet and asked if that home could have been built with a 75-foot setback.

Mr. Sharpe explained that the home to the south at 549 Harrington Road would be required to meet the same provisions as 547 Harrington, so it would be subject to the greatest of the 3 setbacks.

Commissioner Schwalbe asked if the riparian issue came up at the time that 549 Harrington Road was built.

Mr. Sharpe stated the property at 549 Harrington Road did not go through a variance process related to the construction of the home in 2016, so it would have been reviewed by staff at the time of the building permit.

Commissioner VanLoy asked if the City did not grant this variance, and somebody wanted to remodel the existing home with an addition, would they also need a variance because of the City's setback rules.

Mr. Sharpe stated that the existing home could be remodeled if there was not an increase in any of the nonconformities; but if they put on an addition, that would trigger the need for a variance in some regard, not necessarily related to the setback requirements.

Commissioner Schwalbe referenced the lines labeled 'sight' and 'closet point' in Mr. Sharpe's presentation. She stated there would not be a lot of building area behind those lines, and asked if staff had any thoughts about how big of a house could go there.

Mr. Sharpe stated that, based on some of the material submitted and inspection of the property, there was a significant encumbrance to staying within the green shaded area on the graphic being presented. He explained that from a staff perspective, it was difficult to say what an appropriate variance may be.

Commissioner Schwalbe asked if the property owner to the north did not have an objection to the proposed 108-foot setback, if that would change this request.

Mr. Sharpe stated that the Commission should consider comments from adjacent property owners, but the decision was a judgment call for the Commission to make related to how they considered the comments. He noted that one of the comments in the packet is from the property to the north.

Commissioner Severson asked if the 'closest point' setback was done for the sight lines and not for being too close to the lake.

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Mr. Sharpe explained that the intent of the standard was not specifically called out in the City Code. He stated that all three possible setbacks outlined by City Code were called out on the plans provided by the applicant with the intent of the Shoreland Overlay District, which is to, in part, preserve the Lake Minnetonka shore line for sight line reasons. He noted that his reading of this information was that it was in place largely to preserve sight lines, but that was only his interpretation.

There being no further questions for staff, Chair Cameron invited the applicant to address the Commission.
Applicant's representative, Kyle Hunt, Kyle Hunt and Partners, 18324 Minnetonka Blvd, Deephaven, explained that he was a builder, but for this application was serving as a consultant for the homeowners.

Commissioner Elg noted that he would like to pose a question to Mr. Hunt before he began his presentation, and explained that he would like Mr. Hunt to address how they landed at a 108-foot setback from the lake shore.

Mr. Hunt gave a presentation outlining details of the setback variance request, including survey information and aerial photos. He explained that the 108 feet came from the family members' thoughts about the home being here since before 1929, and the understanding that they were improving on the existing setback, where they were likely not to remove significant trees, where the topography would help them gain the best position, and where a new home would be out of the lake shore sightline for the adjacent neighbors. He shared the background and context of their request, the unique characteristics of the site, comparisons with similar lots in the area, and described what they were looking for from their variance request. He explained the reasons that they believe the variance request was in harmony with the general intent and purpose of the City Ordinance, as well as the Comprehensive Plan, and described what they felt would be practical difficulties in complying with the ordinance.

Mr. Hunt addressed public comments that had been received, and read aloud information related to a reference made regarding the kitchen window view from 549 Harrington, the neighboring property to the south. He explained that window to window, the distance to the house to the south was 170 feet. He noted that the owners of 549 Harrington Road took advantage of the nonconforming setback of the Swansons' home at 547 Harrington Road when constructing their home in 2026 and felt it was bold of them to come forward and speak against this request by the Swansons. He noted that the legal counsel for the owners at 549 Harrington Road made the argument in their public comment letter that the general intent and purpose of Sections 991.01 and 901.03 was to retain and preserve property values. He stated that if this were true, it could not be used in a manner that would not maintain or preserve the property values of the Swanson property, and noted that he did not believe that this was intended when it was first written by the City and was instead intended to help, not harm. He stated that in this unique situation, he felt it would be inflicting harm. He asked the Commission to consider the points he had read from this statement when they were reviewing this situation, and explained that they believed their request was reasonable. He noted that the City had granted a variance at Lookout Point (578 Harrington Rd) in a similar scenario.

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At the conclusion of Mr. Hunt's presentation, Chair Cameron asked if the Commission had any questions for the Applicant.

Commissioner VanLoy asked if the City granted this variance to allow a setback of 108 feet, if it would put the home at 549 Harrington Road into a nonconforming status that would require them to get a variance if they wanted to put on an addition to their home or if they ever had to rebuild.

Mr. Sharpe stated that the property at 549 Harrington Road was oriented from north to south at a slight angle, with the closest point on the northern side. He explained that by dropping the line back, there was the potential that a portion of that home could be nonconforming, but acknowledged that he could not state that definitively. He reminded the Commission that the homeowners at 549 Harrington Road would be able to remodel or undertake another home project within their existing footprint without any issues if the City granted this variance request.

Mr. Hunt explained that he had a copy of the survey for 549 Harrington Road at his office, and explained that they brought the home up to the line.

Mr. Sharpe displayed a more zoomed-in aerial photo that showed more clearly the orientation of the home at 549 Harrington Road. He noted that the photo also shows why he did not want to definitively answer Commissioner VanLoy's question, and would need to do a full site review and see the survey.

Mr. Hunt stated that he felt that Commissioner VanLoy's question was a good example of what would happen over time if this ordinance were kept in its current form, because the homes would just keep marching back to the point where everyone would be pushed against the road.

There being no additional questions from the Commission for the applicant, Chair Cameron opened the public hearing on the application at 7:33 pm.

Christopher Pierson, Attorney with Sanford, Pierson, Thone, Strean, explained that he was representing Dan and Stacy Cosentino, who owned 549 Harrington Road. He noted that they had already submitted extensive written materials for the Commission's consideration. He read aloud a portion of Section 991.09 (D)(3) of the City Code, and noted that one of the conditions was that the setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures, and explained that he believed this required denial of the application. He displayed a rendering and photo of the view from the Cosentino's property if the variance was granted, which he believed showed that this would impact their view of the lake. He stated that he felt that approving this variance would not be consistent with the general purpose and intent of the City's ordinance by hurting the value of the Cosentino property and referenced various portions of the code that he felt were relevant to his argument.

Chair Cameron interjected and explained that the purpose of the public hearing was not for rebuttal of the presentation or comments made by Mr. Hunt, but is intended to provide commentary about his client's concerns.

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Mr. Pierson stated that the other point he wanted to touch on was related to the economic consideration. He stated that the current property owners want to be able to market the property to people who will want to tear down the existing home and build a new one, and having this variance would make it easier to sell and make it sell for more money. He stated that this was an economic consideration, and explained that he did not see any non-economic considerations in the application. He noted that any prospective owner of this lot should go through the development process, just like any other prospective owner of other properties in the City would have to do, and did not think this lot should be treated differently. He reiterated that he believed the economic considerations alone were what were driving this application. He noted that he did not believe that there was a need to seek such a large variance and outlined their reasoning with the use of a hypothetical buildable area diagram. He explained that development was a process, and handling things the way this was being proposed was a variance from the City's usual process. He thanked the Commission for their time and asked that his materials and presentation be part of the meeting minutes.

Commissioner Schwalbe referenced rendering #5, and asked if he was suggesting a variance to allow for a setback of 114 feet.

Mr. Pierson stated that it was not the job of Cosentino's to make a counteroffer to what has been proposed, but they are just saying that this was a hypothetical line that is located further back, which would accommodate a possible home.

Chair Cameron clarified that the Commission's job was to determine if they would recommend approval or denial of what has been requested, and noted that there was no other measurement that was under consideration tonight.

Mr. Pierson stated that his point was that they believe that there is something less than what has been proposed that would suffice, and added that the Cosentinos were not out to make this lot unbuildable, and believe that this particular variance request is a step too far. He explained that they did not want to support a variance request without knowing what they would be agreeing to or what would be built.

Dick Swanson, 547 Harrington Road, encouraged the Commission to come take a look at his property in person because he didn't think they would be able to clearly understand what they were talking about from just looking at a survey. He explained that they had staked out their proposed variance line and did everything they could to make it as tight as possible in an effort to be a good neighbor.

Mr. Sharpe stated there were no people who called in to the meeting that have asked to speak at the public hearing.

There being no one else wishing to comment on the application, Chair Cameron closed the public hearing at 7:50 pm.

Chair Cameron asked the Commission to share their questions and feedback on the application.

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Commissioner Schwalbe asked if there would be another opportunity for the Cosentinos to see the final plan drawings of what the new home would be like.

Mr. Sharpe stated that they would have that opportunity if they would like to come into City Hall to view the plans during the building permit process, but noted that if the plans met all building and zoning codes, the property owners would be able to move forward with a building permit and no further public hearing. He explained that architectural plans were copyrighted materials, so they could not be sent out and must be viewed on site.

Commissioner Severson gave the example of new property owners requesting additional variances and stated that her understanding in that situation would be that the building plans would be available.

Mr. Sharpe explained that if there were additional variance requests, they would need to be able to provide the required plans for review, which would be public documents that could be shared on the City's website.

Commissioner Plantan asked if there was a topography plan for this parcel so they could see where the topography drops off.

Chair Cameron noted that one of the surveys included in the packet did have topographical information.

Mr. Sharpe displayed the survey that had topographical information, and noted that they were also working to display an aerial photograph from Hennepin County that also showed topographical information.

Chair Cameron stated that he sees this situation as the applicant looking for a variance without a building, and asked if this was something that the City had dealt with in the past.

Mr. Sharpe stated that, to his knowledge, the City had not had this kind of situation without building plans, but noted that it was a valid application for the City to accept without those plans.

Mr. Schelzel explained that an analogous situation would be a subdivision application where the City often did not have building plans, and noted that staff had deemed this application complete.

Mr. Sharpe displayed the aerial photograph from Hennepin County that he had described earlier in the meeting, which showed topographical information.

Commissioner Elg stated that he believed that there was no question that this property, at some point, would require a variance. He noted that the question he had asked earlier was about how they had arrived at 108 feet because when he first looked at the table, he thought the variance was for 108 feet and the setback was 158 feet, and noted that if those numbers had been flipped, he thought they would be more reasonable. He explained that he was challenged by this process because they don't know what a future project may look like and would rather have a plan in hand when considering this type of request.

DRAFT

Commissioner Severson stated that she would say the same thing as Commissioner Elg. She noted that the questions they were supposed to ask were things like whether the request was reasonable, whether the plight was due to the landowner, and if it would alter the characteristics of the neighborhood, and explained that she did not feel she had enough information to answer any of those questions. She noted that she agreed that it was likely that a variance would be needed on this property at some point. She stated that she believed it was unreasonable for the applicants to come and ask for a variance without knowing what it would be used for or what the building would look like.

Commissioner Schwalbe stated that she had gone out to the property, and Mr. Swanson had given her permission to walk around the property, and she was able to see the stakes that Mr. Swanson referenced in his comments. She stated that when she stood at this location and looked towards the Cosentino's all she was able to see was a portion of their patio. She noted that if someone was going to start drawing up plans, she believed that they needed someplace to start. She stated that it also seemed like the applicants were going out of their way to find a way to make this work, so they can get to work on a plan or a sale of the property, because the existing house will come down. She referenced the primary questions the Commission was supposed to consider for this request and stated that she felt this request was consistent with the Comprehensive Plan, very reasonable, the plight of the landowner was due to circumstances unique to the property, would not alter the essential character of the locality, and did not believe that this request was just about economics. She reviewed the additional criteria that needed to be considered because this was located in the Shoreland Overlay District, and noted that she would see this request being approved based on items D and E from Section 905. She clarified that she was saying that she was in favor of granting this variance request as long as Section 905 (D) was met, as outlined in the staff report.

Commissioner VanLoy stated that providing hypothetical plans would entail a lot of time and effort, and granting this variance could help provide someone with an idea of what was in place. He explained that from his standpoint, he was not sure why they went to the 108 feet, but because their proposal had utilized the red portions on the diagrams that ensured the line of sight from the existing properties would not be built on provided insight that the applicants were looking to ensure that it meets the Comprehensive Plan guidance. He stated that he had also gone out and looked at the site and noted that he did not believe they could go any further north because there is a large drop off there, and also felt this was a reasonable request.

Commissioner Plantan stated that each property is unique, and agreed that this lot had a lot of constraints. She noted that she has been to this property and knows the time and expense of drawing up plans to see if something 'may' work. She stated that the proposed setback was further back than the home that has been there for 40 to 100 years. She noted that the applicants were long-time residents who had voluntarily added their own conditions to the application to preserve sight lines for the neighboring properties. She also felt the request was consistent with the Comprehensive Plan, the request was reasonable, that there was a plight that was unique to the property and not created by the landowner, and that granting this variance would change the character of the area. She explained that she was in favor of granting the variance, with the conditions included in the staff report, including the voluntary restrictions offered by the applicant.

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Chair Cameron stated that he has many of the same concerns as Commissioners Elg and Severson. He explained that he felt needing a variance for this property was fully justified, but noted that he had too many questions about granting a blanket variance. He stated that typically, when the City grants a variance, there are conditions attached, but in this case, they don't know what conditions to attach, which scares him a bit. He stated that there are some hardships associated with this property, but he was uncomfortable allowing permission to use this vast space without attaching any conditions to the use of the space.

Commissioner Plantan asked to see the slide that depicted the red triangles that showed the possible buildable area if the variance was granted.

Chair Cameron stated that the building area within the setbacks was all hardwoods.

Commissioner Schwalbe asked what could be done that would not be a problem for the neighbors.

Chair Cameron stated that the Commission doesn't know the answer because nothing has been proposed yet.

Commissioner Severson stated that the process was normally for there to be plans to consider, and she did not think they should ask for the variance first before there were plans.

Commissioner Plantan explained that she disagreed because it would be difficult for an architect to design a home without knowing where it would be able to sit on the lot. She asked if there was something included in the staff report related to height restrictions or considerations.

Mr. Sharpe noted that, traditionally, when adopting or moving forward with a variance application, the house plans presented are not part of the recorded materials, nor were they a condition of approval, and explained that the variance runs with the land, not the plans, unless the plans were a condition of approval.

Mr. Schelzel explained that the problem with tying a variance to a specific house plan was that the variance would run with the land, and the house has a certain lifespan, which meant the new builder would need to know what the setback was. He stated that what the Commission was deciding would not just be for the next home that would be built after the existing home was demolished, but would be indefinite until a different setback rule or variance was in place.

Commissioner VanLoy asked if that meant that even if something included building plans in a variance request if they would have the opportunity to change the plans, because the variance goes with the land.

Mr. Sharpe stated that the plans would be supplemental for the Commission's review and stated that a design related to a variance would be able to change, subject to any conditions of the granted variance.

Commissioner Elg asked how enforceable the red areas that were being self-regulated by the applicant were.

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Mr. Schelzel stated that if the Commission's findings include the significance of the red areas, they would want to make them a condition of or part of the approval so the City would do what they could to make sure this was legally binding as best as possible. He explained that he would consult with his real estate team to find a way to record this and ensure this was an enforceable restriction, but noted that it was only because the applicant was offering this, because this was not something that would be required under City Code.

Commissioner Severson stated that it had been brought up that other communities on the lake do not have the same riparian requirements and asked if that was something that would ever be considered, so this point would sort of be moot.

Mr. Sharpe explained that one of the reasons staff had done this level of research about the number of variances in a certain timeframe was to evaluate whether it may be time to review code to determine whether an amendment would be warranted. He stated that in this instance, they have evaluated 3 properties, and staff were not committed to bringing an amendment forward at this point, but it was something the City could consider in the future. He noted that anecdotally, this was out of the DNR's best practices and stated that most of the other communities around the lake have or have had these provisions.

Mr. Schelzel cautioned the Commission that they were being asked to apply the ordinance as it was today.

Commissioner Severson asked what would happen if the Commission were tied in a vote on the application.

Mr. Schelzel explained that the Commission's charge was to provide the City Council with a report and recommendation, and stated that if they cannot resolve a tied vote tonight, they could table it until the next meeting when everyone may be present. He stated that staff's recommendation to the Commission was always to try to build consensus, and explained that one of the nice things about their proceedings is that Councilmembers often watch the Planning Commission meetings and read the minutes which include the comments of all Commissioners.

Mr. Sharpe noted that they were not up against the 120-day clock, so there would be sufficient time for them if they decided to table this item until a full Commission was present.

Commissioner Elg reiterated that this was challenging, and noted that the Commission's interpretation of 'reasonable' could be different. He stated that what was reasonable to him may be different than what is reasonable to another member of the Commission, and explained that he was not going to stand in the way because there would need to be a variance on this parcel when something was built, so why shouldn't they get something in place now. He noted that he wished the proposed setback were 150 feet, but they were requesting 108 feet, which he could live with.

There being no further discussion, Chair Cameron asked for a motion on the application.

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Commissioner Plantan made a motion, seconded by Commissioner Schwalbe, to direct staff to prepare a draft Planning Commission Report and Recommendation with appropriate findings reflecting a recommendation of approval for a Lake Shore Setback Variance at 547 Harrington Road, including conditions of the submittal of a shoreland impact plan as referenced in Ch. 991.09.D, and inclusion and definition of the red triangle areas as outlined for the non-buildable area, for review and adoption at the next Planning Commission meeting.

The motion carried 5-1 (Cameron opposed).

Commissioner Severson explained that she had voted in favor of this, but wanted it on the record that the Council should consider whether they felt the size of the setback was reasonable, and wanted to communicate that this did make her a little nervous because they do not know exactly what would be built there.

AGENDA ITEM 7. Other Items:

a) Review of Development Activities

Mr. Sharpe reviewed some of the recent applications that have recently come forward, reviewed other projects that were still in a proposed state, and applicants that were continuing to work with staff, and highlighted projects that would likely not be completed within the 2025 build season.

b) Planning Commission Meeting Schedule

Mr. Sharpe stated that there are some training opportunities that he wanted to make available to the Commission. He asked the Commission to contact him individually and let him know if they were interested in attending training in person. He noted that he has also published materials that he could provide to the Commission that have been endorsed by the National American Planning Association, but explained that there were portions that did not apply to the City. He reiterated that there were some training opportunities and noted that they do have some room within the 2025 budget and would like to be able to utilize those funds. He stated that regarding the proposed 2026 Planning Commission meeting dates, he would like the Commission to discuss whether they wanted to hold their meetings on alternating weeks from the Council or continue to hold them during the same week, and outlined the pros and cons.

Commissioner Severson stated that this decision sounded like it would be better made by staff.

Mr. Sharpe agreed that this was something within his purview, but was not something he should do without consideration of what it may mean for the Commission and their ability to attend meetings, video staff, or City Attorney Schelzel. He reiterated that he was trying to get some initial thoughts from the Commission on what they would like to see for future meeting dates.

Chair Cameron stated that he did not have a preference on when the Commission met.

Commissioner Plantan stated that she would defer to staff on this decision.

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Commissioner Severson stated that she would also defer to staff.

Commissioner Elg stated that he did not have a preference on when the Commission met.

Commissioner VanLoy stated that he would prefer the meetings remain back-to-back.

Commissioner Plantan expressed her appreciation to Commissioner Severson for making her comment at the end of the discussion on the variance issue, because she felt having those comments was helpful for residents and the Council to have along with the actual vote.

Chair Cameron explained that he firmly believed that the property would need a variance, but was not sure that this was the right one to have.

AGENDA ITEM 8. Adjournment.

There being no further business on the agenda, Chair Cameron asked for a motion to adjourn.

Commissioner VanLoy made a motion, seconded by Commissioner Elg, to adjourn the Planning Commission meeting.

The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:45 p.m.

Respectfully submitted,
Kayla Atkins Rokosz
TimeSaver Off Site Secretarial, Inc.

DRAFT

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: September 8, 2025	**AGENDA ITEM:** 4.b
TITLE: Approve Planning Commission Report and Recommendation for Approval of Shoreland Setback Variance at 547 Harrington Rd	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: 60 Day Deadline - September 21, 2025 120 Day Deadline - November 20, 2025	

BACKGROUND:

The applicant, Kyle Hunt, and property owner, Craig Swanson, have submitted a development application requesting approval of a 152.5 foot variance from the required lake shore setback in the Shoreland Overlay District (Chapter: 991.09 D. 2.). The Planning Commission considered the application at the August 18, 2025 meeting and recommended approval of the variance request with conditions as outlined in the attached draft report and recommendation.

ACTION REQUESTED:

Staff recommends approval of the Planning Commission Report and Recommendation.

ATTACHMENTS:

1. Draft PC Report and Recommendation for 547 Harrington Rd - Shoreland Setback Variance
2. All Public Comments Recieved 9.4.2025_Redacted

WAYZATA PLANNING COMMISSION

September 8, 2025

REPORT AND RECOMMENDATION OF APPROVAL OF SHORELAND SETBACK VARIANCE AT 547 HARRINGTON ROAD

SUMMARY OF RECOMMENDATION

Approval* of Variance from Shoreland Setback

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Applicant, Kyle Hunt, and property owner, Craig Swanson (collectively, the "Applicant") have submitted a development application (the "Application") requesting approval of a variance from the S Shoreland Overlay District setback requirement on the property located at 547 Harrington Road and legally described on Exhibit A (the "Property").

1.2 Application Request. The Applicant is requesting approval of the following variance:

A. Shoreland Setback Variance: A variance from the Shoreland setback requirement of the S Shoreland Overlay District to allow for a setback from Lake Minnetonka as depicted on the attached Exhibit B (the "Shoreland Setback Variance").

1.3 Property. The street address, property identification number and owner of the Property are:

547 Harrington Road	12-117-23-21-0010	Craig Swanson

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

Zoning:	R-1A / Low Density Single Family Estate District
Comp Plan:	Estate Single Family
Overlay Districts:	S / Shoreland Overlay District

1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Sun Sailor* on August 8, 2025 and mailed to all property owners located within 500 feet of the Property on August 7, 2025. The public hearing on the Application was held at the August 18, 2025 Planning Commission meeting.

Section 2. STANDARDS

2.1 Shoreland Setback Variance. The S Shoreland Overlay District's lakeshore setback is required to be the greatest of three different setback measurements. Sec. 991.09.D.2. Staff has calculated that for this Property, the greatest setback measurement would be a line drawn between the two closest riparian principal structures, resulting in a setback of approximately 260.5 feet. A required shoreland setback distance may be reduced by a variance if the following conditions are met:

A. The minimum setback from the ordinary high water mark is at least 75 feet;

B. The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures;

C. The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of the Zoning Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots;

D. A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of the Zoning Ordinance;

E. The conditions of Chapter 905 and Section 991.20 of the Zoning Ordinance are considered and satisfactorily met. These conditions are:

1. 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.

2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

3. "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.

4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

5. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.

6. 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.

7. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

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

3.1 Shoreland Setback Variance. The following conditions are met for the setback requested in the Shoreland Setback Variance (the "Setback"):

A. The Setback is greater than 75 feet from the ordinary high water mark on the Property;

B. The Setback will not adversely impact views of the shoreline or lake for adjacent neighboring principal structures as noted below;

C. The reduction of setback requirements associated with the Shoreland Setback Variance is based upon a specific need and circumstance which is unique to the Property in that the shape and orientation of the lot at a bend in the shoreline of Lake Minnetonka, acting with the adjacent principal structures, create very little buildable area behind the applicable setback and then only in challenging topography. If approved, the Shoreland Setback Variance would exceed the setback of the current older principal structure on the Property, increasing the current setback from the shoreline by approximately 16.1 feet. The Shoreland Setback Variance will not set a precedent which is contrary to the intent of the Zoning Ordinance in that it will largely maintain the exisiting building footprint and buildable area appropriate for the Property, while increasing the setback of the long-standing, exisiting building on the Property;

D. The submission and approval of a shoreland impact plan as required by and set forth in Section 991.19 of the Zoning Ordinance shall be a condition of approval of the Shoreland Setback Variance;

E. The conditions of Chapter 905 and Section 991.20 of the Zoning Ordinance have been considered and are satisfactorily met.

1. The Shoreland Setback Variance is (i) in harmony with the general purposes and intent of the Zoning Ordinance; and (ii) consistent with the Comprehensive Plan in that it maintains the estate single family residential use for which it is guided while providing for a buildable area that improves upon the current home's lake shore setback by 16.1 feet and maintains and improves upon the existing view sight lines from the two closest principal structures on either side of the Property.

2. The Property's unique shape, topography and position of the lot on the shoreline of Lake Minnetonka, the location of the two closest principal structures, and a desire to preserve the existing buildable area and character of the Property, all create practical difficulties in complying with the setback standard.

3. The Shoreland Setback Variance requested is reasonable, due to circumstances driven by the unique shape, topography and position of the lot on the shoreline of the lake, the location of the two closest principal structures, and a desire to preserve the existing buildable area and character of the Property. If granted, the Shoreland Setback Variance would not alter the essential character of the locality.

4. The practical difficulties necessitating the Shoreland Setback Variance are not solely economic in nature. The unique shape, topography and position of the lot on the shoreline of the lake, the location of the two closest principal structures, and a desire to preserve the existing

buildable area and character of the Property, are all significant factors in the practical difficulty with meeting the ordinance requirements.

5. The proposed uses for the Property are permitted within the R-1A District.

6. The Applicant has provided the reasons that the Shoreland Setback Variance is justified under applicable criteria in order to make reasonable use of the land, structures and buildings on the Property.

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 Shoreland Setback Variance, subject to the following conditions:

A. The Applicant must secure all necessary building permits for construction, and follow all laws and regulations applicable to the Project, including building codes and land use regulations, and City Code and policies applicable to days and times of work, and construction management.

B. Prior to any new demolition or construction on the Property, the Applicant must submit and obtain approval of a shoreland impact plan as required by and set forth in Section 991.19 of the Zoning Ordinance.

C. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

D. The Applicant must provide a complete legal description and clear depiction of the Shoreland Setback that follows the 108.0 Proposed Lake Setback Line and Existing House Sightlines shown in Exhibit B, in recordable form acceptable to the City Attorney and County, to be recorded as part of the approval resolution.

Adopted by the Wayzata Planning Commission this 8th day of September 2025.

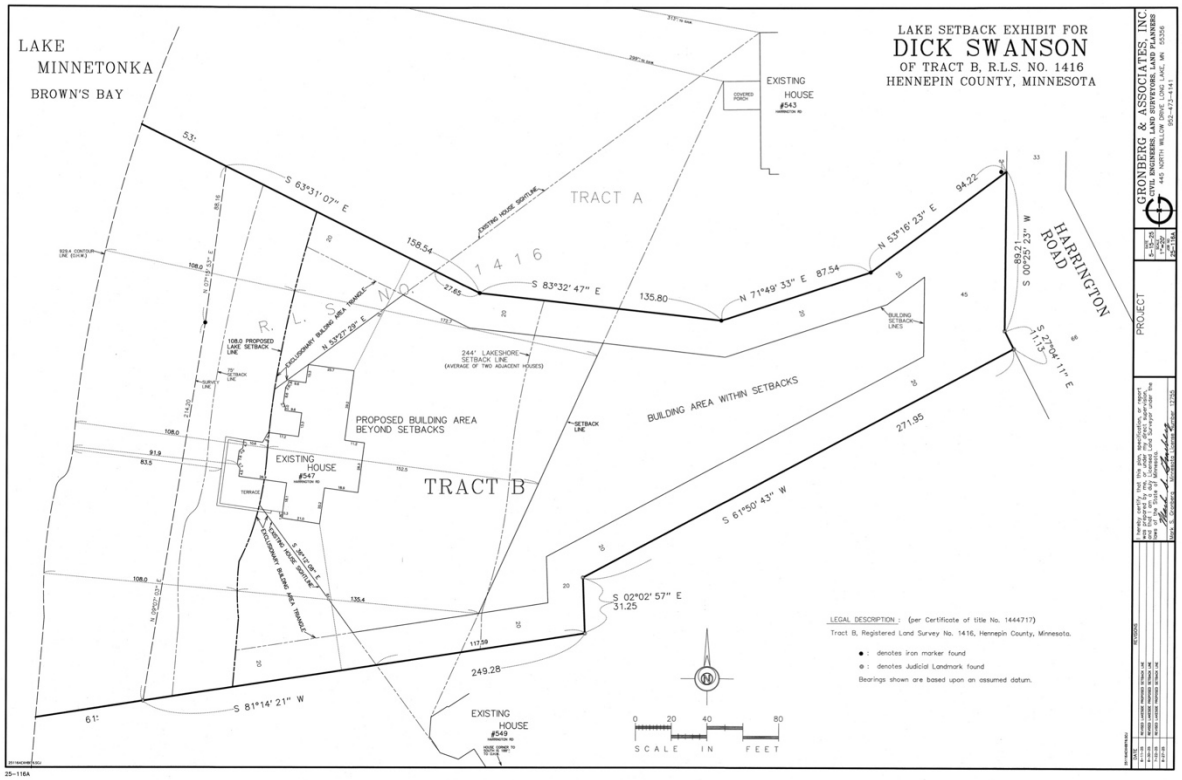
Attachments:
Exhibit A: Legal Description of Property
Exhibit B: Depiction of Proposed Shoreland Setback

Exhibit A:
Legal Description of Property
(per Certificate of Title No. 1444717)

Tract B, Registered Land Survey No. 1416, Hennepin County, Minnesota.

DRAFT

Exhibit B:
Depiction of Proposed Shoreland Setback



Taft/

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taftlaw.com

Jack Y. Perry
[redacted]

August 29, 2025

VIA EMAIL

Community Development Director Alex Sharpe
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

Re: 549 Harrington Road's objections to 547 Harrington Road's July 23, 2025 requested Ord. § 991.09.D.3 variance from Ord. § 991.09.D.2's *minimum* lake shore setback with its August 18, 2025 oral modification (Variance Request)

Dear Director Sharpe:

INTRODUCTION

As directed by the Planning Commission at its August 18, 2025 meeting, the City Staff is preparing the requisite documentation for the Planning Commission's "consent agenda" approval at its September 8, 2025 meeting of its recommendation for approval of 547 Harrington Road's July 23, 2025 requested Ord. § 991.09.D.3 variance from Ord. § 991.09.D.2's *minimum* lake shore setback with its August 18, 2025 oral modification (Variance Request). But, because (1) there would be no time to address the Planning Commission's September 8, 2025 approval of its recommendation for denial before the City Council's September 9, 2025 meeting and (2) the Minn. Stat. § 15.99, subd. 2(a)'s initial 60-day deadline for the City to "approve or deny" the Variance Request is — but for 547 Harrington Road's August 18, 2025 oral modification thereof[1] — September 22, 2025 (*Gun Lake Ass'n v. County of Aitkin*, 612 N.W.2d 177, 180 (Minn. App. 2000) (in applying Minn. Stat. 15.99, subd. 2(a)'s 60-day deadline, "if last day of relevant period is Saturday, Sunday or legal holiday, [then the] period continues to next day that is not Saturday,

[1] Because of 547 Harrington Road's August 18, 2025 oral modification, Minn. Stat. § 15.99, subd. 2(a)'s 60-day deadline has been delayed until October 17, 2025. *Tollefson Dev., Inc. v. City of Elk River*, 665 N.W.2d 554, 559 (Minn. App. 2003) ("material or significant amendments to a zoning request… will operate to restart [Minn. Stat. § 15.99, subd. 2(a)'s] 60-day period" (bracketed information added)).

Sunday or legal holiday" (bracketed information added))), 549 Harrington Road has two immediate procedural asks of the City.

First, 549 Harrington Road asks that the City send to 547 Harrington Road a Minn. Stat. § 15.99, subd. 3(f) "written notice of the extension" for up to 60 days of the Minn. Stat. § 15.99, subd. 2(a)'s 60-day deadline to "approve or deny" the Variance Request. Per Minn. Stat. § 15.99, subd. 3(f), this "written notice" must be sent "before the end of the initial 60-day period," and it must "stat[e] the reasons for the extension and its anticipated length."

Second, 549 Harrington Road asks the City to put the Variance Request onto the non-consent agenda of the City Council's September 23, 2025 or October 7, 2025 meeting so that there is an opportunity for public input thereon. This is necessary because the Variance Request fails, as shown below, to even arguably meet three of Ord. § 991.09.D.3's "present tense" (or pre-approval) "conditions" therefor — *i.e.*, (1) Ord. § 991.09.D.3's "condition[] . . .d)," (2) Ord. § 991.09.D.3's "condition[] . . . b)" and (3) both parts of Ord. § 991.09.D.3's "condition[] . . . c)." This is also necessary because the Variance Request raises for the first time ever such a request without a building plan, including without Ord. § 991.09.D.3's "condition[] . . . d)" required Ord. § 991.19.A "shoreland impact plan." And this is necessary because the Variance Request also raises for the first time ever a requested "half-of-a-hexagon" shaped lake shore setback.

549 Harrington Road's two-part procedural ask is, in other words, critical to avoid the City Council rushing prematurely into a mistaken adoption of the Planning Commission's recommendation to approve of that which is legally infirm and precedentially dangerous.

THREE-POINT ANALYSIS

I. POINT NO. 1: THE CITY'S TWO RELEVANT ORDINANCE PROVISIONS

First, Ord. § 991 ("**S SHORELAND OVERLAY DISTRICT**") .19 ("***Minimum* Setback Requirements**" (italics added)) .D ("**Lake Shore Setbacks**") .2 provides, in full, as follows:

> 2. No principal structure or building addition other than a water oriented accessory structure as specified above *shall*[2] be located closer to the ordinary high water mark than the greater of:
>
> a) Seventy-five feet;

[2] Per Ord. § 902 ("**RULES AND REGULATIONS**") .01 ("**Rules of Word Construction**") .C, "[t]he word 'shall' is mandatory."

b) A line which is drawn between the two closest riparian principal structures on either side of a proposed building site;

c) The average setback of the two closest riparian principal structures on either side of a proposed building site; or

d) The average setback line shall be measured parallel to the ordinary high water level. In all circumstances, the setback shall be established by measuring the distance from the ordinary high water level to that part of the said principal structure that is closest to the lake.

(Underlining, italics and bracketed information added).

Second, Ord. § 991.19.D.3 provides, in full, as follows:

3. The required setback distance *may*[3] be reduced by a variance *if* the following conditions *are met*:

a) The minimum setback from the ordinary high water mark *is* at least 75 feet;

b) The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures;

c) The reduction of setback requirements *is* based upon a specific need or circumstance [(1)] which *is* unique to the property in question and [(2)] which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots;

d) A shoreland impact plan *is* submitted and approved as required and set forth in Section 991.19 of this Ordinance;

e) The conditions of Chapter 905 and Section 991.20 of this Ordinance *are* considered and satisfactorily met.

(Underlining, italics and bracketed information added).

Per Ord. § 919.19.D.3(d), "Section 991.19 of this Ordinance" provides, in relevant part, as follows:

---

[3] Per Ord. § 902.01.C, "the word 'may' is permissive."

991.19 - Shoreland Impact Plan/Conditional Use Permit.

A. Shoreland Impact Plan. Except for situations listed below, landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata *shall first* submit a conditional use permit application as regulated by Chapter 904 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan," which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

(Underlining and italics added). And, as per Ord. § 991.19.D.3(e), the relevant "conditions of Chapter 905 and Section 991.20 of this Ordinance" are as follows:

905.01 - General Provisions and Standards.

A. Purpose. The purpose of this Section is [(1)] to provide for deviations from the literal provisions of this Ordinance in instances where strict enforcement of the provisions of this Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and [(2)] to grant such variances only when the variances are harmony with the general purposes and intent of this Ordinance, and the variances are consistent with the Comprehensive Plan.

* * *

C. Criteria for Granting. Conditions governing considerations of variance requests.

1. Variances shall only be permitted when they *are*:

a) In harmony with the general purposes and intent of this Ordinance; and

b) Consistent with the Comprehensive Plan.

2. Variances may be granted when the Applicant for the variance establishes that there *are* practical difficulties in complying with this Ordinance.

3. "Practical difficulties," as used in connection with the granting of a variance, means that:

a) The property owner's proposal for the property *is* reasonable but not permitted by this Ordinance;

b) The plight of the landowner *is* [(1)] due to circumstances unique to the property, and [(2)] not created by the landowner; and

c) The variance, if granted, will not alter the essential character of the locality.

4. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

5. Variances shall be granted for earth sheltered construction as defined in Minn. Stats. § 216C.06, Subd. 14, when in harmony with this Ordinance.

6. The City Council shall not permit as a variance any use that is not allowed under this Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.

7. The City Council may impose conditions in the granting of variances. A condition [(1)] must be directly related to and [(2)] must bear a rough proportionality to the impact created by the variance.

8. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

* * *

991.20 - Variance.

> Variances from the provisions of this Chapter may be granted by the City Council in accordance with the process and standards of Chapter 905 of this Ordinance.

(Underlining, italics and bracketed information added).

In sum, then, an applicant — here, 547 Harrington Road — for a lake shore setback variance — here, the Variance Request — has the burden of proving (or "establishing") that each of the above-discussed requirements therefor has been satisfied. Ord. § 905.01.C.2 ("the Applicant for the variance establishes"). And, as shown above, the required proof of "the Applicant" includes without limitation that (1) each of Ord. § 991.09.D.3's five "conditions are met" and (2) "there are practical difficulties in complying with this Ordinance" (Ord. § 905.01.C.2), which "means that . . . [t]he plight of the landowner is due to circumstances unique to the property, and not created by the landowner" (Ord. § 905.01.C.3.a) and "[e]conomic considerations alone do not constitute practical difficulties" (Ord. § 905.01.C.4).

II. POINT NO. 2: THE CITY'S APPROVAL OF THE VARIANCE REQUEST IS CONTINGENT UPON ITS "PRESENT TENSE" (OR PRE-APPROVAL) DETERMINATION "IF THE FOLLOWING CONDITIONS ARE MET" — NOTABLY, (1) ORD. § 991.09.D.3'S "CONDITION[] . . . d)," (2) ORD. § 991.09.D.3'S "CONDITION[] . . . b)" AND (3) BOTH PARTS OF ORD. § 991.09.D.3'S "CONDITION[] . . . c)"

A. Ord. § 991.09.D.3's plain language requirement for the "present tense" (or pre-approval) determination that its five "conditions are met"

Courts "interpret an ordinance as [they] would a statute. *In re Haslund*, 781 N.W.2d 349, 354 (Minn. 2010) (quotations omitted). And, "[i]f a statute is unambiguous, then [courts] must apply the statute's plain meaning." *State v. Vasko*, 889 N.W.2d 551, 556 (Minn. 2017) (quoting *Larson v. State*, 790 N.W.2d 700, 703 (Minn. 2010)).

Under the plain language of the above-reproduced Ordinance requirements for a lake shore setback variance, Ord. § 991.09.D.3 unambiguously prevents the City from granting the Variance Request without its "present tense" (or pre-approval) determination that its five "conditions are met." That is, Ord. § 902.01.H "mandat[es]" (*i.e.*, "shall") that, "[f]or terminology not defined in this Ordinance, the most current Webster's dictionary definition shall be used to define such terms." And, because the four above-italicized words from Ord. § 991.09.D.3 are "not defined in this Ordinance," each has the following "mandat[ed]" (*i.e.*, "shall") "most current Webster's dictionary definition":

(1) "If" = The "synonyms of if [are] . . . [(a)] in the event that . . . [(b)] allowing

that . . . [(c)] on the assumption that . . . [and] [(d)] on condition that." www.merriam-webster.com/dictionary/if (bracketed information added).

(2) "Is" = "[I]s" is the "present tense third person singular of BE." www.merriam-webster.com/dictionary/is.

(3) "Are" = "[A]re" is as the "present tense second-person and present tense plural of BE." www.merriam-webster.com/dictionary/are (underlining added).

(4) "Met" = "[M]et" is the "past tense and past participle of MEET" (www.merriam-webster.com/dictionary/met), and "meet" means "to conform to especially with exactitude and precision" (www.merriam-webster.com/dictionary/meet).

Thus, the City's "permissive" (*i.e.*, "may") authority under Ord. § 991.09.D.3 to approve of a requested *minimum* lake shore setback "reduc[tion] by a variance" is based on "the event that" (a/k/a "allowing that," "on the assumption that" or "on condition that") each of the "following conditions" is "presently" "conform[ed] to."

547 Harrington Road implicitly admitted the same. That is, 547 Harrington Road repeatedly argued in its Variance Request that it "met" each of Ord. § 991.09.D.3's "following conditions":

(1) "[C]ondition[] . . . a) The minimum setback from the ordinary high water mark *is* at least 75 feet";

(2) "[C]ondition[] . . . b) The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures";

(3) "[C]ondition[] . . . c) The reduction of setback requirements *is* based upon a specific need or circumstance which *is* unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance"; and

(4) "[C]ondition[] . . . e) The conditions of Chapter 905 and Section 991.20 of this Ordinance *are* considered and satisfactorily met."

And, presumably because there is no credible way to argue that — on one hand — Ord. § 991.09.D.3's "condition[] . . . a)," "condition[] . . . b)," both parts of "condition[] . . . c)" and "condition[] . . . e)" apply "present tense" (or pre-approval), but — on the other hand — Ord. § 991.09.D.3's "condition[] . . . d)" does not, 547 Harrington Road blatantly ignored Ord. § 991.09.D.3's "condition[] . . . d)." There is, therefore, no explanation in the record for why

"condition[] . . . d)" was the only one of Ord. § 991.09.D.3's five "conditions" which did not apply "present tense" (or pre-approval).

Ord. § 991.09.D.3's five "conditions" otherwise themselves reinforce that they are "present tense" (or pre-approval) requirements. First, Ord. § 991.09.D.3's "condition[] . . . a)," the first part of "condition[] . . . c)," "condition[] . . . d)" and "condition[] . . . e)" are each expressly "present tense" (or pre-approval) requirements — *i.e.*, "is" or "are." Second, Ord. § 991.09.D.3's "condition[] . . . d)" reinforces that it is a "present tense" (or pre-approval) requirement because (1) it "is" to be "submitted and approved as required and set forth in Section 991.19" and (2) Ord. § 991.19.A "mandat[es]" (*i.e.*, "shall") "that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Chapter 904 of this Ordinance and a plan of development, hereinafter referred to as 'Shoreland Impact Plan.'" (Emphasis added).[4] Third, Ord. § 991.09.D.3's "condition[] . . . e)" also reinforces that it is a "present tense" (or pre-approval) requirement because (1) it requires that "[t]he conditions of Chapter 905 and Section 991.20 . . . are considered and satisfactorily met" and (2) "[t]he conditions of Chapter 905 and Section 991.20" require the "shoreland impact plan" for the City to make each of the following required variance determinations:

- "[T]he property owner's proposal for the property is reasonable" (Ord. § 905.01.C.2(a) (emphasis added));

- "[T]he variance, if granted, will not alter the essential character of the location" (*id.* § 905.01.C.3(c) (emphasis added)); and

[4] 547 Harrington Road may point to *Burnet v. City of Wayzata*, No. CX-95-2150, 1996 WL 175624 (Minn. App. Apr. 16, 1996), where the Minnesota Court of Appeals determined that the "shoreland impact plan" in a previous version of the Ordinance was not a prerequisite to a variance issuing. In addition to being unpublished and thus nonprecedential (Minn. Stat. § 480A.08, subd. 3; *Dynamic Air, Inc. v. Bloch*, 502 N.W.2d at 796, 800 (Minn. App. 1993)), *Burnet* is also inapposite. The appellate court's reasoning in *Burnet* was, first, that — under the Ordinance's "shoreland impact plan" requirements — "shoreland impact plans" are not required for "permitted principal uses" "provided that such uses are constructed on standard lots" and, second, the property in question was a "standard lot." Here, however, 547 Harrington Road is a "Substandard, Lot" as defined in Ord. § 902.02 because it, as proven by the Variance Request, "does not meet the… structure setbacks or other dimensional standards of this Ordinance."

- Its "impose[d] conditions in the granting of variances . . . [is] directly related to and . . . bar[s] a rough proportionality to the impact created by the variance" (*id.* § 905.01.C.7 (emphasis added)).[5]

Applying, then, these definitions to its variance requirements under Ord. § 991.09.D.3(a)-(e), the City is required to have a "present tense" (or pre-approval) determination that each of Ord. § 991.09.D.3's five "conditions . . . are met" before it can approve of a variance thereunder. Indeed, "[w]hen drafting a statute, legislatures often use the present tense 'to express all facts and conditions required to be concurrent with the operation of the legal action.'" *State v. Moore*, No. A24-0299, 2025 WL 747712, at *4 (Minn. App. Mar. 10, 2025) (quoting Bryan A. Garner, *Garner's Dictionary of Legal Usage* 536 (3d ed. 2011)). And, here, the "present tense" means that each of Ord. § 991.09.D.3's five "conditions" must be satisfied concurrently with the legal action reducing the setbacks — *i.e.*, the City's approval of the Variance Request. Conversely stated, if all of the five "conditions" have not been "met" at the time of the variance decision, then the City cannot legally approve of the Variance Request.

B. *If* there is an ambiguity in Ord. § 991.09.D.3, then the interpretation thereof still requires the City's same "present tense" (or pre-approval) determination that Ord. § 991.09.D.3's five "conditions are met"

"General rules of statutory construction may also aid interpretation [of zoning ordinances]." *SuperAmerica Grp., Inc., a Div. of Ashland Oil, Inc. v. City of Little Canada*, 539 N.W.2d 264, 266 (Minn. App. 1995) (bracketed information added). The application of the rules of construction is dependent upon a threshold finding of an ambiguity in one or more of the above Ordinance requirements. *State v. Vasko*, 889 N.W.2d at 556. And, if there is this threshold finding of ambiguity, then Ord. § 103.03 provides that "[t]he [(1)] definitions and rules of construction, [(2)] presumptions and [(3)] miscellaneous provisions pertaining to construction contained in Minn. Stat. Ch. 645, hereby are adopted by reference and are made a part of this Code as if set out in full herein" (bracketed information added).

549 Harrington Road is unaware of any basis for such a threshold finding of ambiguity, and 547 Harrington Road provides none. Regardless, several rules of construction compel the above-discussed plain language reading of Ord. § 991.09.D.3 as requiring a "present tense" (or pre-approval) determination that its five "conditions are met."

---

[5] Because the City has admittedly never before needed to review and decide a lakeshore variance request without a building plan, including a "shoreland impact plan" (8/18/25 Plan. Comm. Mtg. Transcript (T) at 18-19), the Planning Commission debated the need to have such plans before deciding a variance (T. 19-21). Fatally, however, for the Planning Commission members who saw no need for requiring such plans before deciding a variance (*id.*), Ord. § 991.09.D.3(d) already determined the need to have such plans.

First, although zoning ordinances are strictly construed in favor of the property owner (*In re Stadsvold*, 754 N.W.2d 323, 329 (Minn. 2008)), variances are exceptions to the ordinary zoning regime. And case law precedent thus requires that "exceptions from a general policy which a law embodies [(*i.e.*, Ord. § 991.09.D.3's requirements for a lake shore setback variance)] should be strictly construed." *Spokane & I.E.R. Co. v. United States*, 241 U.S. 344, 350 (1916) (bracketed language added). This protects against the unfettered proliferation of variances. Stated otherwise, "a heavy burden is imposed on an applicant for a variance to show that its grant is appropriate." *Luger v. City of Burnsville*, 295 N.W.2d 609, 612 (Minn. 1980). Ord. § 991.09.D.3's "condition[] . . . d)," "condition[] . . .b)" and both parts of "condition[] . . . c)" must, therefore, be strictly applied, and 547 Harrington must prove that each of these "conditions are met" before the City can approve of its Variance Request.

Second, case law precedent requires that an ordinance is to be read so as to avoid rendering provisions superfluous. *City of St. Paul v. Johnson*, 72 N.W. 64, 64 (Minn. 1897) ("that interpretation is favored which gives effect to every part of the law or ordinance"); *In re Admin. Ord. Issued to Wright Cnty.*, 784 N.W.2d 398, 403 (Minn. App. 2010) ("A statute should be interpreted, whenever possible, to give effect to all of its provisions; no word, phrase, or sentence should be deemed superfluous, void, or insignificant"). Thus, Ord. § 991.09.D.3 must be read to give effect to the requirement in "condition[] . . . d)" for the submission and approval of a "shoreland impact plan." But Ord. § 991.09.D.3(d) only has effect if it is a "present tense" (or pre-approval) requirement to the City granting a variance; otherwise, the property is only subject to the ordinary "shoreland impact plan" requirements of Ord. § 991.19, and the reference thereto in Ord. § 991.09.D.3(d) is superfluous. Minnesota environmental law already provides a clear analogue. Ord. § 991.09.D.3's "condition[] . . . d) A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this Ordinance" is like Minn. R. 4410.3100's "prohibition" on the "final approval" of any part of a "project" until the requisite environment review is "complete." That is, because its underlying policy is that environmental considerations form a necessary part of the decision making process (*In re Env't Impact Statement*, 849 N.W.2d 71, 76 (Minn. App. 2014)), Minn. R. 4410.3100 prevents localities from granting permits to begin projects where environmental review processes are pending (*Superior-FCR Landfill, Inc. v. Cnty. of Wright*, 59 F. Supp. 2d 929, 937 (D. Minn. 1999)). Here, too, Ord. § 991.09.D.3(d)'s requirement for a Ord. § 991.19.A "shoreland impact plan" serves to provide information to the City regarding the possible effects of granting a lake shore setback variance so the City can consider such effects before doing so.

Third, case law precedent requires that "a phrase capable of several meanings is defined by the words with which the phrase is associated." *Wayne v. MasterShield, Inc.*, 597 N.W.2d 917, 920 (Minn. App. 1999); *accord. Cnty. of Dakota v. Cameron*, 839 N.W.2d 700, 709 (Minn. 2013). Thus, a specific requirement within a particular set of requirements is to be read to be consistent with the rest of the requirements therein. And, as applied here, Ord. § 991.09.D.3's "condition[] . . . d) A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this Ordinance" must be construed consistent with Ord. § 991.09.D.3's "condition[] . . . a),"

"condition[] . . . b)," both parts of "condition[] . . . c)" and "condition[] . . . e)" as a "present tense" (or pre-approval) requirement.

Fourth, case law precedent requires that an ordinance be interpreted per its "intent." *Mohler v. City of St. Louis Park*, 643 N.W.2d 623, 635 (Minn. App. 2002); *State v. Vasko*, 889 N.W.2d at 556 (Minn. 2017); Minn. Stat. § 645.16. That is, Ord. § 991.09.D.3's "condition[] . . . d) A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this Ordinance" is a "present tense" (or pre-approval) requirement because its intent is to provide the City with the requisite information for making its above-discussed determinations under Ord. § 905.01.C.3(a), 905.01.C.3(c) and 905.01.C.7.

III. POINT NO. 3: ORD. § 991.09.D.2'S "FOLLOWING CONDITIONS" — *I.E.*, (1) "CONDITION[] . . . d), (2) "CONDITION[] . . . b)" AND (3) BOTH PARTS OF "CONDITION[] . . . c)" — "ARE [NOT] MET"

First, Ord. § 991.09.D.3's "condition . . . d) A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this Ordinance" was not "met." That is, "a shoreland impact plan [wa]s [not] submitted . . . as required and set forth in Section 991.19 of this Ordinance." And "a shoreland impact plan [wa]s [not] . . . approved as required and set forth in Section 991.19 of this Ordinance." The City, acting as the zoning authority, does not have the authority to waive or modify such a variance prerequisite, because such a waiver or modification would be a legislative act outside of the City's delegated authority. *See Big Lake Ass'n v. Saint Louis Cnty. Plan. Comm'n*, 761 N.W.2d 487, 490 (Minn. 2009) (explaining that in "grant[ing] a zoning variance… the zoning authority is applying specific use standards set by the zoning ordinance to a particular individual use" in contrast to a legislative function). Sister states accord that a zoning authority may only grant a variance upon the fulfillment of the conditions mandated by the ordinance. *See, e.g.*, *Nassau Children's House, Inc. v. Bd. of Zoning Appeals of Inc. Vill. of Mineola*, 77 A.D.2d 898, 899, 430 N.Y.S.2d 683, 686 (1980) (describing the rule in relation to special exception permits); *see also Bd. of Adjustment of City of San Antonio v. Willie*, 511 S.W.2d 591, 593 (Tex. Civ. App. 1974) ("A Board of Adjustment acts as a quasi-judicial body, having no statutory power to legislate. It is restricted in its decisions to the powers vested in it by the legislature and city council. It may not materially alter the specific intent and extent of the zoning ordinance as this power is within the province of the city council").

Second, Ord. § 991.09.D.3's "condition . . . b) The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures" was not "met." That is, 547 Harrington Road's Variance Request would, as shown on **FIGURE NO. 5A**, undisputedly "adversely impact views of the shoreline or lake for adjacent neighboring property structures" — *i.e.*, 549 Harrington Road. 547 Harrington Road's only counter thereto is that 549 Harrington Road's existing screening hedge from the existing home at 547 Harrinton Road eliminates the otherwise admitted "adversely impact[ed] views." But 549 Harrington Road's existing screening hedge from the existing home at 547 Harrington Road cannot be presupposed by 547 Harrington

Road to continue to exist so as to eliminate such "adversely impact[ed] views." There is, in fact, not a single case in Minnesota or elsewhere which uses the "adversely impact[ed]" neighboring property's existing or possible screening on its own property to determine that there is no such "adverse[] impact." And, as a basic principal of law, one party's ability to mitigate harm does not give another party the right to cause it. *See, e.g.*, Restatement (Second) of Torts § 827 (1979) (discussing nuisance law) ("For example, one may be able by closing the windows in his building to shut out much of the noise or smoke from his neighbor's activities. In these cases the gravity of the harm is less than it would be if the harm were unavoidable or could only be avoided with difficulty. This does not mean that the person whose conduct causes an invasion is automatically relieved of liability whenever the person harmed can avoid the harm without much trouble. The one whose conduct causes the invasion may be able to reduce or eliminate the harm without undue hardship, and if so, he is the one to do the avoiding").[6] Indeed such a ruling would put the onus on the "adversely impact[ed]" to screen from such impacts, thus effectively eliminating this requirement.

Third, the first part of Ord. § 991.09.D.3's "condition . . . c) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question" was not "met." That is, 547 Harrington Road's Variance Request is not for a "reduction . . . based upon a specific need or circumstance which is unique to the property in question." Indeed, as shown on **FIGURE NOS. 4A-4D**, each of 547 Harrington Road's four "hypothetical" buildings demonstrably fits within the buildable area of 549 Harrington Road's voluntarily proposed alternative *minimum* lake shore setback, thus leaving 547 Harrington Road with no "specific need or circumstance which is unique to the property in question." And, because the "wetlands" area at 543 Harrington Road has caused the home's significantly greater lake shore setback to be an obvious outlier, 549 Harrington Road's voluntarily proposed alternative *minimum* lake shore setback was determined by skewing to the lesser of the two *minimum* lake shore setbacks under Ord. § 991.09.D.2(b)-(c) with the logical exclusion of the anomalous lake shore setback at 543 Harrington Road. **FIGURE NO. 4**. Conversely, there is neither (1) a precedent for nor (2) a underlying ordinance basis for its requested "half-of-a-hexagon" lake shore setback other than its financial incentive to minimize the setback. **FIGURE NO. 5A**. Thus, while 547 Harrinton Road's

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[6] Similarly, 549 Harrington Road's currently existing screening hedge cannot be presupposed by 547 Harrington Road to continue to exist. Zoning variances "run[] with the land" and "convey[] rights which inure to the benefit of the property." 3 Rathkopf's The Law of Zoning and Planning § 58:23 (4th ed.). Thus, given the perpetual nature of the Variance Request, 549 Harrington Road's currently existing screening hedge should bear no weight in the variance analysis, as 549 Harrington Road would have every right and ability to remove the hedges, leaving a clearer site line across 547 Harrington Road to the lake and shoreline. Moreover, "[c]ourts have been solicitous of the rights of surrounding property owners in passing on the propriety of zoning restrictions," *Filister v. City of Minneapolis*, 133 N.W.2d 500, 504 (Minn. 1964), and all present or future adverse effects should be considered by the zoning authority.

voluntarily proposed alternative *minimum* lake shore setback demonstrably addresses and corrects the anomalous lake shore setback at 543 Harrington Road (*see* **FIGURE NO. 4E**), the Variance Request does not (*see* **FIGURE NO. 5B**).

Fourth, the second part of Ord. § 991.09.D.3's "condition . . . c) . . . which, if approved, will not set a precedent which is contrary to the intent of this Ordinance" was not "met." By ignoring 549 Harrington Road's voluntarily proposed alternative *minimum* lake shore setback, the "approv[al]" of the Variance Request would undermine the City's strong desire for neighbors to resolve amongst themselves their land use disputes. By approving of the Variance Request without a pending building plan or "shoreland impact plan," the "approv[al]" thereof would also encourage every lake shore property owner to likewise apply to try to maximize the buildable area of their lots. By largely retaining the existing home's non-conforming lake shore setback without the corresponding bar on the home's expansion (Ord. §§ 915.02.A.1 and 991.15), the "approv[al]" of the Variance Request would also effectively authorize a way to improperly circumvent these non-conforming use restrictions. *See Freeman v. Cnty. of Rice*, No. C2-94-852, 1994 WL 593914, at *2 (Minn. App. Nov. 1, 1994) (denying applicant's request to "demolish and reconstruct a portion of his home" in "contradict[ion] the plain language and intent of the ordinance relating to nonconformities"). And, by approving of the Variance Request without an ordinance basis for or other methodology to arrive at the totally unprecedented "half-of-a-hexagon" lake shore setback, the "approv[al]" thereof would transform such a lake shore setback variance request from a decision based on the Ordinance requirements which seek setback uniformity into a standardless quagmire determined by dueling expert schematics and visuals.

CONCLUSION

Despite being bound by the plain language of Ord. § 991.09.D.3's requirements, 547 Harrington Road's Variance Request failed to satisfy three of Ord. § 991.09.D.3's "conditions" — *i.e.*, (1) "condition[] . . . d)," (2) "condition[] . . . b)" and (3) both parts of "condition[] . . . c)." The City has, therefore, literally no discretion to approve of the lake shore Variance Request. It is for this reason that 549 Harrington Road respectfully seeks the requisite time and opportunity to prove its objections to the Variance Request before it has to do so to the Hennepin County District Court.

Sincerely,

Jack Y. Perry

CC: D. Cosentino

B. Smith

ATTACH. A: August 18, 2025 Planning Commission Meeting Transcript

FIGURE NO. 1:	**CONTINUATION OF PRE-EXISTING NON-CONFORMING STRUCTURE**
FIGURE NO. 2:	**ORD. § 991.09.D.2(b)'S REQUIRED *MINIMUM* LAKE SHORE SETBACK**
FIGURE NO. 3:	**ORD. § 991.09.D.2(c)'S ALTERNATIVELY REQUIRED *MINIMUM* LAKE SHORE SETBACK**
FIGURE NO. 4:	**549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK**
FIGURE NO. 4A:	**549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building A)**
FIGURE NO. 4B:	**549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building B)**
FIGURE NO. 4C:	**549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building C)**
FIGURE NO. 4D:	**549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building D)**
FIGURE NO. 4E:	**549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* SETBACK IN CONTEXT**
FIGURE NO. 5A:	**547 HARRINGTON ROAD'S JULY 23, 2025 PROPOSED *MINIMUM* LAKE SHORE SETBACK VARIANCE WITH ITS AUGUST 18, 2025 ORAL MODIFICATION**
FIGURE NO. 5B:	**547 HARRINGTON ROAD'S JULY 23, 2025 PROPOSED *MINIMUM* LAKE SHORE SETBACK VARIANCE WITH ITS AUGUST 18, 2025 ORAL MODIFICATION IN CONTEXT**

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Planning Commission Meeting

City of Wayzata

August 18, 2025

Blake Cameron (Chair): Welcome to the August 18th 2025 meeting of the Wayzata Planning Commission I hereby call the meeting to order. My name is Blake Cameron and I'm the Chair of the Planning Commission. The first item on our attendance tonight is roll call. Actually the second item. Director Sharpe, would you please call roll?

Alex Sharpe (Community Development Director): Certainly, Chair. Commissioner Ankeny, Commissioner Plantan, Commissioner Schwalbe, Commissioner Severson here, Commissioner Elg, Commission VanLoy, Chair Cameron here.

Blake Cameron (Chair): Thank you, Director Sharpe. Next on the agenda tonight is approval of tonight's agenda. Does anyone have any questions or proposed changes to tonight's agenda? If not, may I have a motion to approve the agenda as presented? Thank you. I have a second. Thank you. Any further discussion? All those in favor say aye. Aye. Opposed. Nay. The ayes have it. The motion passes and the agenda is approved. Next on the agenda tonight is the consent agenda, which is the approval of the meeting minutes from June 9th and June 16th. Does any Commissioner have any questions or comments on any item on the consent agenda or wish to pull any agenda item for further discussion?

Jennifer Severson (Commissioner): I have the comment.

Blake Cameron (Chair): Commissioner Severson.

Jennifer Severson (Commissioner): On page 21, line 44, it just says your name. It just says Chair Cameron. If that wanted to . . needed to be corrected. Just noted for the record.

Blake Cameron (Chair): Perfect. Thank you. Anything else? All right. May I have a motion to approve the consent agenda as presented with the amendment modified by . . . or the comment modified by Commissioner Severson. I can talk tonight.

Joe VanLoy (Commissioner): So moved.

Blake Cameron (Chair): Thank you. May I have a second?

Bonnie Schwalbe (Commissioner): 2nd Schwalbe.

Blake Cameron (Chair): Thank you, Mr. Schwalbe. Any further discussion, all those in favor? Say aye. Aye, opposed, nay. The ayes have it. The motion passes and the consent agenda is approved. Next on the agenda is old business items and there is none. So we'll write to the public hearing. We have one item on the public hearing tonight, which is for public hearing tonight, which is a variance request for 547 Harrington Rd. for lakeshore setback. So we'll start with the staff presentation. Is that you, Director Sharpe. Are you planner headphone?

Alex Sharpe (Director): Sure. I'll be taking this one. We'll do a handoff very soon on a presentation coming up with a application you'll be familiar with. So thank you for the introduction. As stated, this is a lakeshore set back variance application for 547 Harrington Road. The applicants are Ryan Hunt and Partners and then the property owners will present him a little bit. Kyle, I know, that's why I paused. I didn't catch that, so thank you. That's where the pause came in. I wasn't sure if that was a name that slipped in that I hadn't seen on an application. So thank you for your patience. Project application is located on the west side of town. I chose to present with a slightly wider map for those who are unfamiliar of where this actual property might lie, as it's just a smaller single family home.

For greater context, this is the west side of Harrington Rd. on the south side of Ferndale Rd. on the far western side of the community. Site is guided for a state single family. It's our second largest single family guiding and zoning within the city. It is zoned for R1A low density single family estate district. The property also happens to be within the shoreland overlay zone, and this has some specific ramifications and particulars for this application. I'm going to go into a little bit more of those details later with specific code language that I will try to explain and if Commissioners have questions at the end of the presentation would welcome them. But it is an essential part of this application. It is within the shoreline overlay. To remind the Commission as to what that means. It means that the underlying R1A when a zoning district and all the provisions still stand. The overlay, much as the name would intone, goes over the top. And additional requirements apply. This application has been for the applicant’s narrative. We've tried to summarize these points. I would encourage, if you have specific questions about their purposes, to direct these to the applicant. They will be making a presentation or present this evening so they'll be able to elaborate. But essentially it was to aid in the future sale of this property.

At a future unknown date, the application does not include individual known proposed home details, and so that is different than what the Commission may be familiar with. However, it is a valid application so long as the request is clear and made to the city and still is able to present an area that would then function within if a variance were to be granted. The stated purpose of this is that the applicant is stating or is seeking to improve where that buildable area were to be if the existing home were to be removed and again, additional details here to follow.

Jennifer Severson (Commissioner): Can I ask a question. You go back to the last slide I'm sorry.

Alex Sharpe (Director): Certainly.

Jennifer Severson (Commissioner): Is there any time limit in which that variance would expire? Like if you have to build within a certain period of time? Or is it just approved indefinite?

Alex Sharpe (Director): Chair Cameron, Commissioner Severson, this is something that I wanted to look up. Traditionally, we have placed a condition that a variance be utilized within a year of the application. Within this, I would state that - variances is run with the land first and foremost - however, there have been several conditions that have been added to variances that they must apply for a building permit or show interest within that. With this, a reasonable condition could be a time frame if the Planning Commission so suggested. Otherwise, it could also be left more open-ended. It appears the city attorney would also like to make a comment regarding that.

City Attorney: Commissioner and chair and planner, actually there is a there is a code provision about a one-year requirement. So that might be what you're remembering, Commissioner, and it's a little confusing because as planner Sharpe pointed out, we were dealing with two sections of code here. They are section and then the shoreline overlay and but the general criteria for variance under 905 requires that physical – I'm just pulling up the language now - substantially start construction of any building, structural alteration that's a part of the variance request. So in this case I think if they were to receive a variance, they'd have to move on it within a year under 90503A.

Alex Sharpe (Director): As a follow up, point to that what we have seen is . . several applications have sought additional time that are granted, typically on consent, at a City Council meeting if they are unable to meet that time frame. Just as an example, in terms of how common that can be, particularly for larger applications that can take financing. We've done three since I've been here. I have not been with the city for a full 6 months yet, so it is not an uncommon practice to grant that extension. It would be a little bit more uncommon for a single family lot just due to the nature of typically they're bringing forward a project that gets held up at a building permit time frame, so a little bit different context for you. So with the existing conditions just to explain - very old home - it is existing on the lot; it is a legal lot of record where the existing home on the property does not meet the required setbacks for the shoreland overlay. This is located on a prominent bend within Lake Minnetonka, so there is characteristics to the property that make it simply due to its geography slightly unique. And due to the age is where the non-conformity specifically comes in. So without wanting to contest the age, Hennepin County has one date in it. The homeowners have claimed that it's nearly 100 years old, or around 100 years old. I'll let them elaborate on that. There may be substantial completion and large areas of additions, etc.

But essentially what the Commission would find important from this is that the existing home in its current location is likely illegal, non-conforming before the zoning ordinance and Shoreland was applied. Before moving into the Shoreland overlay and the nature of this actual application, I do want to highlight what the R1A setbacks actually require. These are met by the existing home. I also want to note just preemptively that they are pretty easily met by the proposed buildable area proposed by the applicant. So it applies with this application where this really starts getting into the nitty gritty and we'll go into a little bit more detail on the table later that helps simplify this but the shoreline overlay zone requires that you meet the four provisions here in front of you, either 75 feet from the ordinary high water line, a line drawn between the two closest riparian structures, which is what this is, and when you'll see in the next slide, the average set back of the two closest riparian structures, and then what's confusing about this is that D doesn't add an additional piece to that. But helps to further clarify. In this case, we've provided this table to help explain the different setbacks and how they apply for this lot. When staff is reviewing an application for either buildable area or proposal, we would seek this information from an applicant.

For this variance request, we saw the same information. So in this instance, the 75-foot set back is shown on the following survey, a 260 foot setback, which is that line drawn and I will highlight that as well. And then the average set back between those two structures is 244. What this means for the site? And I should have tried to coordinate colors just a little bit better. Color blindness is not my strong suit here, so what we have here is the yellow line, and that is our point to point closest points, Item B from code. This is the set back that is required on that lot. One of the things I've highlighted with that, and I wanted to just note for clarity, is it had been points that have been

asked about, is that sight line that's noted in the survey - it's included in your packet - technically is the required set back line. So wanted to note that on there to ensure clarity. The average set back line of 244, that's the average setback between the lot to the south and the lot to the north. So the two single-family structures on either side. And then as you can see that 75-foot set back to the ordinary high water line is far to the west. So these are the requirements and the analysis staff is done to determine essentially where the buildable area is, which is highlighted in green. So everything to the east towards Harrington Rd. is the buildable area under the most stringent of those 3 setbacks, which is what code requires. In this instance, the other piece that I wanted to share with this slide was that where their request then starts to come in. They made a specific request for 152.5 foot setback. I'll show that on another graphical slide. This is again trying to summarize the slide to follow, but it essentially shares what the new proposed set back would be, what their variance is and what the requirement is. I've got some additional clarity we can add to that, but we'll see whether that's required out of any kind of discussion.

So here's the similar slide with a couple of items removed. If there are questions, I do have some supplemental pieces to add to it if you need that highlight all those things, but I was trying to make things as simple as possible for the Commission as I went through. The average set back line is still marked; the darker line that is the required set back is still shown. In this case, what the applicant is seeking is the 152.5 foot variance to shift where that line is towards the lake and then de facto by their application what they've kind of looked at doing is defining where that set back would be off of the ordinary high water line, similar to how the other setbacks are set up. So that's the proposed set back of 108 feet. The total required set back at the point shown is 260.5. To illustrate that point just a little bit better, added this slide to show where that required set back would be, and then what the request is to use the 108 foot to allow for a setback in that larger area that doesn't add substantially, but does add some. Wanted to further emphasize where buildable area was and where non-buildable area was graphically. And then kind of show on an aerial where the two connecting points are on the closest points of those structures. So rather than the survey, the Commission and public could see it from an aerial, which may be easier for some to read.

Additionally, as part of the applicant’s request, they have voluntarily added some information to the slides. They were two sightline lines that are not required on the application, but did add some additional context. So they took lines from neighboring properties, extended these out onto this property and created voluntary zones. The two red triangles you see here, in which they would self restrict their building and remain out of. This would need to be a condition of approval if the Planning Commission and City Council remove it forward and likely a graphic would be added onto a resolution if this were to be ultimately approved, but it is something that could be added to further and ensure that there are restrictions on the those voluntary sightline areas. The green area shown on this would then be the proposed buildable area for the variance. As per standard practice, staff reached out to the engineering department and other departments within the city. There were no substantive comments. There were comments from neighboring property owners. These are attached in the packet. There have been none since the amended packet went out.

Unfortunately, because I'm not used to receiving comments on an application before I have one in, we did amend the packet after it was originally released as a comment had come in substantially before the actual application had been submitted, and so we amended the packet and that did allow us to put all public comments received to date available for you this evening and out for the public in the packet. Rather than go through all of the wordy slides, there are some standards that are that

the Commission are familiar with, and then there are some that are a little bit less common, specific to the shoreland overlay. The Commission will be well familiar with these you may see in the near future as we're working with the advice of our city attorney to less paraphrase these, but for the moment, we're moving forward with the practice the Commission is aware of and comfortable with. These are is the proposal consistent with comprehensive plan? Is the variance being sought reasonable? Is the plight of the landowner due to circumstances unique to the property and not created by that landowner? Would the variance alter the essential character of the property and locality and the economic considerations alone do not constitute a practical difficulty. These are also pulled straight from state statutes, so these are consistent with all cities across Minnesota. The additional criteria are pulled straight from code and they're here for your reference. They're included in your packet on one of the final pages, I think, second last page for your reference, as you are deliberating.

I will do my best to summarize these verbally so that you we can move through a little bit faster. But the minimum set back is from the ordinary high watermark and it must be 75 feet or, I'm sorry, let me state that more clearly. The minimum set back from the ordinary high watermark must be 75 feet. The setbacks shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures. As a reminder, a principal structure would be the home, not a shed or pool or deck or boat structure or etc. And then the reduction of that set back is based upon the specific need or circumstance unique to the property. In items D&E, just to add some clarity, D is a plan that usually comes in at the time of building permit. We have proposed already preemptively in your staff report to make that a condition of approval should the Commission seek to recommend approval going forward, and then section E is likely an item that will end up on the list to speak with our city attorney about as it refers to the standard variance provisions that we've already shared with you and, Section 905, and then 91.20 happens to be this section. So it's essentially stating that it has to follow the rules of the shoreline overlay. This evening, what we're seeking from action from the Planning Commission is to hold the public hearing, receive all public comments, close the public hearing and the direct staff to prepare a draft Planning Commission report and recommendation with appropriate findings. With that, I'm available for any questions. The applicant is also present for a presentation as well.

Blake Cameron (Chair): Commissioners, anybody have questions for Director Sharpe? Yes, Mr. Schwalbe.

Bonnie Schwalbe (Commissioner): So this house was built in 1929. And then the house to the north was built in 1976. The house to the South in 2016. So the house to the north, which I think influences this whole thing quite a bit, had to be moved back almost 300 feet, to accommodate the fact that there is a marshy area in front of the lake for them. So that set one of the parameters. Am I right about that?

Alex Sharpe (Director): That is all correct, Commissioner.

Bonnie Schwalbe (Commissioner): And then the property to the South, which is 549, it is set back 189 feet. Is that right?

Alex Sharpe (Director): I would want to check on a slide that we've created to verify that, but I think we included that in your packet. Yes.

Bonnie Schwalbe (Commissioner): OK. I just wanted to ask you. He could have built that home at 75 feet, is that correct? Did he have a choice there or is he required to be at 189 feet?

Alex Sharpe (Director): The home would have needed to meet . . . the home to the south just to make sure that I'm speaking to the correct property, correct?

Bonnie Schwalbe (Commissioner): Can you please say that again? I'm sorry.

Alex Sharpe (Director): Yeah, not a problem. So you're referring to the 549 Harrington Rd.

Bonnie Schwalbe (Commissioner): Yes, 549.

Alex Sharpe (Director): 549 Harrington would be required to meet the same provisions as 547, so it would be subject to the greatest of the three setbacks similar to this property. In fact, so it likely could not have gone any closer than its current setback.

Bonnie Schwalbe (Commissioner): Because of 553.

Alex Sharpe (Director): Because of both adjacent properties, but 553 being one of them, so it would have needed to meet the line drawn between those two points. It would have needed to meet the average, and clearly it meets the 75. So I suspect with that home that it meets the closest point drawn between the two and likely to some degree benefited from 547 being closer to the lake than the home to the south.

Bonnie Schwalbe (Commissioner): OK. Thank you. I just want to clarify that. Do you know if this riparian issue came up at the time that 549 was built?

Alex Sharpe (Director): Commissioner Schwalbe, this would have been because a variance was not sought for, it would have been a staff review item that would have been required at the time of building permit. If it had been a variance, the Planning Commission would have seen it - the City Council.

Bonnie Schwalbe (Commissioner): Well, it didn't require a variance.

Alex Sharpe (Director): No, it would not have required a variance to build that; it would have been a review at that time.

Bonnie Schwalbe (Commissioner): OK. Thank you.

Blake Cameron (Chair): Anyone else?

Joe VanLoy (Commissioner): I have just one clarification to make sure that I understand. So if this variance isn't granted and somebody wanted to remodel that house, possibly with an addition, they would need to get a variance because of the setback rules, correct?

Alex Sharpe (Director): Commissioner VanLoy, you asked two questions there. So I'm going to split them apart. They could remodel the existing home and not increase any of the non conformities by this existing footprint, no additional height, not closer. Essentially, no additional

square footage, even closer to Harrington Rd. because it still wouldn't meet the required setbacks. You said add an addition that would trigger the need for a variance.

Joe VanLoy (Commissioner): OK. Thank you.

Bonnie Schwalbe (Commissioner): I have one more question. So if we by those lines that you showed us earlier - the site or the closest point set back - there's not a lot of building area behind those lines. Do you have any thoughts about how big of a house could go there?

Alex Sharpe (Director): Chair Cameron, Commissioner Schwalbe, based upon some of the materials submitted a little bit later, but also visual inspection of this property, there's a significant encumbrance to staying within the green shaded area on the graphic in front of you. It is difficult to state from a staff role what then what an appropriate variance might be, whether that be what the applicant has asked for or somewhere in between. That is where staff would note that this is a pretty significant encumbrance, and I've tried to show that through the application, and then essentially seek input from Planning Commission Council, as that really falls into your category of the evaluating and making a judgment on the provisions of a variance that are standard throughout and those that apply only to shoreline, so there's certainly a significant number of tree disruptions. There's also grade issues that the applicant, I think will be able to highlight within the area that's green. So does that help address your question?

Bonnie Schwalbe (Commissioner): Can I ask another quick one? OK, if the property to the north does not have an objection to 108 feet, does it change this at all? Because that person doesn't care if their sight line is changed?

Alex Sharpe (Director): Chair Cameron, Commissioner Schwalbe, the Commission shall utilize adjacent comments we mail out to all property within 500 feet, but it is a judgment call on your part which property may . . . how you utilize the information provided by those? The one item that I would note is that one of the comments included in your packet was from the property to the north.

Bonnie Schwalbe (Commissioner): Thank you. Appreciate it.

Blake Cameron (Chair): Anyone else? Mr. Severson.

Jennifer Severson (Commissioner): So this closest point set back . . this is done for sight line reasons, not Lake Minnetonka being too close to the lake reasons, is that what I'm understanding?

Alex Sharpe (Director): The intent of this particular measurement is not specifically called out. All three are called out under the intent of the shoreland overlay, which is to preserve the Minnetonka shoreline for sightline reasons for all of that. My read is that it is largely due to sightlines, however that is an interpretation. The overall intent of the shoreland chapter does not cite this individual section as to how it needs to be evaluated. Shoreline does include specific provisions for setbacks, which is those provisions you saw in your additional ones the Commission hasn't worked through as commonly, but we do have a number of cases that we included in the packet that you've gone through and highlighted which ones were similar and have that information available should there be any questions on them?

Blake Cameron (Chair): Anyone else? Alright, well then we will . . next, we're going to hear from the applicant so applicant, please come forward, introduce yourself and provide your name and address for the record and your role on the applicant's team, I guess.

Kyle Hunt (Swanson Consultant): Commissioners, thank you for allowing me to be here tonight. My name is Kyle Hunt. I am with Kyle Hunt and Partners. I am a builder on an everyday basis for the last 35 years. But in this case, I'm acting as a consultant for the owners - the Swanson family - who are here this evening, live at . . two of them live, anyway, at 547 Harrington Rd. My address office address is 18324 Minnetonka Blvd. in Deep Haven. Do you need a my home address for any reason OK.

Blake Cameron (Chair): No.

Kyle Hunt (Swanson Consultant): Yeah. Thank you for allowing me to be here and thank you Alex for your work on this and your explanation. Any questions that I should be thinking about right off the bat or should I just start in?

Blake Cameron (Chair): I would just roll right in and we'll queue some questions up and hit you at the end after you're done.

Adam Elg (Commissioner): I do want to plant one question. Be sure to share with us how you landed at 108 feet? Why that specific distance was selected.

Kyle Hunt (Swanson Consultant): OK. I will try to get there. Many of these slides that I'm going to show are maybe things that you already are aware of, so I don't want to read this out loud. I think much of it might be reviewed, but I do want to allow you to look at the slide and if you want to acknowledge that I should roll to the next, I'm happy to do that. That some of them I'm going to be speaking to extensively. With the with that first slide. This is a copy of the survey. This is very similar to or maybe even the same of what Alex presented. It's just giving the basic understanding of the 75-foot setback - what we were proposing as the 108 - based on the 152.4 being really a measurement that happened in the middle because Alex had wanted a measurement so that we could establish something. Even though the line is skewed, it will cause the north half to be different size than the south half. It's harder to read on the survey. We've tried to use better depictions by superimposing various aspects of what you can get online now these days to represent this.

This slide essentially talks about the yellow line that's furthest to the right in your viewing of this. That is the line that we're speaking about. That is the code set back based on 991.09. And so this representation of that just kind of gives you an idea. Here's where 75 foot set back is and then the 108 was really established by just an idea of all of us . . the family members giving some input to how we thought about this home being here for . . it may have. Been remodeled in 1929 but it has a pre life to that, so it's been there for a long time and as you you'll notice in some of the other slides and what Alex pointed out, there is a prominent bend. You can call it a point I suppose, but somebody might try to. But this this makes this turn, and if you look at how on one of the other slides that I'm going to present, you'll look at how these lines start to make some representative order and so we'll get to that here in a moment.

This is a Slide 2 that essentially gives you the buildable and non-buildable area, but just want to kind of hit the bullet points and maybe you guys have read all of this, but I'll just talk about it. Dick and Elaine Swanson are here this evening. They've lived at 547 for over 45 years. They're at a stage in their life where they're recognizing they need to think about making a change and so they're looking at selling the property, and we are caught with the quandary of chicken and egg. How do we look at selling the property at the same time? How does a how does a buyer recognize what are they buying? So, one could make the argument, which I'm sure we'll hear tonight, that we should be bringing an exact plan. Well, that may not happen and could not happen at the present time. And so we're here with a request that might be considered somewhat unorthodox, but I've seen it done in other cities many times. So I don't think you're being presented with something that's overly awkward. The aspect of what we're trying to accomplish with this is to show that the line that you're seeing on - the yellow line on this - connecting the two neighboring properties, recognizing that the property at 543, which is to the north, had to build . . the topography isn't really known or shown here, but the topography, if you've visited the site, is dramatically different.

That home sits up on a knob, if you will, and falls off pretty quickly in the woods that you see that is between the home and the marsh area, which is really kind of this open green area. Craig Swanson is here this evening too, and he remembers growing up, and you correct me if this is a wrong story. Craig remembers that at one point in time when that area wasn't being . . . it's being pumped right now. I mean, the city has a pump that basically brings water out of that marsh area so that it's not flooded, but that was ice skating capable when they were growing up. Just to give you some sense of how marshy that might be. So it's a non-buildable area even for the neighbors. And what we want to try to recognize is that, although this code is in place, I'm sure when it was put in place, it was maybe to direct some unneighborly conduct. I'm only guessing. And then, because I've seen this in other parts of the lake, and it's really the only other place that it is, is in Orono. Everyone else has dismissed this because if you look at this in 100 years, you're going to march everybody back to the street if you make them fulfill this obligation time and time again as properties get modified and progress keeps going. So I would say Alex and I were talking; I would say this would this would be a good code to relook at. Orono is re-looking at it as we speak. I'll go on to the next slide. This just gives you a little bit more information looking through at the properties. I won't read all of that; you've had that in your packet. I'll let you consume that, but and there'll be questions along the way.

This slide, I think tells the greatest story of what is happening in a couple of situations just on Harrington Rd. and on in this case, this prominent bend in the shoreline, as well as Lookout Point, which is on your far right. You can see we've applied this yellow line just basically saying that's the yellow line that we're following. And, Alex, correct me, is B is the portion we're looking at where we're looking at the two neighboring riparian properties and we're striking the line from closest to the lake to closest to the lake. And so when you look at this, it's a configuration of all of that if you were to apply it one property after another. And so, the neighbor at 549 was able to take advantage of the Swansons' location when they built their home in 2016 and 17 when it was under construction. They were able to build closer to the lake because of how the Swanson home is positioned. If you, look at some of the possibilities of what that could have been, it could be dramatically different. And if we move ourselves down to Lookout Point, just a handful of years ago, this situation similar or almost exactly the same as what we're looking at here. I don't know if any of you members were involved in the variance that was achieved for the owner at Lookout Point, but they had - you can see their yellow line - basically took the lion's share of the lot and

left a little neck portion. If you just think of just to the north, if you can see those property lines - probably would have been better to have a little bit different color there – but, essentially, the lot would have been deemed unbuildable. And they received - I don't know how that went through the Planning Commission - but they received a 5 to 0 vote in favor of a variance for how that house is positioned now, and you can see the neighbors - even the neighbor to the north and slightly east - their line cuts off part of their property as well as the next neighboring property to the north of a good chunk of their home is outside of that.

But to note here is that the variance was granted for that property and you can see how similar the situation might be here, even though that prominent bend may not be considered a point, it's acting like a point in how this whole aspect works. This is just a little honing in on what happened down at Lookout Point and you can just see it in a little bit more closer proximity. Just helps give you a little bit more of a visual, but that property, not only the original structure, or excuse me, not original, the proposed structure which is in red, there is a boathouse, if you will, that was left intact and I guess with Wayzata, that probably can be that way because they have a boathouse. They allow boathouses, which I think you're the only ones on the lake that do. I applaud you for that. So I think Alex has explained this just as well as this slide does what we're looking for in the variance.

Commissioner Elg, did I answer enough on how we got to the 108? It was pretty vague. It was not vague, but it was . . based on just the understanding of where are we improving on the set back, moving it away from the lake, where are we likely not to remove significant more significant trees? Where does the topography help us gain the best position? Where is it still out of sight with the neighbors in the context of how I believe the code reads? All of those things were considered, and I want you to remember that the other restrictive factor that's going to come into play that, ultimately, will help decide position, size, etcetera, of a home is the impervious surface coverage, which will be at 25%. And we are currently at 21.08%, with the current home, driveways, walkways - anything that had hardcover - we've collected so that you can see that this home or this property is under the regulation, but it leaves you with around 4%, but you get to shuffle the deck on how you want your 25% to be allocated. But that is going to restrict how that possible building envelope could be utilized. And I've got another slide at some point here that will help us with that. We believe that this variance is in harmony with the general intent and purpose of the ordinance. And our reasoning behind that is right there and we are improving the set back. The variance is consistent with the comprehensive plan. We feel it falls within that, there's the anomaly of having the neighbor to the north, and the marshland imposes that line to be radically different than all of the properties you just saw in that other slide. How do I play that video? I have to click somehow on that picture. There you go. OK. So what we had a drone shot . . so there is a like . . can we pause at times. I'm sorry. I can't control that, right? OK. I just want to point out a couple of things.

There is an arborvitae hedge that you see behind the larger Maple, which is essentially the just the trunk. The big trunk that you see is a is a Maple tree and beyond that is a arborvitae hedge that the owners of 549 have planted as part of their landscaping efforts at the end of construction. It's there. It's been planted by them for visual purposes. We'll hear otherwise, but that it's there and what I want to point out here is we're going to show you some shots. It's a little herkie and jerky because that's how things go these days with how the drones work, evidently. But I'm if you can notice on the right-hand side where the chimney kind of goes up and into the white space above the slide, that corner where there's a downspout, you're going to notice in a picture. So I want you to understand the drone shot is up at that elevation, which is at the fascia line, which would be where

the gutter is at the second story of the Swanson's home as it's currently built. So if you want to run that for a second, you'll kind of see, so there's the hedge and there is us turning back towards the Swanson house.

At that second floor elevation and we're going to look towards the neighboring property at 549 and we really can't see their house, can't see their patio. We can't see much of anything. And the reasoning I put this here is that is this further restrictive line that we have put ourselves under voluntarily to help understand . . . we are looking to honor the neighbors' visual. At 549 and at 543. So hopefully that helps depict what we're looking for there. I guess I can control that. This is another, I think, helpful slide. It basically gives many of the different pieces and parts to what we're talking about. Again, that white line that reaches from neighboring property to neighboring property is the line that we're speaking of. The yellow area that has kind of the yellow shading up to that line is our proposed building envelope that we would like to be able to construct in, and you can see it is not impinging on 549, which would be in the slide, it would be the lower property into their visual area from the home. You're going to see just like if you stood out on their patio now, you could see the Swanson home possibly. And you're going to, for sure going to see the U line that is being constructed to the south. Do I have my directions correct? Any questions? Or, again, I'm not going to read this to you because I feel like you guys have all of this in your packet and have looked at that and I'm willing to back up on any of these, of course.

The practical difficulties here are not related to economic considerations alone. I think everything that I just showed on the slide presentation warrants that. The reason for this variance request is not related to economic conditions alone. Will they have an impact on it? Absolutely. With no one, saying they will or they won't done that. I mean, you will. The practical difficulties are all related to the unique aspects of how this property is on the bend in the lakeshore and on the idea that it's an anomaly that I don't think this code was thought of when it was put in place. Before I walk into these slides, I was to make sure I'm in my right spot, if you don't mind. OK. All right. Bear with me here just a moment because I'm not going to read, which I don't really like doing. All right.

You're going to hear from the owners' council later tonight that they would have you believe the landscape in place is of no importance to the situation. The reference that they make in their statement about the kitchen window view from Cosentinos, which is 549, to the Swansons' nearest windows at 547 – I just want you to recognize what they're describing is window to window, approximately 170 feet apart currently - the owners at 549 took advantage of the non-conforming setback of the Swansons' home - 547. When they sited their new home at 549, It was under the pretense of knowing that this was a non-conformity, and they ended up taking advantage of it. I think it's rather bold of them to now say that they're going to speak against the Swansons and use the aspect of this merit against them. I just think it doesn't make logical sense. The owner of 549's attorney points out in his narrative that Sections 991.01 of the Code and 901.03 list to maintain and preserve property values is the general purpose of the intent of the ordinance. If this is so, then it cannot be used in the manner that would not maintain or preserve the property values of the Swanson property.

I have to believe in this use was never intended when first written; it was intended to help, not harm. In this situation, if all the unique factors it is inflicting harm. The owner of 549's attorney would have you believe that the economic considerations are the sole motivation for this variance. This is false statement. You've seen what is considered in front of you that is not the sole

motivation. The City of Wayzata and Hennepin County have been assessing 547, the Swansons' property, under the pretense that the property is being used for its highest and best use for decades. To not allow relief from this obvious anomaly would break the bond of highest and best use. Any future owner would be harmed and the maintenance to maintain and preservation of the property value of Swansons if it was not properly addressed. So I want you to consider those points when you review what's coming after me in my presentation. I'm near the end here.

I want to go back to slide six, if I can figure that out. Can you tell me when I'm at 6; I don't have the number in here. So, I just want everyone to see - where you see the 547 out in the water at the subject property that we're talking about – you can see this prominent bend in that, and that that gives you some sense of looking for the south. All of the homes are facing out onto, I'm going to say more of the main lake, right, because Browns Bay is off to the west, and their views are a bit more southerly, so they're all trying to take advantage of their best views and they're running typically parallel with the shoreline. If you notice that. And so we get to this bend as we move around towards 547, and it's going to be an obvious conclusion that whoever ends up doing something on this property in the future is going to do what whoever originally came up with the idea of siting where the Swanson home was sited, they are going to follow suit and run parallel with the shoreline that is out in front of 547, which is significantly different than the shoreline in front of the rest of them.

So there's going to be this bend and I think when you strike a line - if you were to strike the line from the home that is now built and received a variance at Lookout Point - and you strike a line right on down to the Swanson House, you can see even in your mind's eye - I should have probably struck the line there - but in any case you can see that it's consistent. And even the Swanson home hits that consistency. Now, 543 to the north - Joanne Leavenworth's property - who has written a lovely letter supporting what the Swansons want to do; she has been there for many, many years as well, and because of tree locations and so forth, I didn't even bother to show a slide on what you can see back from Swanson's house to her house, because you can't. It's all trees. So I wanted to just end on the idea that we just feel it's reasonable to conclude that if a variance was granted at Lookout Point for a very similar, if not the same scenario, it seems reasonable to consider that in similarity to a vote for this application. Open to answer questions.

Blake Cameron (Chair): Thank you, Mr. Hunt. Commissioners, any questions for the applicant or follow up questions for staff?

Joe VanLoy (Commissioner): This might be something that staff doesn't know, but if we if we would provide this variance at 108 to 547, would that put 549 into a non-conforming state so that they would require a variance if they did in addition or, God forbid, something happened that house they had to rebuild.

Alex Sharpe (Director): Commissioner can you restate the beginning of that if you were to use.

Joe VanLoy (Commissioner): So if we grant this variance to 547 with Swansons, and a house is built there, because now that house is 10 feet or more back, is 549 non-conforming?

Alex Sharpe (Director): I understand it; I'm trying to make sure that I can answer it accurately and not definitively state something that I can't document 100% here. There's a potential that . . . I

want to bring up my presentation. Got an aerial that the orientation is correct; that will help. So this is about as close to an aerial as where we have of these two sites, but we can try to bring one up. If you want to drop one into the folder for me. The property at 549 Harrington is oriented from north-south at a slight angle, with its closest point being on the northern side. There's the potential that by dropping this line back that there is a portion of that home that could become within the non conformity. Because that is a line, there's likely a section that is retained as well. I wouldn't be able to state definitively that they are right up against that set back line. They may have built with some level of leeway built into that, but it is the widest part of the home and the closest portion of the home to the lake in terms of its orientation. We're going to see if we can drop an aerial in just for you to be able to see that a little bit higher zoom in value. Meantime.

Joe VanLoy (Commissioner): And certainly if the further back anything would be built on 547, that would bring this situation to fruition in terms of 549 being non conforming, correct?

Alex Sharpe (Director): Chair, Commissioner, the further back that 547 would be built, the more non conformity that could affect in the future. Now to address one piece of your question, they could do remodeling within an existing footprint. They have quite a bit of rights for an existing home. I'm going to grab that photo and bring that up for you to be able to see as well.

Kyle Hunt (Swanson Counsel): May I make a comment?

Joe VanLoy (Commissioner): Sure.

Kyle Hunt (Swanson Counsel): I do have a copy of the survey for 549, and this is only me speaking. After seeing it - I don't have it with me - but it's at my office, and they brought the home right up to the line currently. Just for reference to help with your question, Commissioner Van Loy.

Alex Sharpe (Director): Thank you. Chair, Commission, this shows that prominently that the - prominently is probably the incorrect word - there is a orientation of the house where it angles slightly closer. However, here's where I don't want to answer definitively. I'm glad that we were able to look. The land also extends out in that section, so there's a unique circumstance there that is the possibility - it's why I was hesitant to answer definitively - we would need to look at the site survey and do a full site review similar to how we would with this proposal to fully determine effects.

Joe VanLoy (Commissioner): Understand. Thank you.

Blake Cameron (Chair): Anyone else have questions for the applicant or staff? Alright. Thank you, Mr. Hunt.

Kyle Hunt (Swanson Consultant): Yeah, one last comment. Commissioner Van Loy, your representative example shows you exactly how, if this marches forward over time with this kind of an ordinance, you keep marching back to the point where everyone's going to be pushed up against the road. Overtime, may not be may not be in our lifetimes, or even in our children's lifetime, but sometime if this is left the way it is, that's what's going to happen. And someone's going to go stop, this doesn't make sense. Just my comments.

Blake Cameron (Chair): Thank you. So now I'd like to turn to the public hearing. Couple of comments on the public hearing. The public hearing, it's time for us to listen to members of the community about the request we are considering; it's an important part of the process to give the public a voice and a venue to participate. Any questions asked during the public hearing will be held until the end of the hearing and may be addressed by staff at that point. So with that said, I will now open the public hearing. If you'd like to speak, please step up to the podium, state your name and address for the record and we'll go from there.

Christopher Pierson (Cosentino Counsel): Mr. Chairman, members of the Commission, my name is Christopher Person. I'm a lawyer with the law firm of Sanford, Pierson, Thone & Strean here in Wayzata, 1905 E. Wayzata Blvd., Ste. 200. I present Dan and Stacy Cosentino, the owners of 549 Harrington Rd. As we've seen, the property to the south. Can I just get a little clarification? I was told a little while ago that we had three to five minutes. I'm hoping that in light of the robust discussion so far, maybe I can have a bit more than that, but . .

Blake Cameron (Chair): We generally try to limit the public comments to 3 to 5 minutes.

Christopher Pierson (Cosentino Counsel): All right, I will see what I can do. I will hit it on the fly. So, the Cosentinos were unable to attend tonight due to a long standing family commitment. They did hope to be here but are not able to. Also, I will be here on their behalf. We've submitted fairly extensive written materials and I believe those are in your packet. The renderings that you'll see tonight were generated by the Mohegan and Hanson architectural firm. My plan was to make five points. In light of the time, I may make only three, so. We'll skip this one. Those are the five points and we'll jump right into it. The first point I want to make has to do with section 99109-D3 of the code. This is the operative controlling section at work here, and I'm going to take the time to read it to you because I think it's very important that we understand exactly what it says.

The required set back distance may be reduced by variance if the following conditions are met, and then it lists five conditions. One of those conditions is that the set back should not adversely impact views of the shoreline or lake for adjacent neighboring principal structures. Now my reading of that statue is you have to satisfy each of those five conditions. It says if the following conditions are met. So if we don't satisfy B, we have to worry about all the rest of that stuff. All the balancing of factors and the whole 905 analysis. So to me, the key question is does this proposed variance will likely affect the views adversely, in my case, the Cosentinos or the Leavenworth's who aren't here. So let me go here. This is the view from the kitchen door of the Cosentino's property. Now, does it impact the view? Let me first note the white structure that the white area you see on the left there, that is the area in which the structure could be built given the setbacks that are being sought. OK, that's a 35-foot structure as allowed by the code. So that's from the front door. This is a little bit out on the patio, OK? I don't think there's much question that this is impairing and adversely impacting the views of the Cosentinos of the lakeshore of Lake Minnetonka. Now, if I can make a request, can we go back to the Slide 6 and Mr. Hunt's presentation? Because a big deal was made out of the fact that if that line . . the setback line running along the south here continued, then what they're proposing would be just fine, but that disregards the whole idea that the bend in the shoreline actually takes place right there. So if an equivalent setback were imposed, it would be behind the Swanson house - the red house. It would bend with the shoreline.

Enough of that. Let me go back to my materials. All right, so in my book, that view - those renderings - mean that the proposed variance does not satisfy - or being of the ordinance - and therefore the variance cannot be granted. That's the plan reading of the statute. That's what it says. Now, on the off chance that you don't think that's controlling or as controlling as I do, let me switch to another point, and this is a simple point, and I think Mr. Hunt mentioned it. That is that approving this variance would be inconsistent with the general purpose and intent of this ordinance by hurting the value of the Cosentino property. Section 90501 allows granting of such variances only when the branches are in harmony with the general purposes and intent of this ordinance. And as you mentioned, Code Sections 98101 stating the purposes of Chapter 991 and 90103 stating the 10th part 9 of the code was maintaining or preserving property values as a general purpose or intent of the ordinance. Now I understand his argument that that goes both ways.

Blake Cameron (Chair): Mr. Pierson.

Christopher Pierson (Cosentino Counsel): Yes sir.

Blake Cameron (Chair): Can interrupt you for a second. The purpose of this public hearing isn't to rebut the commentary of Mr. Hunt; it's to just provide commentary. I understand you representing your clients, but I'd like to understand from your clients' perspective their concerns, not the rebuttal to Mr. Hunts comments.

Christopher Pierson (Cosentino Counsel): Very well, but this point was that we are considering the intent and the purpose of the ordinance, OK. My third point is the economic considerations issue, OK. Economic considerations alone cannot constitute practical difficulties. That's the language of the code. Now, I wanted . . . the phrase call a spade a spade comes to mind. The owners want to be able to market the property to people who would want to tear down existing home and build a new one. And having a variance in place like the one sought would make it easier to sell the property and sell it for more. I get that; I understand it; I don't fault them for trying. And I also understand, you know, claims like it would be simpler and less expensive for new buyer if this variance is already in place, and it's difficult to agree on a sale price if you don't know the buildable area and who's going to pay with the design and engineering fees if the buyer can't get all approvals needed. But those are all economic considerations. I don't see any non-economic considerations here.

The idea that really concerns the reasonable use of the property for future owner. It doesn't hold water. There are all sorts of purchase agreements that are contingent on getting certain approvals or changing preference purchase price based on the size of the building buildable area. Any prospective area of this lot should go through the development process just like any other perspective of any other lot. Why treat this lot differently? This reasonable use of the property for future owner in my mind is just another way of saying that without this variance, we can't market the property as effectively as we could with the variance. I believe economic considerations alone drive this application. Next point.

There isn't a need for the variance as large as the one side, and this is why we say that. If you look at the buildable area proposed by the applicant, the proposed building area is essentially everything colored up there. Let's go here. Now going to get back, all right. The yellow area, as it would be without the white overlay. The structure is the proposed buildable area. OK, so it's 108 feet from

the high water mark and 20 foot side setbacks. If we go here, what we show is if you consider a different - a hypothetical, buildable area that is pulled back from the west to the east at the lakeshore to a point defined by the yellow or the red line on the left of the yellow area - that line is defined by two points, and those two points are the intersection of the site line to the level with property to the north, with the 24 existing set back variance, and the sight line of the Cosentino property, the sight line where it intersects that same 20- foot set back on the south.

If you were to draw a line there, and in anticipation of the question, Commissioner Van Loy, that's the rationale. It's further back, but there's no magic necessarily in that particular line, other than the fact that if we trim that by that additional set back from the lakeshore and we take a little more up from the setback on the south side, then in that case, that green structure is one of those houses that was in the applicant's packet - their application - of a house that could be built . . couldn't be built without the variance. But if you see if you take that green structure. And you could slide it back slightly to the east and slightly to the south, it clearly fits in this much smaller buildable area. So the idea that we have to have this setback way out of the 108 feet is questionable at best.

Blake Cameron (Chair): Give you a 30 more seconds to wrap it up.

Christopher Pierson (Cosentino Counsel): OK. Well, the point of that is you can build a very lovely very large house in this much smaller area. So to close, I think to me, I think the biggest issue is that this is as how far this varies from the typical development process. Where are the construction plans? Where are the grading plans? Where are the hardcover calculations? What are the elevations? The Cosentinos are essentially being asked to consent or not object to something that they don't know what it is. What is going to be built in this variance? Isn't a variance of function of what's going to be built, what it's going to be used for. You know, in the development world, these things are dealt with all the time by purchase agreements that are contingent and have upscale for or upgrades if we can get a larger buildable area and, finally, to move development is a process and this is a variation from that process. We should be pushing hard to find out what's going to be in this buildable area, and we all know that if this is approved, the city is going to be asked again and again in the future to do the same thing, which leads to development by piece meal and which maybe won't be done by people as honorable as Mr. Hunt and Mr. Swanson. So with that, I will conclude. I am happy to answer any questions. I ask that this presentation and my materials will be part of the minutes and thank you very much.

Blake Cameron (Chair): Thank you, Mr. Pierson.

Bonnie Schwalbe (Commissioner): I do have a question in this rendering #5. And I want to make sure I'm reading it right. Are you suggesting the variance of 114 feet rather than 108?

Christopher Pierson (Cosentino Counsel): Thanks for the question. I would like to address this. It is not the job of the Cosentinos or my job tonight or anywhere in this proposal in this process to essentially make a counter offer to what is proposed. OK, we're saying that's a hypothetical line further back that would accommodate at least one or maybe more of the possible houses that were submitted.

Blake Cameron (Chair): I'm going to stop you right there, because that's out of scope anyways for this because what they've asked for is 152 and so our job is to decide whether we recommend

approval of that 152 or recommend denial. There's no other measurement that's under consideration tonight other than what they've asked.

Christopher Pierson (Cosentino Counsel): I thought that's what I was saying; they've asked for 108 feet of the front setback.

Blake Cameron (Chair): Yeah, sorry 108 - whatever it is. Help me out.

Christopher Pierson (Cosentino Counsel): What I'm saying is we're not here to propose something else. We think there's something. Less than 100 feet that would suffice. And I would like to add if it's all right. The Cosentinos are not out to make this lot unbuildable; that's not their goal here. They understand that there will probably be some variance granted because the circumstances merit it. They just said this one is a step too far and they would like to see that development process play out and be complete, so they're not being asked to consent or assent sent to a variance without knowing what's going to go in.

Blake Cameron (Chair): Perfect. Thank you, Mr. Pierson. Anyone else? Awesome. Director Sharpe. Do we have anybody on teams with any comments or questions? Or anybody, I'm sorry, anybody would like to speak. Yeah, please step forward and step up to the podium and introduce yourself and state your name and address for the record.

Dick Swanson (547 Owner): Dick Swanson. I live with the moment at 547 Harrington Rd. And a lot of this discussion is above my pay grade. I'm not quite sure I understand at all, however, that being said, the one thing I did want to encourage is all the Council Members to come out and I'd be glad to meet with them if you'd like. And at the site because you cannot begin to understand what we're talking about here from the survey. For instance the part of the land that some of our folks . . . the opposition, I guess, and I can't imagine, anybody would ever build on there this or our driveway down below. So we have staked out the various line. So it's very . . if you come out and see the house, you can see it with a couple of folks in the past, we've walked over to Constantinos and stood at their view point, which is their insights _____. And looking along our line with the variance request and you can't see any of our house. So we have agonized over drawing those lines as tight as they are and we think we've done more than enough to observe all the niceties of being neighbors. Thank you.

Blake Cameron (Chair): Thank you, Mr. Swanson.

Alex Sharpe (Director): Chair, at this time, there's no one wishing to speak on teams.

Blake Cameron (Chair): Cool. Anybody else present that would like to speak? All right. I will now close the public hearing. Commissioners, do you have any additional questions for staff or the applicant at this point or any questions were raised during the public hearing that you'd like staff to address? Commissioner Schwalbe.

Bonnie Schwalbe (Commissioner): So, there is no another opportunity that the Cosentinos would have to see the plan, to see the final drawing presentation of what this new building would be like?

Alex Sharpe (Director): Chair Cameron, Commissioner Shelby, there would be an opportunity if they would like to come in to City Hall to view plans during a building permit project. However,

at that time, if a plan met all building codes, all zoning codes, it would be allowed to be or permitted to move forward.

Bonnie Schwalbe (Commissioner): Including if we recommend.

Alex Sharpe (Director): Or any conditions as recommended and approved and immortalized within the resolution essentially. So it would need to be subject to all of those pieces. They would have the availability to view them. Traditionally, architectural plans are copyrighted materials and cannot be sent out. They must be viewed here on site. And are made available by staff.

Jennfer Severson (Commissioner): And that wouldn't include if they come forward and ask for additional variances, correct.

Alex Sharpe (Director): Right.

Jennifer Severson (Commissioner): So the new homeowners or the new land owners say, well, this doesn't meet what I need or it's not enough or I need something else and they would still have to come back here. And at that point, building plans would be available, my understanding. Potentially this same situation.

Alex Sharpe (Director): Chair Cameron, Commissioner Severson, correct. Any additional variances, they would need to be able to provide whatever plans were required to review that variance to the Planning Commission, and those then would be public documents that could be shared on the website similar to this application or any other application.

Chris Plantan (Commissioner): I have a question for Seth. Do we have the topography plan or anything to see how that drops off. Right now on the property of the Leavenworth's' which is to the north, it drops off quite severely.

Blake Cameron (Char): Yeah, there was one of the surveys has lines on it elevation.

Alex Sharpe (Director): Chair Cameron, Commissioner Plantan, yeah, we'll bring that up just shortly.

Chris Plantan (Commissioner): 489 is rather a little flatter and the sides change and become much more heavily as we go north.

Alex Sharpe (Director): It's the second survey document. Chair, we're also bringing up a aerial that we have with the topo from Hennepin County on it. The survey will be significantly more accurate. It does show good representation with the vegetation on the aerial that would add some additional context that we'll have for you shortly as well.

Blake Cameron (Chair): Question for you staff. In terms of the nature of the request, which is, you know, I guess I would think of it as the you know, they're looking for a variance without a a building, so they're really looking for variance on the building envelope or building pad. Is that something we've done in the past to the best of your knowledge at the city level?

Alex Sharpe (Director): Chair Cameron, to my knowledge, and looking back through the past cases that were presented in the packet, no, we've had building plans. It is a valid application to accept without.

City Attorney: Chair, I might just add to, you know, I haven't done the research that staff has in the past applications. One analogous situation, there is a subdivision application where we often don't have building plans. The criteria in the subdivision application actually calls us to look at them if they're there. So yeah, I think staff deemed the application complete and it's obviously something that would be nice to have on one level for a lot of these questions. But I think staff doing the application complete.

Blake Cameron (Chair): So this is the Hennepin County view?

Alex Sharpe (Director): Chair, that is correct for illustrative purposes, good for discussion this evening

City Attorney: Right, directionally correct.

Blake Cameron (Chair): Anybody else questions for staff for the applicant before we pull it into discussion. Commissioners, thoughts?

Adam Elg (Commissioner): We'll make some comments. It is without question that this property will require a variance at some point. My first question was why was 108 feet arrived at? When I first looked at the table, I thought perhaps the variance was for 108 feet and the set back would be a. 158 feet, which seemed more reasonable if those two numbers had just been flipped. I'm also challenged with this process, and we've already discussed it many times that it's really difficult, you know, without knowing what the future project could look like. So I mean that's challenging for me. It seems like the process. It would be better if could be with a proposal for a property that was seeking a variance of 108 feet from the 209. And if you go back, what was the . . we need a certain plan. I just don't like contingency for acquiring a plan. I'd rather have the plan in hand first when considering a variance request of this type. So this is challenging for me.

Blake Cameron (Chair): OK. Mrs. Severson.

Jennifer Severson (Commissioner): I would say the same thing, and as I was writing down notes at the very beginning, is it reasonable? Is the plight to the landowner, would it alter the characteristics? And I just don't think I have enough information to answer any of those questions, because I think you're right that there probably will have to be a variance on this property at some point and you're right, based on where the homes are, the buildable area is so small that you'd have to get a variance. But now I think there could be a variance that comes in and says I want to tear down the existing home and I want to use almost the exact same footprint and it's not going to be that much different and it might come back a little bit. But I would say that's very reasonable and they're not going to take down very many trees and I'm going to use all of the same hardscapes . . . types of applications that are coming before, and we go, OK, I can visualize that is just going to be the same the same plot and the same plat and the house is going to be different. I think we've also seen where it didn't make sense to do it that way and you had to grant the variance and maybe it could go back further, but it still makes sense, but altering the characteristics, I can't say yes or no, it would alter the characteristics. Maybe the neighbors would be just fine with it in the same

space because there is not going to be any other disruption. But I just, because I can't visualize it, I think it's unreasonable to come in and say we want a variance and we don't know what it's going to be used for, what the building is going to look like or any additional variances that are going to be needed on this property.

Blake Cameron (Chair): Thank you, Commissioner Severson. Commissioners want to go ahead.

Bonnie Schwalbe (Commissioner): Well, I went over there. I met Mr. Swanson. One day he was out gardening and I asked if I could walk along, which I did. And he did show me where the stakes were in the ground where this 108-foot set back would be. And when I stood there and looked over at the Constantino's - what's their name again - Constantino's place, All I could see was part of the patio. There are a lot of Arbor Vita that were place there, but I couldn't see any part of the house except some of the patio that is out of the back. I think you have to have a starting place if you're going to start drawing up plans. And it seems fairly reasonable to me that they are taking where the house is right now and putting it back toward the road by the little over 16 feet so, to me, they're certainly going out of their way to find a way to make this work so that they can get to work on a plan and even get to work and have the sale because the house is going to come down. And how does a buyer know or anyone who wants to spend a lot of time putting together a plan, how do they know what to do if they think that they may be way over by the report set back of 206.5 feet? The proposed setback seems very reasonable, but that's primarily what we're at here, right?

Alex Sharpe (Director): Chair Cameron, Commissioner Schwalbe, I believe, yes, if I'm understanding your interpretation or your statement, correct.

Bonnie Schwalbe (Commissioner): So the building Mr. Hunt wants to know if you can proceed knowing that his line is going to be at the 108 foot mark.

Alex Sharpe (Director): That is correct.

Bonnie Schwalbe (Commissioner): Seems like a reasonable request to me. And if I look at, I don't know if this is the point at which I should be going through this, but the primary questions to consider regarding the variance. The first one. Is it consistent with the comprehensive plan? I think it is. Is it reasonable? I think it's very reasonable that actually puts the house back at additional 16 feet that the neighbors would not have to look at. Is the plight of the landowner due to circumstances you make to the property and not created by the landowner, and that's absolutely correct, primarily given the location of the of the property to the north. Would the variance alter the essential character of the locality. I don't think it would vary it at all except to put the whole house back 16 feet, which would be a good thing. Economic considerations alone shall not constitute a practicality. I do not think this is just about economics. It is a beautiful piece of property and for anyone to design something that may have to be on a small bottle neck area of the lot would be very difficult and in my opinion. And so there is also the shoreland overlay district. Minimum set back, ordinary high watermark be at least 75 feet. That's covered. That's OK. The setbacks that adversely impact views of the shoreline or lake for adjacent neighboring principal structures.

Well, it may be for a little bit of that patio. But I stood there and I could not see the house at all. C. the reduction specific requirements is based upon the specific leader circumstance which is

unique to the property in question, and it is, and which if approved will not set a precedent which is contrary to the intent of the city ordinance. However, any structure built as a result of an issue ordinance shall be considered in determining the proper set back of future construction on adjacent lots. I'm actually not even seeing a problem there. Does anybody see a problem there? Any of the other? OK. And then here's the part that's not over – D. and E. - A shoreland impact plan must be submitted and approved as required and set forth in section 991.19 of the city ordinance. And the conditions of Chapter 905 of city ordinance are considered satisfactorily met. We won't know that until there is a plan. Is that correct?

City Attorney: So, 905 are those criteria you were just reading. That's the general criteria. D is the one that staff has suggested. If you did move forward would need to be a conditional because that's where the requirements they need to submit and get approved for that. So the variance would be contingent on that if you went that route.

Bonnie Schwalbe (Commissioner): I would like that. Well, I personally could see improving it based on D & E being followed for one. Does that make sense? Did I?

City Attorney: Chair and Commissioner, certainly, D yes. OK.

Bonnie Schwalbe (Commissioner): Can I see D&E just because?

City Attorney: Well, E is the general standards for a variance that you were reading through? Yeah, that's 905 there on your screen that you just read through. So I think, based on what I heard you say, those 905 criteria for a variance the applicant has met. That's what I heard you say.

Bonnie Schwalbe (Commissioner): So I guess what I'm saying is I'm basically in favor of this as long as the D is met.

Blake Cameron (Chair): Thank you, Commissioner Schwalbe. Very thorough. Thank you.

Bonnie Schwalbe (Commissioner): Did it take too long.

Blake Cameron (Chair): No, no. It's only 8:00. We got four more hours till midnight.

Joe VanLoy (Commissioner): Let’s set a record, shall we? If you go back one slide just to the other. As I started thinking about whether this variance is reasonable, the flip side would be have somebody draw up a plan that may or may not be what gets built or a plan that may or may not change the house that's there. And a go through the process at a later time. I don't think it's . . I actually think it's quite reasonable to have an understanding of what the land holds and what might be available to somebody if they're if they're looking at building. On a personal note, right, I'm thinking of having an outbuilding, and my question is, should I just pay to design and have a complete structure? Define what I have no idea whether it's going to be something that's going to be forward or not - a lot of time, lot of effort - when this will provide somebody with an idea of what's in place. From my standpoint, I'm not sure why they went to 108, but the fact that their proposal includes the red triangles that would basically ensure that the line of sights from the existing . . the line of sights to the lake from the existing properties would not be built upon. I think provides a lot of insight into the fact that they are looking at making sure that it meets the comprehensive plan, that it that it stays in line with the view of the of the existing neighborhood

and certainly from a variant standpoint are giving not an indication of exactly what's going to go there, but whatever goes there, as long as it meets the rest of the requirements of the building permit, were allowed. So I actually also I went out and looked at the site. I don't think you can go any further to the to the north; there's an unbelievable drop off there in south. I think that you're seeing that they're already knocking against that notch that is in the property. So I think it's a, one, a reasonable request in terms of a go forward path and a reasonable nod to the neighbors in terms of cutting out all of the possible sightlines that that there could be that could be consideration.

Blake Cameron (Chair): Thank you, Commissioner VanLoy.

Chris Plantan (Commissioner): OK. You know with all these like properties, there's always these challenges because each one of them is unique. I guess that's what makes our community unique and this is a lot that has a lot of constraints on it. I too have been to the property. I've been seeing from the lakeview. I was also involved with the home very close to that property. I know the time and expense, the dollars involved with drawing up plans to see if something may work like you're referring to Commissioner Van Loy. It was at the cart before the horse or the horse before the cart. The proposed variance set back is further back than the whole that's been there for 40 years, 100 years, whichever one we're going to say. And the fact that the applicants, the longtime residents, they're volunteer volunteering - not coming with the right word - adding their own conditions on to the application to preserve those sight lines. And I think that is very neighborly. If it goes much further back, I'm very worried how close it's going to get to the setbacks. Right now, we've got a really nice healthy distance on the north side of the south side to the adjacent properties. So I do think it's consistent with the comprehensive plan when you look at adjacent properties. Adjacent lakeshore variances that have been granted of the legacy homes and property. I think the variance is reasonable and I do feel like this site . . . there is a plight to the lot. It is unique to the property. It is not created by the landowner. And I don't think the variance would result will change the character. There's a lot of holes that are a little closer to the lake, if you consider looking even in Grays Bay or Maxwell Bay, other bays, the holes are much closer to the water line than we have in Wayzata. I just feel like this is a reasonable variance and I would be in favor of granting it with the conditions that the voluntary restrictions that were offered are part of the variance. Of course, then with Part D, making sure we have that lakeshore or shoreline overlay district. Report attached.

Blake Cameron (Chair): Thank you, Commissioner Plantan.

Black Cameron (Chair): I'm going to, you know, I think I have a lot of I think some of the same concerns that Commissioner Elg and Commissioner Severson have. I too think that a variance for this property is like fully is fully justified, right? But I think I have too many questions about just granting a blanket variance because typically with variances we're going to attach conditions, but we don't know what conditions to attach to that variance and so it's the sort of the law of unintended consequences. It scares me, right, like if City Council goes ahead and grants this and whoever buys the property decides they want to build a structure that maxes out the envelope and put in a permeable driveway so they can maximize hard cover, I mean, there could be a giant house there taller than much taller than what's there today. Right, because they're not touching 35 feet currently. So I think I think that's kind of my hang up in this is you know that as defined today by the current rules, like that buildable area, they would have to clear cut a whole bunch of beautiful trees, right? And so that kind of takes that out of the process or they'd be back here asking for a variance from the tree ordinance - different subject - not going there – but, for sure, there's some

hardships associated with the property. It's what makes it unique, but I think where I go to then is, you know, so now we're just going to allow give this big, vast space without being able to attach any other conditions to that space, not knowing what's going to get put there. And so that's where I kind of get held up on this.

Chris Plantan (Commissioner): Can we pull up the plan again? Or the site plan the site plan with the red triangles.

Blake Cameron (Chair): Right, so like that area that building area was with within setbacks, right, that's all hardwoods up there. And not buildable either. Right. I mean it is, but it isn't.

Bonnie Schwalbe (Commissioner): I'm just curious. What really could they do in terms of setbacks or anything else that will be a problem for the neighbors? Where would the problem come from, up with the house? It may very well be taller. This house only has 10-foot ceilings, so it probably will.

Blake Cameron (Chair): Right. Yeah. I mean it could be taller; it could be considerably taller.

Bonnie Schwalbe (Commissioner): The further back you go, the higher up it goes.

Black Cameron (Chair): Right. Well, it could be much taller; it could be closer to the side set back, right. They could did what they did up at on Park Street where we had that overhang variance where they built all the way into the sides and then left everything in back, you know, so there's I think that's right. We don't know the answer to those questions because there's nothing that's been proposed for the site other than we want to build a bigger footprint to be able to for somebody to be able to build on, not us, right, so I think, for sure, my thoughts would be different if somebody came and said, hey, we want to build this house here and this is where we want to build it and here's why and, oh, by the way, right, we're, you know, whatever, right, I think that's a different conversation because now we have something tangible to look at and think about and say, yeah, we agree or yeah, I agree. And but with the condition of extra, the condition of why, I think we lose that ability to do that, if we if we say here's the variance for this building pad. So now then.

Bonnie Schwalbe (Commissioner): So it's just one variance. How close to the . . .

Blake Cameron (Chair): Right, but it's just how close to the water. But then now what allows anybody to come in and do is as long as they're compliant with setbacks and building code, they can build whatever they want in that case.

Bonnie Schwalbe (Commissioner): And truly, you know, have you seen Kyle Hunt's home? I can't imagine he would put anything up there that would be offensive, but I don't know.

Jennifer Severson (Commissioner): What’s to say that is going to be his home now? I mean, that's the . . .

Bonnie Schwalbe (Commissioner): Well, he is the a builder.

Jennifer Severson (Commissioner): Understand that the family may decide to sell to someone else. The family may decide the new property owner may not decide not to engage or may decide

to do something else. So I think to me that's the question is that there isn't something to react to. It's only a variance when like what I was thinking is maybe the variance to keep the existing house footprint is the right thing to do and tear down the house and build something brand new on that same footprint and we might not even need that additional 16-foot set back. But I think that's where I'm getting hung up and I get that the plight of the landowner is unique to them and that's what makes this . . . . That is the process, when you have a home and you have a property, you build the building plans and then you come and get those plans approved and that's just what I think any buyer or any person would expect to do versus asking for a variance first and then going back and making the changes later. That's the process. The process is you design a home, you get the variance if you need it, and then you move forward versus the other way around. In my opinion, now you can disagree. That's fine.

Chris Plantan (Commissioner): I guess I wouldn't disagree on that because being an architect, it would be hard just to design a house not knowing where it's sitting on the lot. Sometimes with lots with some restrictions like this, you can be very creative. And so just to come up with the house plan that you found in magazines and is that this is a lot. That's really something that you can't do in this instance. I was going to ask staff did I see something in your or in the application about the height restriction or height considerations as well.

City Attorney: Commissioner and chair, we certainly can address your question. I think Director Sharpe wanted to make a comment before we got too far away from the chain of discussion here a moment ago.

Alex Sharpe (Director): So to facilitate the Commission's discussion here, just as you are discussing particular house plans, traditionally, when adopting or moving forward with the variance application, the house plans presented are not part of the recorded materials nor are they a condition of approval. So when granting traditional variances for a set back variance, let's say from a side setback where 10 is required and they want to go to 8, the house plans and what they are planning on doing with that don't reside with that house. Any future house, 100 years down the line, as I've stated as part of the presentation, the variance runs with the land, not with the property owner, not with the set of plans. Unless for some reason those plans were a condition of approval. Traditionally, those plans are not a full condition of approval. Generally, a plan like this would be where voluntary additional areas and a plan would be attached to a resolution as an exhibit to show those voluntary areas or to show something additional that would be added as a condition. There are conditions that are added, such as what Commissioner Plantan is referring to on, let's say, overall height, for instance, if you can relate to the overall height of a structure, which 35 foot is permitted within this R1A zone, the Commission could place conditions to further reduce said height to try to mitigate visual impacts. The difficulty the Commission is facing with this is how would that impact with particular house plan when we return back to that discussion that I'm not attempting to facilitate the discussion within, but do want to make sure the Commission is aware of. In my years, unless there's something very unique about an individual house plan that is causing an individual variance, those are not a recorded document.

City Attorney: And, chair, if I could just elaborate on that, you know, the problem with tying the variance to specific house plan is that over time you know the variance will run the way and the house has a certain life, and when it goes, the new building, we need to know whatever setback is. So what you're deciding now is not just for what will be built after the existing house is gone if

that happens, it's, you know, indefinitely until a different set back was in place or a different variance is granted.

Joe VanLoy (Commissioner): So just for clarification, that is a sidebar at best. So if someone has included a plan with a variance request, do they have an opportunity to change the plan? Can they because, ultimately, the variance goes with the land.

Alex Sharpe (Director): Chair Cameron, Commissioner VanLoy, the plans would be supplemental for the Commission's review, with the time of variance would be able to change subject to any conditions of any granted variance. So, to answer your question, yes, they would be able to alter it, but only subject to conditions added.

Adam Elg (Commissioner): How enforceable are these red areas that are being self-regulated at this point?

City Attorney: Yes. Chair and Commissioner, I'm glad you asked about that. I think if your findings include the significance of those red areas and you would want to make that a conditional approval, we would do all we could to make sure that they were legally binding the best way possible. So I would consult with my real estate team about the best way for recording that we would ensure that that would be an enforceable restriction. And only based on the fact that the applicant is offering that; we don't require that under the code as far as I understand. So it's just something they're offering voluntarily, which we would want to make binding if it does factor into your recommendation.

Alex Sharpe (Director): To supplement that, Commissioner, likely the graphic, along with legal description of those areas would need to be developed rather than required at this time, not knowing whether those are required. We haven't got the legal description; we've got the graphic at this time.

Jennifer Severson (Commissioner): And is that legally binding forever, or for how long?

City Attorney: Well, Commissioner and Chair, I mean that would be the idea, right? Just like the variance would run with the land, this was a condition of granting this variance on the setback, so it will be factored into that legal right.

Jennifer Severson (Commissioner): It was brought up that there's other communities across the lake that don't have the riparian requirements. Is that something that's been considered? Why is that as something that would ever be on the table so that this point is sort of moot?

Alex Sharpe (Director): Chair Cameron, Commissioner Severson, one of the reasons why staff did that level of research to identify the number of variances in a time frame was to specifically evaluate, is it time to look at the code. As staff, I've always considered it a best practice, and I've done it in multiple different communities, and in fact bringing forward some changes to code ordinance or to the ordinance here in Wayzata. When we run into a regular issue on a subject, variances are either regularly granted for that or plans are having to change on a very regular basis to something that not as supported by the community staff and bring that forward as a proposed text amendment, potentially depending on what section it's in, have the Planning Commission or City Council review. In this instance, we have evaluated 3 properties that fit item B. So apply

directly to the requirements of here. It's not a I have a incredibly long history of sites. If this were a slam dunk and the Commission weren't debating at this time in the evening, I might start considering bringing something like that forward. At this point, there's not a commitment to doing something like that. It's something that the city could consider changing the ordinance in the future, as with any of our ordinances. Anecdotally, one piece to this, this is out of DNR best practices. Most of the other communities around the lake had this. In fact, communities outside of around Lake Minnetonka had this. I've had this in two different communities. Whether that applied well within those communities or not, it's up to that community.

Chris Plantan (Commissioner): Director Sharpe, is what you're talking about somewhere that you provided in our packet of the number of variances, shoreline setbacks that pertain to item B, we've got 3-4.

Alex Sharpe (Director): That is correct. Not all of those apply to item B, only those outlined in the blue square pertain to B. Those others pertain to other types of variances.

City Attorney: Commission chair, if I may, I just want to caution you, we're applying the ordinance as it is today. I think that's just a sidebar discussion about policy for the benefit of staff. But again we have this is the rule that we're working with today.

Jennifer Severson (Commissioner): What happens when we die?

City Attorney: Chair and Commissioners, well, your charge is to provide the City Council with the report and recommendation? We can talk a little bit about procedure, chair, but we go to this slide that we always have which would be to ask for a motion to direct staff to prepare a draft for recommendation of the appropriate findings to approve or deny with certain conditions. If you cannot resolve the tie vote tonight, the procedural options are to table this to your next meeting. We might have everyone present. If we can't do that within the rules of the 60-day statute of City Action, Council will just take it up when they have to get it done. But our charge is always to see if you can build consensus. I mean, one of the nice things about your proceedings is council members often watch your proceedings. They read the minutes; they know the minority view and the majority view, so they'll have the benefit of your robust discussion here tonight so. Yeah, I don't know if you have anything else?

Alex Sharpe (Director): Commissioners, we are not currently up against 120 day clock. There is sufficient time if for some reason things were delayed.

Adam Elg (Commissioner): If I may comment, as I stated when I first spoke that this is challenging. One can suggest that our interpretation of reasonable can be different, and my big stickler - this was obvious why 108 - but I don't feel that I can, I mean, what's reasonable to you is maybe different as to what's reasonable to me. So I'm not going to stand in the way here because there is undoubtedly going to need to be very handsome in this piece of property when something is built. So why not get something in place? Now I wish it was 150. But it's not; it's 108, and I can live with that. It seemed consistent with all those other yellow lines along that entire shoreline to me. So it doesn't seem really unreasonable. It just struck me as why 108, that's all.

Joe VanLoy (Commissioner): Yeah, I agree. One of my one of my questions was why 108? But on the other hand, when I'm thinking about reasonableness, if I were in the Swanson shoes, I

probably would have put it on the existing other existing footprint as opposed to backing it off, 16/18 feet, whatever the math was. So from that standpoint, I thought it was quite reasonable. I also think that it was very enlightening to me when I was talking a little about the fact that if there was . . . if Kyle Hunt reached into his bag of tricks and said this is the house I'm going to put on that, we would have argued a little bit about that house, but that doesn't mean that's the house that would actually be built.

Adam Elg (Commissioner): 100%.

Joe VanLoy (Commissioner): So from my standpoint, is it a reasonable request to back off 10 or 15 feet, whatever that number was, with the added restriction that these folks brought forward saying that they are not going to impede at all on their neighbors' line of sight in order to provide a billable spot. I think that's very reasonable.

Blake Cameron (Chair): Well, if I interpreted your comments correctly, do we have a consensus then?

Chris Plantan (Commissioner): I'd be willing to make a motion. I can make a motion and see. Make a motion of recommendation recommending to staff to prepare a draft Planning Commission report and recommendation with appropriate findings, and I'd say the following conditions, one of course is Part D submitting a shoreline impact plan. And then I think what we'd have to do is define those. I don't want us to call the triangles.

Blake Cameron (Chair): Pizza slices.

Chris Plantan (Commissioner): Red triangles that have been established for application, review and adoption at the next Planning Commission meeting.

Blake Cameron (Chair): Perfect. Discussion?

City Attorney: I would just note for the record your discussion you've had. We have a motion on the floor that has been seconded, so as we just discussed, it will call for the vote. Commissioner Plantan, I understood that and I think those red triangles will need to be legally defined and delineated and be part of the approval and the setback variance of the land, and I think . . I don't know that I heard you say it, but I think the implication was a recommendation of approval. Right. Yeah. OK. Thank you.

Bonnie Schwalbe (Commissioner): Can the City prepare those or whatever needs to be done to these triangles to make them just so.

City Attorney: Yes, Chair and Commissioner, we would we would work on making sure that was part of the final resolution that Council would consider. Cool. All right. All those in favor? Aye. All those opposed?

Blake Cameron (Chair): Nay.

Blake Cameron (Chair): The motion passes.

Jennifer Severson (Commissioner): Can I make a comment? I did vote aye, because you know your definition of reasonable. But I want to have it in the record that I think the City Council should consider whether or not it is they believe the setback is reasonable and to you know; it makes me a little nervous. You know, even though I voted, aye, it still concerns me about the fact that we don't know exactly what's going to be going on, that we don't know who's going to be building it or buying it. So I'd like that on the record.

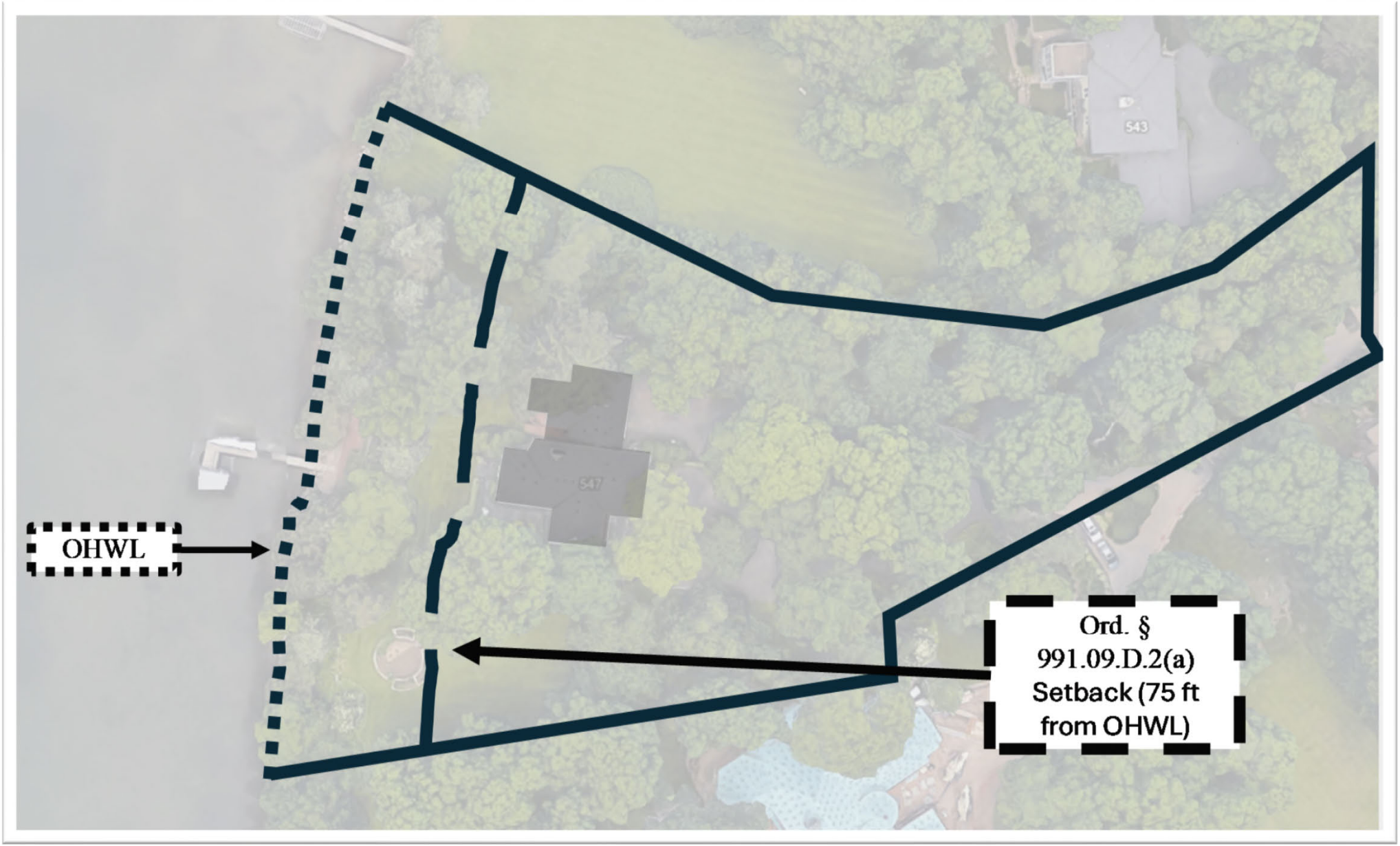
Blake Cameron (Chair): All right, thank you, Commissioner Severson. The motion passes and . . .

City Attorney: Here I think we need a note that that was 5 to one with the name at the chair, right?

Blake Cameron (Chair): Yes, 5 to one with a nay at the chair. The motion passes and the draft report and recommendation of approval be on the consent agenda at our next meeting, and after that, go to City Council for their consideration. Thank you, Mr. Swanson. Mr. Christopher. I've forgotten your last name, but I got your first name. Mr. Hunt, thank you all and all of you for coming tonight. Appreciate your time and your thoughts to this process and your care for the community. Definitely. So that concludes the public hearing portion of our meeting. Next on our agenda is other items Director Sharpe.

175872242v2

<u>FIGURE NO. 1</u>: CONTINUATION OF PRE-EXISTING NON-CONFORMING STRUCTURE



<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Black ···· = Ordinary height water level (OHWL)
3. Black - - - = Ord. § 991.09.D.2(a)'s minimum lake shore setback of "[s]eventy-five feet"
4. Grey ■ = Maximum buildable area of 6,471 sq. ft. per Ord. §§ 915.02.A.1 and 991.15 provision that "[a]ll legally established non-conformities as of the date of this Ordinance may continue" exclusive of "[a]ll additions or expansions to the outside dimensions" thereof.

<u>FIGURE NO. 2</u>: ORD. § 991.09.D.2(b)'S REQUIRED
***MINIMUM* LAKE SHORE SETBACK**

<u>LEGEND</u>

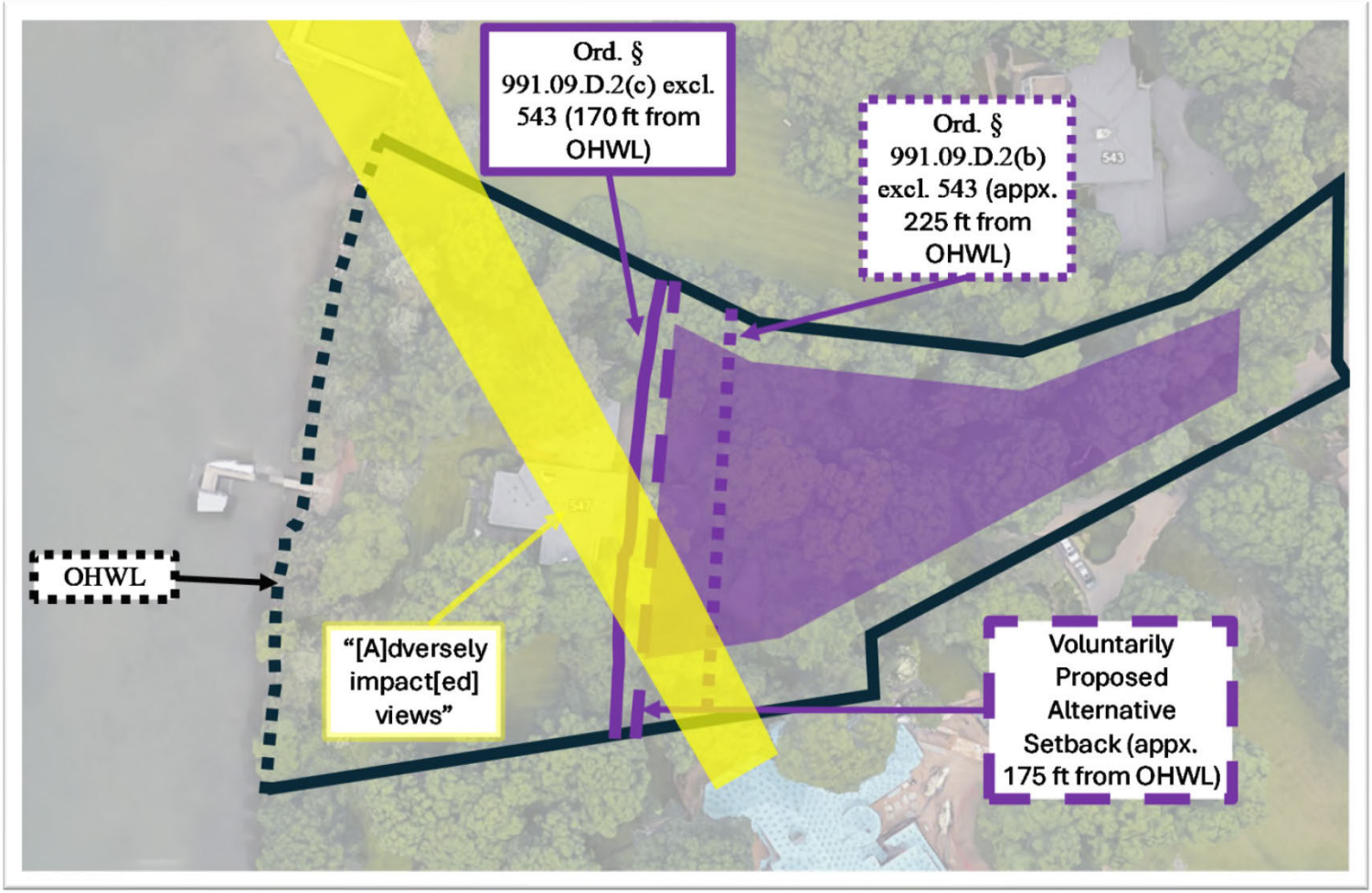
1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Red - - - = Ord. § 991.09.D.2(b)'s required minimum lake shore setback
4. Red ■ = Maximum building area

<u>FIGURE NO. 3</u>: ORD. § 991.09.D.2(c)'S ALTERNATIVELY REQUIRED *MINIMUM* LAKE SHORE SETBACK

<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Blue - - - = Ord. § 991.09.D.2(c)'s alternatively required lake shore setback
4. Blue ■ = Maximum building area

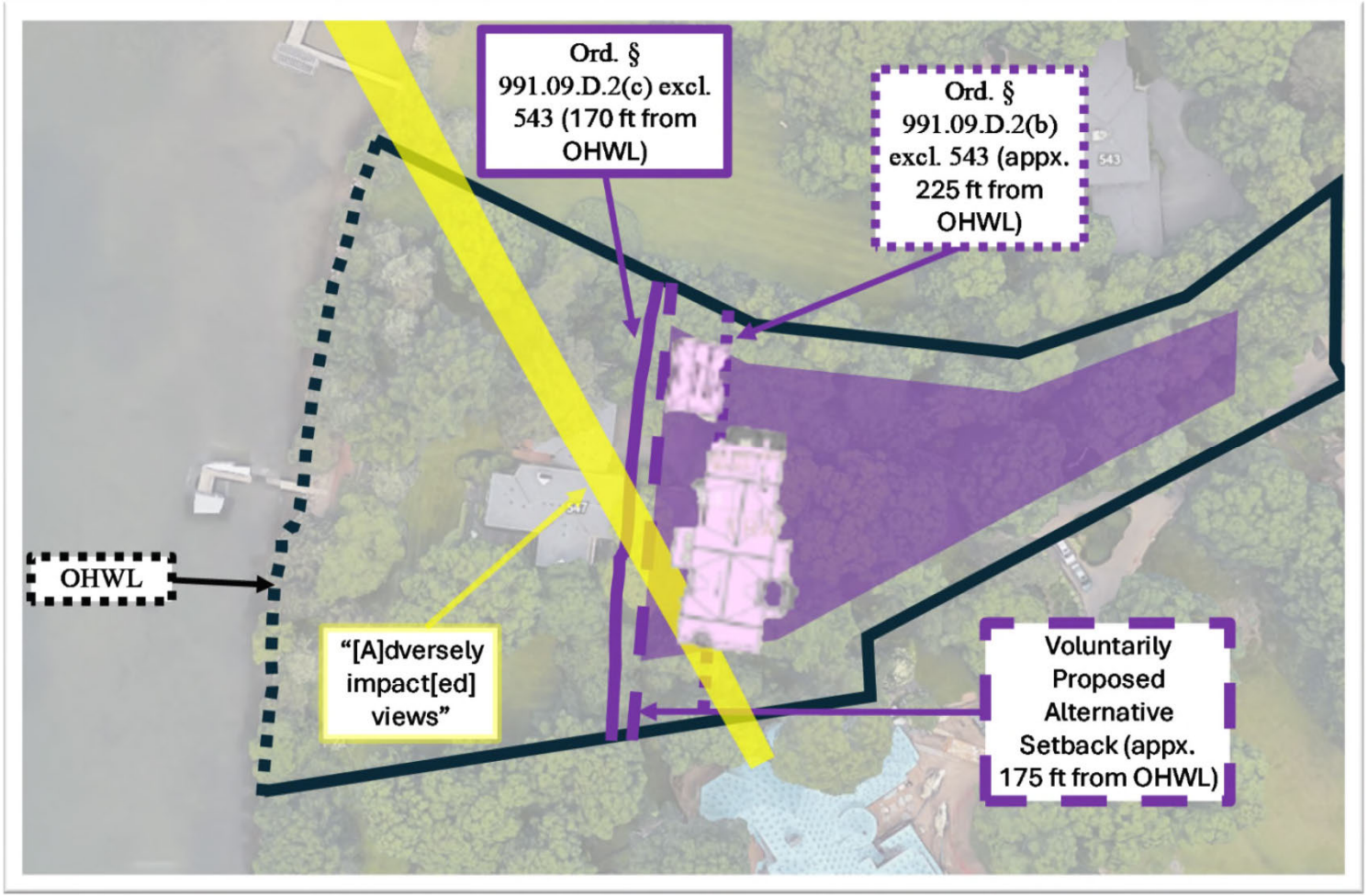
FIGURE NO. 4: 549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK



LEGEND

1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Purple - - - = 549 Harrington Road's voluntarily proposed alternative *minimum* lake shore setback variance
4. Purple ···· = Exclusive of the anomalous 543 Harrington Road, "[a] line drawn between the two closest riparian principal structures on either side of a proposed building site." (full view depicted to the right)
5. Purple — = Exclusive of the anomalous 543 Harrington Road, "[t]he average setback of the two closest riparian principal structures on either side of a proposed building site."
6. Purple ■ = Maximum buildable area
7. Yellow ■ = "[A]dverse[] impact [on] views of the shoreline or lake for adjacent neighboring property structures" *i.e.*, 549 Harrington Road

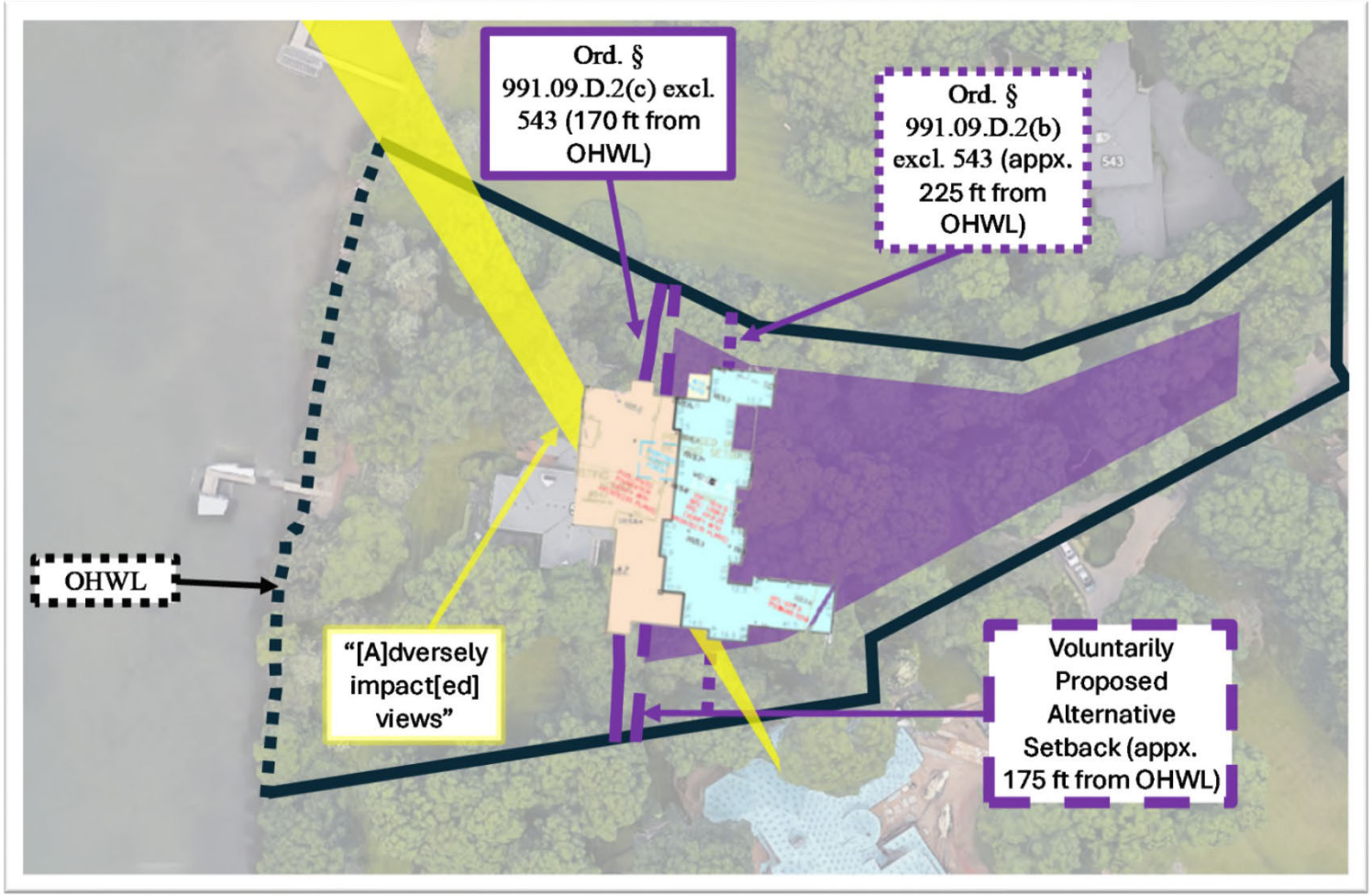
<u>FIGURE NO. 4A</u>: 549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building A)



<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Purple - - - = 549 Harrington Road's voluntarily proposed alternative minimum lake shore setback variance with required increased south-side side yard setback
4. Purple ···· = Exclusive of the anomalous 543 Harrington Road, "[a] line drawn between the two closest riparian principal structures on either side of a proposed building site."
5. Purple — = Exclusive of the anomalous 543 Harrington Road, "[t]he average setback of the two closest riparian principal structures on either side of a proposed building site."
6. Purple ■ = Maximum buildable area
7. Pink = 547 Harrington Road's Proposed Building A (8/18/25 Plan. Comm. Mtg. Agenda at 51)
8. Yellow = "[A]dverse[] impact [on] views of the shoreline or lake for adjacent neighboring property structures" *i.e.*, 549 Harrington Road

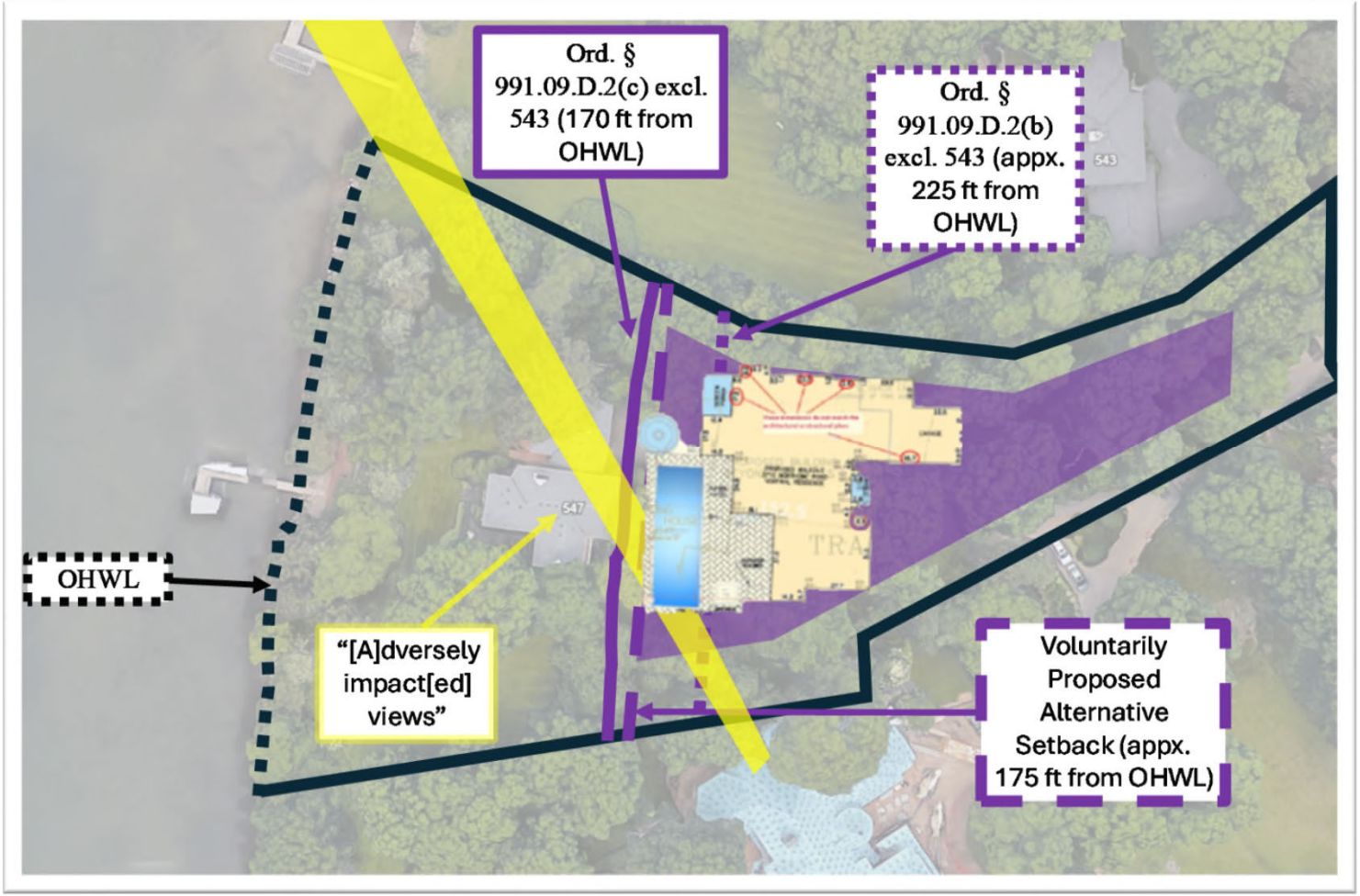
<u>FIGURE NO. 4B</u>: 549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building B)



<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Purple - - - = 549 Harrington Road's voluntarily proposed alternative minimum lake shore setback variance with required increased south-side side yard setback
4. Purple ···· = Exclusive of the anomalous 543 Harrington Road, "[a] line drawn between the two closest riparian principal structures on either side of a proposed building site."
5. Purple — = Exclusive of the anomalous 543 Harrington Road, "[t]he average setback of the two closest riparian principal structures on either side of a proposed building site."
6. Purple ■ = Maximum buildable area
7. Blue ■ = 547 Harrington Road's Proposed Building B (8/18/25 Plan. Comm. Mtg. Agenda at 51)
8. Yellow ■ = "[A]dverse[] impact [on] views of the shoreline or lake for adjacent neighboring property structures" *i.e.*, 549 Harrington Road

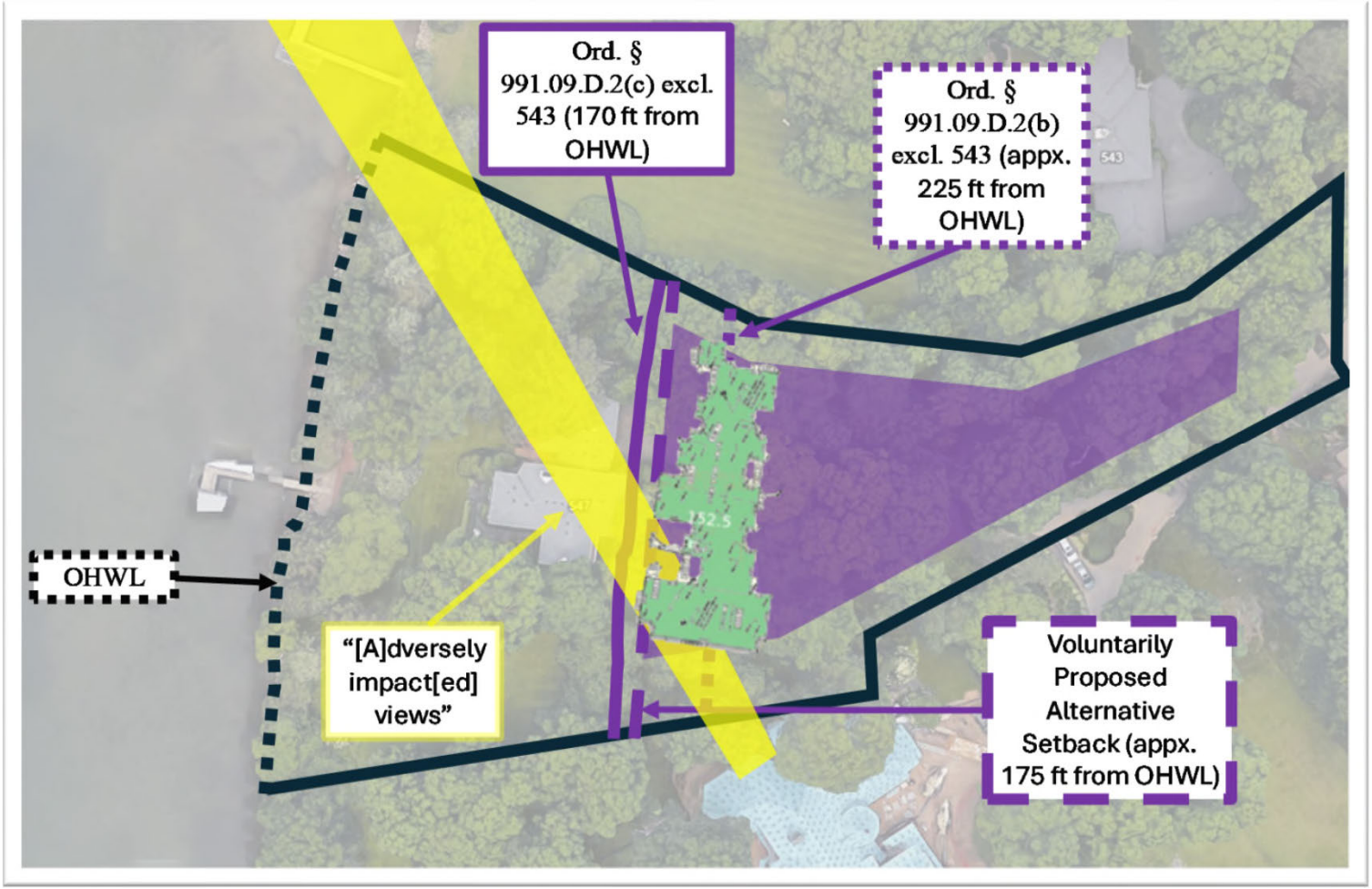
<u>FIGURE NO. 4C</u>: 549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building C)



<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Purple - - - = 549 Harrington Road's voluntarily proposed alternative minimum lake shore setback variance with required increased south-side side yard setback
4. Purple ···· = Exclusive of the anomalous 543 Harrington Road, "[a] line drawn between the two closest riparian principal structures on either side of a proposed building site."
5. Purple — = Exclusive of the anomalous 543 Harrington Road, "[t]he average setback of the two closest riparian principal structures on either side of a proposed building site."
6. Purple ■ = Maximum buildable area
7. Orange = 547 Harrington Road's Proposed Building C (8/18/25 Plan. Comm. Mtg. Agenda at 51)
8. Yellow = "[A]dverse[] impact [on] views of the shoreline or lake for adjacent neighboring property structures" *i.e.*, 549 Harrington Road

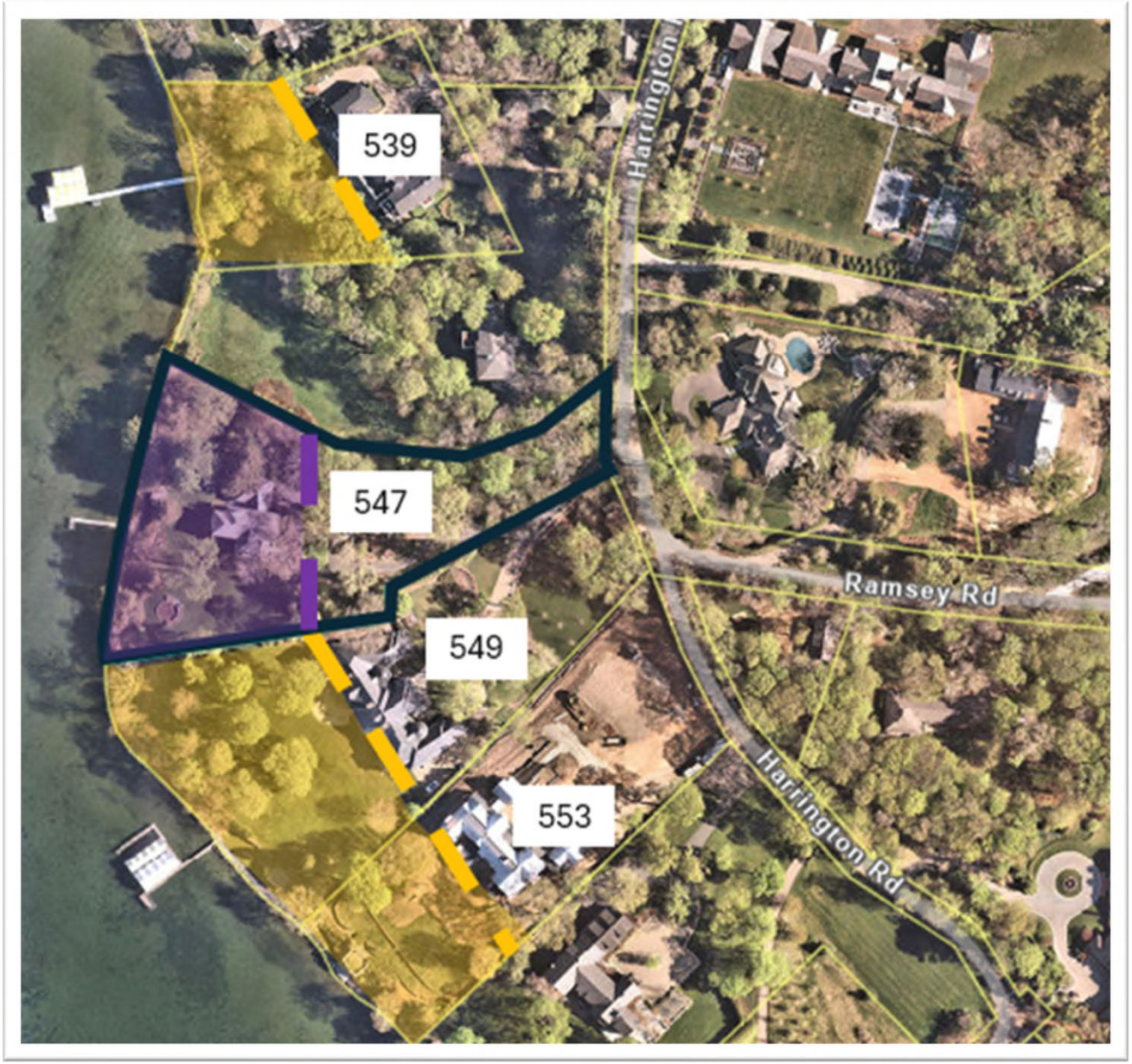
<u>FIGURE NO. 4D</u>: 549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM* LAKE SHORE SETBACK (547 Harrington Road's Proposed Building D)



<u>LEGEND</u>

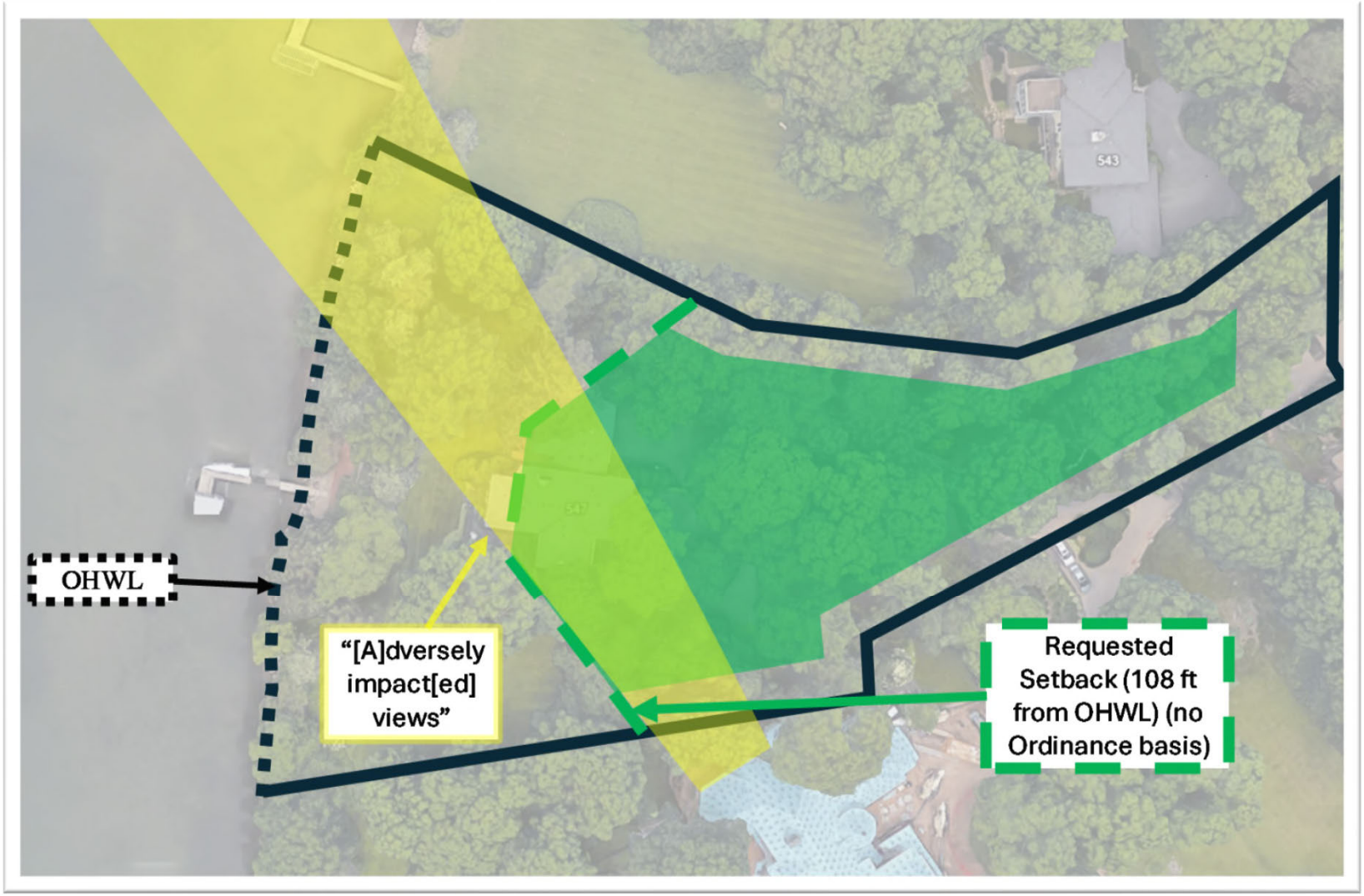
1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Purple - - - = 549 Harrington Road's voluntarily proposed alternative minimum lake shore setback variance with required increased south-side side yard setback
4. Purple ···· = Exclusive of the anomalous 543 Harrington Road, "[a] line drawn between the two closest riparian principal structures on either side of a proposed building site."
5. Purple — = Exclusive of the anomalous 543 Harrington Road, "[t]he average setback of the two closest riparian principal structures on either side of a proposed building site."
6. Purple ■ = Maximum buildable area
7. Green ■ = 547 Harrington Road's Proposed Building D (8/18/25 Plan. Comm. Mtg. Agenda at 51)
8. Yellow ■ = "[A]dverse[] impact [on] views of the shoreline or lake for adjacent neighboring property structures" *i.e.*, 549 Harrington Road

<u>FIGURE NO. 4E</u>: 549 HARRINGTON ROAD'S VOLUNTARILY PROPOSED ALTERNATIVE *MINIMUM SETBACK* IN CONTEXT



<u>LEGEND</u>
1. Black — = 547 Harrington Road property boundary
2. Purple ···· = 549 Harrington Road's voluntarily proposed alternative minimum lake shore setback variance with required increased south-side side yard setback

<u>FIGURE NO. 5A</u>: 547 HARRINGTON ROAD'S JULY 23, 2025 PROPOSED *MINIMUM* LAKE SHORE SETBACK VARIANCE WITH ITS AUGUST 18, 2025 ORAL MODIFICATION



<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Black ···· = OHWL
3. Green - - - = 547 Harrington Road's July 23, 2025 requested Ord. § 991.09.D.3 minimum lake shore setback variance
4. Green ■ = Maximum building area
5. Yellow ■ = "[A]dverse[] impact [on] views of the shoreline or lake for adjacent neighboring property structures" *i.e.*, 549 Harrington Road

<u>FIGURE NO. 5B</u>: 547 HARRINGTON ROAD'S JULY 23, 2025 PROPOSED *MINIMUM* LAKE SHORE SETBACK VARIANCE WITH ITS AUGUST 18, 2025 ORAL MODIFICATION IN CONTEXT

<u>LEGEND</u>

1. Black — = 547 Harrington Road property boundary
2. Green - - - = 574 Harrington's July 23, 2025 requested Ord. § 991.09.D.3 *minimum* lake shore setback variance
3. Orange - - - = *Minimum* Lakeshore Setbacks at 539, 549, and 553 Harrington Road

Haily Hedblom

From: Hans Hagen [redacted]
Sent: Friday, August 29, 2025 10:56 AM
To: Haily Hedblom
Cc: [redacted]
Subject: Dick Swanson Shoreline Setback Harrington Rd.

Follow Up Flag: Follow up
Flag Status: Completed

September 29, 2025

To: The Wayzata Honorable Mayor and Council,
Re: Tract B, RLS #1416 Hennepin County, Minnesota

As neighborhood residents, we support the Wayzata Planning Commission resolution granting the variance to the shoreline setback requested by the owner of Tract B, the Swanson family.

Based on the background and findings below, we recommend the Mayor and Council grant the variance approved by the Planning Commission and make the variance permanent rather than expiring in 12 months.

Background & Findings

1. Tract B, the Swanson property, was built in 1929 and is currently occupied.
2. Tract A lies immediately north of the Swanson property was built 1976, 47 years after Swanson house.
3. Lot 009* lies immediately south of the Swanson property was built in 2016, 87 years after the Swanson property.
4. Swanson's proposed setback and view corridor matches the existing view corridor from the houses on Tract A and Lot 009
5. The owners of Lot 009 effectively accepted the view corridor proposed by Swanson when they purchased Lot 009 and constructed their new home.
6. The owners of Tract A support the variance proposed by the Swansons.
7. The Swansons will suffer an unusual hardship if the Mayor and Council decline the variance approved by the Planning Commission.
8. By making the variance permanent on Tract B, the City of Wayzata, the owners of Tract A, Tract B, Lot 009 can move ahead efficiently and with confidence.

*Auditor's Subdivision No.# 099, Lot 009

Thank you for your consideration.

Hans & Carolyn Hagen
570 Harrington Road
Wayzata, MN 55391
Mobile: [redacted]

Haily Hedblom

From: John Nolan [redacted]
Sent: Thursday, August 14, 2025 9:50 AM
To: Alex Sharpe <ASharpe@wayzata.org>
Subject: Swanson Variance Application for 547 Harrington Road

Good morning Alex,
My name is John Nolan. I live at 557 Harrington Road. I'm a neighbor to Dick and Elaine Swanson. If you would, please include my comments below regarding their variance request in the packet being sent to the planning commission members.
Please let me know if you have any questions.
Thank you,
John

Dear Planning Commission Members,

My name is John Nolan. I live at 557 Harrington Road. Dick and Elaine Swanson asked if I would review their request for variance and if comfortable, write to the city expressing my view on their application.

After reviewing their request, I feel the request is reasonable, appropriate and meets both the spirit and the technical requirements for variance relief for all the reasons expressed in their variance application.

I am in support of the city approving this request.

Sincerely,
John Nolan
557 Harrington Road
Wayzata, MN

SANFORD | PIERSON
THONE | STREAN
ATTORNEYS AT LAW

www.ssmnlaw.com

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Charlotte R. James
Hanna F. Weil

Of Counsel
James A. Sanford*

Retired
John H. Brennan

August 13, 2025

City of Wayzata
Attn: Mr. Alex Sharpe
Community Development Director
600 Rice Street East
Wayzata, MN 55391

Re: 547 Harrington Road - Application For Lakeshore Setback Variance
Objection by Owner of 549 Harrington Road

Dear Director Sharpe:

Our firm represents Daniel and Tracy Cosentino, the owners, through a trust, of the property located at 549 Harrington Road, Wayzata. The Cosentinos purchased the property in 2013. They have lived there since 2015/2016 when they completed construction of their home, which they carefully designed to comply strictly with all applicable zoning restrictions without any variances.

The Cosentinos object to the pending application for a substantial lakeshore setback variance in connection with the demolition and reconstruction of a home on the 547 Harrington Road Property owned by the Swansons, the property immediately north of the Cosentinos' property. The application and accompanying materials (referred to herein as the "**Application**") seek to establish a "building envelope" without submission of plans for what is to be built in that envelope. The Application does not satisfy the conditions for approval required be satisfied by Chapter 991. Granting the sought variance would severely adversely impact the shoreline and lake views of the Cosentinos. In addition, the Application is motivated solely by economic considerations, the requested variance is not needed to accommodate the needs alleged in the Application, and granting the variance without construction and other required plans is likely to lead to problems the City should seek to avoid.

On behalf of the Cosentinos, I submit this letter and the materials that follow in opposition to the Application for a variance, and I urge the Commissioners to vote to recommend denial of it.

Sincerely,

SANFORD, PIERSON, THONE & STREAN, PLC

By: _____
Christopher J. Pierson

enc.

I. PRELIMINARY CLARIFICATIONS AND CONFIRMATIONS

Before turning to the substance of the Cosentinos' objection, four items require clarification or confirmation to avoid future confusion, focus discussion, and clarify the record:

1. The base zoning of the 547 Property is R-1A Low-Density Single-Family Estate District, but it is located in an S Shoreland Overlay District subjecting it, specifically per Section 991.04, to the stricter requirements set out in Chapter 991 (S Shoreland Overlay District) of the Wayzata Code of Ordinances[1]. This would apply to stricter requirements for Lake Shore Setbacks and granting of variances.

2. Absent a variance, Wayzata Code Section 991.09(D)(2)(b) determines the Lake Shore Setback. It is the line drawn between the two closest riparian principal structures on either side of a proposed building site (the "**Sightline**" on Exhibit B to the Application drawn between the front of the Leavenworth home and the front of the Cosentino home.) We believe that is undisputed. And, it is clear from the Application. However, at the time of this submission, the Project Description on the City website highlights 991.09(D)(2)(c), which averages the setbacks of the neighboring properties and yields a lesser setback. Under 991.09(D)(2), the greater setback applies. I assume the highlighting is mistaken and 991.09(D)(2)(b) applies.

3. The Application seeks "a 152.5' variance." However, generally a variance from a required setback is measured from the setback otherwise required by the Code. A 152.5-foot variance from the Sightline would yield a Lake Shore Setback line parallel to and 152.5 feet west of the Sightline and cutting diagonally across the Swanson property; NOT a line parallel with the ordinary high water mark as sought. The variance actually sought by applicant ranges from approximately 175-180 feet at the north property line, to approximately 130 feet at the south property line. At only one fixed point would the sought Lake Shore Setback line of 108 feet from the ordinary high water mark be 152.5 feet from the Sightline. So, in these materials we assume the Application seeks a variance from the "Sightline" setback line of such amount that the actual setback line would be at 108 feet from the ordinary high water mark.

4. While in several places the Application suggests somewhat ambiguously that the applicant is willing to accept greater restrictions on the "building envelope/buildable area", the Application clearly and repeatedly requests a Lake Shore Setback of 108 feet from the ordinary high water mark. Nonetheless, for purposes of this submission, we assume the applicant is not proposing to allow construction in the "red triangles" shown in their submitted PowerPoint, and we have structured our arguments and Renderings accordingly.

[1] All references to the Wayzata Code of Ordinances, the Wayzata City Code, or the Code, and its Sections, are to the CODE OF ORDINANCES City of WAYZATA, MINNESOTA Codified through Ordinance No. 847, enacted February 13, 2025. (Supp. No. 12), exclusive of Ordinance No. 851 adopted July 15, 2025, amending Chapter 936 regarding tree preservation on golf courses. All emphases in quoted passages are added.

II. THE REQUESTED SETBACK DOES NOT SATISFY THE REQUIREMENTS FOR GRANTING A VARIANCE

Section 991.09(D)(3) governs the granting of variances of Lake Shore Setbacks. It states:

> 3. The required setback distance **may** be reduced by a variance **if the following conditions are met**:
> a) The minimum setback from the ordinary high water mark is at least 75 feet;
> b) **The setback shall not adversely impact views of the shoreline or lake for adjacent neighboring principal structures**;
> c) The reduction of setback requirements is based upon a specific need or circumstance which is unique to the property in question and which, if approved, will not set a precedent which is contrary to the intent of this Ordinance. However, any structure built as a result of an issued variance shall be considered in determining the proper setback of future construction on adjacent lots;
> d) A shoreland impact plan is submitted and approved as required and set forth in Section 991.19 of this Ordinance;
> e) **The conditions of Chapter 905 and Section 991.20 of this Ordinance are considered and satisfactorily met**.

The proposed setback fails to satisfy several of those conditions. And, note that by the plain language of the section each is an express condition, a prerequisite. The only reasonable interpretation of the section is that if any of (a) through (e) is not satisfied, the variance cannot be granted. That conclusion is further justified by Section 991.04, which states:

> The "S" District shall be applied to and **superimposed upon** all zoning districts as contained herein as existing or amended by the Zoning Ordinance text and Official Zoning Map. **The regulations and requirements imposed by the "S" District shall be in addition to those established for the base zoning districts which jointly apply. Under the joint application of standards, the more restrictive requirements shall apply**.

Once the above law is applied to the facts of the case at hand, the Application must be rejected. End of discussion.

A. Condition (b) Is Not Satisfied - The Proposed Setback Would Adversely Impact the Cosentinos' View of the Shoreline/Lake

The section makes clear in (b) that a condition of issuing a variance of a Lake Shore Setback is that it not adversely impact views of the shoreline or lake for adjacent neighboring principal structures. Again, a plain reading of the ordinance is that if a reduced setback would impact such views, then condition (b) is not satisfied and, therefore, a request for a variance allowing that reduced setback cannot be granted.

The detrimental impact of a 108-foot setback on the Cosentinos' property is obvious and substantial. Granted, the 108 feet is 16.1 feet further set back from the front of the current Swanson house, but that totally disregards and dismisses the fact that with a new 108-foot setback a 35-foot high structure could be built 20 feet from the Cosentino-Swanson property line. Renderings 1 and 2 on the following two pages depict what that could look like.

Rendering 1

View from kitchen door.

Rendering 2

View from patio.

Note two things about these renderings:

1. Despite the fact the Application is not entirely clear on whether the "red triangles" would be buildable areas (see Preliminary Clarification 4 above), the Renderings depict a structure that is not in the red triangle on the south. A 35-foot structure within those areas would have a dramatic additional adverse impact on the Cosentinos' view; and

2. In the Renderings the Cosentinos' arbor vitae hedge has been removed. There is mention in the Application of the Cosentinos having planted an arbor vitae hedge along a portion of their border with the Swansons. They did. But, the arbor vitae argument is a red herring. The very reason the Cosentinos planted the hedge was to provide screening between both properties' *houses* and maintain privacy for the owners of each - so the Cosentinos would not be sitting in their kitchen looking right into the Swansons' windows. They planted foliage to provide a screen between their conforming home and the non-conforming home next door. It was not to block views of the shoreline and lake. Now, the neighbors want to build a different non-conforming structure, and they need variance to do so. Consideration of views without the arbor vitae is entirely appropriate. The structures in the above images would totally frustrate any efforts to maintain privacy, and allowing a 108-foot setback will have an adverse impact on the Cosentinos' views whether the arbor vitae are there or not.

There can be no legitimate argument that the right to construct that structure or something like it does not adversely impact the Cosentinos' view of the shoreline and lake. **Therefore, condition (b) is not satisfied. Therefore, the request for a variance must be denied.**

B. Condition (e) – Analysis of Section 905.01 Criteria For Granting Variances

Given the failure to satisfy condition (b), there should be no need to discuss condition (e) and the application of Chapter 905, especially in light of the Section 991.04 requirement that the stricter requirement of Chapter 991 shall apply. The variance should be denied. Nonetheless, a brief analysis of purposes of ordinances, "practical difficulties", economic considerations, and what is NOT in the Application is illuminating.

- Condition (e) of Section 991.09(D)(3) says Section 991.20 and Chapter 905 must be considered in determining if variances of setbacks under Chapter 991 should be granted. 991.20 merely says Chapter 905 provides the process and standards for granting variances, subject to, as noted above, the 991.05 edict that the stricter requirements of Chapter 991 apply.

- Section 905.01 states in relevant part that its purpose is to allow variances "in instances where strict enforcement of the provisions of this Ordinance would cause **practical difficulties** because of **circumstances unique to the individual property** under consideration, and to grant such variances **only** when the variances are [in] harmony with the general purposes and intent of this Ordinance ..." Even if the Cosentinos were to concede, which they do not, that the deep setback of the Leavenworth property due to the wetland between the house and the high water mark constitutes "practical difficulties because of circumstances unique to the individual property under consideration" there would still be a valid challenge to the requested variance because both Sections 991.01 (stating the Purposes of Chapter 991) and 901.03 (stating the Intent of Part IX of the Code) list maintaining or preserving property values as a general purpose or intent of the Ordinance. The detrimental impact the proposed setback would have on the Cosentinos' view (see discussion above) is hardly consistent with maintaining or preserving their property's value.

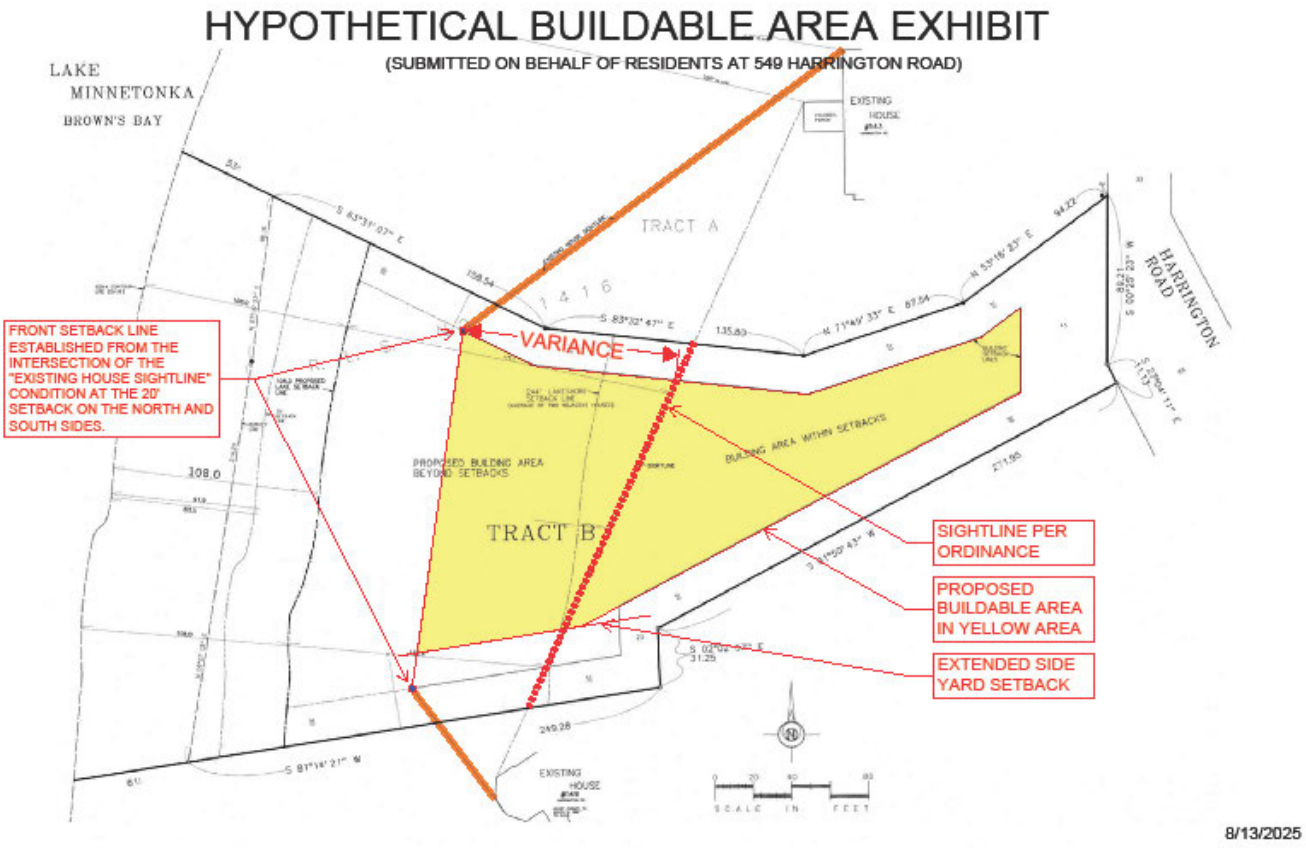
- The Application attempts to explain away the obvious economic motivations driving the request for a variance by simply denying them and then claiming, "… the practical difficulties are related to unique setback lines of neighboring homes and a reasonable use of the property for a future owner." The only reason any of that is a concern for the current owners is because it will increase the potential sale price of the property (currently listed at $10,500,000.) The Swansons have had a perfectly reasonable use of the property for 45 years. Now, on brink of their sale of the property, they have concerns about its *future* use. There is only one answer to the question, why is the owner so worried about the next owner's building envelope? It is the economic considerations. Furthermore, the Application itself cannot conceal its economic motivations. It contains one reference to "the marketing of their property for sale" and two to "aid in the sale of the property." Economic considerations are the sole motivator.

- Considerations of *future use* lead to a crucial point. The Application essentially asks the Cosentinos to assent to – or not object to – a significant variance and a *building envelope* without disclosing what is to be built in that envelope. If the Cosentinos are being asked to assent or consent to something, they need to know what it is they're consenting to. Until then, they must oppose the Application. The Commission should want and require similar information before any recommendation of approval. Granting the requested variance would be premature at best, and at worst would invite piecemeal development, opportunism and the potential for abuse by future owners.

III. THE APPLICATION PROVES THERE IS NO REAL NEED FOR THE REQUESTED VARIANCE

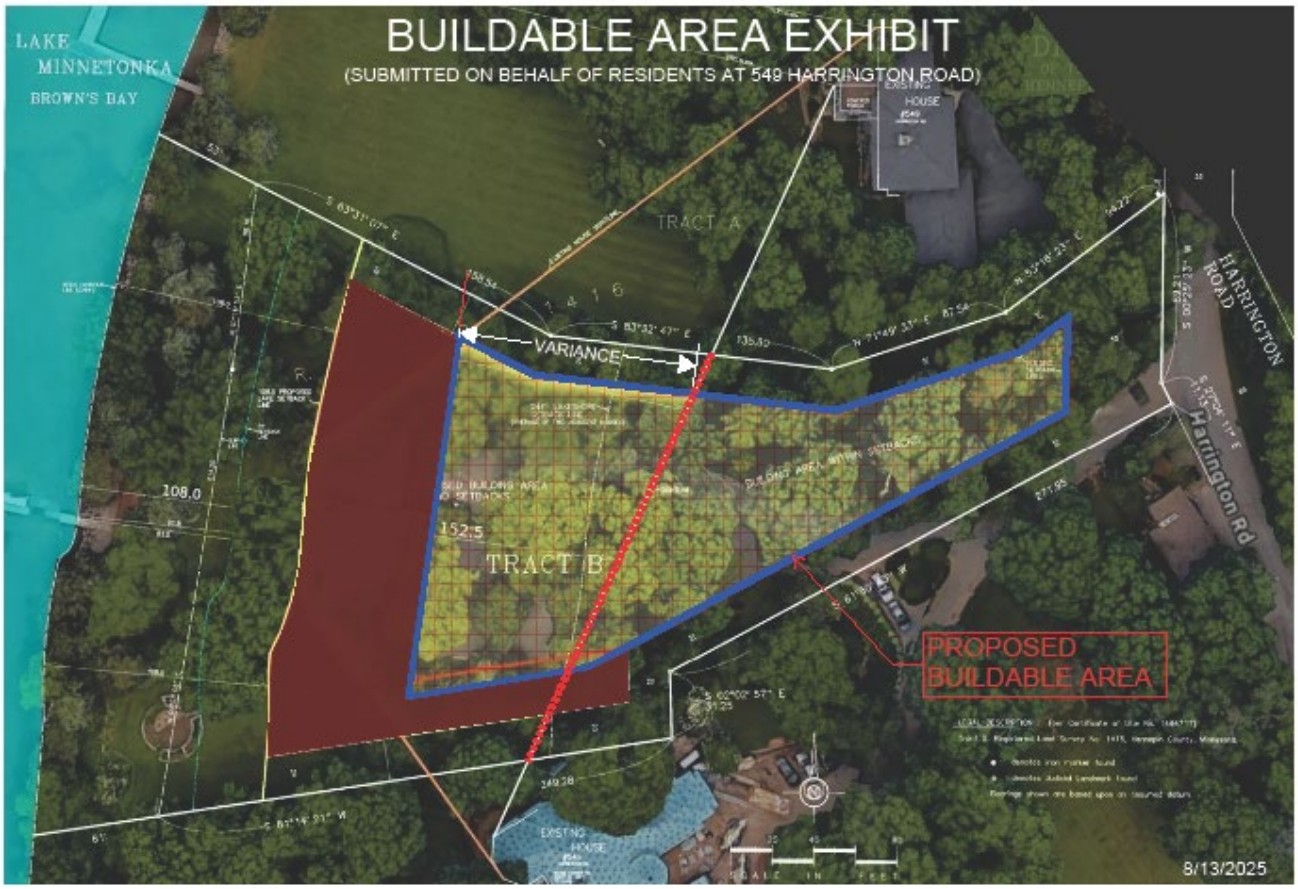
Please consider carefully the final rendering on page 13 of applicant's submitted PowerPoint presentation. It depicts a floor plan (in green) of a large home (call it the "Green House") that would not fit on the lot without a variance. However, the Green House would fit in a buildable area far more restricted than that proposed in the Application. In fact, the images below show the Green House, rendered to scale, fitting in a hypothetical Buildable Area with (i) a reasonable additional Lake Shore Setback determined rationally by the two points where the respective "Existing House Sightlines" intersect the existing 20-foot side setback lines, AND (ii) an additional south side setback to protect against the imposing 35-foot-structure-on-the-20-foot-setback-line depicted in Renderings 1 and 2 above.

Rendering 3


HYPOTHETICAL BUILDABLE AREA EXHIBIT
(SUBMITTED ON BEHALF OF RESIDENTS AT 549 HARRINGTON ROAD)
LAKE MINNETONKA
BROWN'S BAY
EXISTING HOUSE
TRACT A
TRACT B
VARIANCE
FRONT SETBACK LINE ESTABLISHED FROM THE INTERSECTION OF THE "EXISTING HOUSE SIGHTLINE" CONDITION AT THE 20' SETBACK ON THE NORTH AND SOUTH SIDES.
PROPOSED BUILDING AREA BEYOND SETBACKS
BUILDING AREA WITHIN SETBACKS
HARRINGTON ROAD
SIGHTLINE PER ORDINANCE
PROPOSED BUILDABLE AREA IN YELLOW AREA
EXTENDED SIDE YARD SETBACK
SCALE IN FEET
8/13/2025

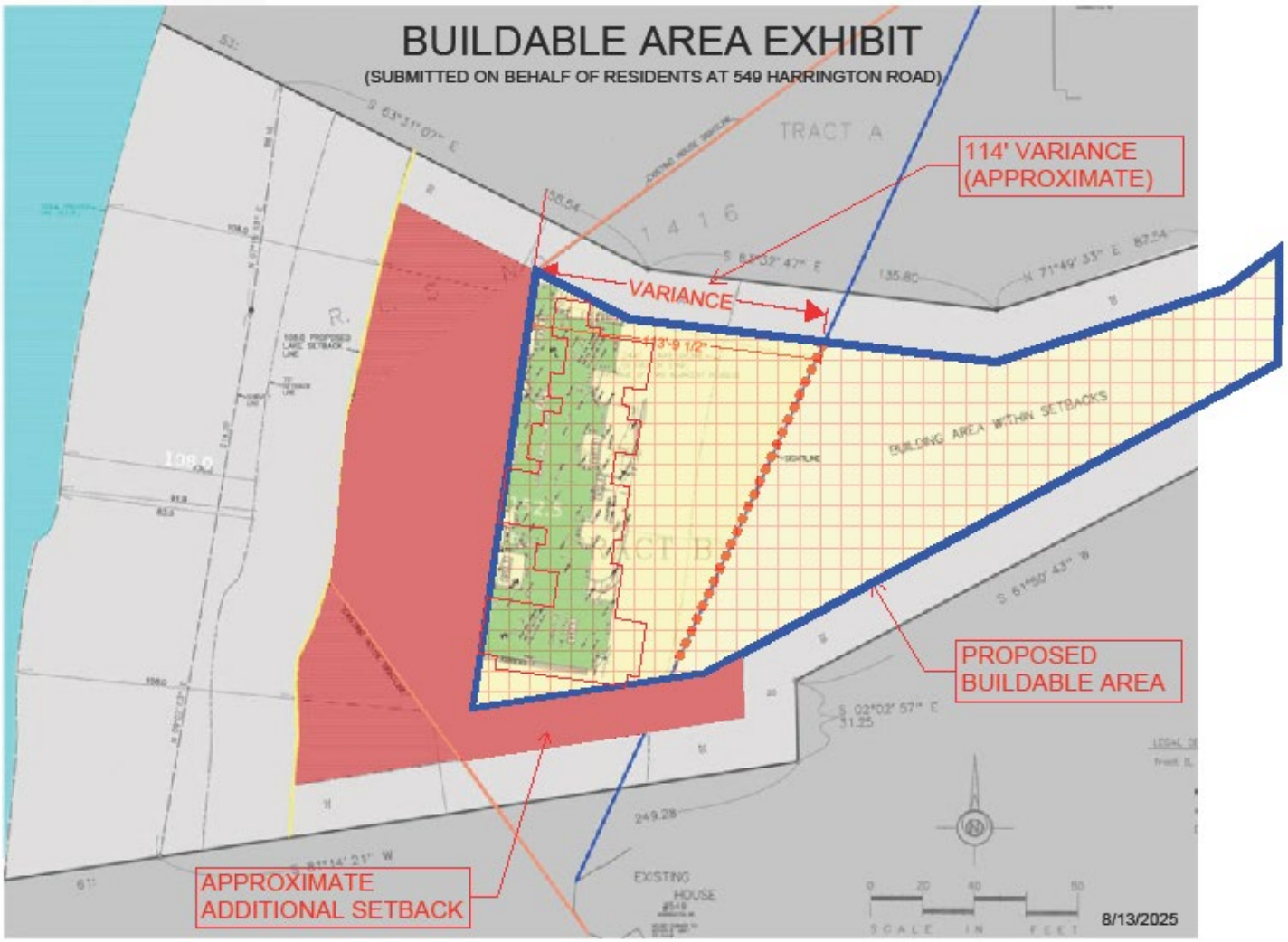
Rendering 4

(Hypothetical)



Rendering 5

(Hypothetical)



It is quite possible some of the other three renderings on pages 12 and 13 of Applicant's submitted PowerPoint would fit in this hypothetical Buildable Area as well. Clearly, there is no need for a Lake Shore Setback to be pushed all the way out to the 108-foot line.

IV. CONCLUSION AND NOTE

The Cosentinos urge the Planning Commission to recommend denial of the pending Application for Lakeshore Setback Variance submitted with respect to 547 Harrington Road, Wayzata. As detailed above, The Application does not satisfy the conditions for approval required be satisfied by Chapter 991. Granting it would severely adversely impact the shoreline and lake views of the Cosentinos. In addition, the Application is motivated solely by economic considerations, and the requested variance is not needed to accommodate the needs alleged in the Application.

Finally, we note the Application is not accompanied by any proposed building plans. It only seeks a variance to establish a building *envelope*. This seems procedurally irregular, not conducive to good planning and transparency, and likely to lead to development and construction by piecemeal applications and opportunity for abuse by future unknown owners.

Haily Hedblom

From: Carole Hunter <[redacted]>
Sent: Tuesday, August 12, 2025 8:04 AM
To: Public Comment
Subject: Swanson variance

Hello - we are fine with the variance request for the Swansons. Carole Hunter, 537 Harrington Rd., Wayzata, 55391

JOANN W. LEAVENWORTH
543 HARRINGTON ROAD
WAYZATA, MN. 55391

July 1, 2025

City Council
Planning Commission
Wayzata City Hall
Wayzata, Mn. 55391

Dear Members of the City Council and Members of the Planning Commission,

I have been asked to alert you to the possible request for a zoning variance.

547 Harrington Road is for sale. Because of the topography of this property, the existing 1920s house is located where it is. It would not meet the current 'lakeshore set back' code. Please take this into consideration, if and when, should the request for a variance come before you. One look and the situation would be very apparent to you.

Thank you for your service,

Joann W. Leavenworth

Joann W. Leavenworth

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: September 8, 2025	**AGENDA ITEM:** 4.c
TITLE: Recommend Approval of Preliminary Single-Family House Plans for 1400 Holdridge Ln	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:

Alliance Builders, on behalf of the property owner, has submitted preliminary building plans for construction of a new single-family home at 1400 Holdridge Lane (formerly 1406 Holdridge Ln). The parcel was created through subdivision from the Unitarian Universalist Church of Minnetonka (UUCM) by way of a PUD amendment that was approved by the City Council in June 2016 (Resolution 15-2016). The City Council resolution approving the PUD and subdivision included a condition that:

Prior to submitting a building permit application to the City for construction of a new house on the residential lot, the owner of the lot must submit preliminary house plans for review by the Planning Commission and approval by the City Council for compliance with the applicable standards of the subdivision ordinance.

Alliance Builders have submitted plans for the proposed home for review by the Planning Commission and approval by City Council.

ACTION REQUESTED:

After reviewing the plans and considering the items outlined in the staff report, the Planning Commission should consider making a motion which recommends approval of the preliminary house plans for 1400 Holdridge Lane, based on the findings that (i.) the design meets the standard zoning requirements for the R-1 district; (ii.) the architectural appearance, scale, mass and materials are of similar characteristics to other development in the City; and (iii.) the proposal satisfies the condition of Resolution No. 15-2016.

ATTACHMENTS:

1. PC Staff Report 1400 Holdridge Ln
2. Site Plan
3. Architectural Plans
4. Tree Inventory
5. Comments from City Forester 9.2.2025
6. 1400 Holdridge Ln - Tree Mitigation 9.2.25
7. Resolution 15-2016

Staff Report
Wayzata Planning Commission
September 8, 2025

Project Name:	New Single-Family Home at 1400 Holdridge Ln
Approval Request:	Review of Preliminary House Plans
Addresses of Request:	1400 Holdridge Ln
Prepared by:	Haily Hedblom, Planner
"60 Day" Decision Deadline:	N/A
"120 Day" Decision Deadline:	N/A

Required Review of Preliminary House Plans

Introduction

Alliance Builders, on behalf of the property owner, has submitted preliminary building plans for construction of a new single-family home at 1400 Holdridge Lane (formerly 1406 Holdridge Ln). The parcel was created through subdivision from the Unitarian Universalist Church of Minnetonka (UUCM) by way of a PUD amendment that was approved by the City Council in June 2016 (Resolution 15-2016). The City Council resolution approving the PUD and subdivision included a condition that:

> *Prior to submitting a building permit application to the City for construction of a new house on the residential lot, the owner of the lot must submit preliminary house plans for review by the Planning Commission and approval by the City Council for compliance with the applicable standards of the subdivision ordinance.*

Alliance Builders have submitted plans for the proposed home for review by the Planning Commission and approval by City Council.

Project Location.
The property is located at 1400 Holdridge Lane, which is directly east of the UUCM development on Wayzata Boulevard E.

Map 1: Project Location

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

Address	PID	Owner
1400 Holdridge Lane	05-117-22-41-0027	MIDWEST PROPERTIES & REAL ESTATE LLC

Relevant Property Information

Current zoning:	R-1: Low Density Single Family Residential
Comp plan designation:	One Acre Single Family
Total lot area:	30,419 sq. ft.

Surrounding Land Uses

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Car Dealership	C-3 Service District	Mixed-Use Commercial/Residential

East	Residential Neighborhood	R-1: Low Density Single Family Residential District	One Acre Single Family
South	Residential Neighborhood	R-1: Low Density Single Family Residential District	One Acre Single Family
West	Unitarian Universalist Church of Minnetonka	PUD	Institutional/ Public

Analysis of Preliminary House Plans

Zoning
The following table outlines the zoning requirements for the property per the previously approved resolution for the Unitarian Universalist Church of Minnetonka PUD and subdivision:

Table 1: Proposed House

Lot Requirements	R-1 Requirements	Proposed
Front Setback (Holdridge Ln)*	45 ft. (min.)	45 ft.
Side Setback (North)	20 ft. (min.)	20 ft.
Side Setback (South)	20 ft.(min.)	20 ft.
Rear Setback (West)	50 ft.(min.)	Not specified, meets req.
Lot Coverage	15% (max.)	9.9%
Impervious Surface	25% (max.)	18.09%
Height	40 ft. (mid-point)	36 ft. (tallest elevation)

*Holdridge Ln has been determined as the front lot line as it is the boundary abutting public right-of-way having the least width.

House Plans
The plans submitted with the application include detailed elevations and floor plans for the new house. The proposed house would be two levels with a main level sport court, an optional deck on the back of the home and a finished, walk-out basement. The house would include a four-car attached garage with driveway access onto Holdridge Lane. The exterior materials on the proposed house consist of architectural panel and lap siding.

Building Height
The zoning ordinance establishes maximum height requirements in the R-1 district as three stories or 40 feet, measured from grade to the average height of the highest gable of a pitched roof. The proposed architectural drawings show the total height from each elevation meeting this requirement.

Comments from Engineering, Public Works, and Building Departments

The proposed house plans are currently under review by Engineering, Public Works, and Building staff. The following were comments provided to the applicant as of the time of publishing the Planning Commission packet. These comments are typical of the building permit review process and should not affect the general review from the Planning Commission related to the zoning requirements and design characteristics as required by the resolution. All comments from Engineering and Building staff must be satisfied and applicable codes must be adhered to before a building permit can be issued.

1. Comments from Engineering:
    a. On the survey, the lot coverage and impervious surface coverage limits are incorrect. This property is zoned R-1, having lot coverage maximum of 15%, and impervious surface coverage maximum of 25%.
    b. Label the proposed driveway surface type (concrete, bituminous, pavers, etc.)
    c. On the survey/site plan, show proposed sanitary sewer and water service connections to the proposed house.
    d. On the survey/site plan, show more of the existing Holdridge Lane ROW, including street pavement and curbs and any trees in the vicinity of the water main. Is the proposed water service proposed to be installed using open-cut or trenchless (boring) methods? Is the proposed water service connection to the existing water main beneath street pavement? Will the existing street pavement or storm sewer or any of the City's trees in the ROW be impacted by installation of the water service? Show the excavation limits and any proposed street pavement patches.

2. Comments from City Forester: See email attached to the end of this report. The proposed construction will need to meet all requirements of the Tree Preservation Ordinance detailed in Chapter 936 of City Code. This will include plans for tree protection, removal and replacement.

Applicable Code Provisions for Review

The condition requiring review and approval of the home design was based on the following:

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 outlined in Section 9 of the Wayzata Zoning Ordinance.

The code referenced in the above criteria is outdated. The City does not currently have architectural districts as listed in point 9. The resolution requiring this review predates the City of Wayzata Design Standards, which only apply to the City's commercial districts and do not affect single-family residential homes.

Staff has determined the architectural appearance, scale, mass, construction materials, proportion and scale of roof line and the functional plan of the proposed home to be of similar characteristics and quality of existing development in the neighborhood and City. The proposed building materials include the following:

- James Hardie Architectural Panels
- James Hardie Lap Siding
- Asphalt Shingle Roofing
- Composite Wood Decking

It is worth noting that without the Planning Commission review and City Council approval requirement outlined in the Resolution 15-2016, a building permit such as this would be reviewed and approved administratively so long as it meets all applicable zoning and building code requirements. Along with the additional requirement of review and approval from Planning Commission and Council, this building permit will be held to the same standard of administrative review and will ultimately need to meet all the standard zoning and building code requirements in order to receive permitting.

Action Steps

After considering the items outlined in this report, the Planning Commission should consider making a motion which recommends approval of the preliminary house plans for 1400 Holdridge Lane, based on the findings that (i.) the design meets the standard zoning requirements for the R-1 district; (ii.) the architectural appearance, scale, mass and materials are of similar characteristics to other development in the City; and (iii.) the proposal satisfies the condition of Resolution No. 15-2016.

Attachments:
Proposed Site Survey
Proposed House Plans
Tree Inventory Survey
Email Correspondence from City Forester 9/2/2025
Copy of Resolution 15-2026

Surveyors Certificate

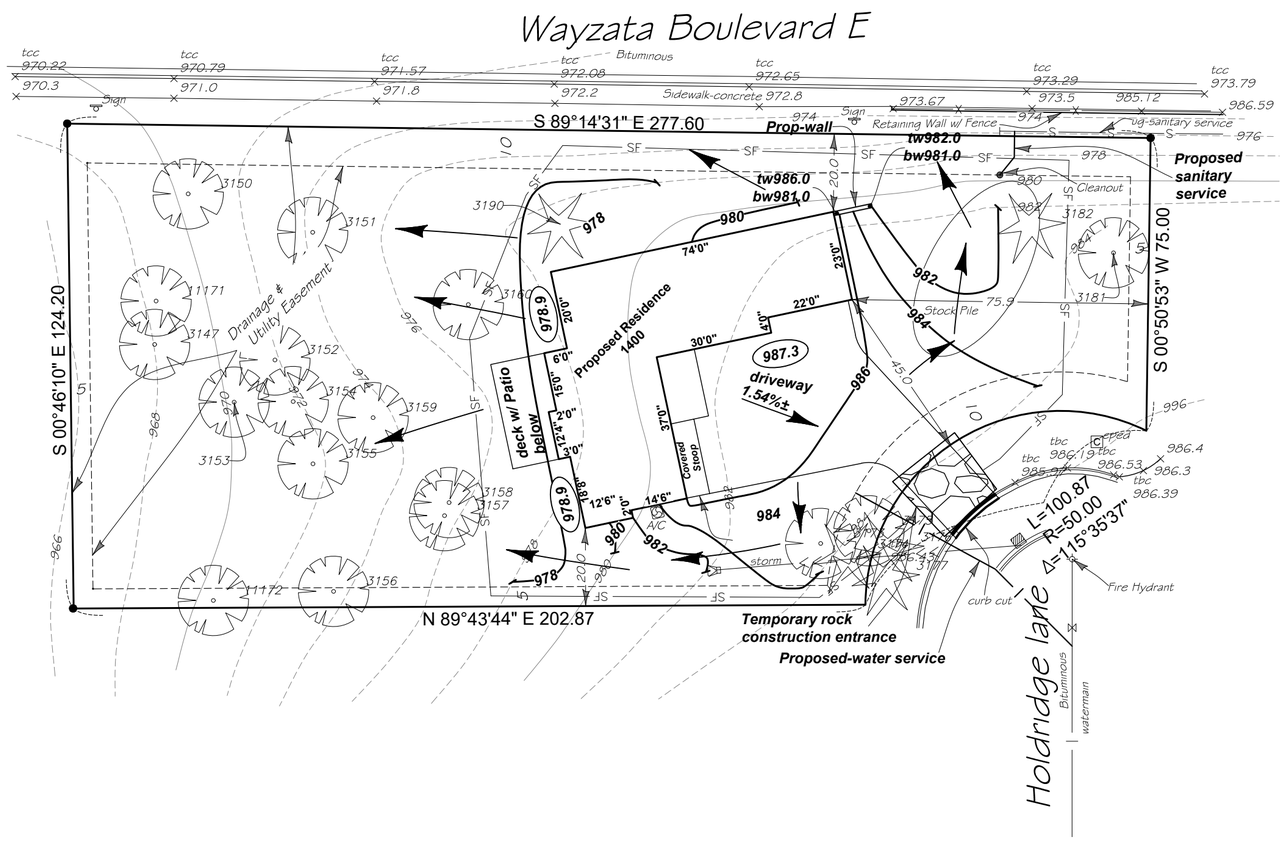
Site Plan Survey For:

ALLIANCE BUILDERS

Property located in Section
5, Township 117, Range 22,
Hennepin County, Minnesota

Basis for bearings is assumed

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- Denotes Existing Contours
- Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- Denotes Surface Drainage
- SF Denotes Erosion Control (Bio Logs)



Maximum Lot Coverage (All Building) = 10% Lot Area
Maximum Impervious Service = 20% Lot Area
Maximum Building Height 3 Stories or 40 Feet
Maximum Accessory Building Height 2 Stories or 25 Feet

Proposed-Hardcover	
Lot Area	30,603 sq ft
Prop-Residence	3,021 sq ft
Prop-Deck & Patio	358 sq ft
Prop-Stoop	117 sq ft
Prop-Retaining Wall	10 sq ft
Prop-Driveway	2,029 sq ft
Total	5,535 sq ft
Percentage	18.09%

Property Zoned as "R-1"

Front: 45'
Side: 20'
Rear: 50'

NOTE: Average Grade at rear of house = 978.4'
NOTE: Elevation at Roof Midpoint from Rear average grade = 1016.95'

Cut & Fill Volumes

Cut Volume = 0 CY
Fill Volume = 1400 CY

Net Fill = 1400 CY

NOTE: Topography from LIDAR maps.

NOTE: Proposed grades are subject to results of soil tests. Proposed building information must be checked with approved building plan and development or grading plan before excavation and construction. Proposed grades shown on this survey are interpolations of proposed contours from the drainage, grading and/or development plans.

NOTE: The relationship between proposed floor elevations to be verified by builder.

NOTE: The only easements shown are from plats of record or information provided by client.

989.3	Proposed First Floor Elevation
987.6	Proposed Top of Foundation
987.3	Proposed Garage Floor
978.93	Proposed Basement Floor

Type of Building
Full Basement Walkout

Legal Description
Lot 2, Block 1, UNITARIAN UNIVERSALIST CHURCH OF MINNETONKA
Hennepin County, Minnesota

DEMARC
LAND SURVEYING & ENGINEERING
7601 73rd Avenue North
Minneapolis, Minnesota 55428
(763) 560-3093
DemarcInc.com

Project No. 91082
Scale: 1" = 30'
F.B.No. -
Drawn By AH
Address: 1400 Holdridge Lane
Wayzata, MN
rev 07-31-25 City Comments
08-21-25 City Comments

I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota
Surveyed this 20th day of June 2025.

Signed
Gregory R. Prasch, Minn. Reg. No. 24992

F:\survey\unitarian universalist church of minnetonka-hennepin\2-1 unitarian universalist church of mtka\01 Surveying - 91082\01 CAD\01 Source\01 Survey Base.dwg

1 3D View 1
12" = 1'-0"

PLAN INFORMATION

FRAMING NOTES:
-ALL EXTERIOR WALLS TO BE 2X6 @ 16" O.C. WITH A DOUBLE TOP PLATE UNLESS OTHERWISE NOTED.
-WALL FRAMING SHALL BE S.P.F. STUD GRADE OR BETTER UNLESS NOTED OTHERWISE (U.N.O.)
-ALL HEADERS SHALL BE (2) - 2X10 U.N.O.
-EXTERIOR SHEATHING SHALL BE 7/16" MATERIAL CONSISTING OF ORIENTED STRAND BOARD (OSB).
-ALL FLOOR AND CEILING SYSTEMS TO CHECKED AND DESIGNED BY THE DESIGNATED MANUFACTURER. TRUSS PLANS TO BE ON SITE @ TIME OF FRAMING
-PRESSURE TREATED WOOD IS TO BE USED WHERE WOOD IS IN CONTACT WITH CONCRETE AND AT 2X8 MUD SILL. TREATED MEMBERS TO BE S.Y.P. #2 OR BETTER.
-FOR OPENINGS IN EXTERIOR WALLS (OR WALLS WITH LATERAL LOADING:
a) 0'-0" - 4'-0" = 1 JACK STUD
b) 4'-0" - 8'-0" = 2 JACK STUDS
c) 8'-0" - 12'-0" = 3 JACK STUDS
d) GREATER THEN 12' = CONSULT ENGINEER.
-POSTS CALLED OUT ARE NUMBER OF KING STUDS REQUIRED PER SIDE OF OPENING.

CONCRETE NOTES:
-ALL CONCRETE FOOTINGS AND FOUNDATION SYSTEMS ARE DESIGNED FOR A 2000 P.S.F. SOIL
-FOUNDATION WALLS SHALL BE FULL HEIGHT AT UNBALANCED FILL GREATER THEN 3'-4"
-1/2" ANCHOR BOLTS EMBEDDED 7" MINIMUM @ 4' O.C. MAX. 12" MIN. FROM EACH END. MINIMUM OF 2 BOLTS IN EACH SILL PLATE
-PAD FOOTINGS REINFORCEMENT IS TO BE LOCATED 3" FROM BOTTOM OF FOOTING TYP. (WHEN REQUIRED)
-CONTRACTOR IS RESPONSIBLE FOR ALL STEEL REBAR SIZING PER STATE AND LOCAL BUILDING CODES
-MIN. 5000 PSI CONCRETE @ ALL FOOTINGS

INSULATION:
-ALL EXTERIOR WALLS TO HAVE A MINIMUM RATING OF R-20
-ALL ATTIC SPACES ARE TO HAVE A MINIMUM RATING OF R-49
-ALL FLOOR SPACES OVER UNCONDITIONED SPACE OR CANTILEVERED ARE TO HAVE A MINIMUM RATING OF R-30
SHEETROCK:
-ALL CEILINGS ARE TO HAVE 5/8" NON-SAG GYPSUM BOARD U.N.O.
-ALL WALLS ARE TO HAVE 1/2" GYPSUM BOARD U.N.O.
-GARAGE CEILING AND WALLS THAT ADJOIN HOUSE WALLS ARE TO BE 5/8" TYPE "X" GYPSUM BOARD U.N.O.
-ALL EXTERIOR WALLS OF GARAGE AND HOUSE THAT ARE WITHIN 5' SETBACK TO HAVE 5/8" TYPE "X" EXTERIOR GRADE GYPSUM BOARD ON EXTERIOR SIDE OF WALL AND 5/8" TYPE "X" ON INTERNAL SIDE OF WALL.

DOORS AND WINDOWS:
ALL WINDOWS AND DOORS TO NE DOUBLE GLASS PANELS WITH LOW-E RATINGS.
-ANY WINDOW WITHIN 24" OF A DOOR SWING MUST BE TEMPERED
-ANY WINDOW ABOVE A TUB MUST BE TEMPERED
-ANY WINDOW WITHIN A STAIRWAY MUST BE TEMPERED
-WINDOW GLAZING MUST BE AT LEAST 18" ABOVE FINISHED FLOOR WHEN WINDOW IS ABOVE 6' FROM GRADE.
-ALL BEDROOMS TO HAVE AT LEAST ONE WINDOW THAT HAS A CLEAR EGRESS OPENING OF 5.7 SQ. FT. WITH MIN. DIMENSIONS OF 24" IN HEIGHT AND 20" IN WIDTH, SILL HEIGHT NOT TO BE GREATER THEN 44" ABOVE FINISHED FLOOR.
-WINDOWS WITH SILLS WITHIN 3' OF THE FLOOR THEY SERVE AND ARE 72" ABOVE GRADE MUST EITHER HAVE A FALL PREVENTION OR OPENING LIMITER DEVICE PER CODE.

MECHANICAL & ELECTRICAL:
-ALL ELECTRICAL AND MECHANICAL EQUIPMENT TO BE VERIFIED AND INSTALLED PER CODE BY APPROVED TRADES AND INSTALLERS.

CODE INFORMATION

CODE INFORMATION:
SINGLE FAMILY CONSTRUCTION TYPE **V - B**
-2020 MINNESOTA STATE RESIDENTIAL CODE
-2020 NATIONAL ELECTRICAL CODE
-2020 MINNESOTA STATE MECHANICAL&FUEL GAS CODE
-2020 MINNESOTA STATE FIRE CODE
-2020 MINNESOTA PLUMBING CODE

SOIL TYPE:
DESIGNED WITH 2000 PSF SOILS, ALL FOUNDATION CONSTRUCTION MUST FACTOR IN THIS AT MINIMUM

WIND EXPOSURE:
DESIGNED WITH "EXPOSURE B" CLASSIFICATIONS AND WIND GUSTS OF 115 MPH PER 2020 MN IRC CODE REGULATIONS.

GENERAL NOTES:
-ALL FOUNDATION WALL STRUCTURAL INFORMATION USED TO CONSTRUCT THE FOUNDATION SYSTEM IS TO BE ON SITE WHEN POURING OR BUILDING WALLS.
-ALL STRUCTURAL BEAMS, POSTS & TALL WALLS ARE TO BE BUILT PER I-LEVEL SPECIFICATIONS.
-ALL MANUFACTURED FLOORS & ROOF TRUSSES ARE TO BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.
-ALL MANUFACTURED FLOOR & ROOF TRUSS SPECIFICATIONS ARE TO BE ON SITE DURING INSTALLATION.

WINDOW FALL PREVENTION DEVICES AND WINDOW GUARDS SHALL COMPLY WITH THE REQUIREMENTS OF ASTM F 2090

WINDOW AND EXTERIOR DOOR U-FACTOR TO BE 0.30 OR BETTER GLASS SOLAR HEAT GAIN COEFFICIENT (SHGC) TO BE 0.28 OR BETTER

Sheet List

Sheet Number	Sheet Name
A101	Cover Page
A102	Elevations
A103	Foundation / Basement
A104	Main Level
A105	Upper Level
A106	Section 1
A107	Section 2
A108	Section 3
A109	Braced Wall Notes
A110	Braced Wall Plans

SITE PLAN BY OTHERS

REVISION DATE :

Area Schedule

Area	Level	Name
1058 SF	Foundation / Basement Level	Finished Basement
123 SF	Foundation / Basement Level	Mech Room
1293 SF	Main Level	Main Level
117 SF	Main Level	Front Porch
1208 SF	Main Level	Garage
358 SF	Main Level	Deck (optional)
520 SF	Main Level	Sport Court
1265 SF	Upper Level	Upper Level

AVA STUDIO
4332 BROOKSIDE AVE, ST LOUIS PARK, MN 55436
PHONE 612 532 8159
EMAIL AVASTUDIO.AB1@GMAIL.COM

ALL PLANS ARE TO BE REVIEWED BY THE GENERAL CONTRACTOR AND THE MUNICIPAL BUILDING OFFICIAL PRIOR TO CONSTRUCTION.
AVA STUDIO LLC. IS NOT RESPONSIBLE FOR ANY PROBLEM AS A RESULT OF AN ERROR OMISSION ON THESE PLANS.

1400 Holdridge Lane

Wayzata

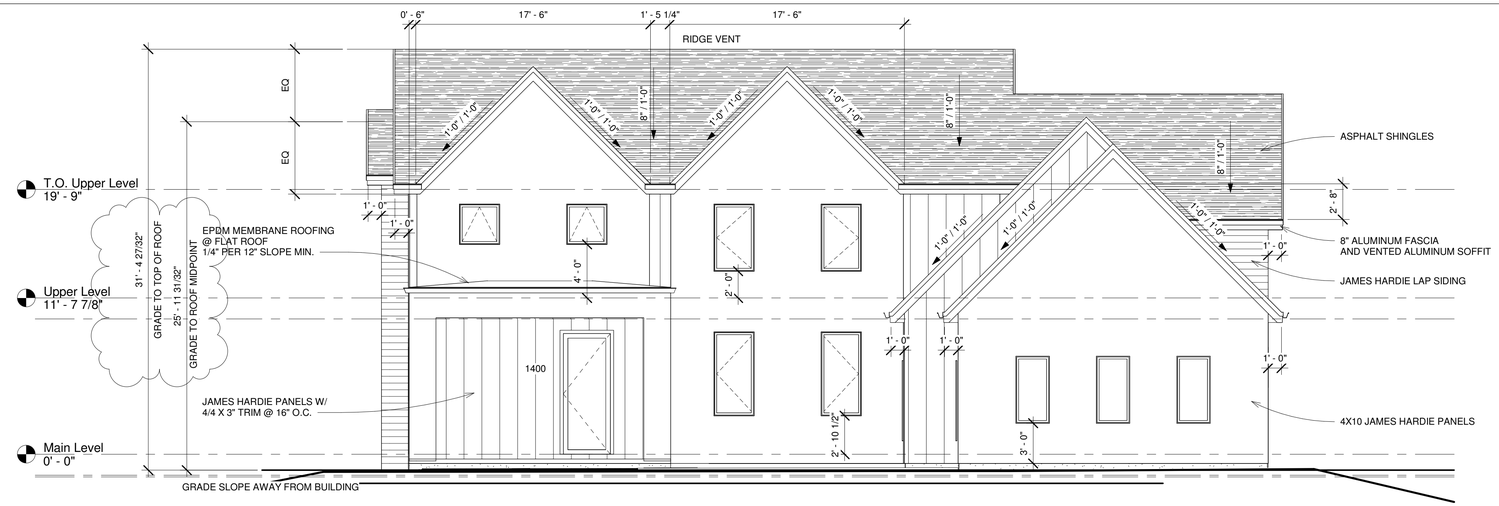
Cover Page

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

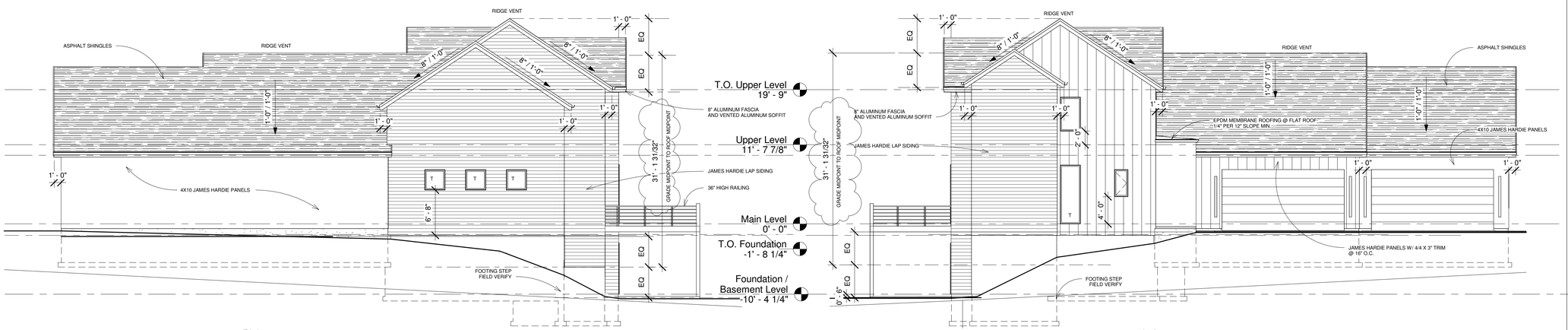
A101

Scale 12" = 1'-0"

7/30/2025 2:48:01 PM



1 Front
3/16" = 1'-0"



4 Right
1/8" = 1'-0"

3 Left
1/8" = 1'-0"

2 Rear
1/8" = 1'-0"

AVA STUDIO
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1400 Holdridge Lane

Wayzata

Elevations

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A102

Scale	As indicated

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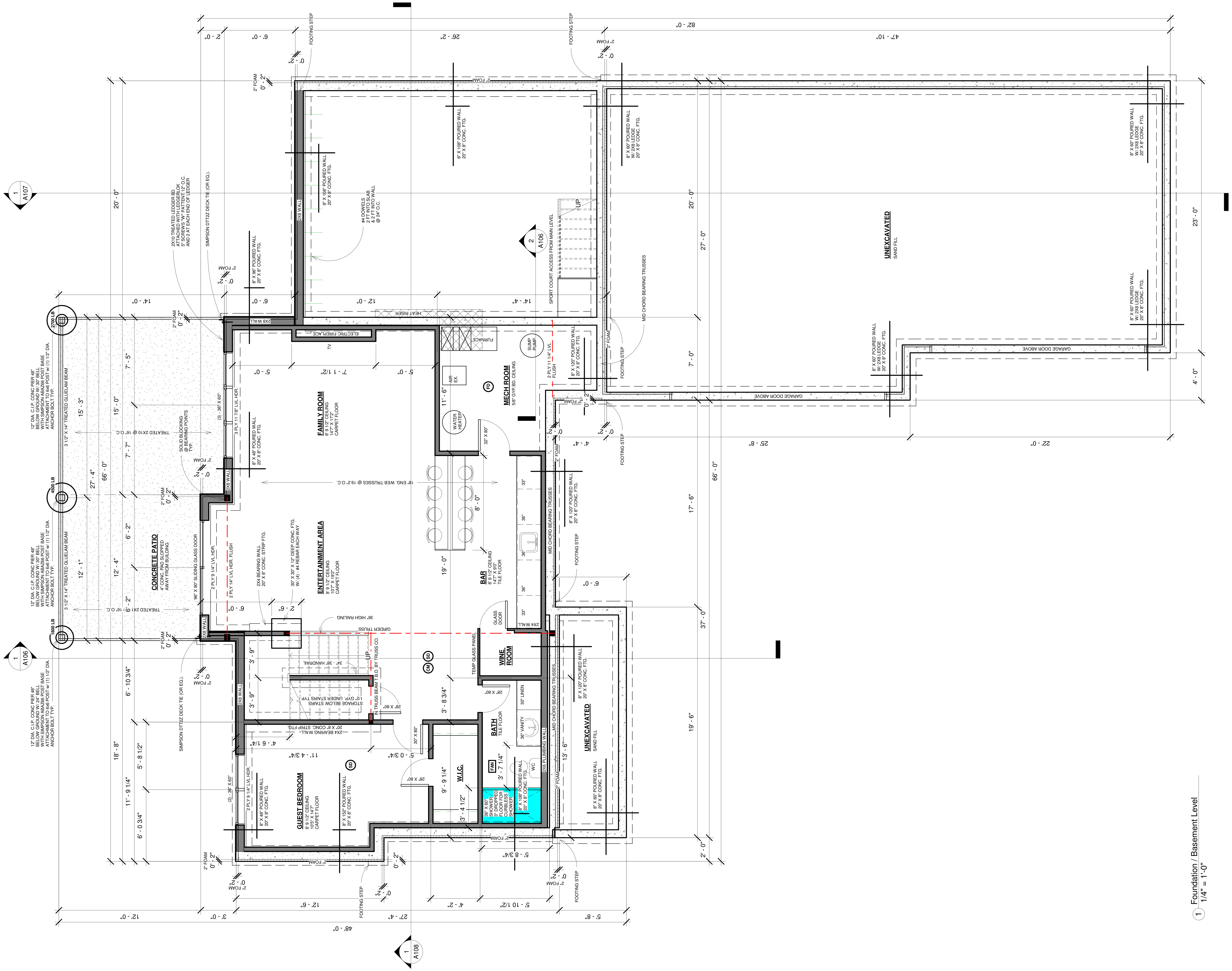

Foundation / Basement Level
1/4" = 1'-0"

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1400 Holdridge Lane

Wayzata

Foundation / Basement

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A103

Scale	1/4" = 1'-0"

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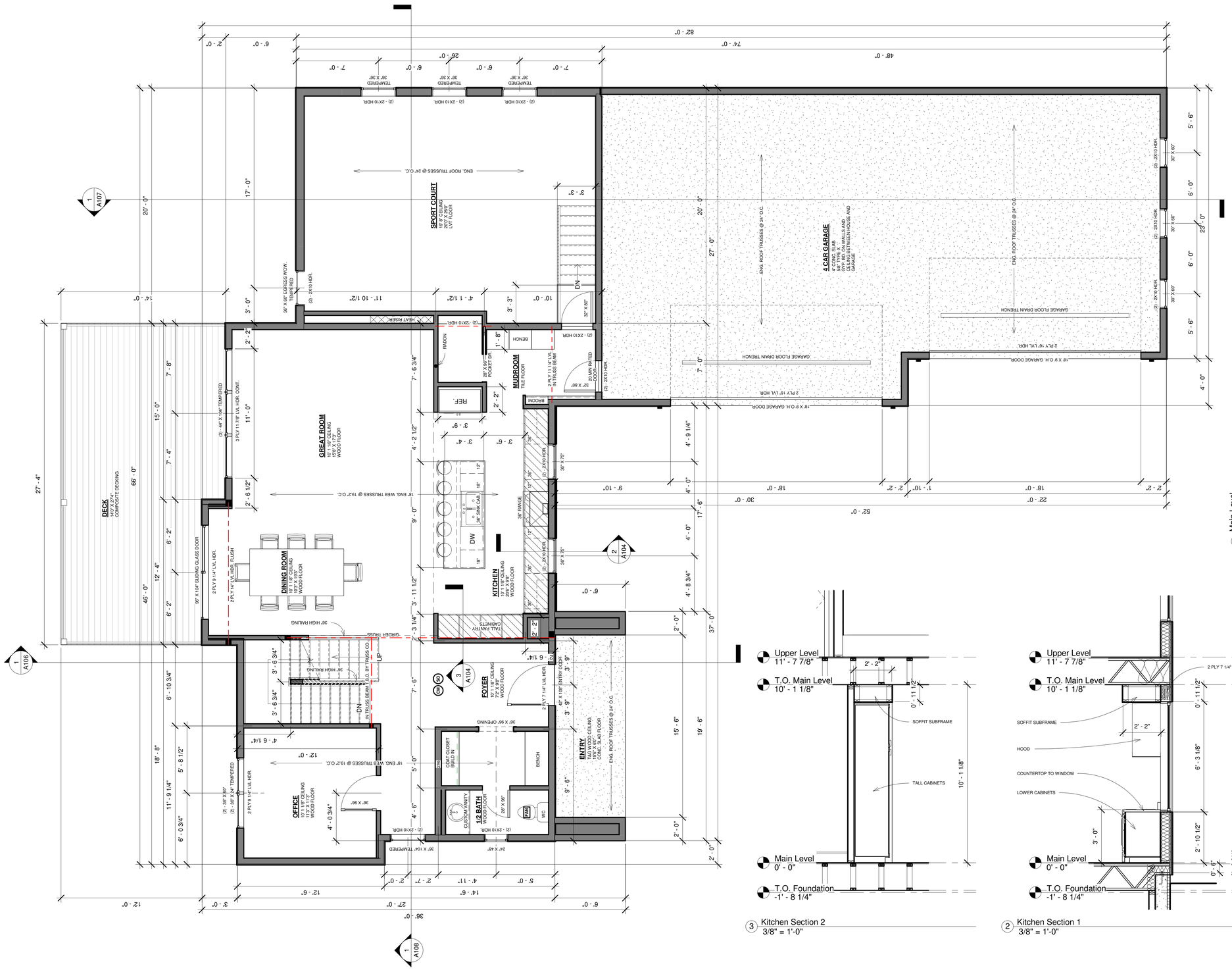
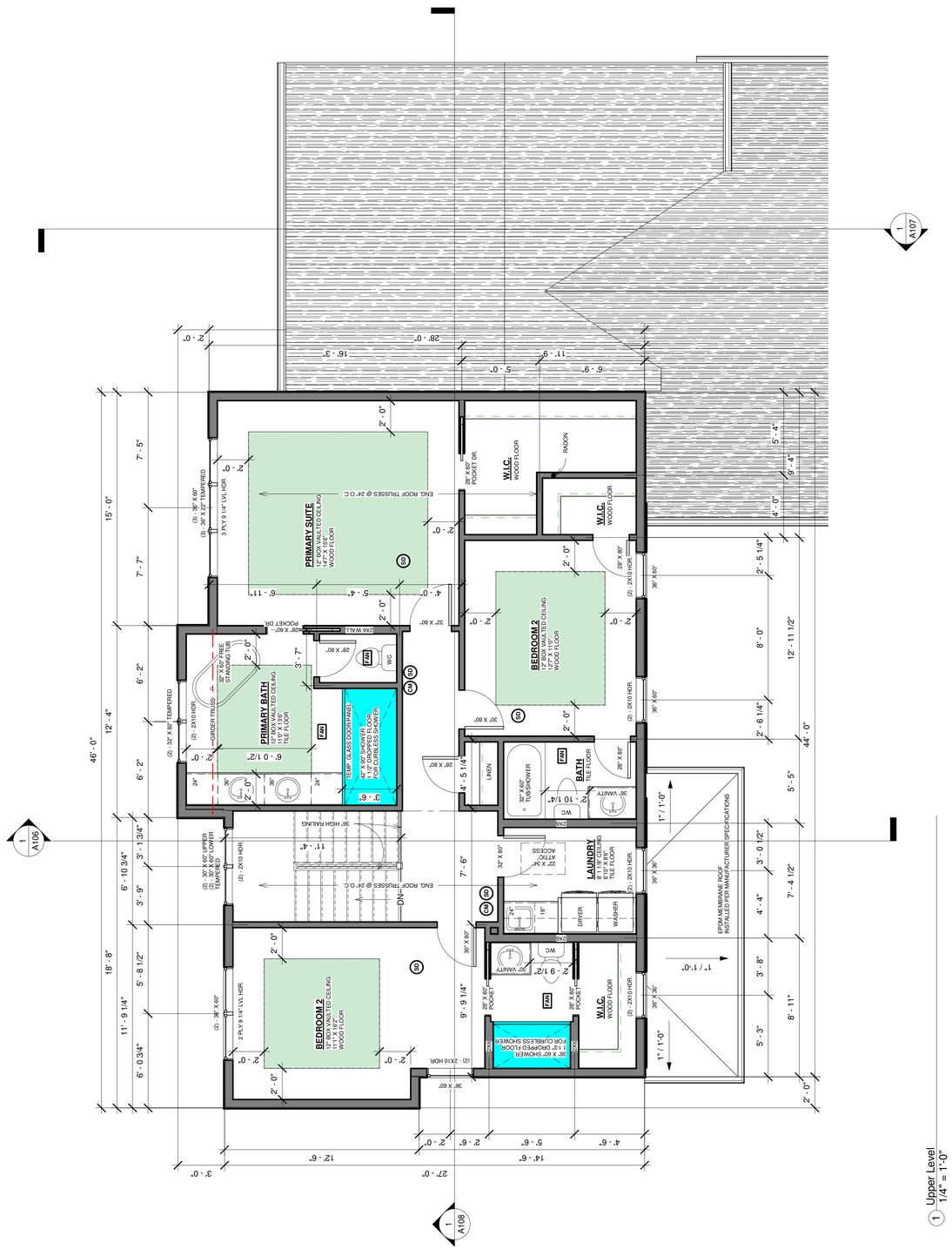

SPORT COURT
18' 8" CEILING
30" X 30" SPLIT
LVT FLOOR
4 CAR GARAGE
4" CONC. SLAB
SHOP SINK
GYP. BD. ON WALLS AND
CEILING WITH WINDOWS AND
GARAGE
GREAT ROOM
10' 1 1/8" CEILING
1000 S.F.
WOOD FLOOR
MUDROOM
TILE FLOOR
DINING ROOM
10' 1 1/8" CEILING
1000 S.F.
WOOD FLOOR
KITCHEN
10' 1 1/8" CEILING
1000 S.F.
WOOD FLOOR
DECK
MEDIUM
COMPOSITE DECKING
OFFICE
10' 1 1/8" CEILING
1000 S.F.
WOOD FLOOR
FOYER
10' 1 1/8" CEILING
72" X 108"
WOOD FLOOR
ENTRY
TAG WOOD CEILING
108" X 60"
CONCRETE SLAB FLOOR
1/2 BATH
WOOD FLOOR
ENG. ROOF TRUSSES @ 24" O.C.
ENG. WEB TRUSSES @ 19.2" O.C.
ENG. ROOF TRUSSES @ 19.2" O.C.
GARAGE FLOOR DRAIN TRENCH
2 PLY 16" LVL HDR
16' X 9' O.H. GARAGE DOOR
36" X 80" EGRESS WDW.
TEMPERED
(2) - 2X10 HDR.
TEMPERED
36" X 36"
HEAT RISER
RAISED
BENCH
20 MIN RATED
DOOR
36" X 80"
36" X 75"
36" X 96" SLIDING GLASS DOOR
2 PLY 9 1/4" LVL HDR.
2 PLY 9 1/4" LVL HDR. FLUSH
3 PLY 11 7/8" LVL HDR. CONT.
(3) - 44" X 1/4" TEMPERED
GARDEN TRUSS
36" HIGH FALLING
IN TRUSS BEAM
T.O. BY TRUSS CO.
36" X 96" OPENING
36" X 10" TEMPERED
24" X 48"
36" X 96"
(2) - 36" X 80"
(2) - 36" X 24" TEMPERED
2 PLY 9 1/4" LVL HDR.
DW
36" SINK CAB.
36" RANGE
TALL PANTRY CABINETS
CUSTOM VANITY
CUSTOM CLOSET
FURNITURE
FAN
WC
BENCH
42" X 108" ENTRY DOOR
(2) - 2X10 HDR.
(2) - 2X10 HDR.
(2) - 2X10 HDR.



1 Upper Level
1/4" = 1'-0"

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1400 Holdridge Lane

Wayzata

Upper Level

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A105

Scale	1/4" = 1'-0"

7/30/2025 2:48:07 PM

ROOF :

VENT ROOF 1/300 TH. VALLEYS &
ALL ROOF/WALL INTERSECTIONS
30 YR ARCHITECTURAL ASPHALTIC SHINGLES
15# ASPHALT FELT
ICE & WATER SHIELD (FIRST 6'-0"
AND ALL VALLEYS AS PER CODE)
1/2" PLYWD. SHTG. W/ CLIPS
ENG. ROOF TRUSSES @ 24" O.C.
AIR CHUTE (PROVIDE UNOBSTRUCTED AIR FLOW)
(R-49) BLOW IN INSULATION
4 MIL. POLY VAPOR BARRIER
5/8" GYP. CEILING BD.

FASCIA :

2X8 SUB FASCIA
6" ALUMINUM FASCIA
ALUMINUM VENTED SOFFIT

RIM BETWEEN MAIN AND UPPER LEVELS

7/16" OSB RIM SHEATHING
2X4 CONTINUOUS RIBBON BD.
(R-20) CLOSED SELL FOAM INSUL. RIM
DURASEAL OR SAME QLTY.

WALL :

1/2" GYP. BD. TYP.
4-MIL. POLY VAPOR BARRIER
(R-20) FBGLS. BATT INSULATION
2X6 STUDS @ 16" O.C.
7/16" OSB SHEATHING
TYVAKE HOUSE WRAP
SIDING PER ELEVATION

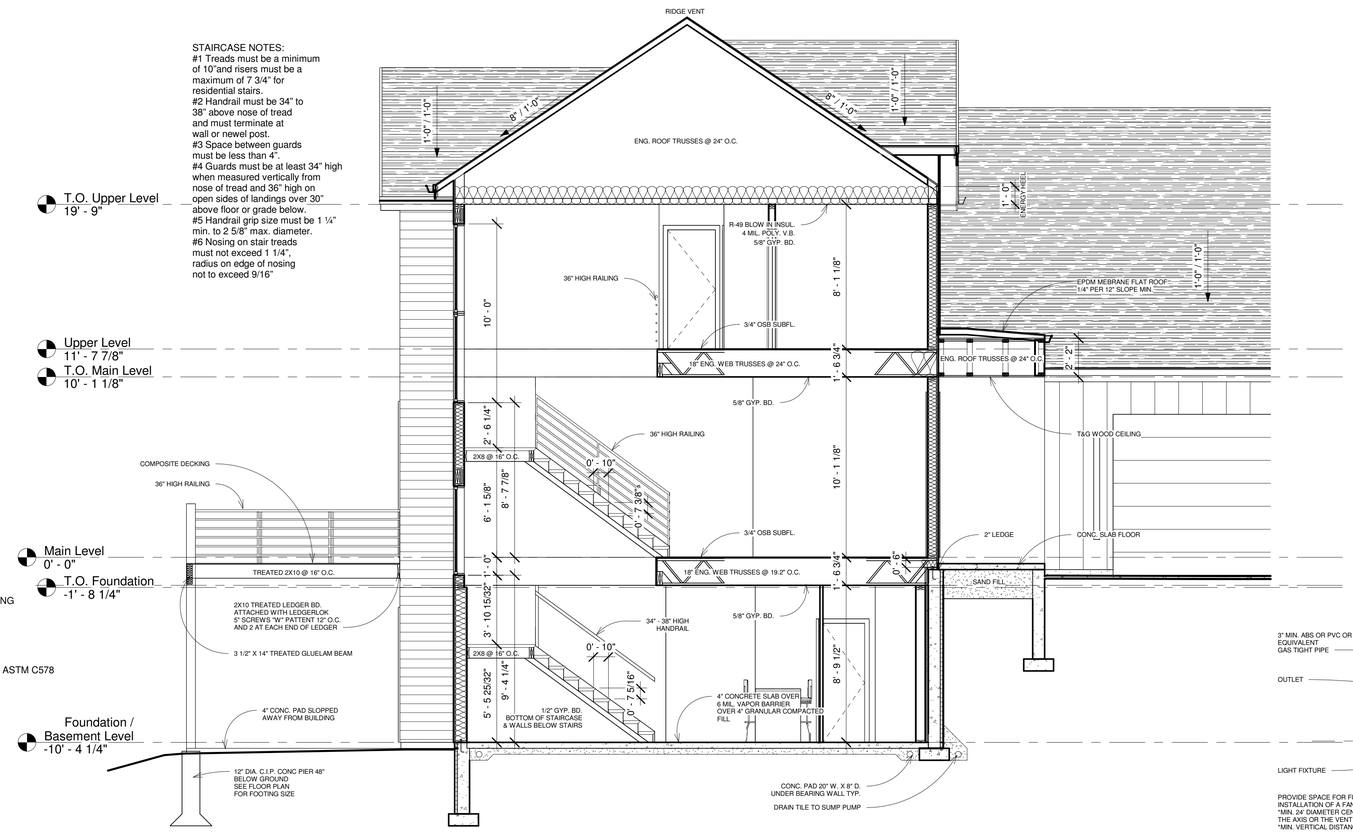
RIM BETWEEN LOWER AND MAIN LEVELS

7/16" OSB RIM SHEATHING
2X4 CONTINUOUS RIBBON BD.
TREATED 2X8 SILL PLATE & SILL SEAL TYP.
(R-20) CLOSED SELL FOAM INSUL. RIM
DURASEAL OR SAME QLTY.

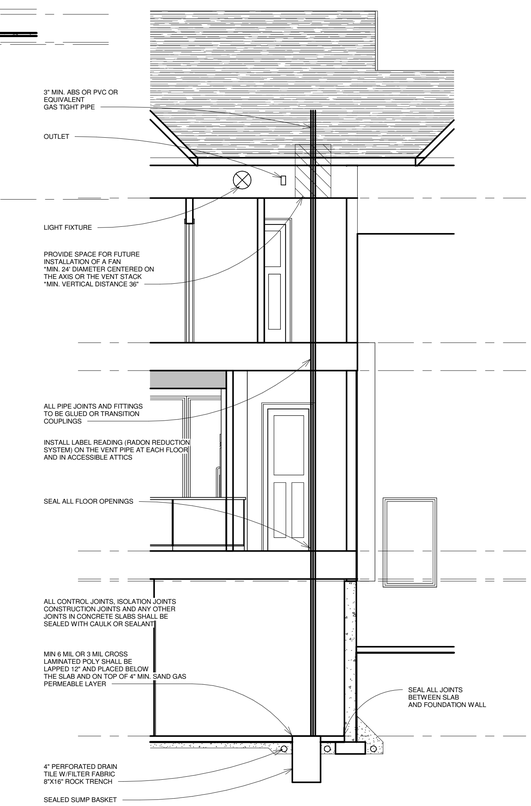
FOUNDATION

TREATED 2X8 SILL PLATE & SILL SEAL TYP.
1/2" DIAMETER A.B. W/ 7" MIN. EMBEDDED & 2" SIDE X 1/8" THICK SQUARE OR ROUND COUNTERSINK WASHERS, WITHIN 12" FROM EACH CORNER & WINDOW WELL AND 48" O.C. BOLT SPACING
WEATHER RESISTANT OPAQUE PROTECTIVE COATING TO 6" BELOW GRADE MIN. STUCCO OR SIMILAR
8" X 108" POURED IN PLACE CONCRETE WALL W/ FLOOR LEDGE AS PER FOUNDATION PLAN W/ REBAR AS PER MINNESOTA BUILDING CODE
ASPHALTIC EMULSION PAINT WATERPROOF
(R-10) 2" (XPS) FOAM INSULATION COMPLYING WITH ASTM C578
6 MIL POLYETHYLENE CONTINUOUS SLIP SHEET TO TOP OF CONC. WALL
#4 X 2'-0" LONG DOWELS @ 72" O.C. MAX, W/5" MINIMUM EMBEDDED
20" X 8" CONC.FTG.
5000 PSI MIN COMPRESSIVE STRENGTH
DRAIN TILE TO SUMP PUMP

STAIRCASE NOTES:
#1 Treads must be a minimum of 10"and risers must be a maximum of 7 3/4" for residential stairs.
#2 Handrail must be 34" to 38" above nose of tread and must terminate at wall or newel post.
#3 Space between guards must be less than 4".
#4 Guards must be at least 34" high when measured vertically from nose of tread and 36" high on open sides of landings over 30" above floor or grade below.
#5 Handrail grip size must be 1 ¼" min. to 2 5/8" max. diameter.
#6 Nosing on stair treads must not exceed 1 1/4", radius on edge of nosing not to exceed 9/16"



1 House @ Stairs Section
1/4" = 1'-0"



2 Passive Radon Detail
1/4" = 1'-0"

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1400 Holdridge Lane

Wayzata

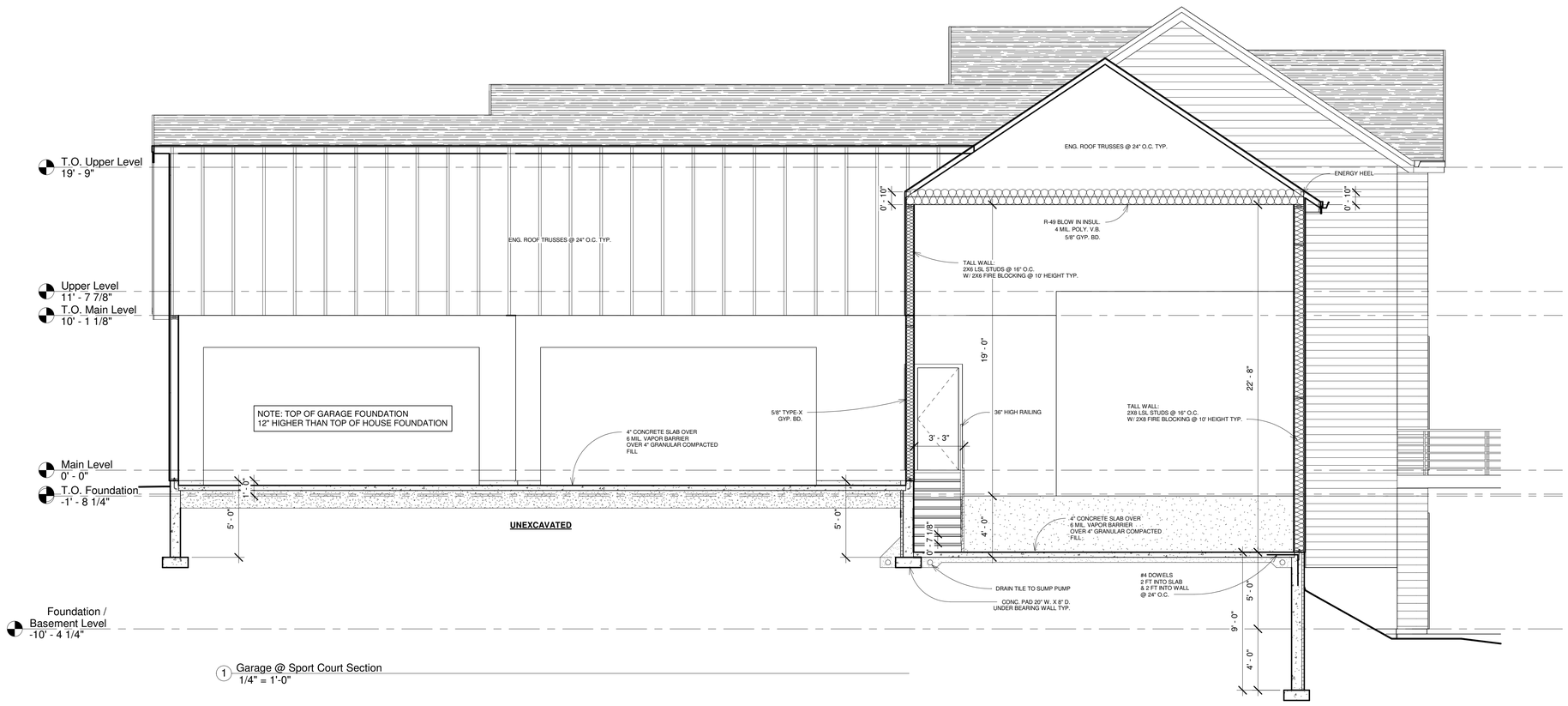
Section 1

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A106

Scale	1/4" = 1'-0"

7/30/2025 2:48:08 PM



1 Garage @ Sport Court Section
1/4" = 1'-0"

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1400 Holdridge Lane

Wayzata

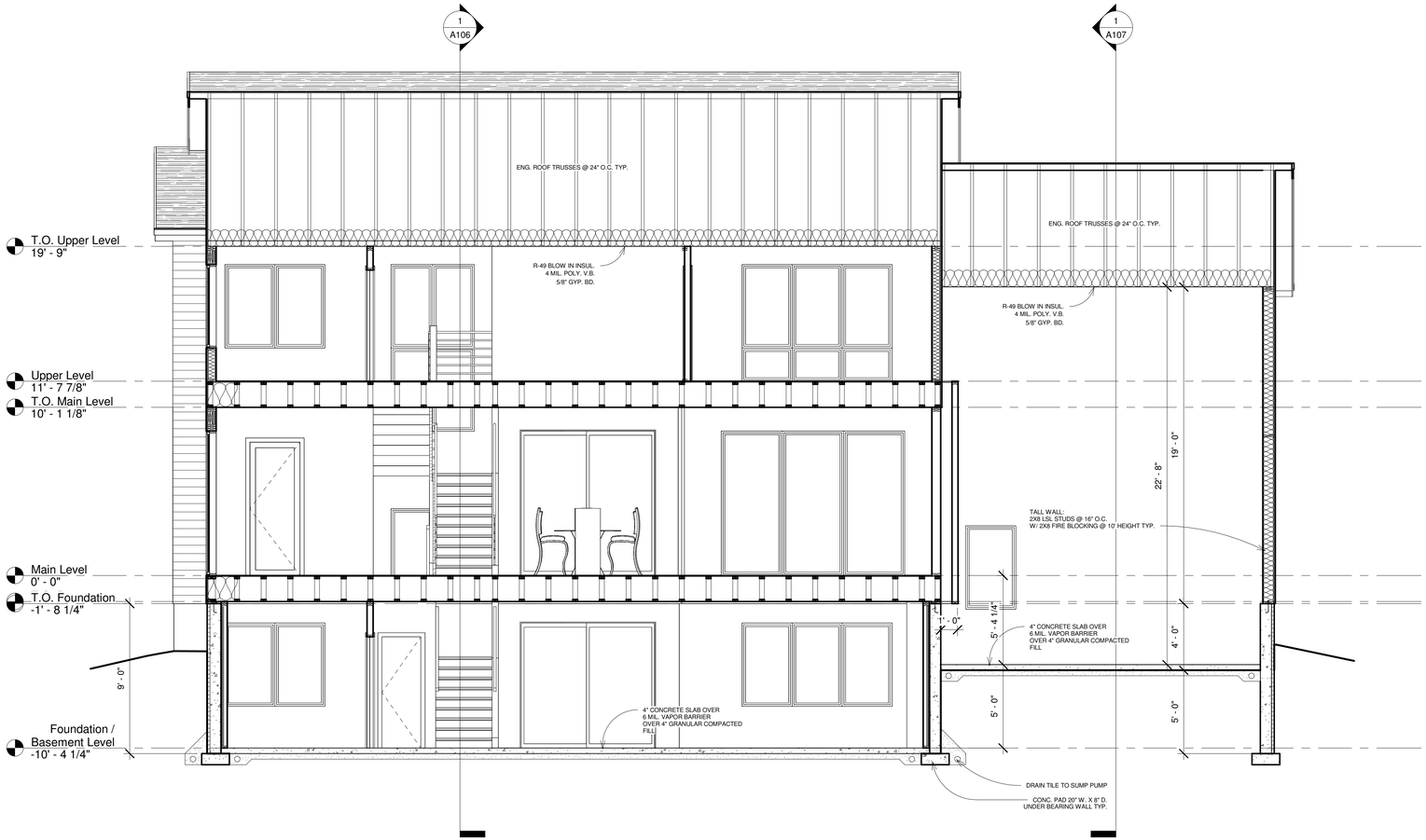
Section 2

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A107

Scale	1/4" = 1'-0"

7/30/2025 2:48:08 PM



1 House @ Sport Court Section
1/4" = 1'-0"

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1400 Holdridge Lane

Wayzata

Section 3

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A108

Scale	1/4" = 1'-0"

7/30/2025 2:48:09 PM

TABLE R602.10.5
MINIMUM LENGTH OF BRACED WALL PANELS

METHOD (See Table R602.10.4)		MINIMUM LENGTH[a] (inches) Wall Height 8 feet	9 feet	10 feet	11 feet	12 feet	CONTRIBUTING LENGTH (inches)
DWB, WSP, SFB, PBS, PCP, HPS, BV-WSP		48	48	48	53	58	Actual[b]
GB		48	48	48	53	58	Double sided = Actual Single sided = 0.5 × Actual
LIB		55	62	69	NP	NP	Actual[b]
ABW	SDC A, B and C, ultimate design wind speed < 140 mph	28	32	34	38	42	48
	SDC D_0, D_1 and D_2, ultimate design wind speed < 140 mph	32	32	34	NP	NP	
	CS-G	24	27	30	33	36	Actual[b]
CS-WSP, CS-SFB	Adjacent clear opening height (inches) ≤ 64	24	27	30	33	36	Actual[b]
	68	26	27	30	33	36	
	72	27	27	30	33	36	
	76	30	29	30	33	36	
	80	32	30	30	33	36	
	84	35	32	32	33	36	
	88	38	35	33	33	36	
	92	43	37	35	35	36	
	96	48	41	38	36	36	
	100	—	44	40	38	38	
	104	—	49	43	40	39	
	108	—	54	46	43	41	
	112	—	—	50	45	43	
	116	—	—	55	48	45	
	120	—	—	60	52	48	
	124	—	—	—	56	51	
	128	—	—	—	61	54	
	132	—	—	—	66	58	
	136	—	—	—	—	62	
	140	—	—	—	—	66	
	144	—	—	—	—	72	
METHOD (See Table R602.10.4)		Portal header height 8 feet	9 feet	10 feet	11 feet	12 feet	
PFH	Supporting roof only	16	16	16	Note c	Note c	48
	Supporting one story and roof	24	24	24	Note c	Note c	
	PFG	24	27	30	Note d	Note d	1.5 × Actual[b]
CS-PF	SDC A, B and C	16	18	20	Note e	Note e	1.5 × Actual[b]
	SDC D_0, D_1 and D_2	16	18	20	Note e	Note e	Actual[b]

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s.

NP = Not Permitted.

a. Linear interpolation shall be permitted.
b. Use the actual length where it is greater than or equal to the minimum length.
c. Maximum header height for PFH is 12 feet in accordance with Figure R602.10.6.2, but wall height shall be permitted to be increased to 12 feet with pony wall.
d. Maximum header height for PFG is 10 feet in accordance with Figure R602.10.6.3, but wall height shall be permitted to be increased to 12 feet with pony wall.
e. Maximum header height for CS-PF is 10 feet in accordance with Figure R602.10.6.4, but wall height shall be permitted to be increased to 12 feet with pony wall.

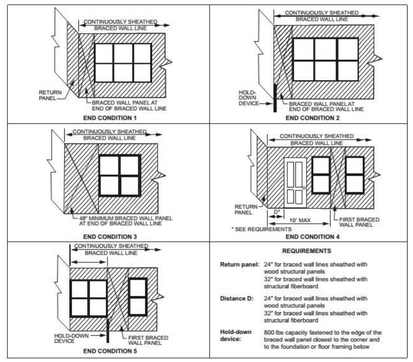
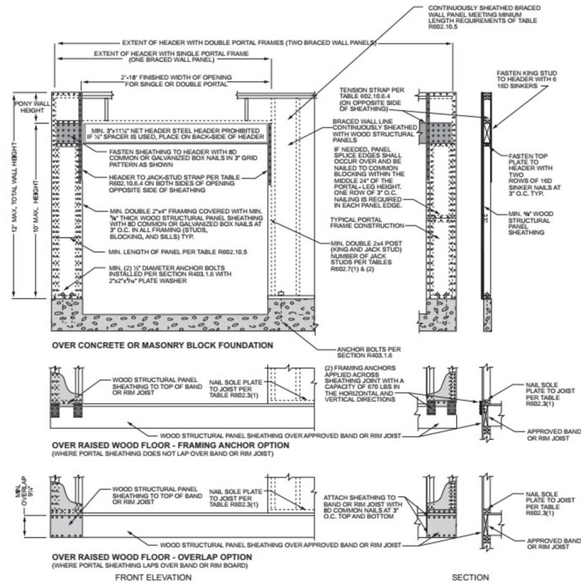
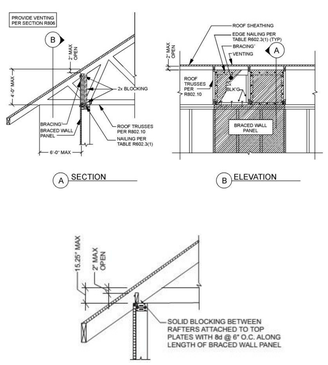


TABLE R602.10.3(1)
BRACING REQUIREMENTS BASED ON WIND SPEED

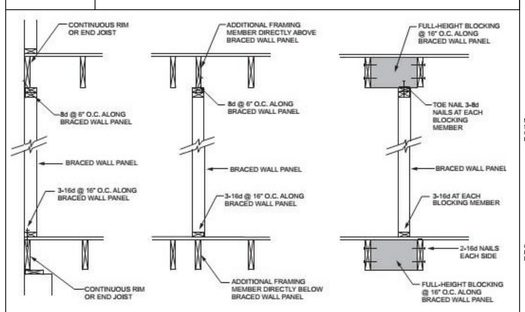
• EXPOSURE CATEGORY B • 30-FOOT MEAN ROOF HEIGHT • 10-FOOT WALL HEIGHT • 2 BRACED WALL LINES			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE[a]			
Ultimate Design Wind Speed (mph)	Story Location	Braced Wall Line Spacing[f] (feet)	Method LIB[b]	Method GB	Methods DWB, WSP, SFB, PBS, PCP, HPS, BV-WSP, ABW, PFH, PFC, CS-SFB	Methods CS-WSP, CS-G, CS-PF
≤ 115		10	3.5	3.5	2.0	2.0
		20	6.5	6.5	3.5	3.5
		30	9.5	9.5	5.5	4.5
		40	12.5	12.5	7.0	6.0
		50	15.0	15.0	9.0	7.5
		60	18.0	18.0	10.5	9.0
		10	7.0	7.0	4.0	3.5
		20	12.5	12.5	7.5	6.5
		30	18.0	18.0	10.5	9.0
		40	23.5	23.5	13.5	11.5
		50	29.0	29.0	16.5	14.0
		60	34.5	34.5	20.0	17.0
		10	NP	10.0	6.0	5.0
		20	NP	18.5	11.0	9.0
		30	NP	27.0	15.5	13.0
		40	NP	35.0	20.0	17.0
		50	NP	43.0	24.5	21.0
		60	NP	51.0	29.0	25.0



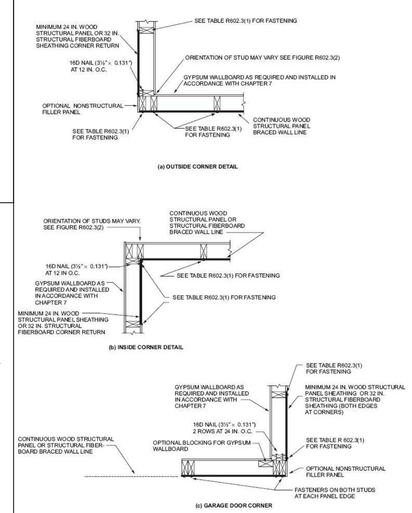
Portal Frame Garage Wall Detail
Method CS-PF



Braced Wall Panel
Roof Blocking Detail

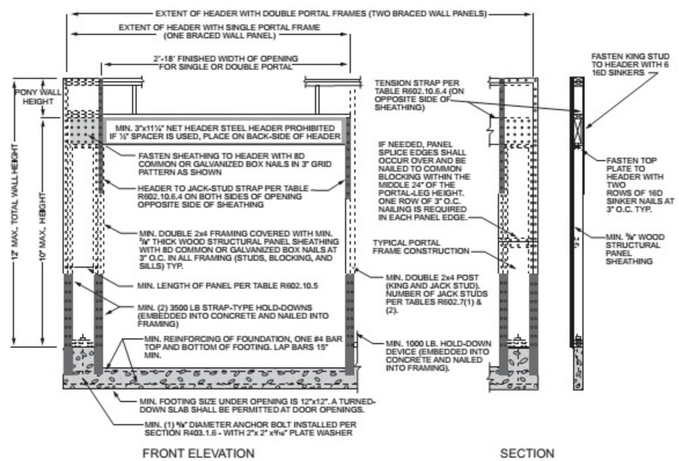


Braced Wall Panel Floor Blocking Detail



Wall Corner Detail

Method PFH *braced wall panels* shall be constructed in accordance with Figure R602.10.6.2.



Portal Frame Wall Detail
Method PFH

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1400 Holdridge Lane

Wayzata

Braced Wall Notes

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A109

Scale

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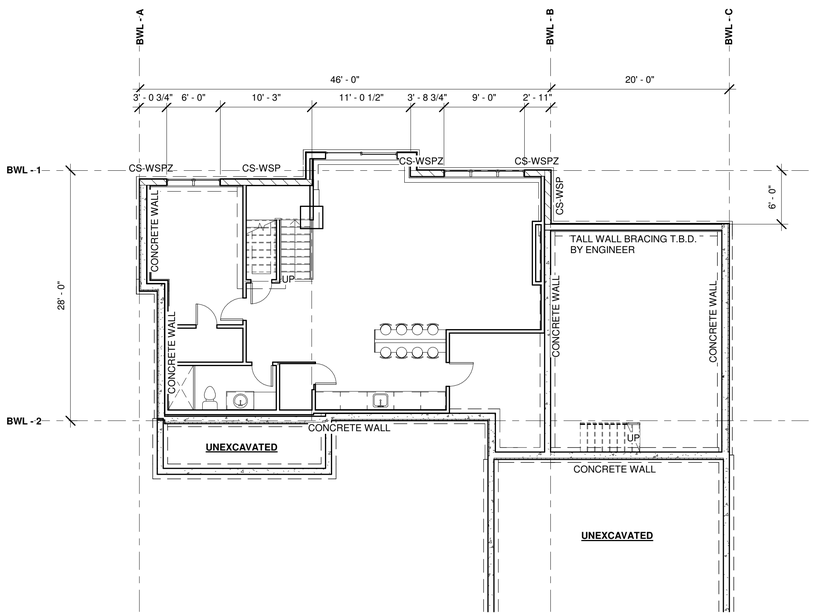
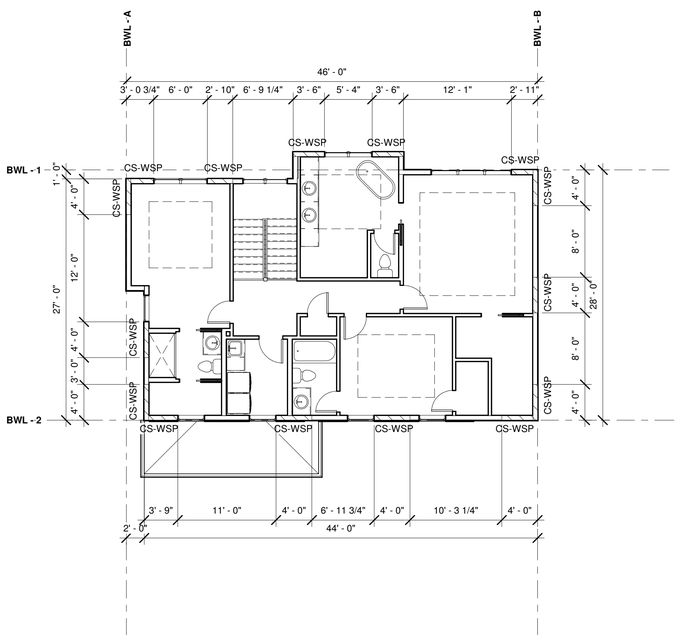


3 Foundation / Basement Level Copy 1
1/8" = 1'-0"



1 Upper Level Copy 1
1/8" = 1'-0"

CS-WSP : 7/16" WALL SHEATHING W/ 8D NAILS @ 6" O.C. ALONG EDGES + 12" O.C. AT INT. SUPPORTS. MIN.

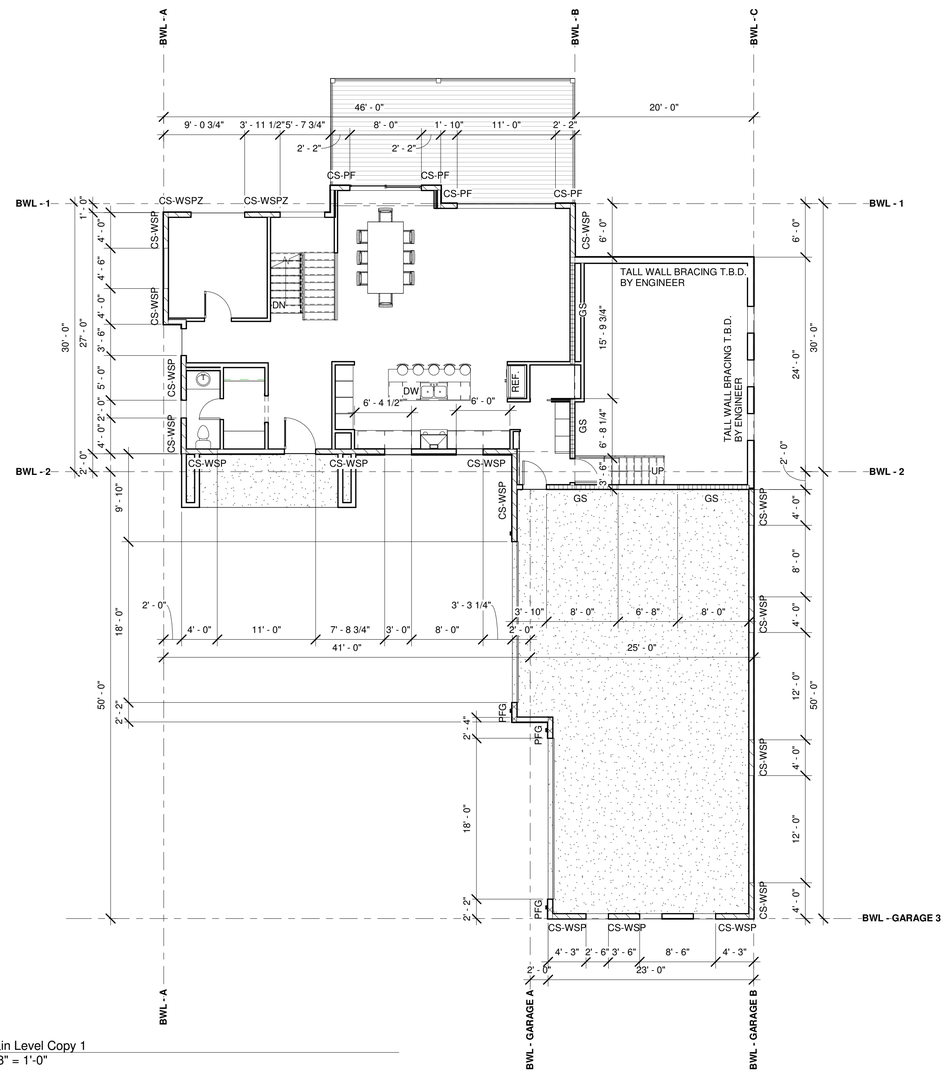
CS-WSPZ : 7/16" WALL SHEATHING W/ 8D NAILS @ 4" O.C. ALONG EDGES + 6" O.C. AT INT. SUPPORTS. MIN.

Braced Wall Plan Abbreviations

BWL. - Braced Wall Line
BWP. - Braced Wall Panel
CS-WSP. - Continuously sheathed wood structural panel
GS. - Wall Panels sheathed w/gypsum board both faces
PFH. - Portal Frame with Holdowns
PFG. - Portal Frame Garage
CS-PF. - Continuous Portal Frame
WSP. - Intermittent wood structural panel
HD. - Hold Down
TT. - Tension Tie

General Bracing Notes

Where floor or roof framing members are perpendicular to exterior braced wall lines above or below, solid blocking shall be provided between the framing members at braced wall panel locations to permit fastening of wall plates in accordance with and shall extend to within 2 inches of the bottom side of the roof sheathing and shall be fastened in accordance with Table R602.3(1).
Solid blocking to be provided @ floor trusses below braced wall panels.
All framing and foundations shall be shored and temporarily braced as required by the contractor and all minimum nailing shall be in accordance with IRC Table R602.3(1). Lumber shall be minimum #2 SPF with treated lumber to be #2 S. Pine and engineered lumber to have Fb = 2600 psi with E = 2.0. Assume all lumber is of good quality and does not have large splits and checks and shall be visually inspected by the contractor at the time of construction. All fasteners in contact with treated lumber shall be G185 hot dipped galvanized or equal.



2 Main Level Copy 1
1/8" = 1'-0"

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1400 Holdridge Lane

Wayzata

Braced Wall Plans

Project number	1400
Date	6/6/2024
Drawn by	Alexander Bocharnikov

A110

Scale	1/8" = 1'-0"

7/30/2025 2:48:11 PM

Surveyors Certificate

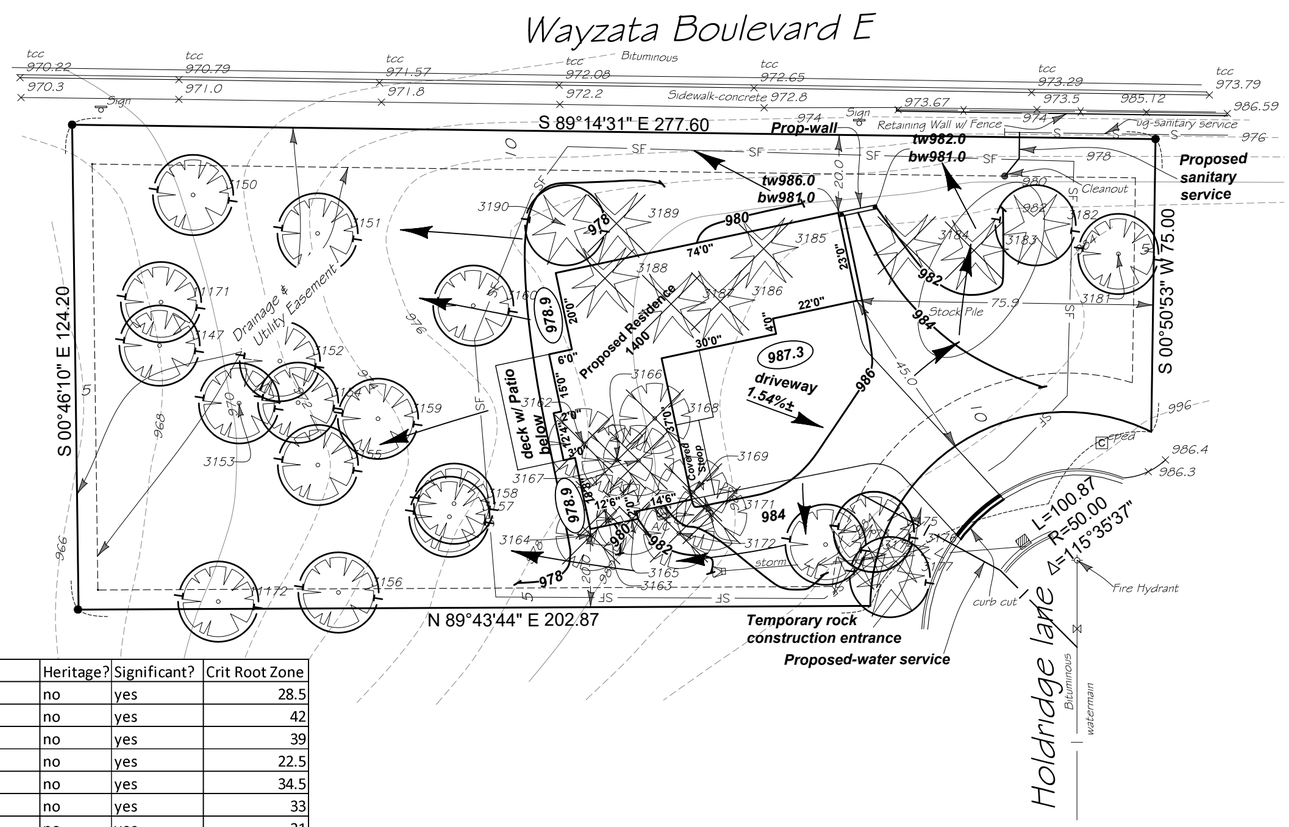
Tree Inventory Survey For:

ALLIANCE BUILDERS

Property located in Section
5, Township 117, Range 22,
Hennepin County, Minnesota

Basis for bearings is assumed

- Denotes Found Iron Monument
- Denotes Iron Monument
- Denotes Wood Hub Set for excavation only
- Denotes Existing Contours
- Denotes Proposed Contours
- x000.0 Denotes Existing Elevation
- 000.0 Denotes Proposed Elevation
- Denotes Surface Drainage
- SF Denotes Erosion Control (Bio Logs)
- Denotes Tree Protection Fence
- Denotes Tree Removal



Tag No.	DBH	Common Name	Notes	Heritage?	Significant?	Crit Root Zone
3147	19	White Oak		no	yes	28.5
3150	28	White Oak		no	yes	42
3151	26	White Oak		no	yes	39
3152	15	American Elm		no	yes	22.5
3153	23	Basswood		no	yes	34.5
3154	22	White Oak		no	yes	33
3155	14	Green Ash	dead	no	yes	21
3156	24	White Oak	dead	no	yes	36
3157	14	Green Ash	dead	no	yes	21
3158	22	White Oak		no	yes	33
3159	24	White Oak		no	yes	36
3160	29	White Oak		no	yes	43.5
3162	15	Green Ash	dead	no	yes	22.5
3163	25	White Oak		no	yes	37.5
3164	16	White Oak		no	yes	24
3165	23	Red Oak		no	yes	34.5
3166	9	Green Ash	dead	no	yes	13.5
3167	14	Green Ash	dead	no	yes	21
3168	9	Green Ash	dead	no	yes	13.5
3169	9	Green Ash	dead	no	yes	13.5
3171	12	Green Ash	dead	no	yes	18
3172	22	White Oak		no	yes	33
3173	8	Green Ash	dead	no	yes	12
3174	15	Colorado Blue Spruce	40' in height	no	yes	22.5
3175	14,12,11	Green Ash	dead	no	yes	21,18,16.5
3176	16	Colorado Blue Spruce	45' in height	no	yes	24
3177	18	Colorado Blue Spruce	50' in height	no	yes	27
3181	44	Silver Maple	Hazard Tree	no	yes	66
3182	14	Colorado Blue Spruce	40' in height	no	yes	21
3183	14	Colorado Blue Spruce	40' in height	no	yes	21
3184	18	Colorado Blue Spruce	40' in height	no	yes	27
3185	22	Colorado Blue Spruce	45' in height	no	yes	33
3186	17	Colorado Blue Spruce	40' in height	no	yes	25.5
3187	10	Colorado Blue Spruce	35' in height	no	yes	15
3188	9	Colorado Blue Spruce	30' in height	no	yes	13.5
3189	17	Colorado Blue Spruce	45' in height	no	yes	25.5
3190	16	Colorado Blue Spruce	40' in height	no	yes	24
11171	12	Red Oak		no	yes	18
11172	9	Red Oak		no	yes	13.5

Legal Description
Lot 2, Block 1, UNITARIAN UNIVERSALIST CHURCH OF MINNETONKA
Hennepin County, Minnesota

Project No. 91082 | Scale: 1" = 30'
F.B.No. - | Drawn By AH
Address: 1400 Holdridge Lane
Wayzata, MN
rev

I certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota
Surveyed this 20th day of June 2025.

Signed _____
Gregory R. Prasch, Minn. Reg. No. 24992

DEMARC
LAND SURVEYING & ENGINEERING
7601 73rd Avenue North
Minneapolis, Minnesota 55428
(763) 560-3093
DemarcInc.com

F:\survey\unitarian universalist church of minnetonka-hennepin\2-1 unitarian universalist church of mtka\01 Surveying - 91082\01 CAD\01 Source\01 Survey Base.dwg

Haily Hedblom

From: Bennett Myhran
Sent: Tuesday, September 2, 2025 10:32 AM
To: Alliance Builders; Jennifer Schumann
Cc: Jason Wagner; Haily Hedblom; Igor Ryabchuk; Jeffrey Prasch
Subject: RE: 1400 Holdridge Ln
Attachments: 1400 Holdridge Ln - tree mitigation 9.25.xlsx

Good morning,

Thank you for providing these details. There are a few things left to address before we can move forward with tree removal permitting. Please review these items carefully and let me know what questions you have.

Tree Protection
The plans need to show how trees will be protected from construction activity. This can be achieved with a variety of site-specific details but the base requirement is protective fencing material that is mapped out in accordance with the City's standards and maintained throughout the project. Do not provide protection fencing for areas that will be impacted by grading, digging, stockpiling, trenching, or soil compaction. Up to 40% of a preserved tree's Critical Root Zone may be unprotected. If more than 40% of that area is unprotected then the tree will be considered a removal, requiring additional replacement, escrow, and/or fees.

Please specify what type of fencing material is proposed and how it will be installed. Keep in mind that fencing shall not be installed below grade (machine-slicing/trenching) wherever it passes through a protected Critical Root Zone.

Tree Removal
I have calculated the City's tree removal mitigation requirements (per 936.06, 936.09, 936.11) based on the current plan[2]. The attached spreadsheet includes an adjusted inventory, replacement needs, and financial requirements.

In summary:

Significant Trees preserved: 170 trunk diameter inches
[1]Significant Tree removals: 205 trunk diameter inches
[2]Heritage Tree removal: 25 trunk diameter inches

[1]*Includes Tree 3190, which cannot be preserved according to the proposed grading details*
[2]*Tree 3160 may require grading adjustments to achieve code-compliant preservation, as described above*

Tree replacement required: 161 caliper inches
Refundable financial guarantee / escrow for full replacement on site: $53,212.50 ($330 per inch replacement)
Fee-in-lieu of escrowed tree replacement: $300 per inch

A finalized tree replacement / landscape plan is not necessarily required at this time. We do need to, at a minimum, commit to a specific amount of those 161 on-site replacement inches. They require a financial guarantee of $330 per inch, which is then released back to the applicant over a three-year period following installation. Any of the 161 replacement inches that will not be planted on site will instead be mitigated via non-refundable Fee-in-Lieu of Tree Replacement, which is currently $300 per inch. This fee is then reserved for forestry efforts throughout the City.

The applicable escrow and fee, if any, will be described in a Tree Mitigation Agreement. This is provided by the City once replacement totals are identified. This agreement will accompany the escrow and/or fee payment when it is submitted at City Hall. Once this has been accepted, I can go ahead with permitting the proposed tree removals.

Thank you again,

Bennett Myhran
City Forester ISA-MN4958AM(TRAQ)
bmyhran@wayzata.org | 952-404-5375
299 Wayzata Blvd W | Wayzata, MN 55391
www.wayzata.org

From: Alliance Builders <[redacted]>
Sent: Thursday, August 28, 2025 4:29 PM
To: Jennifer Schumann <jschumann@wayzata.org>; Bennett Myhran <bmyhran@wayzata.org>
Cc: Jason Wagner <jwagner@wayzata.org>; Haily Hedblom <hhedblom@wayzata.org>; Igor Ryabchuk <[redacted]com>; Jeffrey Prasch <[redacted]>
Subject: 1400 Holdridge Ln

Hello All,

Attached are the updated tree inventory and site plan, reflecting the latest forestry and engineering information. The house average height has also been added to page A102.

Please let me know if anything further is needed.

Efim Shukalovich

Entrepreneur | Builder | Realtor
[redacted]
chestnutwindows.com | betterbuildmyhouse.com | mtheorywest.com

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From: Jason Wagner <jwagner@wayzata.org>
Sent: Thursday, August 14, 2025 12:45:40 AM
To: Alliance Builders [redacted]
Cc: Haily Hedblom <hhedblom@wayzata.org>; Jennifer Schumann <jschumann@wayzata.org>; Bennett Myhran <bmyhran@wayzata.org>; Megan McCrady <MMcCrady@wayzata.org>
Subject: 1400 Holdridge Ln

Good afternoon,

Please see the preliminary comments below on your application. This is not intended to be a list of all code requirements. Please reply to all with any questions or reach out to each individual department if you need to discuss specific items. All updated documents can be sent back to this group via email. Provide responses next to each item. Thank you.

Building- jwagner@wayzata.org

Planning- hhedblom@wayzata.org

Engineering- jschumann@wayzata.org

Forestry- bmyhran@wayzata.org

Building

1. Provide Manual J calculations for the HVAC system.
2. Provide a passive radon system in the sport court.
3. Provide wall bracing information.
4. This project will owe SAC & WAC fees.

Planning

1. Please provide calculations for total building height from average grade plane on the elevation drawings.
2. **This parcel was created through a subdivision approved by Wayzata City Council in June 2016. A condition of the resolution approving the subdivision requires preliminary house plans to be reviewed by Planning Commission and approved by City Council prior to submitting a building permit.** Past proposals for this property have been approved through consent agenda. We will be able to add plans to an upcoming Planning Commission agenda if the applicant indicates they would like to proceed. The Planning Commission and City Council meet twice a month and there are specific deadlines that would need to be met to get this item on an agenda. The executed subdivision resolution is attached for reference. The requirement is outlined in Section 4.3 (page 16). Please contact hhedblom@wayzata.org with questions related to this matter.

Engineering

1. Show the existing storm sewer catch basin in the Holdridge Ln ROW, and the existing 12-inch CMP storm sewer pipe in the ROW and on the 1400 parcel. This pipe must be accommodated in the grading plan. Show any existing easements on the 1400 parcel.
2. The storm sewer shown at the west edge of the parcel and in the Wayzata Boulevard ROW is not accurate. Revise the survey so that storm sewer facilities are shown correctly on Wayzata Boulevard, Holdridge Lane, and on the 1400 parcel.
3. Provide more information about the proposed retaining walls. Modular block retaining walls must be included in impervious surface calculations.

4. Show the existing sanitary sewer stub near the northeast corner of this property, and the water main and fire hydrant in the Holdridge Ln ROW.
5. Show proposed sanitary sewer and water service connections to the proposed house. A separate Utility permit is required for utility connections to City utilities.
6. Show the existing retaining wall in the Wayzata Boulevard ROW, near the north property line for the 1400 parcel. Note elevations at the top-of-wall and bottom-of-wall.
7. The site grading and proposed building elevations do not meet the requirements of City Code Section 916.04. Provide more information about grading/drainage and how stormwater from the Holdridge Lane ROW will be managed.
8. Provide grading/earthwork quantities. List cut volumes separately from fill volumes.
9. Show the existing curbs/edge of pavement on Wayzata Boulevard and on Holdridge Ln. Show existing pavement grades/slopes adjacent to the 1400 parcel and note any proposed alterations to curbs or other existing features in the ROW.
10. A separate ROW Excavation Permit is required for any work in the ROW, including driveway/curb and excavations required for utility work. Inspections on forms for concrete are required before concrete is poured, and inspections are required on aggregate base before street or curb paving or patching occurs. Public Works or Engineering staff must be notified to request inspections.

Forestry

1. Provide a Tree Preservation Plan that meets the requirements of City Code Section 936.
2. Show existing trees on the survey and note whether they are to be protected or removed. A separate tree removal permit is required for any proposed tree removals.

Jason Wagner

Building Official

jwagner@wayzata.org | 952-404-5311

600 Rice St E | Wayzata, MN 55391

www.wayzata.org

1400 Holdridge Lane
Tree Replacement Calculations
City of Wayzata
Aug-25

Tag No.	DBH	Remove	H. Remove	Common Name	Notes
3147	19			White Oak	
3150				White Oak	
3151				White Oak	
3152	15			American Elm	
3153	23			Basswood	
3154	22			White Oak	
3155				Green Ash	dead
3156				White Oak	dead
3157				Green Ash	dead
3158	22			White Oak	
3159	24			White Oak	
3160				White Oak	
3162				Green Ash	dead
3163			25	White Oak	
3164	16	16		White Oak	
3165	23	23		Red Oak	
3166				Green Ash	dead
3167				Green Ash	dead
3168				Green Ash	dead
3169				Green Ash	dead
3171				Green Ash	dead
3172	22	22		White Oak	
3173				Green Ash	dead
3174	15			Colorado Blue Spruce	40' in height
3175				Green Ash	dead
3176	16			Colorado Blue Spruce	45' in height
3177				Colorado Blue Spruce	50' in height
3181				Silver Maple	Hazard Tree
3182	14			Colorado Blue Spruce	40' in height
3183	14	14		Colorado Blue Spruce	40' in height
3184	18	18		Colorado Blue Spruce	40' in height
3185	22	22		Colorado Blue Spruce	45' in height
3186	17	17		Colorado Blue Spruce	40' in height
3187	10	10		Colorado Blue Spruce	35' in height
3188	9	9		Colorado Blue Spruce	30' in height
3189	17	17		Colorado Blue Spruce	45' in height
3190	16	16		Colorado Blue Spruce	40' in height
11171	12	12		Red Oak	
11172	9	9		Red Oak	
	375	**205**	**25**		

Significant Tree Removal Allowance	93.75
Significant Tree Removal Total	205
Significant Tree Replacement Requirement	111
Heritage Tree Replacement (2:1)	50

Total Tree Replacement	**161**	
Escrow to Guarantee Replacement ($330/in)	**$**	**53,212.50**
AND/OR		
Fee-in-Lieu of Tree Replacement ($300/in)	**$**	**48,375.00**

Heritage?	Significant?	Crit Root Zone	**Forester Note**
no	yes	28.5	
yes	no	42	
yes	no	39	
no	yes	22.5	
no	yes	34.5	
no	yes	33	
no	no	21	
no	no	36	
no	no	21	
no	yes	33	
no	yes	36	
yes	no	43.5	Grading conflict
no	no	22.5	
yes	no	37.5	
no	yes	24	
no	yes	34.5	
no	no	13.5	
no	no	21	
no	no	13.5	
no	no	13.5	
no	no	18	
no	yes	33	
no	no	12	
no	yes	22.5	
no	no	21,18,16.5	
no	yes	24	
no	no	27	Off-site
no	no	66	
no	yes	21	
no	yes	21	
no	yes	27	
no	yes	33	
no	yes	25.5	
no	yes	15	
no	yes	13.5	
no	yes	25.5	
no	yes	24	Grading conflict
no	yes	18	
no	yes	13.5	

RESOLUTION NO. 15-2016

RESOLUTION APPROVING PROJECT DESIGN, PUD AMENDMENT, SUBDIVISION/PRELIMINARY PLAT, ZONING AMENDMENT, COMPREHENSIVE PLAN AMENDMENT AND VARIANCES FOR 2030 WAYZATA BLVD E

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

Section 1. BACKGROUND

1.1 Summary. Locus Architects and property owner Unitarian Universalist Church of Minnetonka (UUCM) (the "Applicant") have submitted an application and related materials and documentation (the "Application") for the construction of a new church building and associated parking at 2030 Wayzata Blvd E and adjacent property (the "Project"). The Application includes a request to combine the 2030 Wayzata Blvd E property (Parcel A) with the parcel to the east (Parcel B) as depicted on Attachment C, and subdivide a portion of that east parcel into a single-family residential property.

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

A. Design: The Applicant is requesting approval of the Project design, as shown in Attachment A, (the "Design") under the Wayzata Design Standards (City Code Section 801.09, including deviations from the Design Standards that pertain to (i) primary exterior building materials; and (ii) roof color (the "Deviations").

B. PUD Amendment: The Applicant is requesting approval of an amendment to its previously approved PUD Plan, as shown in Attachment B (the "PUD Amendment"). As the proposed PUD site plan varies from the plan that was approved by the City Council as part of a 2012 PUD approval, an amendment is required under City Code Section 801.33.

C. Subdivision and Preliminary Plat: The Applicant is requesting approval of a preliminary plat that reflects a combination of Parcel A and Parcel B, and a subdivision of the easterly portion of Parcel B into a separate lot for use as a single-family home, as shown on Attachment C (the "Subdivision and Preliminary Plat").

D. Zoning of Parcel B: Parcel B does not currently have a zoning designation under the Official Zoning Map of the City. The Applicant is requesting a zoning of the westerly portion of Parcel B to PUD/Planned Unit Development

and R-1/Low Density Single Family Residential District for the easterly portion of Parcel B as shown on Attachment D (the "Zoning Amendment").

E. Comprehensive Plan Land Use Designation for Parcel B: Parcel B does not currently have a land use designation in the City's Comprehensive Plan Land Use Map. The Applicant is requesting an amendment to the Comprehensive Plan to designate the westerly part of Parcel B as Institutional/Public, and the easterly part of Parcel B as One Acre Single Family in the Comp Plan's Land Use Map, all as shown on Attachment E (the "Comp Plan Amendment").

F. Variances for R-1 Lot: The R-1 zoning district requires a minimum lot area of 40,000 square feet, and a minimum lot depth of 150 feet. The proposed R-1 residential lot would have a lot area of 30,603 square feet and a lot depth of 124 feet. Thus, the Applicant is requesting variances from the minimum lot area and minimum lot depth requirements for the proposed residential lot (collectively, the "Variances").

1.3 Property Description. The address, property identification numbers and owner of the property involved in the Project (the "Property") are:

Parcel	Address	PID	Property Owner
A	2030 Wayzata Blvd E	05-117-22-41-0012	Unitarian Universalist Church of Minnetonka
B	No assigned address	No assigned PID	Unitarian Universalist Church of Minnetonka

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

Parcel	Current zoning	Comp Plan Land Use Designation
A	Planned Unit Development (PUD)	Institutional/Public
B	No zoning designation	No land use designation

1.5 Settlement Agreement. Land uses on the Property are subject to a settlement agreement between the City and UUCM that imposes certain terms and conditions on the Applicant and the City of Wayzata with respect to the Property and land use requests related to the Property (the "Settlement Agreement"). These include:

A. Review Phases. The Settlement Agreement outlines a three phase review process for the Project:

1. Comprehensive Plan Amendment, Rezoning, PUD and Site Plan Review: The first phase, which was completed in 2012, was the review and approval via Ordinance No. 734 and City Council Resolution No. 62-2012 of (1) an amendment to the Comprehensive Plan land use designation for the 2030 Wayzata Blvd E property from One Acre Single Family to Institutional/Public, (2) Rezoning that

property from R-1 to PUD/Planned Unit Development, (3) Concept Plan and General Plan Stage PUD approval, and (4) Site Plan Review.

2. Design Review and Subdivision: The second and current phase is for (1) Design Review of the plans for the new church building, and (2) Subdivision/Plat review and approval to combine the 2030 Wayzata Blvd E property with the adjacent parcel(s).

3. Final Stage PUD: The third and final phase is for Final Plan Stage PUD, which is to be reviewed by City staff prior to the start of construction to ensure that the building permit plans conform to the PUD Concept and General Plan approved by the City Council.

B. Review Standards. The Settlement Agreement requires that the City process the PUD Application, the Subdivision/Plat review and Final Stage PUD according to the terms of the Settlement Agreement and the City's ordinary and normal practices for such applications. Approval of the PUD Application does not except UUCM from obtaining all permits or approvals required by City Code and by other jurisdictions, and paying all associated fees.

C. Use Restriction. The Settlement Agreement limits the use of the Property, including, without limitation, the outlot Parcel B, to a Church, including uses that are customarily incidental to a Church, including: a) gatherings or meetings of members of the community or of a community or non-profit organizations or groups; and b) charitable activities or services associated with a religious body.

1.6 Public Hearing and Planning Commission Action. Notice of a public hearing on the Application at the March 21, 2016 Planning Commission Meeting was published in the *Wayzata Sun Sailor* on March 10, 2016. A copy of the notice was mailed to all property owners located within 350 feet of the Property on March 10, 2016. The Planning Commission reviewed the Application and held a Public Hearing on March 21, 2016. The Planning Commission also reviewed the Application on April 4, 2016 and April 18, 2016. The Planning Commission adopted a Planning Commission Report and Recommendation recommending approval of all requests in the Application, with certain conditions, except a requested Design Standard deviation for the primary exterior building material on a vote of four (4) in favor and one (1) opposed.

Section 2. STANDARDS

2.1 Design Standards (Section 801.09). All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The relevant design standards applicable to the Project are included in the Planning Report and Recommendation. Deviations from the Design Standards

may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.

2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.

3. The positive effect of the project on the area in which the project is proposed.

4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.

5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.

6. A national, state or local historic designation.

7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

2.2 PUD Amendment (Section 801.33).

A. Process. Any deviation or modification from the terms or conditions of an approved PUD or any alteration in a project for which a PUD has been approved shall require an amendment of the original PUD. The same application and hearing procedure for an amendment of a PUD shall be followed as was followed with respect to the applicant's Concept Plan.

B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a 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 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.

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.

2.3 Preliminary Plat (Section 805.14.E). Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. In reviewing such requests, the Planning Commission shall consider possible adverse effects of the preliminary plat reflecting the lot combination or subdivision. Its judgment shall be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.

2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.

5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.

7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.

10. The proposed lot layout and building pads shall conform with all performance standards contained herein.

11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

All proposed subdivisions must conform with the Design Standards of the Subdivision Ordinance, including the lot area and sizes established by the City Zoning Ordinance. Sec. 805.23-28. The R-1 zoning district requires a minimum lot area of 40,000 square feet, and a minimum lot depth of 150 feet.

2.4 Zoning Ordinance Amendment (Section 801.03.2.F). In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council 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.

2.5 Comprehensive Plan Amendment (Minn. Stat. Sec. 462.355, subd. 2 and 3). The City's Planning Commission may recommend to the City Council an amendment to the City's comprehensive plan, or City Council may propose amendments to Planning Commission by resolution submitted to the Planning Commission. Before adopting an amendment to the Plan, the Planning Commission must hold at least one public hearing on the proposed amendment. Except for amendments to permit affordable housing development, a resolution to amend a comprehensive plan must be approved by a two-thirds vote of all of the members.

A. Institutional Facilities – 2030 Comprehensive Plan Policies. The City of Wayzata has a number of schools, churches and other institutional uses in areas throughout the community. These institutions are viewed as a positive aspect of the community that serves the good of its residents. Many of these institutional uses are located in or adjacent to established residential neighborhoods. Institutional facilities create impacts and add activity to an area resulting in parking or increased traffic that is not characteristic of

residential neighborhoods. Wayzata needs to plan for facility expansion and potential redevelopment of institutional property to ensure proper preservation of land use compatibility, including:

- Accomplish transitions between differing types of land uses in an orderly fashion to minimize negative impacts on adjoining development.
- Establish sufficient setback requirements for new or expanding institutional development to assure adequate separation of differing land uses.
- Develop all institutional uses according to high levels of design, which are sensitive to the mass and scale of the existing surrounding neighborhood.
- Adequately screen, landscape and buffer institutional facilities to minimize the impact on surrounding uses and enhance the neighborhood and community in which they are located.

2.6 Zoning Ordinance Variance (Section 801.05.1.C). The criteria for granting a variance from the Zoning Ordinance standards 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 this Ordinance.

C. "Practical difficulties," as used in connection with the granting of a variance, means that:
(i) the property owner's proposal for the property is reasonable but not permitted by 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 criteria of this section in order to make reasonable use of the land, structure or building.

Section 3. FINDINGS

The City Council of the City of Wayzata finds that the Application requests outlined in Section 1.2 of this Resolution meet the applicable requirements of Wayzata's Zoning and Subdivision Ordinances, 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 Project Design. The Project meets the Design Standards of City Code Section 801.09, including the Deviations requested in the Application and identified in the Design Critique.

A. Exterior Building Materials Deviation. The negative impact of the proposed exterior appearance of metal siding is outweighed by the overall positive effect of the Project in the area in which it is proposed, and greater conformity with the environmentally positive policies of the Comprehensive Plan, and the policies behind the Zoning Ordinance, that seek to promote the incorporation of sustainable design approaches.

B. Roof Color Deviation. The minimal negative impact, if any, of the proposed white roof is outweighed by the overall positive effect of the Project in the area in which it is proposed, and greater conformity with the environmentally positive policies of the Comprehensive Plan, and the policies behind the Zoning Ordinance, that seek to promote the incorporation of sustainable design approaches and "green" roofs.

3.2 PUD Amendment. The PUD Amendment requested in the Application meets the applicable standards set forth above in this Report. The only changes to the previously approved PUD that are being requested involve changes to the footprint of the building and parking lots, and associated grading and tree removal.

A. Health Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the "Amended PUD") will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and generally conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance and the terms of the Settlement Agreement. The change in building and parking lot footprints over the previously approved plan would reduce the footprint of the building and parking lot areas and lessen some of the impact to the trees and natural features of the Property.

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 2.2 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 the Applicant.

3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan, as amended under the Application.

4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.

5. Landscaping. The Application includes a detailed plan that considers the natural features of the site, architectural characteristics of the proposed structure, and overall scheme of the PUD.

6. Health, Safety, and Welfare. Provided the recommended conditions of approval with respect to lighting and proof of parking for future expansion of the parking lot are considered and met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.

3.3 Subdivision and Preliminary Plat. Subject to granting the Zoning Amendment, Comprehensive Plan Amendment and Variances requested in the Application, the Preliminary Plat meets the applicable standards of the Subdivision Ordinance:

1. The proposed subdivision reflected in the Preliminary Plat is consistent with the Wayzata Comprehensive Plan, as amended in connection with the Application.

2. The building pad on the PUD lot that results from the proposed subdivision reflected in the Preliminary Plat is sensitive to areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation and scenic points on the Property. The impact of the building pad on the residential lot that results from the proposed subdivision reflected in the Preliminary Plat on sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets is not known at this time.

3. The location of the PUD building pad that results from the subdivision and its selection relates well to natural topography and seeks to minimize filing or grading. The location of the residential building pad that results from the subdivision or lot combination and their selection as they relate to natural topography to minimize filing or grading is not known at this time.

4. Existing stands of significant trees will be retained where possible, and the building pad that results from the proposed subdivision, on the PUD lot will be sensitively integrated into existing trees. With respect to the residential parcel, the extent to which existing stands of significant trees will be retained where possible is not know at this time, nor whether the building pads that result from the proposed subdivision on the residential parcel will be sensitively integrated into existing trees.

5. The creation of the new lots will not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas. The new residential lot will fit into the existing neighborhood and be a return to the use that pre-existed the taking of the property for the improvements to Highway 12.

6. The design of the proposed PUD lot, building pad and site layout will respond to and be reflective of the surrounding area. The design of the proposed residential lot will respond to and be reflective of the surrounding lots and neighborhood character; it is not known at this time whether the building pad and the site layout will do so.

7. The lot size that results from the subdivision proposed in the Preliminary Plat will not be dissimilar from adjacent lots or lots found in the surrounding neighborhood. With respect to the residential lot, several lots in the surrounding neighborhood, including an adjacent lot, are of similar substandard depth and area.

8. The building proposed for the PUD lot is being reviewed under the PUD process and Design Standards, and meets the standards of the Subdivision Ordinances. It is not known at this time whether the architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on the

residential lot will be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.

9. The standards and review process of Section 9 of the Wayzata Zoning Ordinance would not be applicable to the residential lot.

10. The PUD lot and building pad will confirm with all performance standards contained herein. With approval of the Variances requested in the Application, the proposed residential lot layout would conform with all performance standards contained herein; it is not known at this time whether the building pad will do so.

11. The proposed subdivision in the Preliminary Plat will not tend to or actually depreciate the values of neighboring properties in the area.

12. The proposed subdivision in the Preliminary Plat will be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

The creation of a new residential lot from Parcel B conflicts with the terms of the Settlement Agreement the City has with UUCM, which calls for the combination of Parcel A and Parcel B, and for such combined new parcel to be used only for purposes related to a church. Thus, approval of the Preliminary Plat requested should be conditioned upon an amendment to the Settlement Agreement allowing such use.

3.4 Zoning Ordinance Amendment. The Zoning Amendment requested for zoning both the westerly portion of Parcel B to PUD/Planned Unit Development and the requested zoning of R-1/Low Density Single Family Residential District for the easterly portion of Parcel B meet the standards of the Zoning Ordinance.

1. The Zoning Amendment would not allow a use that would contravene any specific policies and provisions of the official City Comprehensive Plan, as amended pursuant to the Application.

2. The Zoning Amendment would only allow uses that conform to land use designations, as amended pursuant to the Application.

3. The Zoning Amendment would not allow uses that do not conform with the performance standards contained in the Zoning Ordinance (parking, loading, noise, etc.).

4. The Zoning Amendment would not allow uses that would have a negative impact on the areas in which they are proposed, as such uses are regulated as a PUD and the residential portion under the zoning district for the area.

5. The Zoning Amendment will not negatively impact property values in the City.

6. The Zoning Amendment will not allow any use that would have a negative impact traffic generation in the City.

7. The Zoning Amendment will not allow a use that would negatively impact existing public services and facilities.

With respect to the easterly portion of Parcel B: The residential zoning designation conflicts with the terms of the Settlement Agreement the City has with UUCM, which calls for the combination of Parcel A and Parcel B, and for such combined new parcel to be used only for purposes related to a church. Approval of the Zoning Amendment requested should be conditioned upon an amendment to the Settlement Agreement allowing such zoning and use.

3.5 Comprehensive Plan Amendment. Guiding the westerly portion of Parcel B Institutional/Public would to be consistent with the Comp Plan designation for adjacent Parcel A and the terms of the Settlement Agreement. Guiding the easterly portion of Parcel B residential will also best accomplish the goals of the Comp Plan with respect to Institutional Facilities located adjacent to established residential neighborhoods, and provide an orderly transition between the differing types of land uses that will minimize the impact and enhance the surrounding neighborhood. Because the residential guiding would be in conflict with the Settlement Agreement, any approval in this regard should be conditioned upon an amendment to the Settlement Agreement allowing such guidance and use.

3.6 Lot Area and Depth Variances.

A. The Variances requested in the Application are: (i) in harmony with the general purposes and intent of the Zoning Ordinance; and (ii) consistent with the Comprehensive Plan, as the foregoing are amended by the Application.

B. The Applicant has established that there are practical difficulties in complying with this Ordinance, in that (i) the proposed lot is reasonable in relation to other lots of similar dimensions in the immediate area and neighborhood; (ii) depth and area are largely factors of a taking by the state related to highway improvements; (iii) the creation of a residential lot would be a reversion to a previous use and not alter the essential character of the surrounding neighborhood.

C. Economic considerations alone are not a factor in the request for the Variances.

E. The Variances are not use variances.

Section 4. CITY COUNCIL ACTION

Based on the findings referenced and set forth in this Resolution, the City Council of Wayzata, Minnesota takes the following action:

4.1 Design Review. The Design of the Project, as depicted in the Application and attached hereto as Attachment A, is hereby **APPROVED**, including the requested Deviations.

4.2 PUD Amendment. The PUD Amendment, as depicted in the Application and attached hereto as Attachment B, is hereby **APPROVED**, subject to the following conditions:

A. The Project must be constructed in compliance with the Architectural Plans included as Attachment A and Civil Engineering Plans included as Attachment B.

B. The one-way drive lanes in front of the building on the Property must be a minimum of 18 feet in width, in accordance with the requirements of the State Fire Code.

C. All exterior lighting, including parking lot lighting and artificially illuminated signs, but not including security or safety lighting, must be turned off whenever the Property is not in use.

D. The Applicant may install the future parking lot shown on the Architectural Site Plan in Attachment A if the Applicant can demonstrate to the City that there is a need for the parking spaces to meet the actual parking demands for the use of the Property.

E. The Applicant must pay the City for all expenses, including consultant, expert, legal, and planning fees, incurred by the City for review of the Application.

F. The Applicant address and meet all conditions of approval listed in City Council Resolution No. 62-2012 that have not yet been met, namely:

1. The Applicant shall submit a Project and Development Agreement, in a form acceptable to the City Attorney, is entered into between the Applicant and the City to address matters related to the Project, including, but not limited to:

a. Project Performance and Development Timeline

b. Stormwater Facilities Maintenance

c. Conditions of approval and PUD standards outlined in this Resolution.

2. The Applicant shall record the Development Agreement with the appropriate officials at Hennepin County.

4.3 Subdivision and Preliminary Plat. The Subdivision and Preliminary Plat attached hereto as Attachment C is **APPROVED** subject to (i) the Zoning, Comprehensive Plan Amendment and Variances requested in the Application being in full force and effect; (ii) the Settlement Agreement being amended by the parties to be consistent with the action taken in this Resolution, in a form acceptable to the City Attorney and the Applicant's attorney; and (iii) a future finding of the City Council that any new residence built on the new residential lot conforms with the standards of the Wayzata Subdivision and Zoning Ordinances. To that end, prior to submitting a building permit application to the City for construction of a new house on the residential lot, the owner of the lot must submit preliminary house plans for review by the Planning Commission and approval by City Council for compliance with the applicable standards of the Wayzata Subdivision and Zoning Ordinances.

4.4 Zoning Amendment. The Zoning Amendment reflected on Attachment D is hereby **APPROVED**, provided the Settlement Agreement is amended by the parties, in a form acceptable to the City Attorney and the Applicant's Attorney, to allow for residential uses on the designated residential parcel.

4.5 Comp Plan Amendment. The Comprehensive Plan Amendment reflected on Attachment E is hereby **APPROVED**, provided the Settlement Agreement is amended by the parties, in a form acceptable to the City Attorney and the Applicant's Attorney, to allow for residential uses on the designated residential parcel.

4.6 Variances. The Variances requested in the Application are hereby **APPROVED**, provided the Settlement Agreement is amended by the parties, in a form acceptable to the City Attorney and the Applicant's Attorney, to allow for residential uses on the designated residential parcel.

Adopted by the Wayzata City Council this 7th day of June, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption: Anderson

Seconded by: Mullin

Voted in favor of: Anderson, McCarthy, Mullin, Tyacke

Voted against: Willcox

Abstained: None

Absent: None

Resolution adopted.

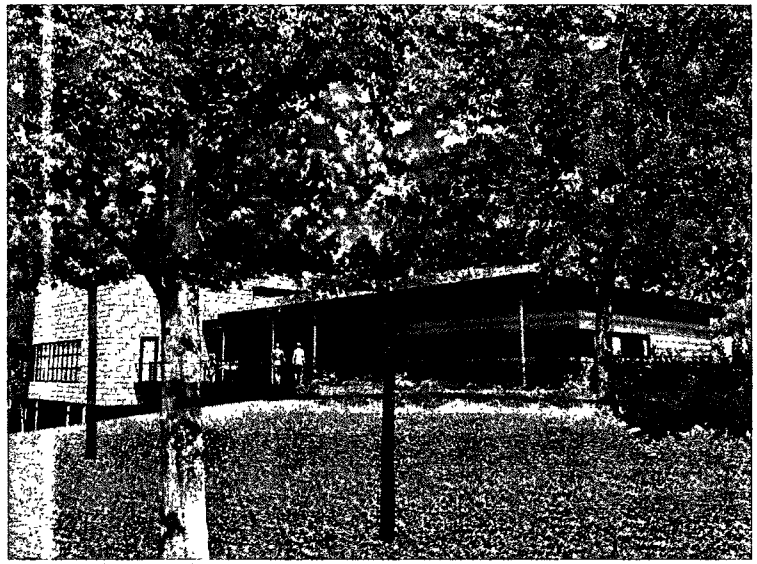
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on June 7, 2016.

Becky Malone

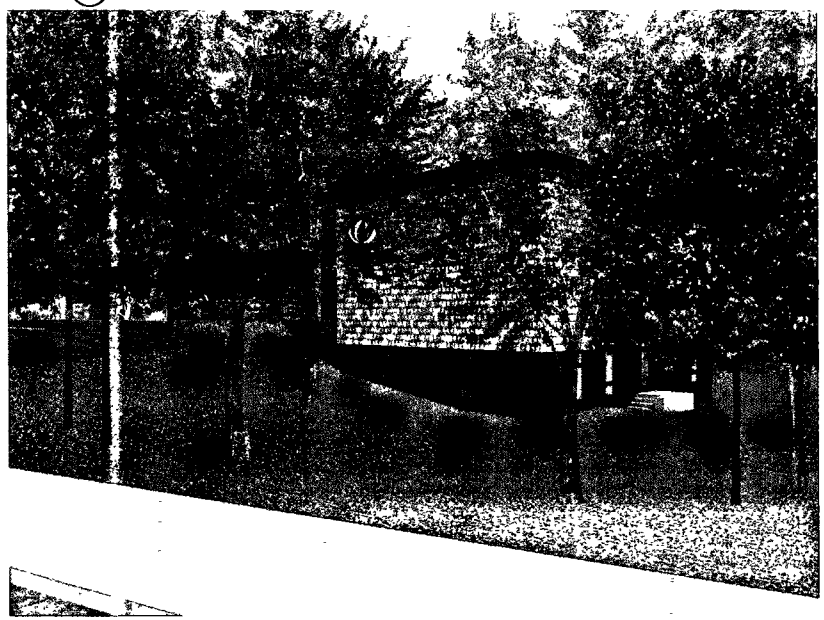
Becky Malone, Deputy City Clerk
SEAL

Attachments A-E

Attachment A



1 FROM SOUTHEAST



2 FROM NORTHWEST

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5/12/16

NOT FOR CONSTRUCTION

MARK	DATE	DESCRIPTION
	01/29/2016	PUD SUBMITTAL
	02/29/2016	PUD RESUBMIT
	03/31/2016	PC - RESPONSE
	04/14/2016	PROGRESS SET
	05/12/2016	CITY COUNCIL MTG

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PERSPECTIVES

A-003

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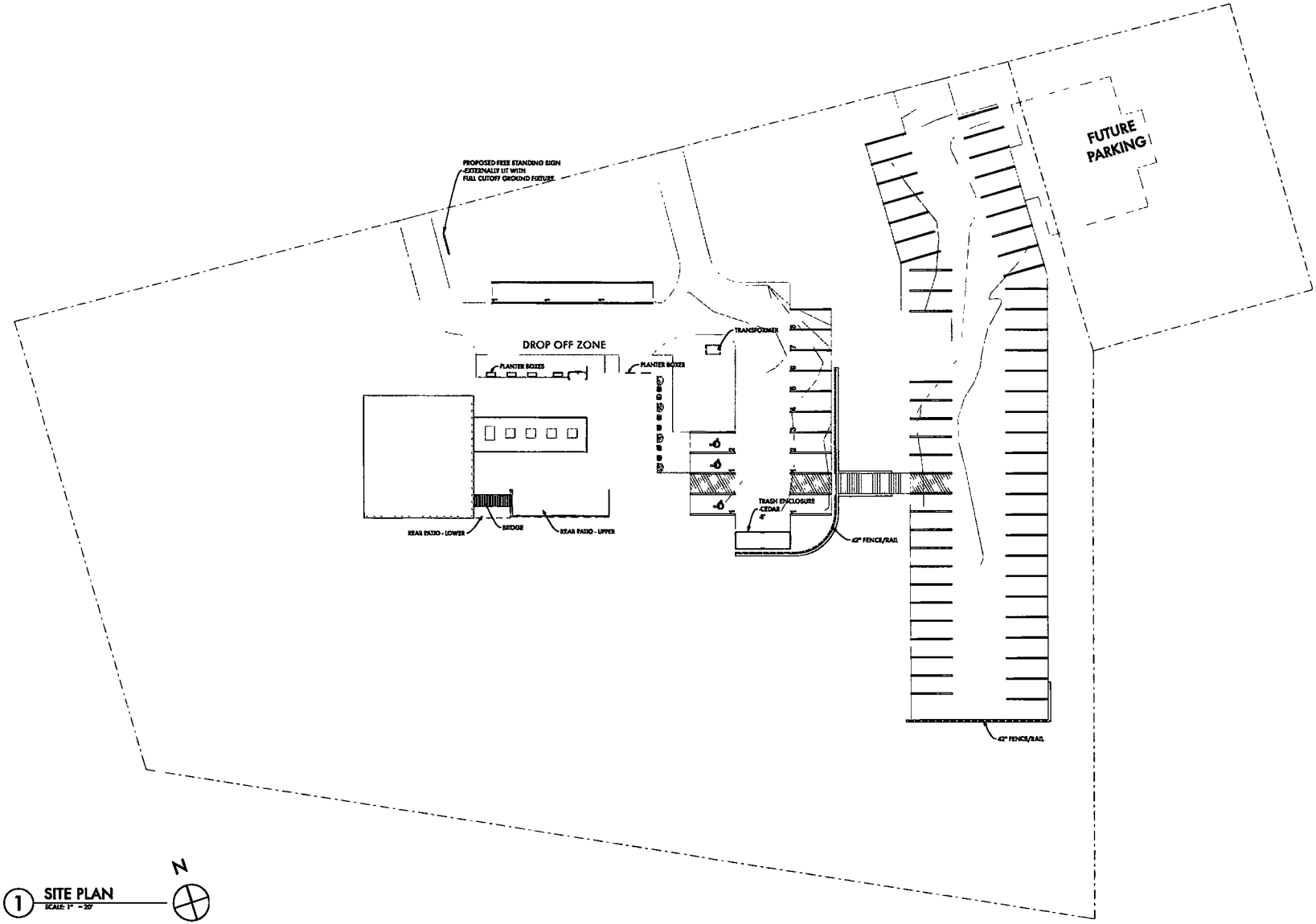

1 SITE PLAN
SCALE: 1" = 20'

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ARCHITECTURAL SITE PLAN

A-S

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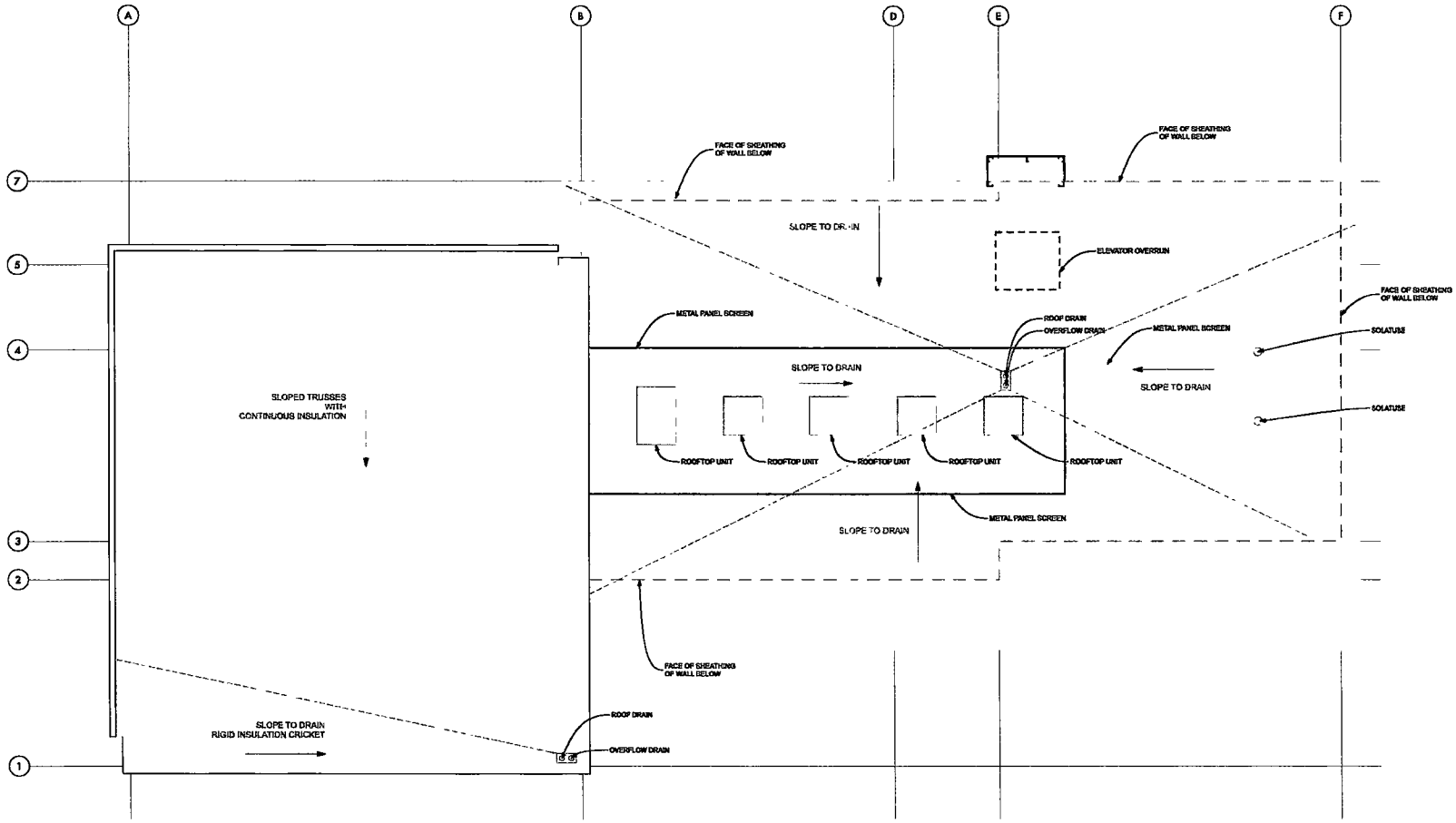

3 ROOF PLAN
SCALE: 3/16" = 1'-0"

PLAN NORTH

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SHEET TITLE
ROOF PLAN

A-104

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NORTH ELEVATION:
GLAZING CALCULATIONS

LEVEL 1 AND ABOVE:

2277 SF = TOTAL

137 SF = GLASS

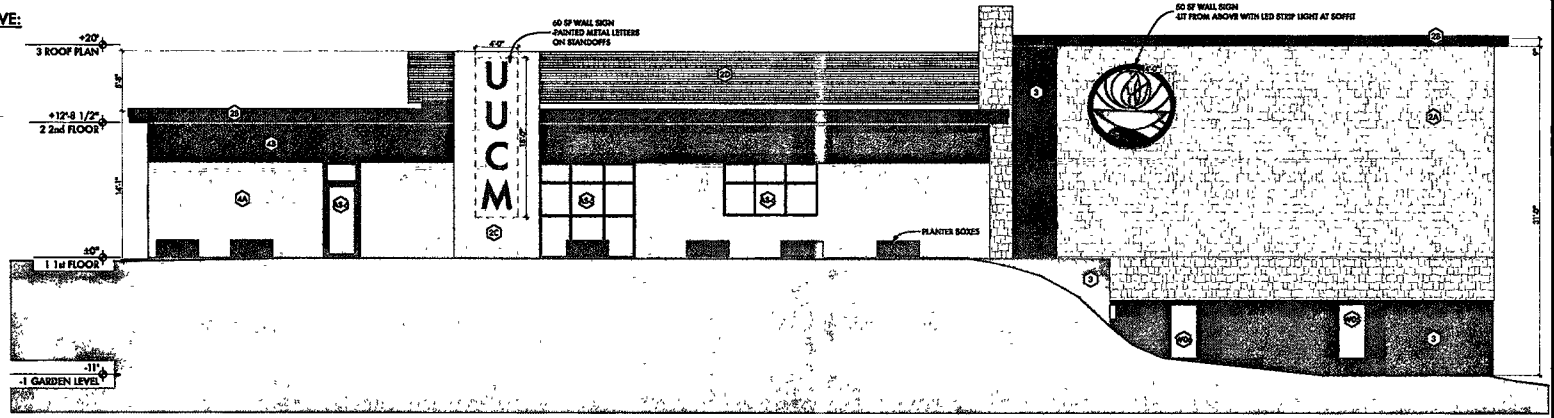
6% = GLASS

LOWER LEVEL:

397 SF = TOTAL

27 SF = GLASS

7% = GLASS



1 **NORTH ELEVATION**
SCALE: 3/16" = 1'-0"

SOUTH ELEVATION:
GLAZING CALCULATIONS

LEVEL 1 AND ABOVE:

2440 SF = TOTAL

511 SF = GLASS

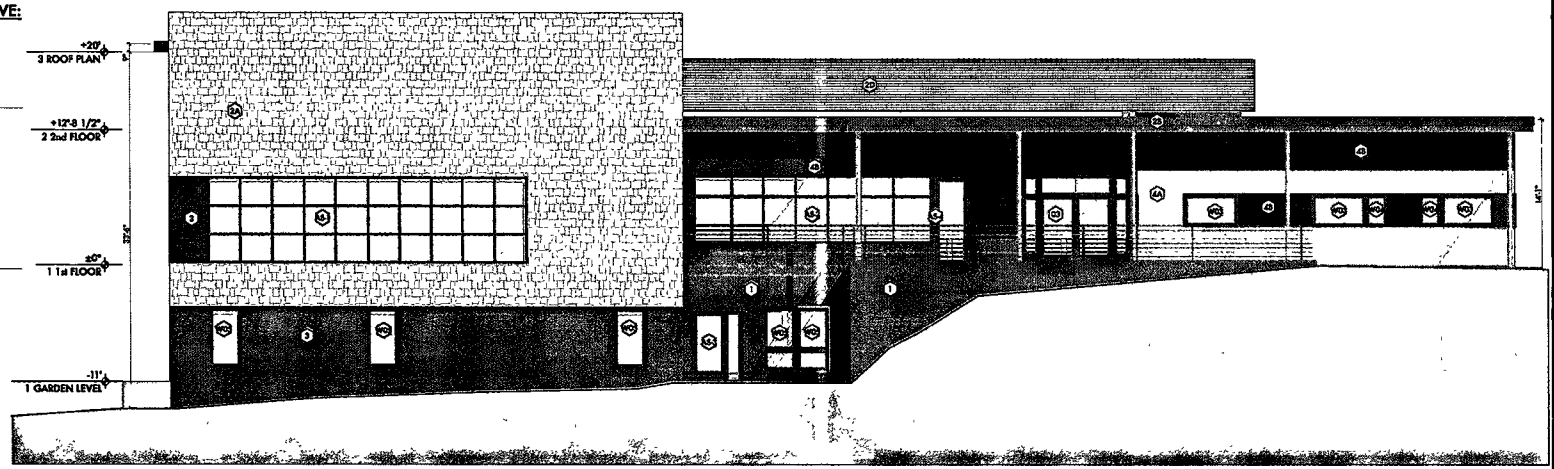
21% = GLASS

LOWER LEVEL:

884 SF = TOTAL

84 SF = GLASS

10% = GLASS



2 **SOUTH ELEVATION**
SCALE: 3/16" = 1'-0"

KEY NOTES:

- 1 CAST IN PLACE CONCRETE
- 2A PREFINISHED METAL PANEL
- 2B PREFINISHED METAL FASCIA/COPING
- 2C PERFORATED METAL SCREEN
- 2D PREFINISHED CORRUGATED METAL PANEL
- 3 COLORED PRECAST CONCRETE
- 4A EIFS - COLOR 1
- 4B EIFS - COLOR 2
- AS AluMINUM STOREFRONT SYSTEM -CLEAR, LOW EMISSIVITY GLASS
- W PREFINISHED FIBERGLASS WINDOW -CLEAR, LOW EMISSIVITY GLASS

ENLARGED MATERIALS:

- 2A PREFINISHED METAL PANEL
  9" x 12" INDIVIDUAL PANEL COVERAGE (APPROXIMATELY 12 PANELS SHOWN)
- 2C PERFORATED METAL SCREEN

BERRIDGE: SHASTA WHITE, PARCHMENT, ALMOND

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	04/14/2016	PROGRESS SET
	05/12/2016	CITY COUNCIL MTG

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ELEVATIONS

A-201

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WEST ELEVATION:
GLAZING CALCULATIONS

LEVEL 1 AND ABOVE:

1551 SF = TOTAL

47 SF = GLASS

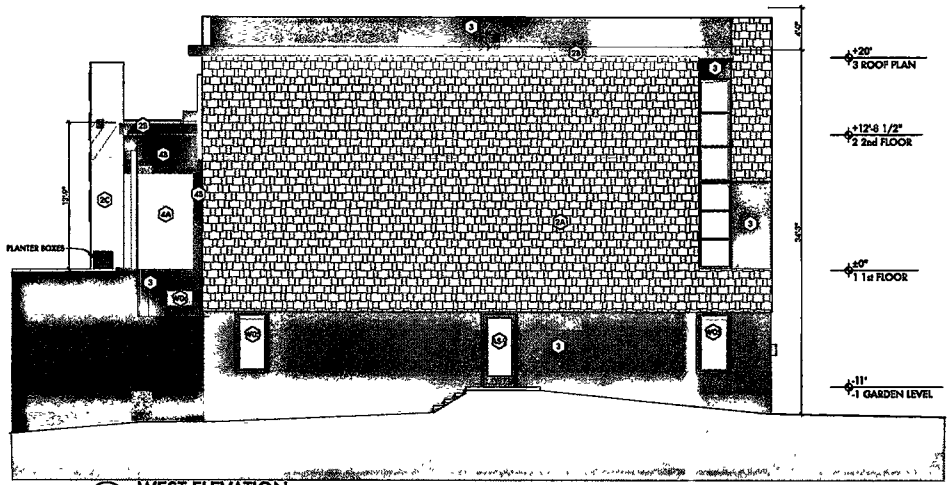
3% = GLASS

LOWER LEVEL:

674 SF = TOTAL

28 SF = GLASS

4% = GLASS



1 WEST ELEVATION
SCALE: 3/16" = 1'-0"

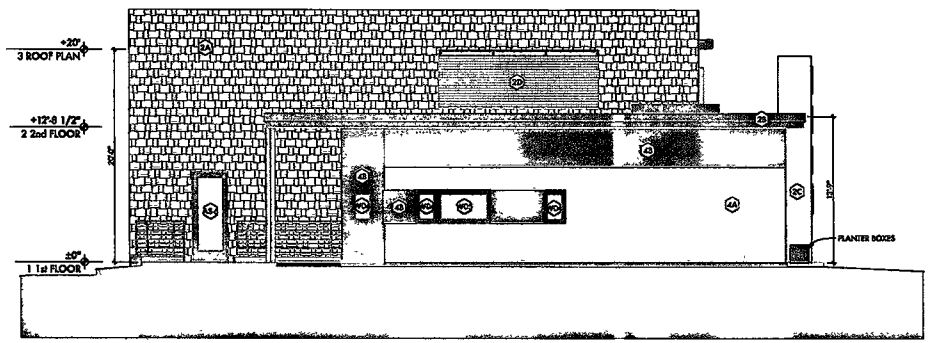
EAST ELEVATION:
GLAZING CALCULATIONS

LEVEL 1 AND ABOVE:

1551 SF = TOTAL

77 SF = GLASS

5% = GLASS



2 EAST ELEVATION
SCALE: 3/16" = 1'-0"

1 CAST IN PLACE CONCRETE
2A PREFINISHED METAL PANEL
2B PREFINISHED METAL FASCIA/COPING
2C PERFORATED METAL SCREEN
2D PREFINISHED CORRUGATED METAL PANEL

3 COLORED PRECAST CONCRETE
4A EIFS - COLOR 1
4B EIFS - COLOR 2
AS AluMINUM STOREFRONT SYSTEM -CLEAR, LOW EMISSIVITY GLASS
W PREFINISHED FIBERGLASS WINDOW -CLEAR, LOW EMISSIVITY GLASS

ENLARGED MATERIALS:

2A PREFINISHED METAL PANEL
9" x 12" INDIVIDUAL PANEL COVERAGE (APPROXIMATELY 12 PANELS SHOWN)

BEKEDGE: SHASTA WHITE, PARCHMENT, ALMOND

2C PERFORATED METAL SCREEN

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ELEVATIONS

A-202

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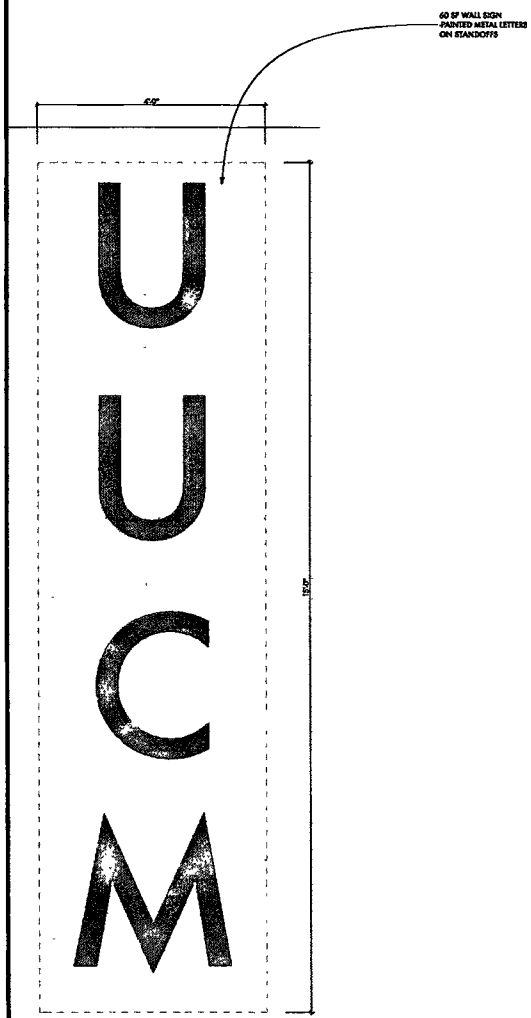
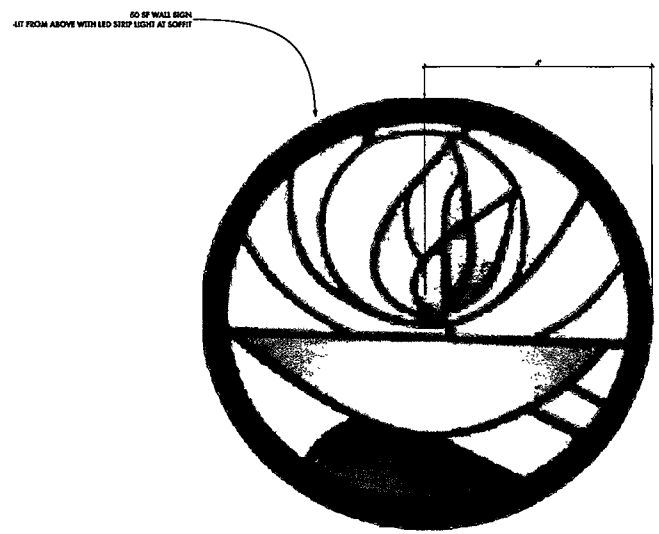


1 PROPOSED WALL SIGN AT ENTRY
SCALE: 1" = 1'-0"

2 PROPOSED FREE STANDING SIGN AT ROAD
SCALE: 1" = 1'-0"



3 PROPOSED WALL SIGN AT SANCTUARY
SCALE: 1" = 1'-0"

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MARK	DATE	DESCRIPTION
	01/29/2016	PUD SUBMITTAL
	02/29/2016	PUD RESUBMIT
	03/31/2016	PC - RESPONSE
	04/14/2016	PROGRESS SET
	05/12/2016	CITY COUNCIL MTG

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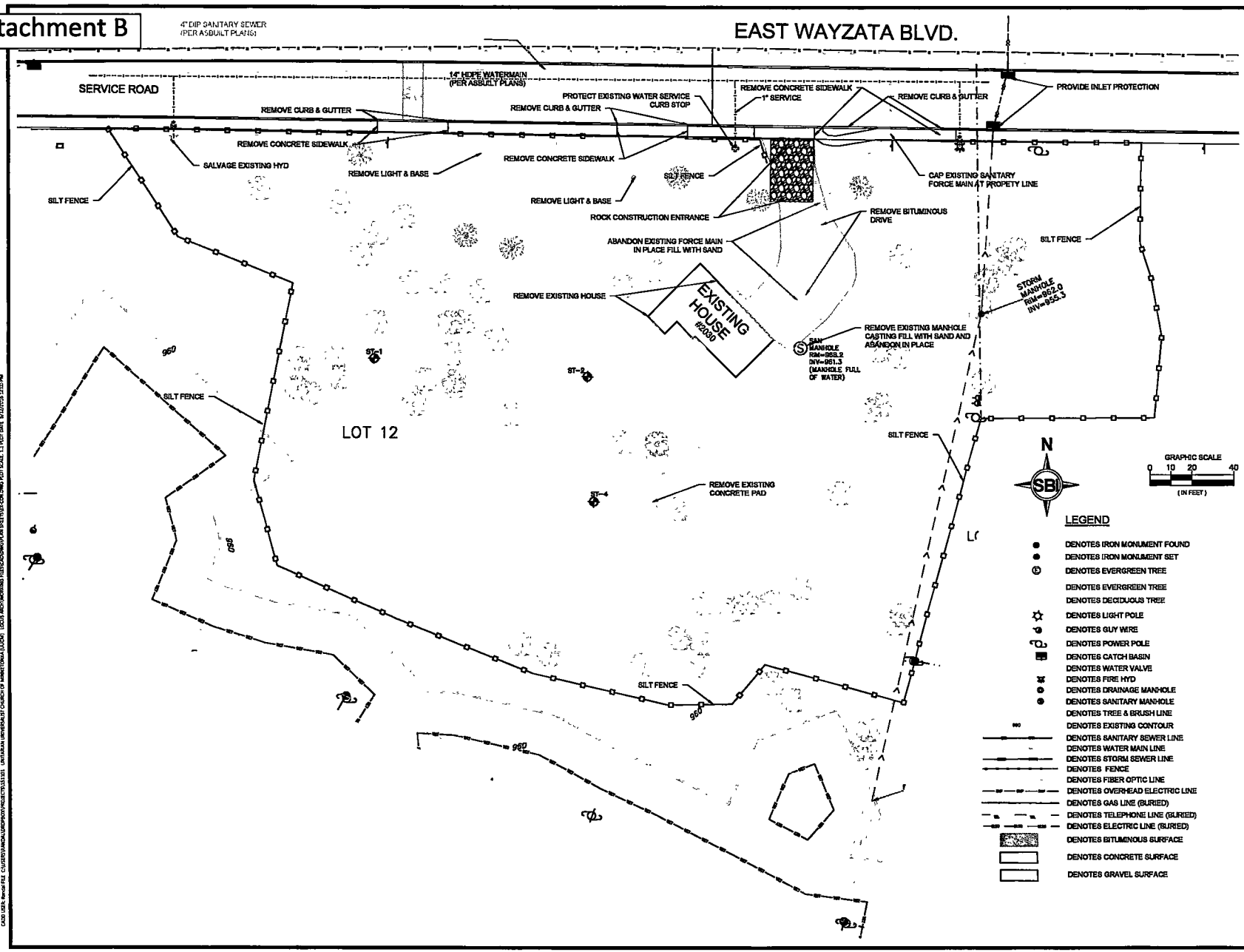
PROPOSED SIGNAGE

A-203

BIM Server: server.locusarchitecture.com - BIM Server 18/UUCM

Attachment B



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EXISTING CONDITIONS, REMOVALS AND EROSION CONTROL

C1

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
UNITARIAN UNIVERSALIST CHURCH OF MINNETONKA

A. PROJECT DESCRIPTION:
THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IS REQUIRED FOR THE GENERAL PERMIT AUTHORIZATION TO DISCHARGE STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITY (NPDES PERMIT) AS REQUIRED BY THE MINNESOTA POLLUTION CONTROL AGENCY (MPCA) UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS). IN ADDITION TO THE SWPPP, AN EROSION CONTROL PLAN MEETING THE REQUIREMENTS OF THE MPCA NPDES PERMIT IS INCLUDED IN THIS CONSTRUCTION DOCUMENT

THIS PROJECT INCLUDES THE REMOVAL OF THE EXISTING 4441 SF SINGLE FAMILY HOME AND THE BITUMINOUS DRIVEWAY TO ALLOW FOR THE CONSTRUCTION OF A CHURCH BUILDING, 2 BITUMINOUS PARKING LOTS, AND DROP OFF AREA.

- THE TOTAL SITE AREA IS 4.66 ACRES. (202,896 SF)
- THE EXISTING IMPERVIOUS AREA ON SITE IS 0.10 ACRES.
- THE ANTICIPATED IMPERVIOUS AREA WITHIN CONSTRUCTION LIMITS AFTER PROJECT COMPLETION IS APPROXIMATELY 0.82 ACRES.

B. REGULATORY CONTEXT:

DISCHARGE TO SPECIAL OR IMPAIRED WATERS WITHIN ONE MILE OF SITE:
N/A

PLACEMENT OF FILL IN WATERS OF THE STATE:
N/A

DRINKING WATER SUPPLY MANAGEMENT AREA:
N/A

THE PROJECT'S STORMWATER DISCHARGE IS NOT ANTICIPATED TO IMPACT ANY OF THE FOLLOWING:
OUTSTANDING RESOURCE VALUE WATERS, TROUT WATERS, WETLANDS, CALCEROUS FENS
PROPERTIES LISTED BY THE NATIONAL REGISTER OF HISTORIC PLACES OR ARCHAEOLOGICAL SITES

THE PROJECT'S STORMWATER DISCHARGE IS NOT SUBJECT TO ADDITIONAL REGULATION DUE TO ANY OF THE FOLLOWING:
OTHER FORMAL ENVIRONMENTAL REVIEWS, ENDANGERED OR THREATENED SPECIES

C. STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IMPLEMENTATION RESPONSIBILITIES:

1. THE OWNER AND CONTRACTOR ARE PERMITTEE(S) AS IDENTIFIED BY THE NPDES PERMIT
2. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ON-SITE IMPLEMENTATION OF THE SWPPP, INCLUDING THE ACTIVITIES OF ALL OF CONTRACTOR'S SUBCONTRACTORS.
3. CONTRACTOR SHALL PROVIDE A PERSON(S) KNOWLEDGEABLE AND EXPERIENCED IN THE APPLICATION OF EROSION PREVENTION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMP'S) TO OVERSEE ALL INSTALLATION AND MAINTENANCE OF BMP'S AND IMPLEMENTATION OF THE SWPPP
4. CONTRACTOR SHALL PROVIDE PERSON(S) MEETING THE TRAINING REQUIREMENTS OF THE NPDES PERMIT TO CONDUCT INSPECTIONS AND MAINTENANCE OF ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PERMIT ONE OF THESE INDIVIDUAL(S) MUST BE AVAILABLE FOR AN ON-SITE INSPECTION WITHIN 72 HOURS UPON REQUEST BY MPCA. CONTRACTOR SHALL PROVIDE TRAINING DOCUMENTATION FOR THESE INDIVIDUAL(S) AS REQUIRED BY THE NPDES PERMIT. THIS TRAINING DOCUMENTATION SHALL BE RECORDED IN OR WITH THE SWPPP BEFORE THE START OF CONSTRUCTION.

D STORMWATER DISCHARGE DESIGN REQUIREMENTS

THE FOLLOWING SIZING CRITERIA APPLY TO THE DESIGN OF STORMWATER TREATMENT FACILITIES. N/A INDICATES NOT APPLICABLE OR NOT CONSTRUCTED AS PART OF THIS PROJECT
1. TEMPORARY SEDIMENTATION BASINS: N/A
2. PERMANENT WET SEDIMENTATION BASINS: TWO (2) NURP PONDS
3. PERMANENT INFILTRATION/FILTRATION BASIN: TWO (2) INFILTRATION/FILTRATION BASINS
4. PERMANENT REGIONAL PONDS: N/A
5. ALTERNATIVE METHODS: N/A

E. SEQUENCE OF CONSTRUCTION

THE FOLLOWING SEQUENCE DESCRIBES, IN GENERAL, THE WORK ON THE SITE.
1. CONTRACTOR SHALL VERIFY THAT ALL PERMITS HAVE BEEN OBTAINED AND/OR OBTAIN THE NECESSARY PERMITS
2. CONTRACTOR SHALL PERFORM SITE INSPECTIONS, RECORD KEEPING AND RECORD RETENTION IN ACCORDANCE WITH ALL PERMITS
3. CONTRACTOR SHALL PREPARE AND SUBMIT A WRITTEN, NOT ORAL, WEEKLY SCHEDULE OF PROPOSED EROSION CONTROL ACTIVITIES FOR THE PROJECT ENGINEER'S AND OWNER'S REPRESENTATIVES APPROVAL.
4. CONTRACTOR SHALL INSTALL ALL PERIMETER AND DOWN-GRADIENT EROSION CONTROL AND SEDIMENT CONTROL BMPS, CONSTRUCTION ENTRANCES PRIOR TO SITE GRADING, EXCAVATION, STOCKPILING OR DISTURBING EXISTING VEGETATIVE COVER.
5. CONTRACTOR SHALL PERFORM SITE GRADING EXCAVATION, STOCKPILING WORK IN ACCORDANCE WITH THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP)
6. CONTRACTOR SHALL INSTALL, INSPECT, MONITOR AND MAINTAIN TEMPORARY AND PERMANENT EROSION CONTROL BMPS AS SHOWN ON PLANS & IN CONFORMANCE WIN/PDES PERMIT EVERY 7 DAYS DURING ACTIVE CONSTRUCTION.
7. CONTRACTOR SHALL STABILIZE ALL EXPOSED SOILS WITHIN 2 DAYS OF VEGETATION DISTURBANCE.
8. CONTRACTOR SHALL REPLACE OR REPAIR EROSION CONTROL AND SEDIMENT CONTROL BMPS THAT ARE NOT FUNCTIONING PROPERLY WITHIN 24 HOURS OF A STORM EVENT OF AT LEAST 0.50 INCHES
9. CONTRACTOR SHALL PERFORM SITE RESTORATION ACTIVITIES FOR PERMANENT VEGETATIVE ESTABLISHMENT
10. CONTRACTOR SHALL REMOVE SEDIMENT CONTROL DEVICES PRIOR TO SUBMITTING NOTICE OF TERMINATION (NOT)
11. SUBMIT NOT TO MPCA WITHIN 30 DAYS OF FINAL STABILIZATION.

F CONSTRUCTION ACTIVITY FIELD REQUIREMENTS:

ALL FIELD REQUIREMENTS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE NPDES PERMIT AND STORMWATER POLLUTION PREVENTION PLAN (SWPPP).
1. THE CONTRACTOR MUST IMPLEMENT THE SWPPP AND PROVIDE BMPS IDENTIFIED IN THE SWPPP IN AN APPROPRIATE AND FUNCTIONAL MANNER.
2. THE CONTRACTOR SHALL RESPOND TO CHANGING SITE CONDITIONS AND IMPLEMENT/SUPPLEMENT EROSION PREVENTION AND SEDIMENT CONTROL MEASURES UTILIZED TO PROVIDE ADEQUATE PROTECTION OF DISTURBED SOILS AND ADEQUATE PREVENTION OF SEDIMENT TRANSPORT OFF-SITE. AT A MINIMUM, THE FOLLOWING STORM WATER POLLUTION PREVENTION CONSTRUCTION ACTIVITY FIELD REQUIREMENTS SHALL BE FURNISHED BY THE CONTRACTOR.

F EROSION PREVENTION PRACTICES

CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING EROSION PREVENTION PRACTICES:
1. THE CONTRACTOR SHALL ATTEMPT TO PHASE ALL WORK TO MINIMIZE EROSION AND MAINTAIN VEGETATIVE COVER TO THE EXTENT POSSIBLE. THE LOCATION OF AREAS NOT TO BE DISTURBED MUST BE DELINEATED ON THE SITE BEFORE CONSTRUCTION BEGINS.
2. INLET PROTECTION, SILT FENCE, ROCK LOGS, AND ROCK CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT LOCATIONS SHOWN ON THE EROSION CONTROL PLAN DRAWING OR AS MODIFIED IN THE FIELD BY THE ENGINEER.
3. INLET PROTECTION FOR OFF SITE DRAIN INLETS NOT SHOWN IN THE EROSION CONTROL PLAN WILL BE INSTALLED AS NEEDED.
4. ALL EXPOSED SOILS MUST BE STABILIZED NO LATER THAN 2 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED, INCLUDING STOCKPILES WITH SIGNIFICANT SILT, CLAY OR ORGANIC COMPONENTS.
5. THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH THAT DRAINS WATER FROM A CONSTRUCTION SITE OR DIVERTS WATER AROUND A SITE MUST BE STABILIZED BY CONTRACTOR WITHIN 200 FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE TO ANY SURFACE WATER WITHIN 24 HOURS OF CONNECTING TO A SURFACE WATER. TEMPORARY OR PERMANENT DITCH SWALES BEING USED AS A SEDIMENT CONTAINMENT SYSTEM DO NOT NEED TO BE STABILIZED UNTIL THEY ARE NO LONGER USED AS A SEDIMENT CONTAINMENT SYSTEM, AFTER WHICH THEY MUST BE STABILIZED WITHIN 24 HOURS.
6. TEMPORARY OR PERMANENT ENERGY DISSIPATION AT PIPE OUTLETS MUST BE PROVIDED WITHIN 24 HOURS OF CONNECTING TO A SURFACE WATER
7. ALL EXPOSED SOIL AREAS WILL BE STABILIZED PRIOR TO THE ONSET OF WINTER. ANY WORK STILL BEING PERFORMED WILL BE SNOW MULCHED OR SNOW BLANKETED AND SNOW SEEDED.

G. SEDIMENT CONTROL PRACTICES

CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING SEDIMENT CONTROL PRACTICES:
1. CONTRACTOR MUST INSTALL ALL DOWN GRADIENT PERIMETER CONTROLS BEFORE ANY UP GRADIENT DISTURBANCE BEGINS. CONTRACTOR SHALL MAINTAIN PERIMETER CONTROLS UNTIL FINAL STABILIZATION.
2. CONTRACTOR SHALL PROVIDE GRADING AND BMP INSTALLATION TO LIMIT ALL SLOPES OF 3:1 OR STEEPER TO AN UNBROKEN LENGTH OF 75 FEET OR LESS.
3. TIMING AND INSTALLATION OF SEDIMENT CONTROL DEVICES MAY BE ADJUSTED BY CONTRACTOR TO ACCOMMODATE SHORT-TERM ACTIVITIES SUCH AS CLEARING AND GRUBBING OR VEHICLE PASSAGE. ANY SHORT-TERM ACTIVITY MUST BE COMPLETED AS QUICKLY AS POSSIBLE AND THE SEDIMENT CONTROL PRACTICES MUST BE INSTALLED IMMEDIATELY AFTER THE ACTIVITY IS COMPLETED AND IN ALL CASES PRIOR TO THE NEXT PRECIPITATION EVENT
4. IF PRESENT, ALL STORM SEWER INLETS AND OUTLETS SHALL BE PROTECTED BY CONTRACTOR WITH APPROPRIATE BMPS DURING THE WORK. THESE PRACTICES SHALL REMAIN IN PLACE UNTIL THE POTENTIAL SOURCES FOR DISCHARGING SEDIMENT TO INLETS HAVE BEEN STABILIZED BY CONTRACTOR.
5. TEMPORARY SOIL STOCKPILES MUST HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS. SOIL STOCKPILES SHALL NOT BE PLACED WITHIN SURFACE WATERS OR STORMWATER CONVEYANCES. CONTRACTOR SHALL INSTALL SILT FENCE PROTECTION AROUND THE LIMITS OF ALL TEMPORARY SOIL STOCKPILE AREAS. ALL SOIL STOCKPILES THAT REMAIN UNDISTURBED FOR A PERIOD GREATER THAN 48 HOURS SHALL BE PROTECTED BY CONTRACTOR WITH COVER OF MULCH, EROSION CONTROL MATS, OR PLASTIC SHEETING.
6. CONTRACTOR SHALL IMPLEMENT MEASURES TO CONTROL VEHICLE TRACKING OFF SITE. ROCK CONSTRUCTION ENTRANCES OR EQUIVALENT SYSTEM MUST BE INSTALLED BY CONTRACTOR TO MINIMIZE TRACKING FROM SITE.
7. CONTRACTOR SHALL PROVIDE TEMPORARY SEDIMENTATION BASINS AS REQUIRED BY THE PERMIT
8. CONTRACTOR SHALL REMOVE ALL SOIL AND SEDIMENT TRACKED OR OTHERWISE DEPOSITED ON PUBLIC OR PRIVATE PAVEMENT AREAS. REMOVE SOIL AND SEDIMENT ON A DAILY BASIS. STREET WASHING IS ONLY ALLOWED AFTER SWEEPING SEDIMENT FROM THE AREAS.
9. CONTRACTOR SHALL KEEP THE SURFACE OF ANY AND ALL CONSTRUCTION WORK AREAS AND HAUL ROADS MOIST BY SPRAYING WITH UNCONTAMINATED WATER AS TO PREVENT AIRBORNE DUST FROM LEAVING THE SITE. THIS MAY INCLUDE SPRAYING AND SWEEPING FINISHED SURFACES ADJACENT TO THE PEDESTRIAN TRAFFIC, VEHICLE TRAFFIC, AND PRIVATE AND PUBLIC PROPERTIES. THIS RESPONSIBILITY SHALL REQUIRE CONTRACTOR TO SUSPEND CONSTRUCTION OR HAUL TRAFFIC UNTIL SUCH TIME AS CONTRACTOR CAN AND DOES PREVENT AIRBORNE DUST. CONTRACTOR SHALL NOT OVER SPRAY SO AS TO CREATE PROBLEMS, SUCH AS TRACKING OF MATERIAL ONTO PAVED SURFACES, OR MUDDY HAUL ROADS, DUE TO THE APPLICATION OF EXCESS MOISTURE.
10. CONTRACTOR SHALL TREAT ANY SEDIMENT LADEN WATER WITH APPROPRIATE SEDIMENT CONTAINMENT OR FILTER SYSTEM BEFORE DISCHARGING TO THE DOWNSTREAM SYSTEM.
11. CONTACT THE UNIVERSITY OF MINNESOTA PROJECT MANAGER FOR SOURCES OF WATER SUPPLY THAT CAN BE USED FOR THE PROJECT

H. POLLUTION PREVENTION MEASURES

CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING THE FOLLOWING POLLUTION MANAGEMENT MEASURES ON THE SITE:
1. SOLID WASTE. COLLECTED SEDIMENT, ASPHALT, CONCRETE MILLINGS, FLOATING DEBRIS, PAPER, PLASTIC, FABRIC, CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH MPCA DISPOSAL REQUIREMENTS.
2. HAZARDOUS MATERIALS: OIL, GASOLINE, PAINT AND ANY HAZARDOUS SUBSTANCES MUST BE STORED IN APPROPRIATE CONTAINERS, INCLUDING SECONDARY CONTAINMENT TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGES. RESTRICTED ACCESS TO STORAGE AREAS MUST BE PROVIDED TO PREVENT VANDALISM. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST COMPLY WITH MPCA REGULATIONS.
3. A DEFINED AREA OF THE SITE MUST BE DESIGNATED FOR USE AS A WASH AREA FOR TRUCKS AND OTHER EQUIPMENT. NO EN/ONE DEGREASING IS ALLOWED ON SITE.
4. CONCRETE WASHOUT CONTAINMENT SHALL BE PROVIDED ON SITE. THE CONTAINMENT METHOD MUST BE LEAK-PROOF WITH AN IMPERMEABLE LINER. OR ALTERNATIVELY, CONCRETE WASHOUT SHALL BE PERFORMED AT THE CONCRETE MIX PLANT INSTEAD OF ON-SITE.
5. ANY FUEL OR CHEMICAL TANK STORAGE ON THE PROJECT AREA MUST BE PROTECTED BY A SOIL BERM OR HAVE A NEGATIVE GRADIENT TO ANY WATER RESOURCE AREA. A CONTINGENCY PLAN MUST BE CREATED BY THE CONTRACTOR IN THE EVENT OF A SPILL OR LEAK OF ANY CHEMICAL, INCLUDING PETROCHEMICALS, DEEMED HARMFUL TO THE ENVIRONMENT, AND HAVE ON HAND THE MATERIALS NECESSARY TO CAPTURE AND CONTAIN SAID CHEMICALS

I. RECORD RETENTION
CONTRACTOR SHALL KEEP APPROPRIATE RECORDS OF INSPECTIONS AND MAINTENANCE OF EROSION PREVENTION AND SEDIMENT CONTROL MEASURES, PRECIPITATION AND ALL OTHER RECORDS REQUIRED BY THE NPDES PERMIT DURING THE DURATION OF THE WORK. THE SWPPP, ALL CHANGES TO IT, AND INSPECTIONS AND MAINTENANCE RECORDS MUST BE KEPT AT THE SITE DURING CONSTRUCTION BY THE PERMITTEE WHO HAS OPERATIONAL CONTROL OF THE PORTION OF THE SITE. CONTRACTOR AND OWNER MUST KEEP THE SWPPP ON FILE FOR THREE YEARS AFTER THE SUBMITTAL OF THE NOTICE OF TERMINATION. INCLUDING THE RECORDS OF ALL INSPECTION AND MAINTENANCE CONDUCTED DURING CONSTRUCTION.

J. NOTICE OF TERMINATION

PERMITTEE MUST SUBMIT A NOTICE OF TERMINATION WITHIN 30 DAYS IF ONE OR MORE OF THE FOLLOWING CONDITIONS HAVE BEEN MET
1. FINAL STABILIZATION HAS BEEN ACHIEVED ON ALL PORTIONS OF THE SITE FOR WHICH PERMITTEE IS RESPONSIBLE INCLUDING THE REMOVAL OF ALL TEMPORARY MEASURES SUCH AS SILT FENCE.
2. ANOTHER OWNER HAS ASSUMED CONTROL OVER ALL PORTIONS OF THE SITE THAT HAVE NOT ACHIEVED FINAL STABILIZATION.

PERMITTEE MUST ENSURE FINAL STABILIZATION OF THE SITE AND SUBMIT THE NOTICE OF TERMINATION WITHIN 30 DAYS OF FINAL STABILIZATION.

FINAL STABILIZATION CAN BE ACHIEVED IN THE FOLLOWING WAY
1. ALL SOIL DISTURBING ACTIVITIES ARE COMPLETE AND A UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70% OVER THE ENTIRE PERVIOUS SURFACE HAS BEEN ACHIEVED, INCLUDING STABILIZATION OF ALL DITCHES AND SWALES.
2. ALL PERMANENT STORMWATER TREATMENT SYSTEMS MEET THE REQUIREMENTS OF THE NPDES PERMIT
3. REMOVAL OF ALL TEMPORARY SYNTHETIC AND STRUCTURAL BMPS. ALTHOUGH BMPS DESIGNED TO DECOMPOSE ON SITE MAY BE LEFT IN PLACE IF INDICATED BY THE PLAN.
4. REMOVAL OF SEDIMENT FROM STORM WATER CONVEYANCES AND PERMANENT WATER QUALITY BASINS.

K. CHANGES TO SWPPP

THE PERMITTEE MUST AMEND THE SWPPP AS NECESSARY TO INCLUDE ADDITIONAL REQUIREMENTS, SUCH AS ADDITIONAL OR MODIFIED BMPS, DESIGNED TO CORRECT PROBLEMS IDENTIFIED OR ADDRESS SITUATIONS WHENEVER:
1. THERE IS A CHANGE IN DESIGN, CONSTRUCTION, OPERATION OR MAINTENANCE.
2. WEATHER OR SEASONAL CONDITIONS THAT HAVE SIGNIFICANT EFFECT ON DISCHARGE. INSPECTION IS REQUIRED WITHIN 24 HOURS OF A RAINFALL EVENT GREATER THAN 0.50 INCHES
3. INSPECTION OR INVESTIGATION BY SITE OPERATORS, LOCAL, STATE OR FEDERAL OFFICIALS INDICATE THE SWPPP IS NOT EFFECTIVE.
4. THE SWPPP IS NOT ACHIEVING THE GENERAL OBJECTIVES OF CONTROLLING POLLUTANTS OR THE SWPPP IS NOT CONSISTENT WITH THE TERMS AND CONDITIONS OF THIS PERMIT
5. THE MPCA DETERMINES THAT DISCHARGE MAY CAUSE OR CONTRIBUTE TO NON-ATTAINMENT OF ANY APPLICABLE WATER QUALITY STANDARDS OR THE SWPPP DOES NOT INCORPORATE THE REQUIREMENTS RELATED TO AN APPROVED TOTAL MAXIMUM DAILY LOAD (TMDL).

L. SWPPP CERTIFICATION

THIS STORMWATER POLLUTION PREVENTION PLAN WAS PREPARED BY INDIVIDUAL(S) TRAINED IN ACCORDANCE WITH THE PERMIT'S TRAINING REQUIREMENTS FOR PREPARATION OF SWPPPS. INDIVIDUAL(S) PREPARING THIS SWPPP

MITCHELL COCKAS, ASLA
DIRECTOR OF SUSTAINABILITY
SOLUTION BLUE INC
mcockas@solutionblue.com
651-204-0033

DATE OF TRAINING/CERTIFICATION: JUNE 2014
CERTIFICATION PROGRAM: UNIVERSITY OF MINNESOTA
DESIGN OF SWPPP - ARDEN HILLS, MN
CERTIFICATION EXPIRATION: 2017

RESPONSIBLE PERSONS:
BELOW IS A LIST OF PEOPLE RESPONSIBLE FOR THIS PROJECT WHO ARE KNOWLEDGEABLE AND EXPERIENCED IN THE APPLICATION OF EROSION PREVENTION AND SEDIMENT CONTROL BMPS. THEY SHALL OVERSEE THE IMPLEMENTATION OF THE SWPPP, INSPECTION, AND MAINTENANCE OF EROSION PREVENTION, AND SEDIMENT CONTROL BMPS BEFORE AND DURING CONSTRUCTION.

CONTRACTOR	OWNER'S REPRESENTATIVE(S)
X	X
X	X
X	X
X	X
X	
X	
ON-SITE REPRESENTATIVE	
X	X
X	X
X	X
X	X
X	

CONTRACTOR:

XXXXX
VICE PRESIDENT

XXXXXXX
SUPERINTENDENT

XXXXXX
PROJECT MANAGER

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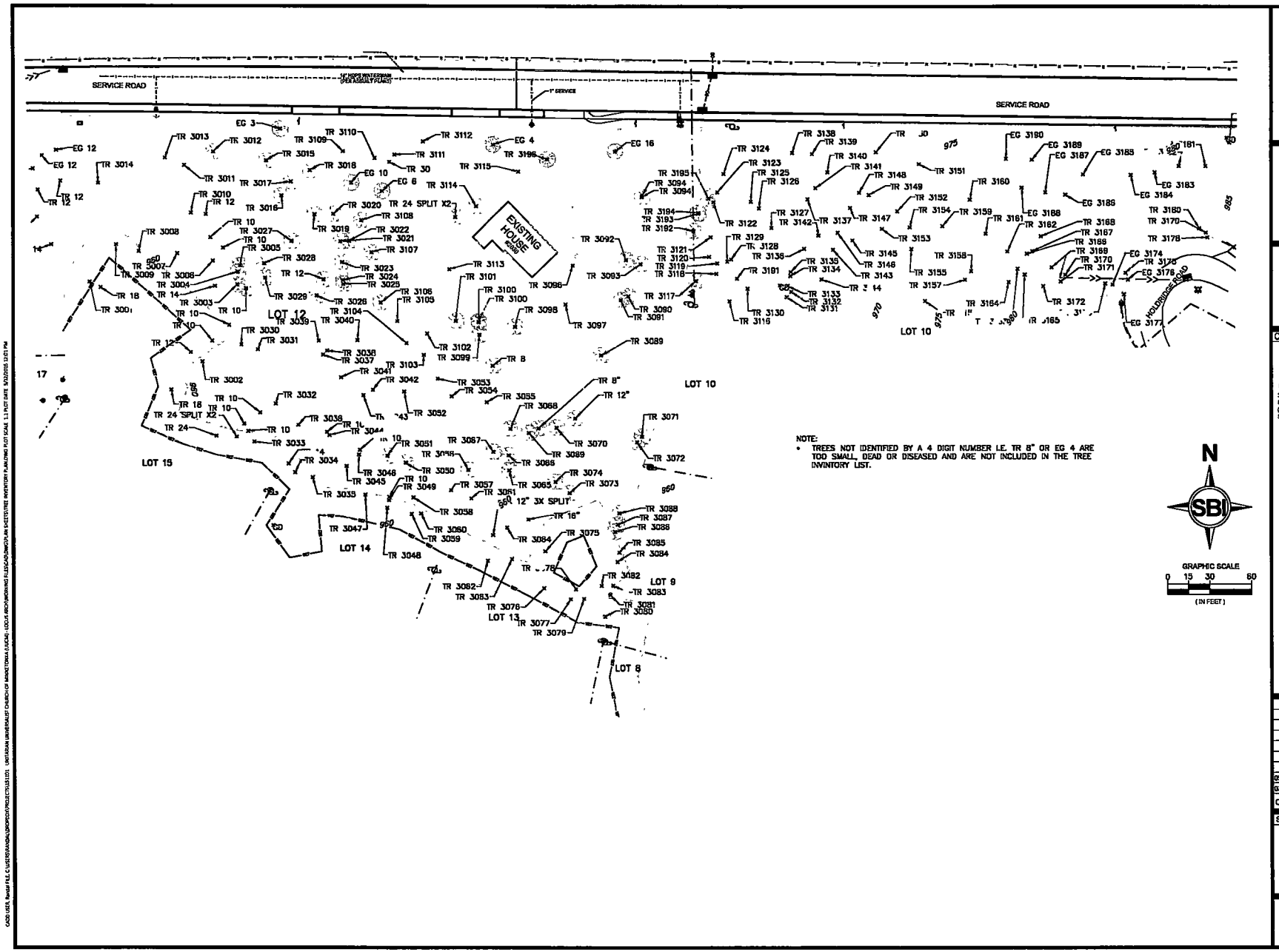
SHEET TITLE
SWPPP NOTES

C2



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TREE INVENTORY PLAN

C3

ID	SPECIES	DIAM. (Inches)	CONDITION (0-5)	NOTES	TREE CLASS (see Ctrl)	Critical Root Zone
2001	Basswood	20	4		Significant	30
2002	Basswood	14	4		Significant	21
2003	Basswood	13	4		Significant	19
2004	Basswood	16	4		Significant	22
2005	Basswood	16	4		Significant	21
2006	Basswood	14	4		Significant	21
2007	Basswood	14	4		Significant	21
2008	Basswood	21	4		Significant	31.5
2009	Basswood	19	4		Significant	28.5
2010	Basswood	14	4		Significant	19.5
2011	Basswood	23	4		Significant	34.5
2012	Elm, american	17	5		Significant	24.5
2013	Elm, siberian	13	4		Significant	19.5
2014	Ash, green	13	5		Significant	19
2015	Elm, red	30	5		Heritage	45
2016	Hackberry	6	5		Significant	9
2017	Ash, white	7	5		Significant	10.5
2018	Ash, green	8	5		Significant	12
2019	Oak, white	19	4		Significant	28.5
2020	Oak, white	19	5		Significant	28.5
2021	Oak, white	19	5		Significant	28.5
2022	Ironwood	6	5		Significant	9
2023	Oak, white	8	5		Significant	12
2024	Oak, white	9	5		Significant	13.5
2025	Oak, white	17	5		Significant	25.5
2026	Oak, white	16	4		Significant	24
2027	Basswood	30	4		Heritage	45
2028	Basswood	10	4		N/A	15
2029	Basswood	15	4		Significant	22.5
2030	Basswood	24	4		Significant	36
2031	Basswood	16	4		Significant	24
2032	Basswood	34	4		Heritage	51
2033	Basswood	13	4		Significant	19
2034	Basswood	21	4		Significant	31.5
2035	Basswood	12	4		Significant	18
2036	Basswood	17	4		Significant	25.5
2037	Basswood	22	5		Significant	33
2038	Basswood	19	4		Significant	28.5
2039	Oak, white	19	5		Significant	28.5
2040	Elm, american	16	5		Significant	24
2041	Oak, white	22	5		Significant	33
2042	Oak, red	15	5		Significant	22.5
2043	Oak, white	16	5		Significant	24
2044	Basswood	21	4		Significant	31.5
2045	Basswood	13	4		Significant	19.5
2046	Basswood	14	4		Significant	21
2047	Basswood	20	4		Significant	30
2048	Basswood	13	4		Significant	19.5
2049	Basswood	15	4		Significant	22.5
2050	Basswood	28	4		Significant	42
2051	Basswood	18	4		Significant	27
2052	Oak, white	23	5		Significant	34.5
2053	Oak, bur	31	5		Heritage	46.5
2054	Oak, white	19	5		Significant	28.5
2055	Ironwood	43	4		Heritage	64.5
2056	Basswood	17	4		Significant	25.5
2057	Basswood	15	4		Significant	22.5
2058	Basswood	14	4		Significant	21
2059	Basswood	15	4		Significant	22.5
2060	Basswood	12	4		Significant	18
2061	Basswood	20	4		Significant	30
2062	Basswood	12	4		Significant	18
2063	Basswood	12	4		Significant	18
2064	Basswood	17	4		Significant	19
2065	Basswood	18	4		Significant	27
2066	Basswood	12	4		Significant	19
2067	Basswood	16	4		Significant	24
2068	Basswood	16	4		Significant	24
2069	Basswood	15	4		Significant	22.5
2070	Basswood	14	4		Significant	21
2071	Basswood	16	4		Significant	24
2072	Spruce, white	7	5	25' tall	Significant	10.5
2073	Basswood	15	4		Significant	22.5
2074	Basswood	14	4		Significant	21
2075	Basswood	30	4		Heritage	45
2076	Basswood	12	4		Significant	18
2077	Basswood	16	4		Significant	24
2078	Basswood	19	4		Significant	28.5
2079	Basswood	18	4		Significant	27
2080	Cedar, white	12	4	25' tall	Significant	18
2081	Cedar, white	10	4	25' tall	Significant	15
2082	Spruce, white	7	4	25' tall	Significant	10.5
2083	Cedar, white	10	4	15' tall	Significant	15
2084	Cedar, white	10	4	15' tall	Significant	15
2085	Cedar, white	9	4	15' tall	Significant	13.5
2086	Spruce, white	8	4	20' tall	Significant	12
2087	Spruce, white	8	4	20' tall	Significant	12
2088	Spruce, white	13	5	25' tall	Significant	19.5
2089	Ash, green	16	4		Significant	24
2090	Basswood	18	4		Significant	27
2091	Ash, green	12	4		Significant	18
2092	Ash, green	29	4		Heritage	43
2093	Spruce, white	8	4	20' tall	Significant	12
2094	Ironwood	30	4		Heritage	45
2095	Spruce, white	8	5		N/A	12
2096	Oak, white	19	4		Significant	28.5
2097	Oak, white	17	4		Significant	25.5
2098	Oak, white	19	3		Significant	28.5
2099	Oak, white	17	5		Significant	25.5
2100	Oak, white	17	4		Significant	25.5
2101	Spruce, white	7	4		N/A	10.5
2102	Spruce, white	7	4		N/A	10.5
2103	Basswood	17	4		Significant	25.5
2104	Basswood	12	4		Significant	18
2105	Spruce, white	7	4		Significant	10.5
2106	Maple, silver	24	3		Significant	36
2107	Oak, white	24	5		Significant	36
2108	Oak, white	19	4		Significant	28.5
2109	Oak, white	23	4		Significant	34
2110	Oak, white	20	4		Significant	30
2111	Oak, white	27	3		Heritage	40.5
2112	Oak, white	16	4		Significant	24
2113	Oak, white	35	5		Heritage	52.5
2114	Oak, red	23	4		Significant	34.5
2115	Oak, bur	40	5		Heritage	60
2116	Ash, green	16	5		Significant	24
2117	Ash, green	12	4		Significant	18
2118	Ash, green	12	4		Significant	18
2119	Ash, green	21	5		Significant	31.5
2120	Ash, green	20	4		Significant	30
2121	Ash, green	13	4		Significant	19.5
2122	Ash, green	8	4		Significant	12
2123	Ironwood	13	5		Significant	19
2124	Ironwood	14	5		Significant	21
2125	Ironwood	9	4		Significant	13.5
2126	Ash, green	7	4		Significant	10.5
2127	Oak, bur	36	4		Heritage	54
2128	Ash, green	8	4		Significant	12
2129	Ash, green	6	4		Significant	9
2130	Basswood	12	4		Significant	18
2131	Ash, green	22	5		Significant	33
2132	Ash, green	8	4		Significant	12
2133	Ash, green	11	4		Significant	16.5
2134	Ash, green	17	5		Significant	25.5
2135	Ironwood	10	4		Significant	15
2136	Ash, green	9	4		Significant	13.5
2137	Oak, white	22	4		Significant	33
2138	Cottonwood	45	4		Heritage	67.5
2139	Ash, green	16	4		Significant	24
2140	Ash, green	7	4		Significant	10.5
2141	Ash, green	6	4		Significant	9
2142	Ash, green	7	4		Significant	10.5
2143	Oak, bur	32	5		Heritage	48
2144	Ash, green	15	4		Significant	22.5
2145	Ash, green	8	4		Significant	12
2146	Ash, green	7	4		Significant	10.5
2147	Oak, white	21	4		Significant	31.5
2148	Oak, red	26	4		Heritage	39
2149	Ash, green	7	4		Significant	10.5
2150	Oak, white	28	5		Heritage	42
2151	Oak, white	26	4		Significant	39
2152	Elm, american	21	4		Significant	31.5
2153	Basswood	20	5		Significant	30
2154	Oak, white	19	4		Significant	28.5
2155	Ash, green	11	4		Significant	16.5
2156	Oak, white	20	4		Significant	30
2157	Ash, green	13	4		Significant	19.5
2158	Oak, white	22	3		Significant	33
2159	Oak, white	27	4		Heritage	40.5
2160	Oak, white	31	4		Heritage	46.5
2161	Oak, red	27	4		Heritage	40.5
2162	Ash, green	11	4		Significant	16.5
2163	Oak, white	27	4		Heritage	40.5
2164	Oak, white	15	4		Significant	22.5
2165	Oak, red	19	4		Significant	28.5
2166	Ash, green	7	4		Significant	10.5
2167	Ash, green	12	4		Significant	18
2168	Ash, green	8	4		Significant	12
2169	Ash, green	6	4		Significant	9
2170	Ash, green	7	4		Significant	10.5
2171	Ash, green	10	5		Significant	15
2172	Oak, white	22	4		Significant	33
2173	Ash, green	6	5		Significant	9
2174	Spruce, white	12	4		Significant	18
2175	Ash, green	18	4		Significant	28.5
2176	Spruce, blue	16	5		Significant	24
2177	Spruce, blue	18	4		Significant	27
2178	Elm, american	13	5		Significant	19.5
2179	Ash, green	8	4		Significant	12
2180	Ash, green	14	4		Significant	21.5
2181	Maple, silver	40	4		Heritage	60
2182	Spruce, blue	9	5		N/A	13.5
2183	Spruce, blue	12	4		Significant	18
2184	Spruce, blue	14	4		Significant	21
2185	Spruce, blue	16	4		Significant	24
2186	Spruce, blue	14	4		Significant	21
2187	Spruce, blue	7	4		N/A	10.5
2188	Spruce, blue	8	4		N/A	12
2189	Spruce, blue	13	4		Significant	19.5
2190	Spruce, blue	12	4		Significant	18
2191	Ash, green	12	3		Significant	18
2192	Ash, green	7	4		Significant	10.5
2193	Ironwood	9	4		Significant	13.5
2194	Ironwood	7	4		Significant	10.5
2195	Ash, green	7	4		Significant	10.5
2196	Spruce, blue	10	4	12' tall	Significant	15

NOTES:
1) Condition = health of tree based on a scale from 0-5 Zero being a dead tree and 5 being the perfect tree.
2) Diameter is measured at chest height and is the diameter of the tree

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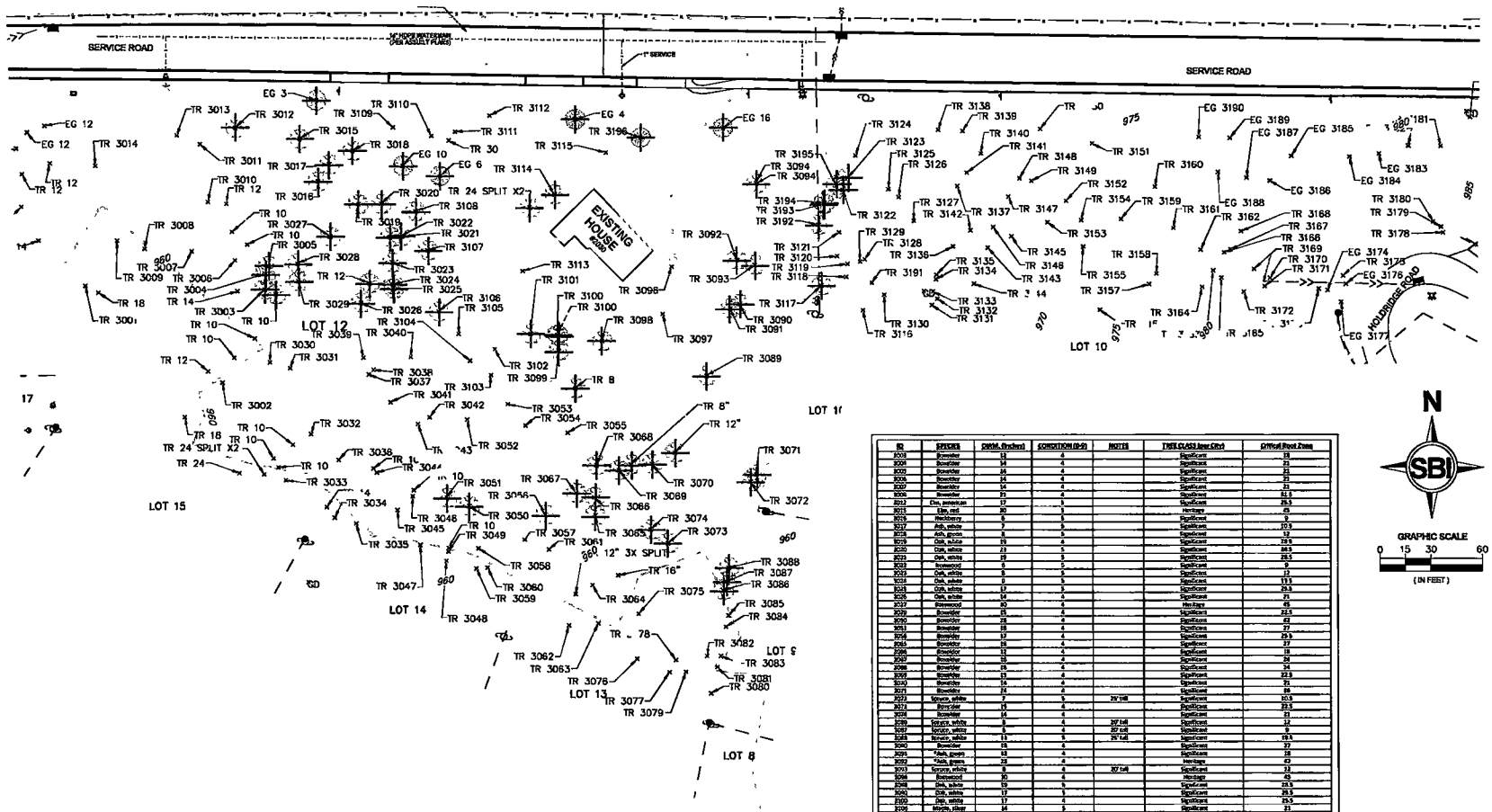
SHEET TITLE

TREE INVENTORY LIST PLAN

C4



ID	SPECIES	DBH(, Inches)	CONDITION (0-9)	NOTES	TREE CLASS (per City)	Critical Root Zone
3000	Bowsider	13	4		Significant	13
3001	Bowsider	14	4		Significant	21
3002	Bowsider	14	4		Significant	21
3004	Bowsider	14	4		Significant	21
3007	Bowsider	14	4		Significant	21
3008	Bowsider	23	4		Significant	34.5
3012	Elm, siberian	17	5		Significant	25.5
3015	Elm, red	30	5		Heritage	45
3016	Hackberry	6	5		Significant	9
3017	Ash, white	7	5		Significant	10.5
3018	Ash, green	8	5		Significant	12
3019	Oak, white	19	4		Significant	28.5
3020	Oak, white	23	5		Significant	34.5
3023	Oak, white	19	5		Significant	28.5
3025	Basswood	6	5		Significant	9
3026	Oak, white	8	5		Significant	12
3028	Oak, white	9	5		Significant	13.5
3029	Oak, white	17	5		Significant	25.5
3030	Oak, white	14	4		Significant	21
3037	Basswood	30	4		Heritage	45
3039	Bowsider	15	4		Significant	22.5
3040	Bowsider	28	4		Significant	42
3043	Bowsider	18	4		Significant	27
3044	Bowsider	17	4		Significant	25.5
3045	Bowsider	18	4		Significant	27
3046	Bowsider	12	4		Significant	18
3047	Bowsider	16	4		Significant	24
3048	Bowsider	15	4		Significant	24
3050	Bowsider	15	4		Significant	22.5
3051	Bowsider	14	4		Significant	21
3052	Bowsider	14	4		Significant	21
3071	Spruce, white	7	5	25' tall	Significant	10.5
3072	Bowsider	15	4		Significant	22.5
3074	Bowsider	14	4		Significant	21
3080	Spruce, white	8	4	30' tall	Significant	12
3081	Spruce, white	6	4	30' tall	Significant	9
3083	Spruce, white	11	5	25' tall	Significant	16.5
3090	Bowsider	18	4		Significant	27
3091	*Ash, green	13	4		Significant	18
3092	*Ash, green	29	4		Heritage	43
3093	Spruce, white	8	4	30' tall	Significant	12
3096	Basswood	30	4		Heritage	45
3098	Oak, white	19	5		Significant	28.5
3099	Oak, white	17	5		Significant	25.5
3100	Oak, white	17	4		Significant	25.5
3101	Maple, silver	14	5		Significant	21
3102	Oak, white	24	5		Significant	36
3106	Oak, white	19	4		Significant	28.5
3114	Oak, red	23	4		Significant	34.5
3117	*Ash, green	12	4		Significant	18
3123	*Ash, green	8	4		Significant	12
3128	Basswood	12	5		Significant	18
3132	*Ash, green	7	4		Significant	10.5
3133	Basswood	9	4		Significant	13.5
3134	Basswood	7	4		Significant	10.5
3135	*Ash, green	7	4		Significant	10.5
3180	Spruce, blue	10	4	12' tall	Significant	15
		859				

NOTES:
* = Ash trees are susceptible to Emerald Ash Borer so the Church wants to discuss an exception (with the City) for mitigation of Ash trees
1) Since the City's proposed Tree Ordinance is only a draft and has not been officially adopted, the following info is hypothetical
2) Condition = health of tree based on a scale from 0-9. Zero being a dead tree and 9 being the perfect tree.
3) Diameter is measured at chest height and is the diameter of the tree
4) Critical Root Zone = Diameter x 1.5

Tree Calculations & Mitigation:
Total Inches of Significant + Heritage trees = 1051 inches (336 of 1051 inches = 763.25 inches of Significant tree removal allowed w/o mitigation)
Total inches removed = 859 inches (Significant = 743 + Heritage = 116)
Tree mitigation for City = 336 inches (116 inches x 2:1 for Heritage trees)
Provide mitigation through planting 2" diam. B&B trees on Church's site and some at off-site location(s) TBD

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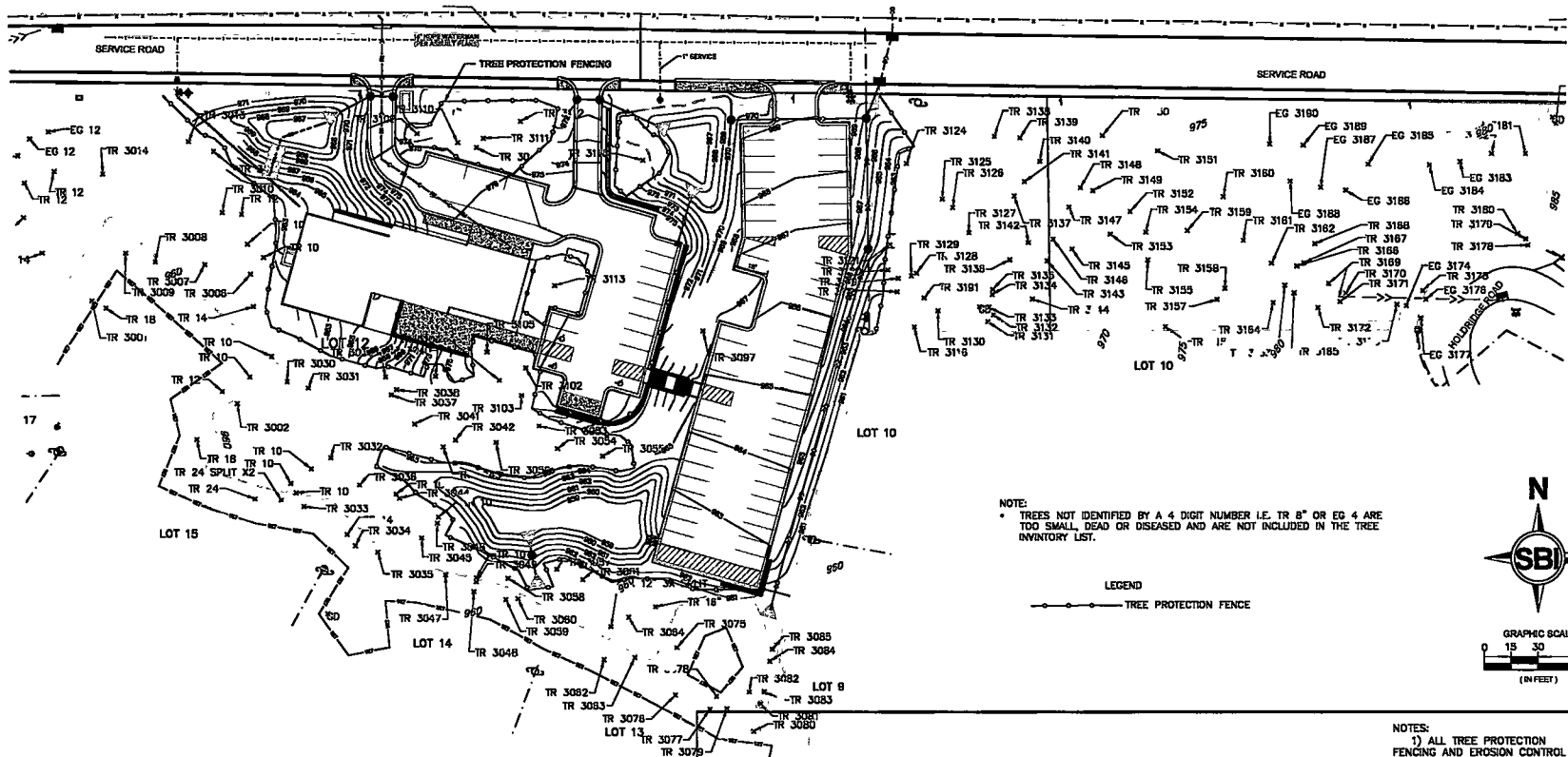
SHEET TITLE
TREE REMOVAL PLAN

C5.1



NOTE:
- TREES NOT IDENTIFIED BY A 4 DIGIT NUMBER I.E. TR 8" OR EG 4 ARE TOO SMALL, DEAD OR DISEASED AND ARE NOT INCLUDED IN THE TREE INVINTORY LIST.

LEGEND

TREE PROTECTION FENCE

NOTES ON TREE PRESERVATION & OAK WILT MANAGEMENT

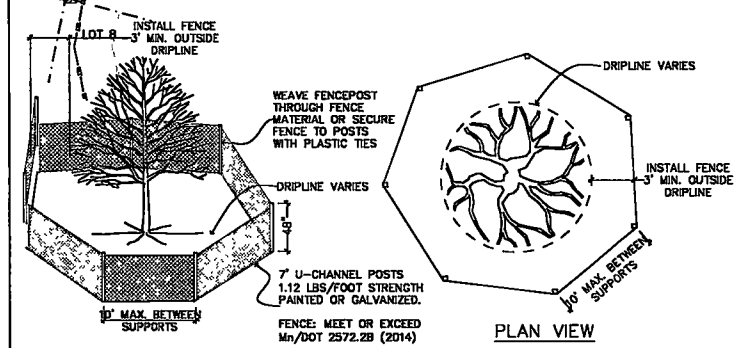
1) ALL TREES IDENTIFIED TO BE PRESERVED SHALL BE FENCED OFF WITH TREE PROTECTION FENCE TO PREVENT ANY DISTURBANCE, COMPACTION OF SOILS AND/OR STORAGE OF MATERIALS IN THESE AREAS.

2) CONTRACTOR SHALL HAVE A CERTIFIED ARBORSIT OR TREE SPECIALIST ON STAFF OR UNDER CONTRACT TO INSPECT THE EXISTING OAK TREES PRIOR TO AND THROUGHOUT CONSTRUCTION. IF ANY SIGNS OF OAK WILT OCCUR, CONTRACTOR SHALL NOTIFY THE CITY TO CONFIRM THE PROPER PROCESS FOR TREATMENT AND/OR REMOVAL.

3) AVOID THE PRUNING, REMOVAL AND/OR DISTURBANCE OF ALL OAK TREES FROM MARCH 15 THROUGH JULY 31.

4) IF IMPACTS TO OAK TREES CAN'T BE AVOIDED FROM MARCH 15 THROUGH JULY 31, IMMEDIATELY TREAT ANY IMPACTED TRUNKS, BRANCHES AND/OR STUMPS WITH LATEX PRUNING PAINT.

5) CLEAN ALL PRUNING TOOLS WITH 10% SODIUM HYPOCHLORITE BETWEEN SITES AND/OR TREES.



TREE PROTECTION DETAIL
(NOT TO SCALE)

NOTES:
1) ALL TREE PROTECTION FENCING AND EROSION CONTROL FENCING SHALL BE INSTALLED ACCORDING TO THE PLANS PRIOR TO ANY WORK. AS NECESSARY, TREE PROTECTION FENCING MAY BE RELOCATED WITH APPROVAL FROM THE LANDSCAPE ARCHITECT OR ENGINEER. ALL TREE PROTECTION FENCING AND EROSION CONTROL DEVICES SHALL BE MAINTAINED FOR THE DURATION OF THE CONSTRUCTION PERIOD.
2) CONTRACTOR SHALL NOT STORE ANY MATERIALS OR PARK ANY VEHICLES IN TREE PROTECTION ZONES. THE FENCE SHALL PREVENT TRAFFIC MOVEMENT AND THE PLACEMENT OF TEMPORARY FACILITIES, EQUIPMENT, STOCKPILES AND SUPPLIES FROM HARMING VEGETATION WITHIN THE LIMITS OF PROTECTION.
3) THE CONTRACTOR SHALL CLEANLY CUT ALL ROOTS EXPOSED BY GRADING AS DIRECTED BY THE LANDSCAPE ARCHITECT OR ENGINEER.
4) THE CONTRACTOR SHALL USE DESIGNATED CONSTRUCTION ENTRANCES AND STAGING AREAS.

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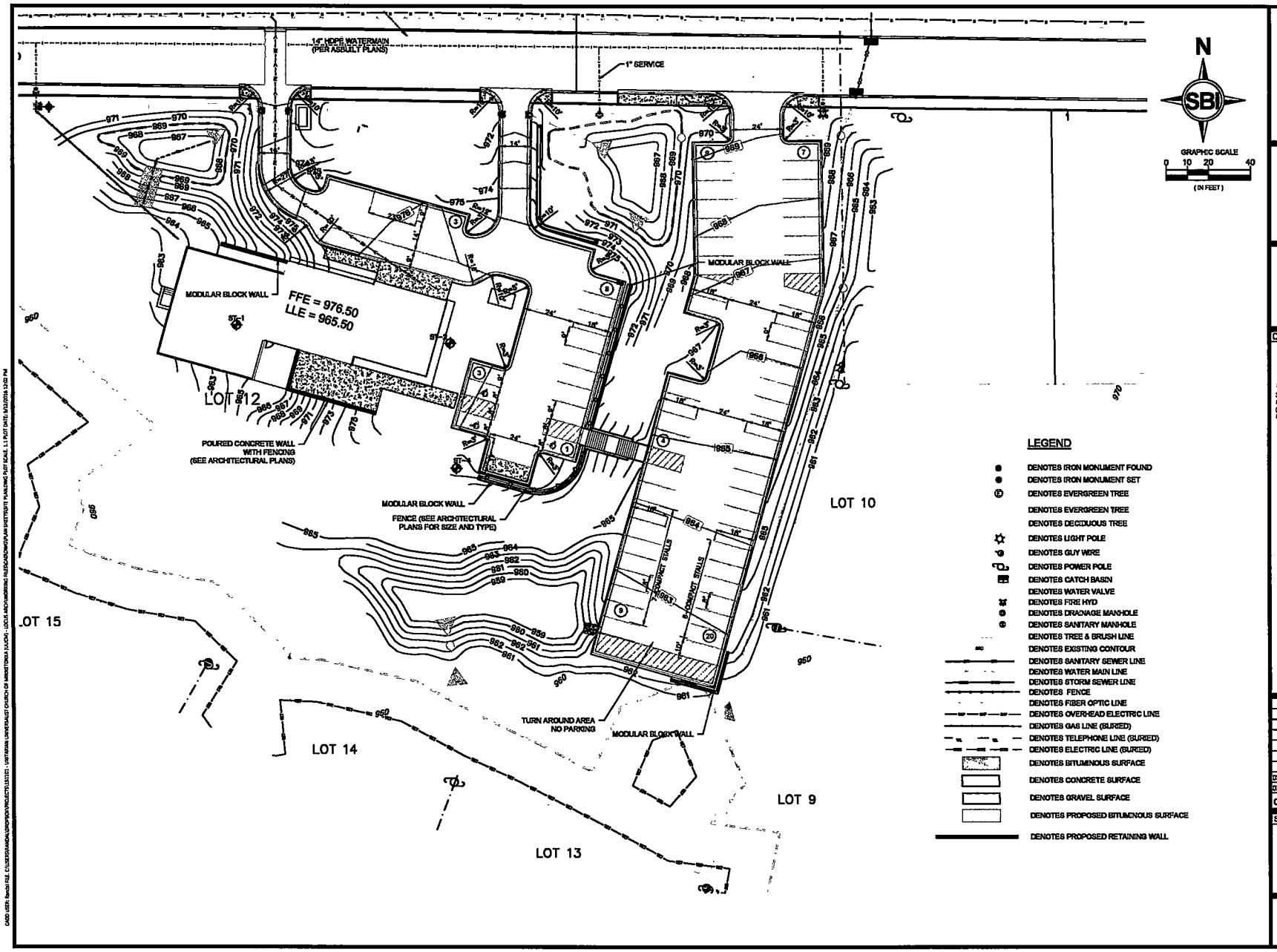
SHEET TITLE
TREE PRESERVATION PLAN

C5.1



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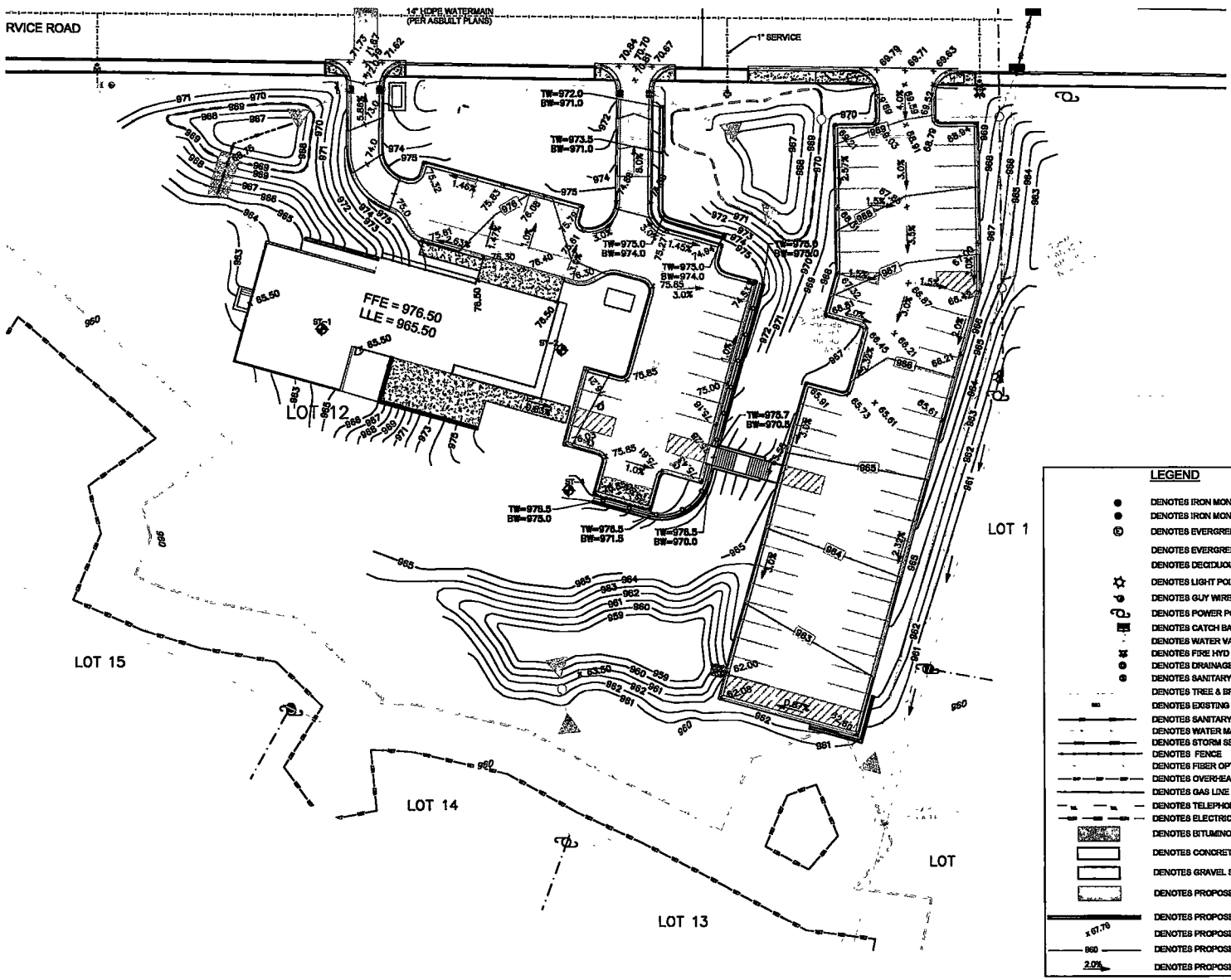
SHEET TITLE

SITE PLAN

C6



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES EVERGREEN TREE
- DENOTES EVERGREEN TREE
- DENOTES DECIDUOUS TREE
- DENOTES LIGHT POLE
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES CATCH BASIN
- DENOTES WATER VALVE
- DENOTES FIRE HYD
- DENOTES DRAINAGE MANHOLE
- DENOTES SANITARY MANHOLE
- DENOTES TREE & BRUSH LINE
- DENOTES EXISTING CONTOUR
- DENOTES SANITARY SEWER LINE
- DENOTES WATER MAIN LINE
- DENOTES STORM SEWER LINE
- DENOTES FENCE
- DENOTES FIBER OPTIC LINE
- DENOTES OVERHEAD ELECTRIC LINE
- DENOTES GAS LINE (BURIED)
- DENOTES TELEPHONE LINE (BURIED)
- DENOTES ELECTRIC LINE (BURIED)
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES PROPOSED BITUMINOUS SURFACE
- DENOTES PROPOSED RETAINING WALL
- x 67.70 DENOTES PROPOSED SPOT ELEVATION
- 960 DENOTES PROPOSED CONTOUR LINE
- 2.0% DENOTES PROPOSED SLOPE

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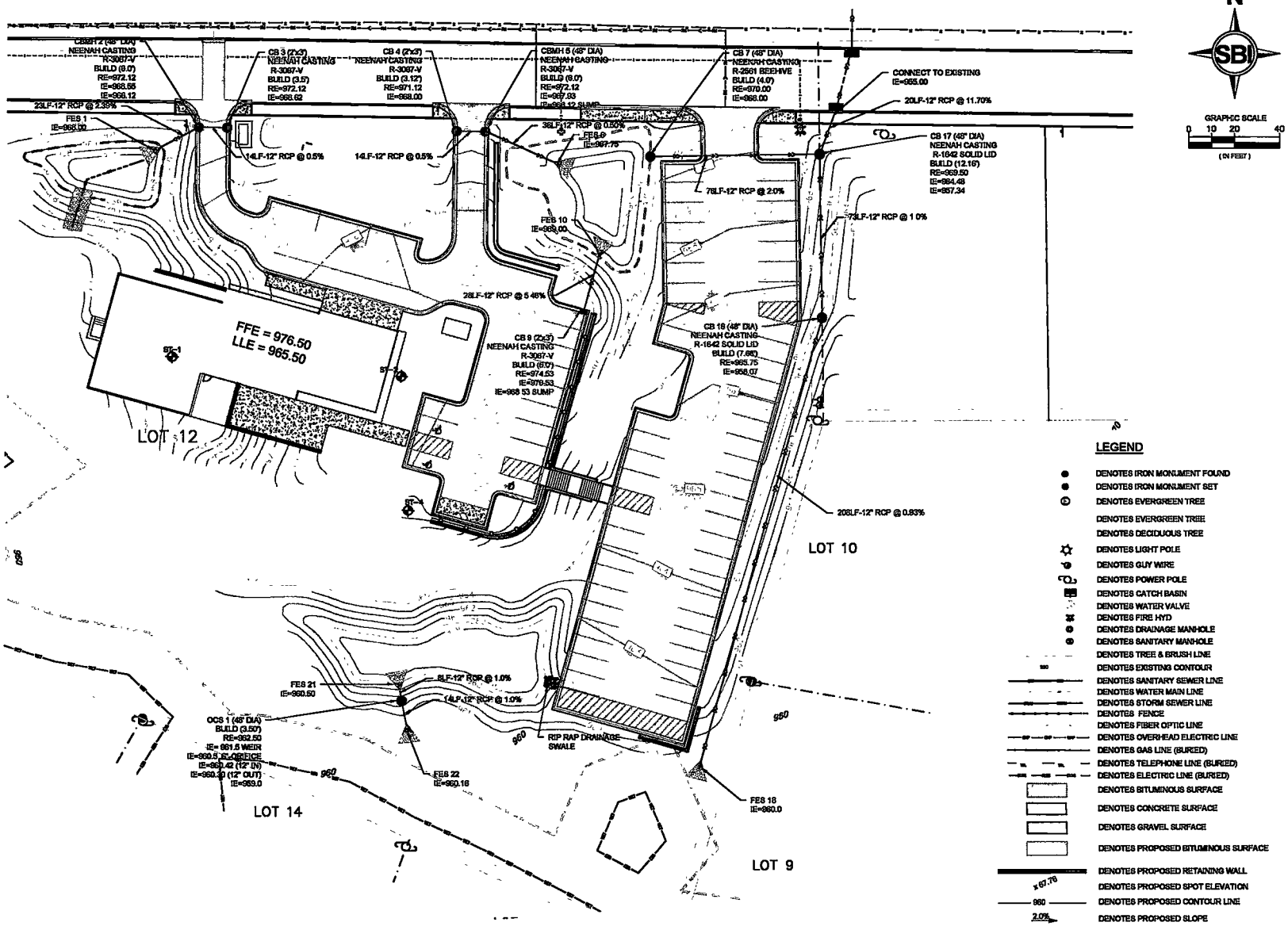
SHEET TITLE

GRADING PLAN

C7



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES EVERGREEN TREE
- DENOTES EVERGREEN TREE
- DENOTES DECIDUOUS TREE
- DENOTES LIGHT POLE
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES CATCH BASIN
- DENOTES WATER VALVE
- DENOTES FIRE HYD
- DENOTES DRAINAGE MANHOLE
- DENOTES SANITARY MANHOLE
- DENOTES TREE & BRUSH LINE
- DENOTES EXISTING CONTOUR
- DENOTES SANITARY SEWER LINE
- DENOTES WATER MAIN LINE
- DENOTES STORM SEWER LINE
- DENOTES FENCE
- DENOTES FIBER OPTIC LINE
- DENOTES OVERHEAD ELECTRIC LINE
- DENOTES GAS LINE (BURIED)
- DENOTES TELEPHONE LINE (BURIED)
- DENOTES ELECTRIC LINE (BURIED)
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
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- DENOTES PROPOSED RETAINING WALL
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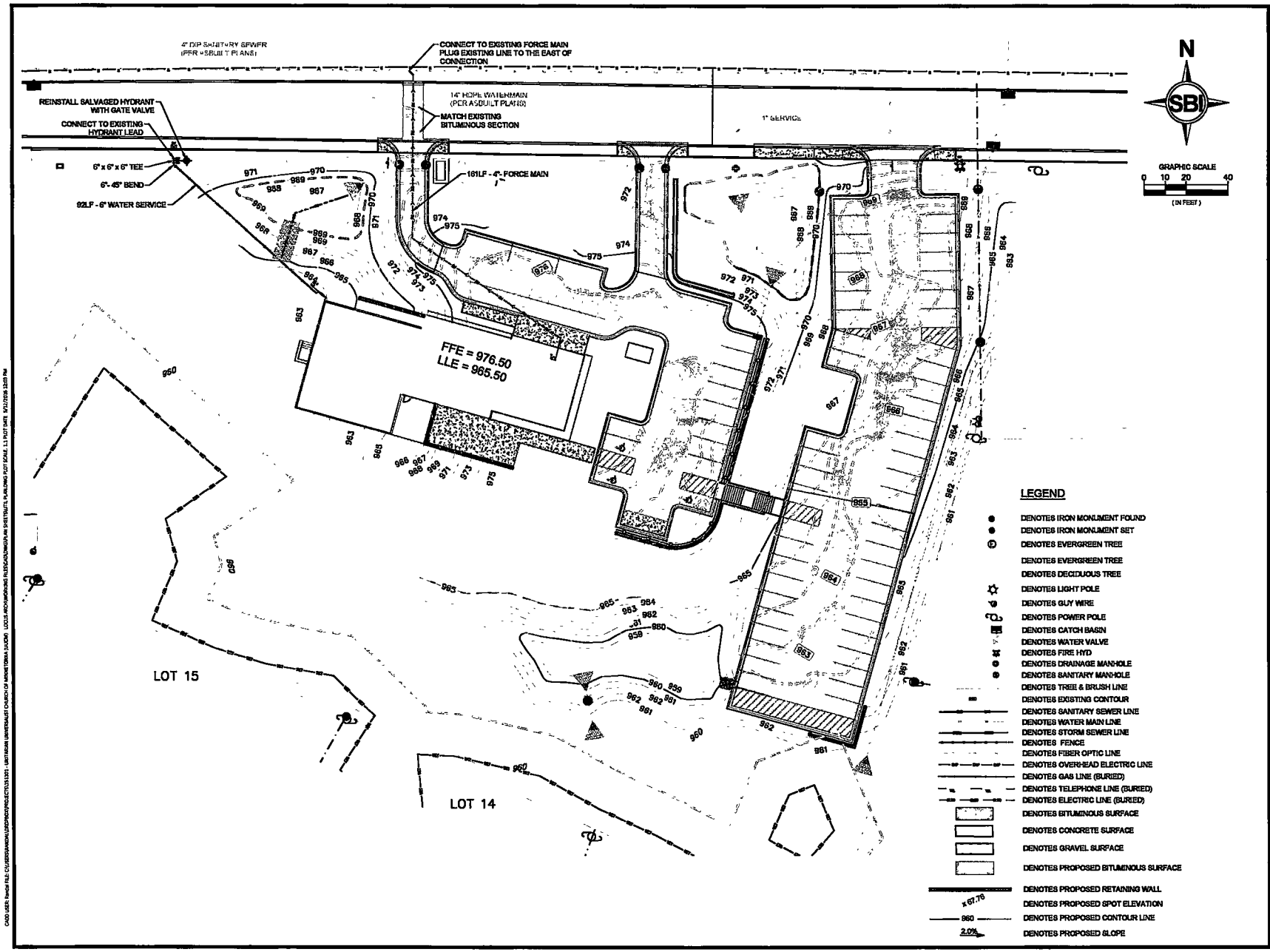
SHEET TITLE

DRAINAGE PLAN

C8



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CIVIL ENGINEER _____

DATE: _____ REG. NO. _____

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03/12/15	REVISE PLAN PARKING AREA
03/30/15	CITY RESUBMITTAL

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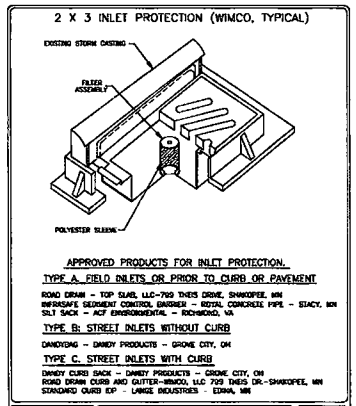
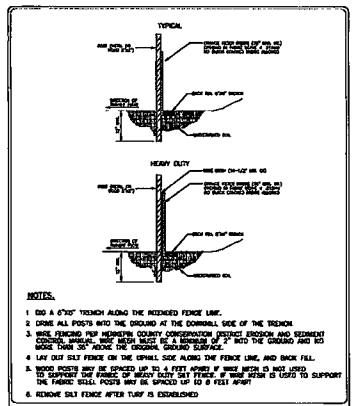
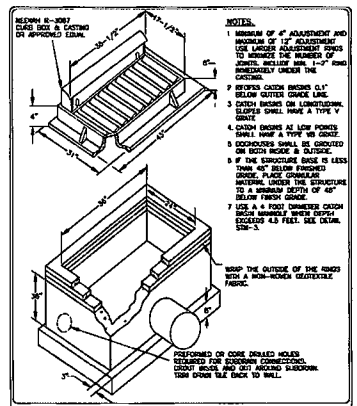
SHEET TITLE

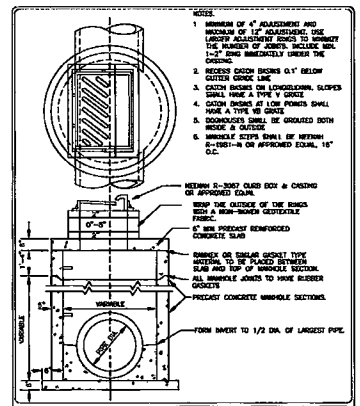
UTILITY PLAN

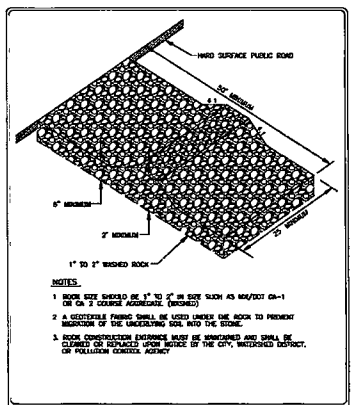
C9

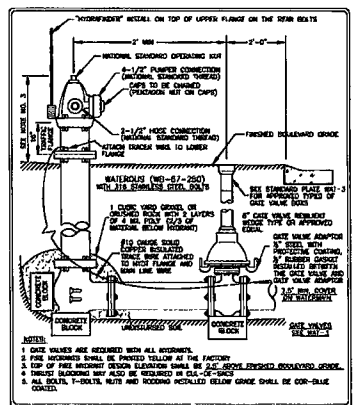


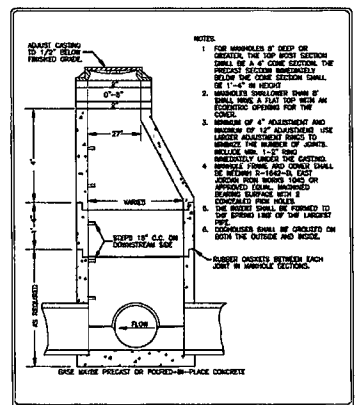


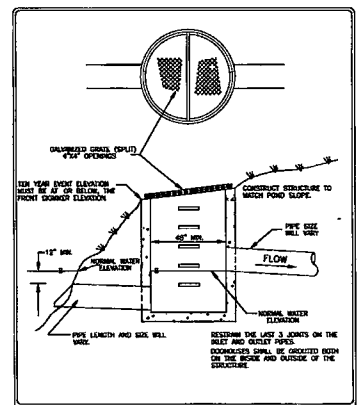












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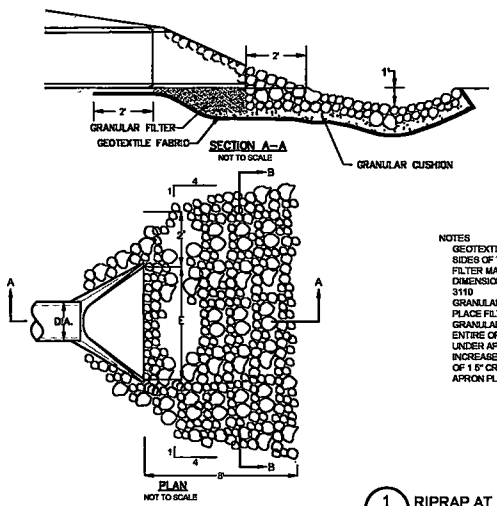
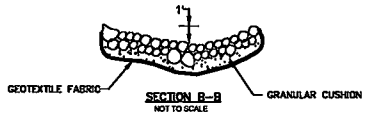
SHEET TITLE

DETAIL PLAN

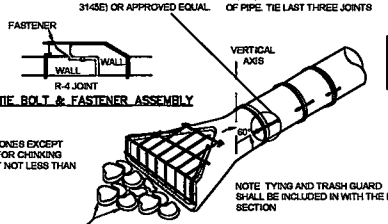
C10





NOTES
GEOTEXTILE FABRIC, SPEC 3733, SHALL COVER THE BOTTOM AND SIDES OF THE AREA EXCAVATED FOR THE RIPRAP, GRANULAR FILTER MATERIALS
DIMENSION 'E' IS GIVEN ON MnDOT STANDARD PLATES 3100 & 3110
GRANULAR FILTER, SPEC 3601, MAY BE USED AS A CUSHION LAYER PLACE FILTER PER SPEC 2511
GRANULAR FILTER OR RIPRAP, SPEC 3601, TO EXTEND UNDER ENTIRE OPEN PORTION OF PIPE APRON. DEPTH OF MATERIAL UNDER APRON SHALL MATCH RIPRAP DEPTH. WHEN USING RIPRAP INCREASE RIPRAP QUANTITY ACCORDINGLY AND PLACE A 3" LAYER OF 1.5" CRUSHED ROCK UNDER THE APRON TO AID IN GRADING FOR APRON PLACEMENT

1 CXX RIPRAP AT 12" FLARED END SECTION
(NOT TO SCALE)



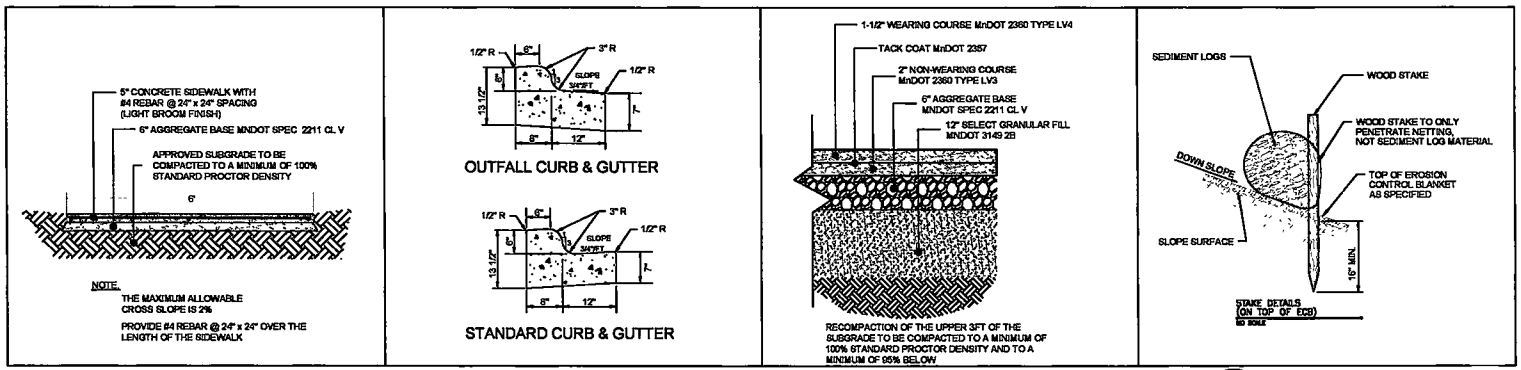
RIP-RAP REQUIRED	
SIZE OF PIPE	TONS
12"	4

TIE BOLT REQUIREMENT	
PIPE SIZE	DIAMETER OF BOLT
12"	1/2"

NOTE IF NO APRON IS USED, LAST 3 SECTIONS OF PIPE SHALL BE TIED AS PER ABOVE REQUIREMENTS.

TRASH GUARD - 5/8" DIA. GALVANIZED STEEL RODS WELDED TOGETHER 6" ON CENTER, EACH WAY

2 CXX FLARED END DETAIL SECTION
(NOT TO SCALE)



3 CXX CONCRETE SIDEWALK SECTION
(NOT TO SCALE)

4 CXX B612 CURB & GUTTER DETAIL
(NOT TO SCALE)

5 CXX BITUMINOUS PAVEMENT SECTION - STANDARD DUTY
(NOT TO SCALE)

6 CXX SEDIMENT LOG STAKE DETAIL
(NOT TO SCALE)

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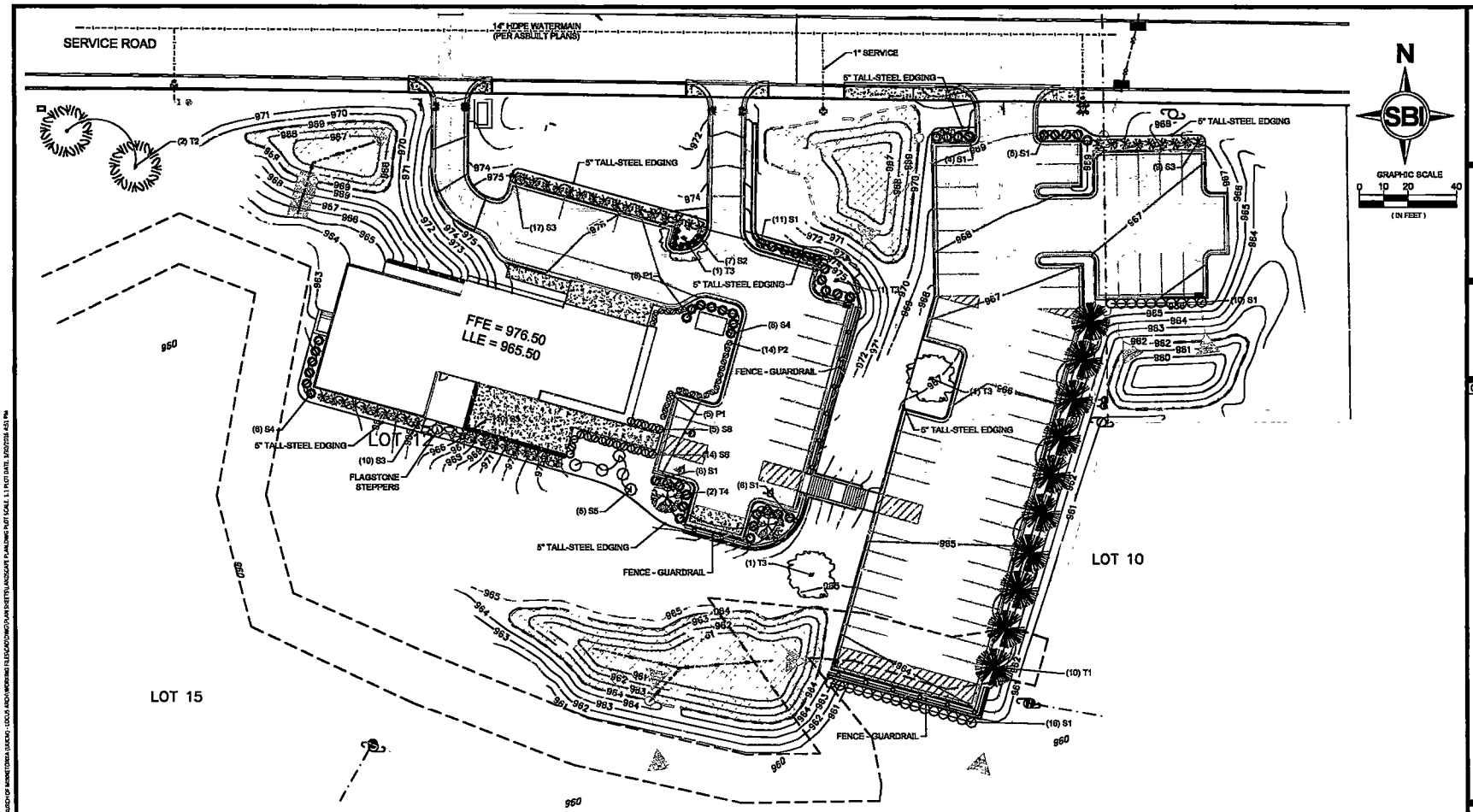
SHEET TITLE
DETAIL PLAN

C11



PLANT SCHEDULE

Quantity	ID	Common Name	Scientific Name	Size	Height	Width
		TREES				
10	T1	Black Hills Spruce	*Picea glauca densata*	5' b&B (338)	30'	20'
2	T2	River Birch	*Betula nigra*	3" diam. B&B	60'	35'
4	T3	Sunburst Honeylocust	*Gleditsia triacanthos var. inermis 'Sunburst'*	3" diam. B&B	35'	30'
2	T4	Amur Maackia	*Maackia amurensis*	3" diam. B&B	25'	20'
		SHRUBS				
61	S1	Arctic Fire Dogwood	*Cornus stolonifera 'Farrow'*	#3 cont.	5'	4'
7	S2	Dwarf Bush Honeysuckle	*Diervilla lonicera*	#3 cont.	3'	3'
46	S3	Dart's Gold Ninebark	*Physocarpus opulifolius 'Dart's Gold'*	#3 cont.	5'	5'
14	S4	Taunton Yew (Evergreen)	*Taxus x media 'Taunton'*	#3 cont.	3'	4'
5	S5	Compact American Viburnum	*Viburnum lentago 'Bailey Compact'*	#3 cont.	6'	5'
19	S6	Chicagoland Green Boxwood	*Buxus 'Glencoe'*	#7 cont.	3'	3'
		PERENNIALS				
13	P1	Eldorado Feather Reed Grass	*Calamagrostis x acutiflora 'Eldorado'*	#1 cont.	4'	2'
14	P2	Red Switch Grass	*Panicum virgatum 'Shenandoah'*	#1 cont.	3'	2'

SEED WITH MN TYPE 33-261 (STORMWATER SOUTH & WEST) SEED MIX AT 40 LBS/ACRE
THEN INSTALL S32 2-SIDED STRAW BLANKETS WITH "U" STAPLES.
AREA = 7,930 SF OR 0.18 ACRES

SEE SHEET L2 FOR LANDSCAPE NOTES AND PLANTING DETAILS

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SHEET TITLE
LANDSCAPE PLAN

L1

Attachment C

PRELIMINARY PLAT
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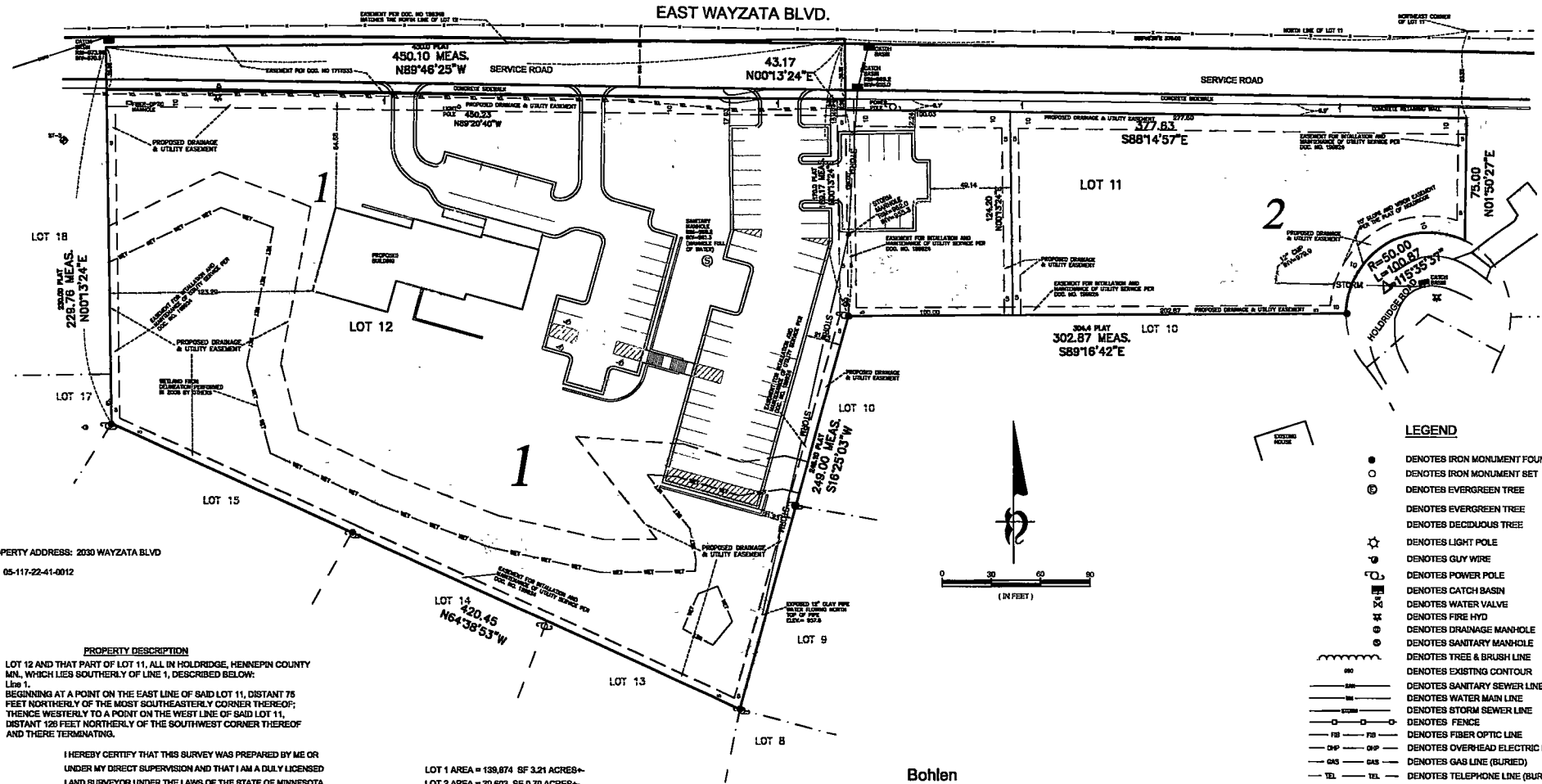

PROPERTY ADDRESS: 2030 WAYZATA BLVD

PID: 05-117-22-41-0012

PROPERTY DESCRIPTION

LOT 12 AND THAT PART OF LOT 11, ALL IN HOLDRIDGE, HENNEPIN COUNTY MN., WHICH LIES SOUTHERLY OF LINE 1, DESCRIBED BELOW:
Line 1,
BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 11, DISTANT 75 FEET NORTHERLY OF THE MOST SOUTHEASTERLY CORNER THEREOF; THENCE WESTERLY TO A POINT ON THE WEST LINE OF SAID LOT 11, DISTANT 126 FEET NORTHERLY OF THE SOUTHWEST CORNER THEREOF AND THERE TERMINATING.

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

DATE: 2-26-2016 Thomas J. O'Meara
THOMAS J. O'MEARA, LAND SURVEYOR
MINNESOTA LICENSE NO. 48167

LOT 1 AREA = 139,874 SF 3.21 ACRES+-
LOT 2 AREA = 30,603 SF 0.70 ACRES+-
TOTAL PARCEL AREA = 184,604 SF (4.24 ACRES)

Bohlen
Surveying & Associates
31432 Foliage Avenue
Northfield, MN 55057
Phone: (507) 645-7788
tomeara@bohlensurveying.com
1682 Cliff Road E.
Burnsville, MN 55337
Phone: (952) 895-9212
Fax: (952) 895-9259

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Attachment D

PRELIMINARY PLAT
OF
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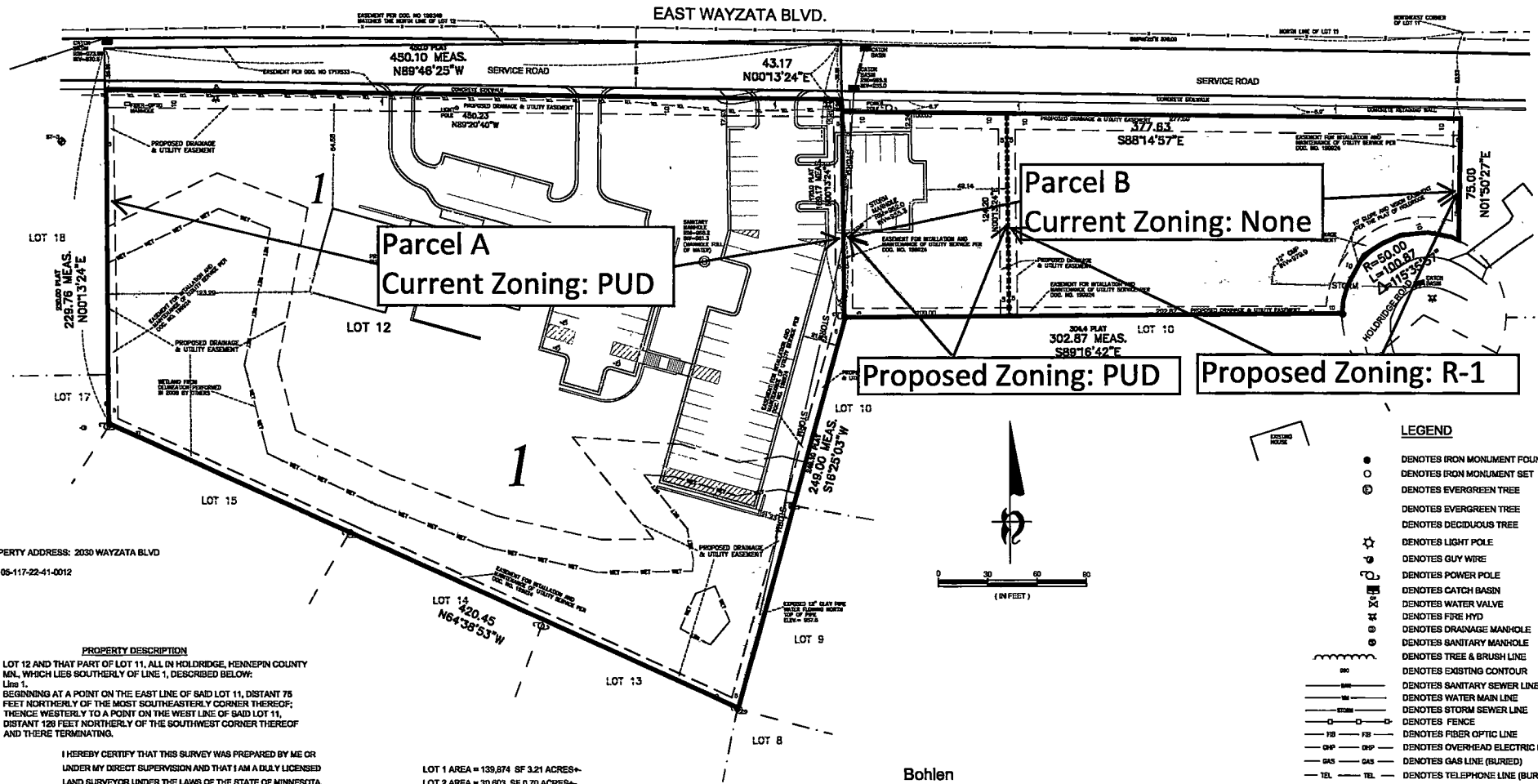

PROPERTY ADDRESS: 2030 WAYZATA BLVD

PID: 05-117-22-41-0012

PROPERTY DESCRIPTION

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

DATE: 2-26-2016 Thomas J. O'Meara
THOMAS J. O'MEARA, LAND SURVEYOR
MINNESOTA LICENSE NO. 48187

LOT 1 AREA = 139,874 SF 3.21 ACRES+-
LOT 2 AREA = 30,603 SF 0.70 ACRES+-
TOTAL PARCEL AREA = 184,604 SF (4.24 ACRES)

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Fax: (952) 895-9259

Attachment E

PRELIMINARY PLAT
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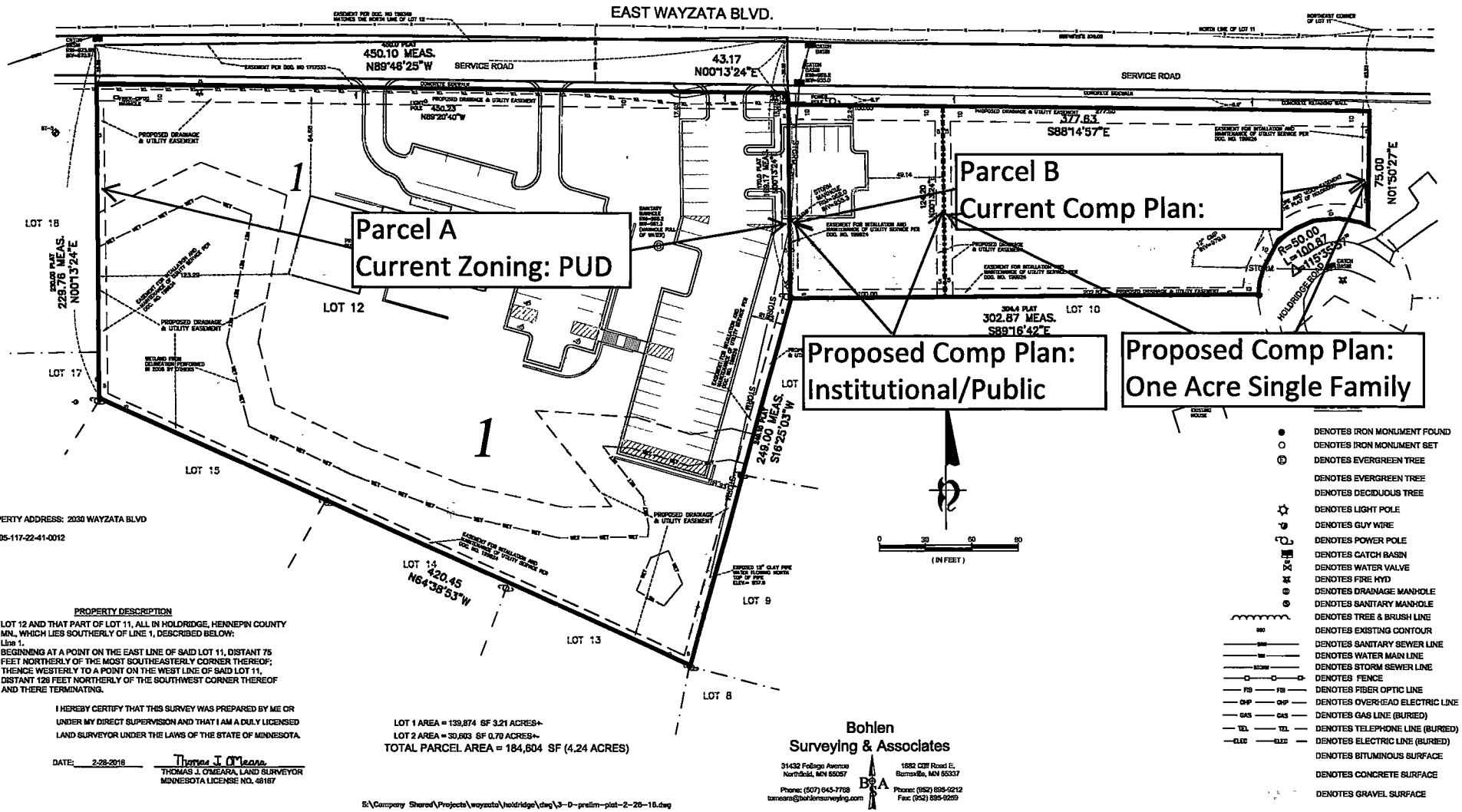


City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: September 8, 2025	**AGENDA ITEM:** 6.a
TITLE: Consider Development Application for Two Conditional Use Permits (CUP) for Xcel Energy at 701 Central Ave N	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: 60 Day Deadline - October 12, 2025 120 Day Deadline - December 11, 2025	

BACKGROUND:

Applicant Xcel Energy has submitted a new application for two Conditional Use Permits (CUP) to install a 123-foot-tall monopole at their substation at 701 Central Ave N to mount a private Long-Term Evolution (pLTE) antenna that will allow Xcel to communicate with their equipment. The antenna will not provide public commercial telecommunications. The pole replaces an existing, shorter pole at the site.

Xcel Energy had recently withdrawn a previous application from Spring 2025 proposing a 140-foot-tall monopole in the same location for the same purpose.

ACTION REQUESTED:

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

ATTACHMENTS:

1. PC Staff Report 701 Central Ave N
2. Applicant Narrative
3. Site Plans
4. Site Plan Showing Distances From Adjacent Residences
5. 2025 pLTE Coverage Maps
6. Photo Simulations of Proposed Monopole
7. Applicant Written Statements

Staff Report
Wayzata Planning Commission
September 8, 2025

Project Name:	Gleason Lake Substation Private LTE Tower
Approval Request:	Conditional Use Permits (CUP) for Gleason Lake Substation Private Monopole Communication Device
Applicant:	Xcel Energy
Applicant's Representative:	George Wojcicki, Xcel Energy
Addresses of Request:	701 Central Avenue N
Prepared by:	Haily Hedblom, Planner
"60 Day" Decision Deadline:	October 12, 2025
"120 Day" Decision Deadline:	December 11, 2025

Development Application Introduction
Applicant Xcel Energy has submitted a new development application requesting two conditional use permits for a proposed new private (noncommercial) 123-foot-tall monopole communication device at Xcel Energy's Gleason Lake Substation located at 701 Central Avenue N. The substation converts the high-voltage transmission line along the Luce Line to medium-voltage electricity for distribution lines to serve individual homes and businesses. The purpose of the proposed monopole will be to mount a private Long-Term Evolution (pLTE) antenna which will allow Xcel to better communicate with their equipment. The antenna will not provide public commercial telecommunications. The proposed pole replaces an existing, shorter pole at the site.

Xcel Energy had recently withdrawn a previous application in Spring 2025 proposing a 140-foot-tall monopole in the same location for the same purpose.

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

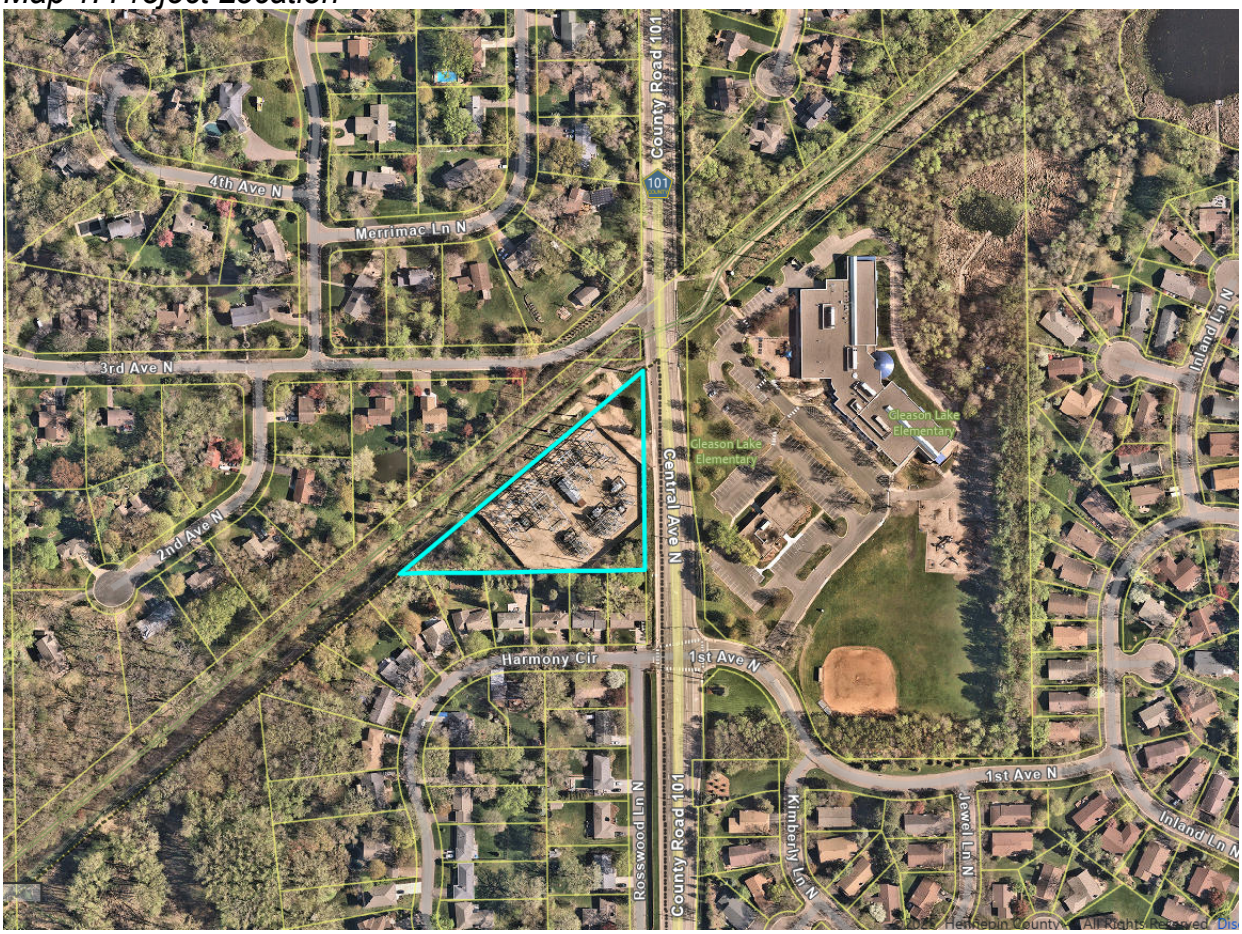
Address	PID	Owner
701 Central Avenue N	31-118-22-44-0003	Northern States Power dba Xcel Energy

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

Current Zoning:	R-3 - Single and Two Family Residential District
Comprehensive Plan Designation:	Semi – Public/Private
Overlay Districts:	N/A
Design District:	N/A

Project Location
The property is located on the west side of County Road 101 and north of Highway 12.

Map 1: Project Location



Source: Hennepin County

Application Request
The applicant is requesting approval of the following item in the application:

A. Conditional Use Permit (Ch.904.02.F): A conditional use permit for a new 123-foot-tall private (noncommercial) monopole communication device.
B. Conditional Use Permit (Ch. 904.02.F): A conditional use permit for enlarging a structure associated with a legal non-conforming use in the R-3 Single and Two Family Residential Zoning District.

Public Hearing Notice
Notice of the public hearing on the application was published in the *Sun Sailor* on August 28, 2025. The public hearing notice was also mailed to all properties located within 500 feet of the subject property on August 25, 2025.

Neighborhood Notification
The applicant sent a letter about the application to all properties within 500 feet of the subject property on August 29, 2025.

Public Comments
As of the publication of this staff report, no written public comments have been received regarding the monopole application.

Existing Conditions
The subject property is 2.14 acres and triangular in shape. Luce Line State Trail can be found to the northwest of the site, and Gleason Lake Elementary School can be found to the east of the site, across County Road 101. The property today contains an existing Xcel substation and 100-foot shield pole, that would be removed and replaced with the construction of the proposed 123-foot monopole. The site connects to three other Xcel substations, two within Plymouth and one within Medina.

The substation is considered to fall under the use category of Public Services and Utilities, which is a Conditional Use in the R-3 zoning district, according to Ch.937.02. Due to the age of the substation, this use is considered legal non-conforming to current zoning code.

Proposed Changes
The applicant is proposing to install a new 123-foot private (noncommercial) monopole communication device at the westernmost corner of the property at their Gleason Lake Substation, replacing the existing 100-foot pole. The monopole will have three antennas (sectors) near the top of the structure at a centerline height of 118-feet. Xcel Energy has noted that they have considered all available alternatives in co-locating the antenna on the existing lightning rods and other structures within the existing substation facility; however, none of the existing structures within the substation are tall enough to accommodate for the desired coverage range. Additionally, constructing a new monopole would help reduce safety risks during construction and limit outages for local customers. The applicant has also considered co-locating onto existing third-party telecommunications facilities, but due to Xcel Energy's security policy relating to this project, they are unable to do so, and have committed to this project remaining private and used only by Xcel Energy, with no other commercial antennas or uses.

The applicant has included study maps that show the anticipated coverage of the pLTE network with antennas placed at 118-feet, as proposed on the 123-foot monopole being reviewed, compared to existing coverage without a pLTE pole at the Gleason Lake site.

The coverage area significantly improves with the proposed monopole, addressing a large range of gaps in coverage for the area.

The applicant has noted that the monopole will be maintained in good and safe conditions, and the City will be permitted to conduct periodic inspections to ensure compliance with the City Code. Telecommunication facilities not in use for at least 6 months are considered abandoned and must be taken down, Xcel Energy commits to annual notification that the monopole is in operation. Per the application narrative, no noise or additional traffic in the area will be generated as a result of this monopole, except during the construction phase. During construction, several semi-trucks will deliver pole materials. Construction activities will be limited to daylight hours, with work typically finishing before 5:30 PM, with three to five employees constructing the monopole. Xcel Energy has submitted a National Environmental Policy Act report to the Federal Communications Commission for this monopole.

Included in the application narrative, the applicant has indicated that the installation of the 123-foot monopole is a crucial part of their ongoing initiative to enhance the security and reliability of their electrical network. The objective of the monopole is to serve as a key component in establishing a private (LTE) network for secure communications between Xcel Energy assets, including meters and substations, as the antennae affixed to the monopole will establish the network.

As noted above, the proposed monopole and the network to which it connects is for private use by Xcel Energy only. No member of the public, including many internal Xcel Energy employees, will be allowed access to this network, and the pole and network will not be used by anyone to take or make phone calls. This monopole would be used exclusively to communicate between Xcel Energy fixed assets and take their communications off the public cellular spectrum.

Analysis of Application

<u>Zoning</u>
The following table outlines the key zoning standards for the R-3 zoning district that are applicable to the application:

	R-3 Zoning District	Proposed
Height (max.) *Note: City Code 919.02 Height Requirements	2 1/2 stories and 30 ft., whichever is less Uninhabitable structures shall not exceed 40ft.	123 ft.*
Building setbacks (min.) Front (east)	20 ft.	298 ft. 4 ¼ in.

Side (south)	10 ft.	108 ft. 7 ½ in.
Side (northwest)	10 ft.	29 ft. 8 in.
Rear (N/A)	20 ft.	N/A

*CUP requested

Commercial Telecommunications Facilities

City Code Section 919.02 states that structural elements, including communication reception/transmission devices, may exceed 40-feet in height by approval of a conditional use permit.

City Code Chapter 931 addresses commercial telecommunications facilities to encourage consistent, high-quality telecommunications services throughout the City. These regulations do not apply to the Xcel Energy monopole since it is a private (noncommercial) communications device and will not provide telecommunications to the general public.

Public Services & Utilities Permitted as Conditional Use in R-3

City Code Section 937.02 includes a use table that qualifies utilities as a Conditional Use in all residential districts. The substation is considered legal nonconforming due to its age and longstanding use on the property. The City does not have record of a CUP being required at the time of development. City Code Section 915.02.A.1 states that buildings or structures associated with lawfully existing non-conforming uses may not be enlarged or reconstructed, however City Code Section 904.05 allows for the application of an amended conditional use permit for substantial changes in conditions or expansions of use. Staff, along with the City Attorney, have determined a new CUP related to use would be required for the proposed expansion.

City Engineer's Comments

The City Engineer reviewed the proposed redevelopment and has no comments regarding the CUP. Following approval of the CUP, the City Engineer and Building Official will review building permit submittal for the monopole.

Primary Questions to Consider for Planning Commission Review of Application's CUP Request:

1. Is the proposed monopole compatible with present and future uses in the area?
2. Would the proposed monopole have a negative effect on the area?
3. Will the proposed monopole have a positive impact upon existing public services and facilities?

Action Steps

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

Attachments

1. Applicant Narrative
2. Plan Set
3. Profile Studies
4. Photo Simulations of Proposed Monopole
5. Applicant's Commitments

Applicable Code Provisions for Review

Staff has analyzed the facts provided by the applicant in comparison with the criteria for approval. Staff has highlighted in **bold** the criteria that may require additional discussion with the Planning Commission.

Conditional Use Permit Standards – City Code Chapter 904

The purpose of a conditional use permit is to provide the City of Wayzata with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.

The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. **The proposed use's compatibility with present and future uses of the area.**
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. **The proposed use's effect on the area in which it is proposed.**
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. **The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.**

Height Requirements – City Code 919.02 (B)

The building height limits established in each zoning district shall not apply to the following list of uninhabitable items, except that no such structural element may exceed 40 feet in total height or exceed the maximum height of the building by more than five feet, whichever is greater, except by conditional use permit:

1. Belfries.
2. Chimneys or flues.
3. Minarets or spires.
4. Cooling towers.
5. **Communication reception/transmission devices.**
6. Cupolas and domes which do not contain usable space.
7. Elevator penthouses.
8. Flag poles.
9. Monuments.
10. Parapet walls.
11. Necessary mechanical and electrical appurtenances.

Non-Conforming Use – City Code 915.02.A (1)
Any non-conforming use lawfully existing upon the effective date of this Ordinance shall not be enlarged nor shall buildings or structures associated with such use be enlarged or reconstructed in violation of Section 915.02.A.5, but may be continued at the size and in the manner of operation existing upon such date.

Amended Conditional Use Permits – 904.05
An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include re-applications for permits that have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance.

414 Nicollet Mall
Minneapolis, MN 55401-1993

August 12, 2025

Zoning Administration
City of Wayzata – Planning Department
600 Rice St East
Wayzata, MN 55391
Alex Sharpe – Community Development Director

Re: Conditional Use Permit Requests – Xcel Energy PLTE Monopole
Xcel Energy Gleason Lake Substation
Address: 701 Central Ave N
PID: 3111822440003

Dear Mr. Sharpe,

Protecting the energy grid from cyber and physical threats is a top priority for Xcel Energy and the entire electric utility industry. Xcel Energy is building a smarter, more resilient energy grid to better serve our customers. The Advanced Grid interconnects and transmits data between Xcel Energy's power generating stations, substations, customer meters and other equipment. It is critical that we protect not only the equipment but also the information being transmitted. As Advanced Grid technologies and tools expand, the need to secure the network becomes even more critical.

Xcel Energy has deployed security measures to help deliver on our commitment to operational excellence. One such measure is a new private Long-Term Evolution (PLTE) network, similar to a public cellular network but private to Xcel Energy, to facilitate communication between equipment and devices on the power grid. The network uses monopoles (self-supported structures with antennas) installed on Xcel Energy properties across our Minnesota service area, including at some of our substation sites.

Xcel Energy is applying for two conditional use permits for installation of a 123-foot-high monopole at our Gleason Lake Substation in Wayzata.

- A conditional use permit for private telecommunications equipment at a public utility substation, which is conditionally permitted in R-3 districts.
- A conditional use permit for a communication reception/transmission device exceeding 40 feet in height in an R-3 district.

How is this application different from the one discussed in April?

This application is similar to the application discussed at the Wayzata Planning and Zoning public hearing on April 7, 2025. Terrain, foliage, other obstructions at or near the same height, and other factors determine the required height of a monopole. In the Twin Cities metro area, typically, a 140-foot-high monopole is required with a centerline height of 135 feet, as proposed in our initial application. After reviewing public and Planning Commission feedback, and some re-engineering

by our architectural team, we have determined that a 123-foot-high monopole would adequately serve the area while addressing residents' concerns about the structure's height. The monopole would have three antennas, commonly referred to as sectors, near the top of the structure at a centerline height of 118 feet. Monopoles at surrounding sites would be adjusted to compensate for gaps in coverage created by the shorter structure at the Gleason Lake Substation.

What are the benefits of a PLTE on Xcel Energy's electrical grid?

In addition to the security benefits, Xcel Energy's PLTE will improve overall reliability of the electrical grid. A modern communications network provides quicker outage alerts, reducing response time for crews to restore power. Additionally, the new network is better able to communicate through severe weather, increasing reliability and decreasing outage times during storms. Further, our PLTE network has already shown more accurate fault-spotting within the distribution network, allowing potential problems to be fixed before they cause an outage – something that was previously more difficult and less accurate.

Xcel Energy's PLTE is entirely private and strictly used to communicate between Xcel Energy fixed assets. Unlike AT&T or Verizon networks, no member of the public and few Xcel Energy employees will have access to the PLTE and it will not be used for mobile phone calls. In this digital age, securing our assets is of paramount importance. Taking these assets off the public cellular network will significantly reduce the risk of cyber threats and ensure the integrity of our operations. To accomplish this, Xcel Energy has leased the PLTE spectrum for 30 years, part of a wider initiative to improve both the physical security and cybersecurity of our electrical network. As the PLTE becomes Xcel Energy's primary communication channel, our existing connections with public network carriers such as AT&T and Verizon will be used as redundant back up. This redundancy will ensure continued communication if the PLTE is offline for any reason, including routine maintenance.

Why Gleason Lake?

Xcel Energy considered other locations for a monopole that would cover the Wayzata area.

- Our security policy prohibits co-locating PLTE antennas on existing third-party telecommunications facilities. Because PLTE antennas and monopoles are subject to the same security requirements as our substations, it makes sense to locate the monopole within a substation site.
- We considered co-locating the PLTE antenna on the existing lightning rods and other structures within the Gleason Lake Substation site. However, attaching an antenna atop an electrified transmission structure poses a safety risk for Xcel Energy employees and contractors. Therefore, routine maintenance would require a planned power outage, inconveniencing local customers. Additionally, none of the existing structures are tall enough to provide the required range of communication.
- We also considered locating the monopole at the Parkers Lake Substation in Plymouth, which was initially Xcel Energy's first choice to locate the monopole. Unfortunately, ongoing construction to upgrade and expand the facility leaves no room accommodate the monopole.

- The attached maps show a gap in coverage for the Wayzata area from the monopoles in Coon Rapids, Maple Grove and Eden Prairie. The network propagated by the proposed monopole at the Gleason Lake Substation would encompass a larger unserved area than any other substation in the area. Installing a monopole at the Gleason Lake Substation will provide critical coverage for Wayzata and the surrounding area.

Details of Xcel Energy's proposal for a monopole at Gleason Lake Substation

The triangular parcel of land at the Gleason Substation is bound by Central Avenue North to the east, Luce Line State Trail to the northwest and residential properties to the south. The nearest residential properties are located about 100 feet south of the site. We propose locating the monopole on the western corner of the property, which is screened by trees to the south and west.

The monopole will not generate noise or additional traffic, or adversely affect the reasonable enjoyment of nearby properties except during the construction phase. Construction activities will be limited to a crew of three to five employees during daylight hours, with work typically finishing before 5:30 p.m.

Xcel Energy will maintain the monopole in good and safe condition, and its appearance will remain as approved. We understand that the city is authorized to conduct periodic inspections to ensure compliance with its ordinance. We also understand that telecommunications facilities out of use for six months or longer will be considered abandoned and must be removed. We commit to notifying the City of Wayzata annually that the monopole is still operating.

Xcel Energy will act in good faith in co-locating the monopole. We understand the importance of maintaining the aesthetic integrity of our city and are committed to ensuring that our equipment blends as much as possible into its surroundings.

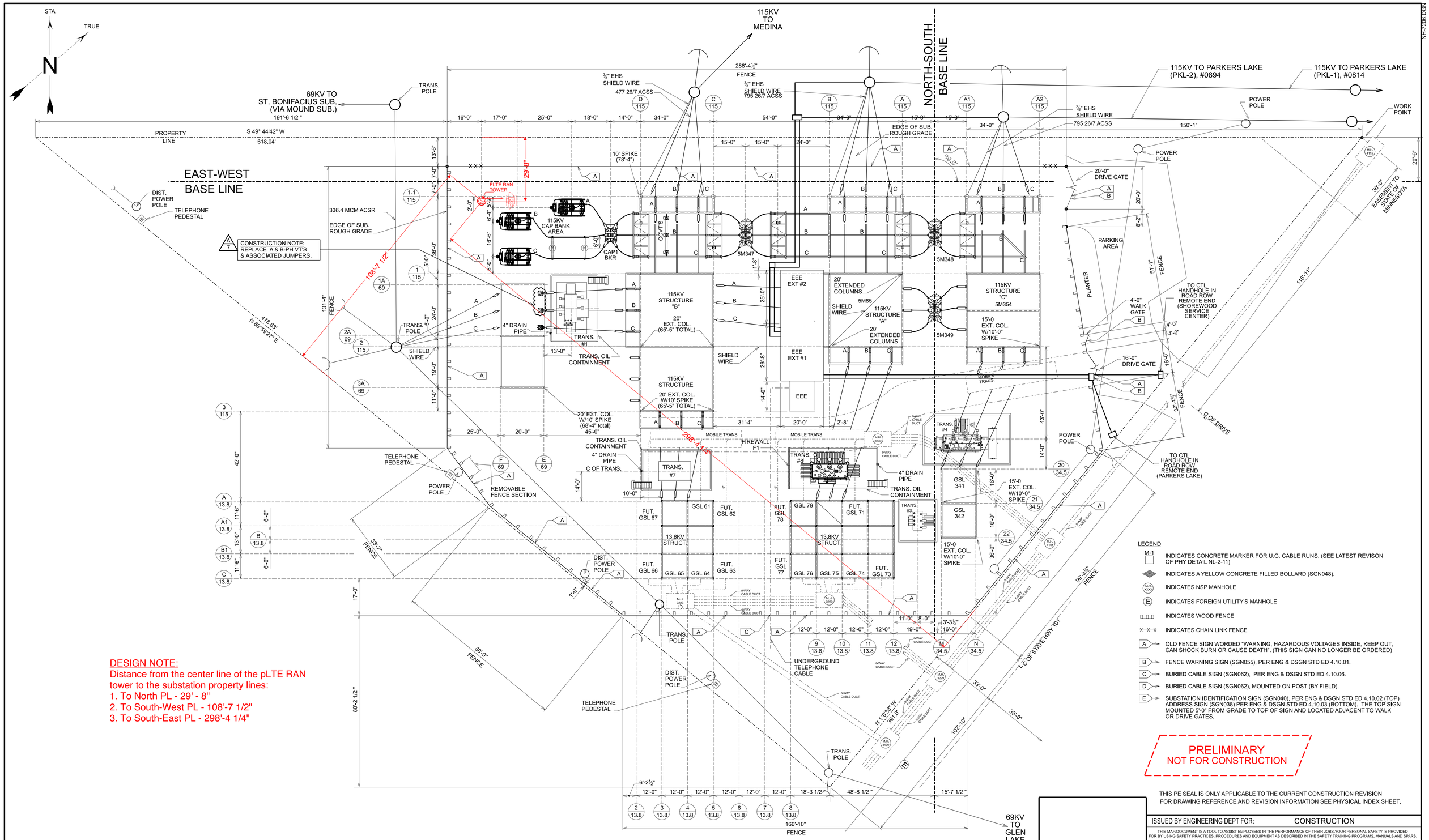
Installing a monopole at the Gleason Lake Substation is a crucial part of our ongoing initiative to enhance the security and reliability of our electrical network. We believe this project is necessary for the security and efficiency of our operations and benefits Wayzata residents by ensuring safe, secure and reliable delivery of the electricity that powers their lives.

Attached for your review and approval is a development application for two conditional use and permits, a site plan, the deed and legal description of the property, documentation of authorization from the FCC and the aforementioned maps showing projected network coverage in the area. Xcel Energy respectfully requests your approval of our application.

Sincerely,

George Wojcicki

George Wojcicki
Siting and Land Rights Agent
773-677-4574
george.r.wojcicki@xcelenergy.com



DESIGN NOTE:
Distance from the center line of the pLTE RAN tower to the substation property lines:
1. To North PL - 29' - 8"
2. To South-West PL - 108'-7 1/2"
3. To South-East PL - 298'-4 1/4"

LEGEND

- M-1 — INDICATES CONCRETE MARKER FOR U.G. CABLE RUNS. (SEE LATEST REVISON OF PHY DETAIL NL-2-11)
- INDICATES A YELLOW CONCRETE FILLED BOLLARD (SGN048).
- M/H XXXX — INDICATES NSP MANHOLE
- E — INDICATES FOREIGN UTILITY'S MANHOLE
- INDICATES WOOD FENCE
- INDICATES CHAIN LINK FENCE
- A — OLD FENCE SIGN WORDED "WARNING, HAZARDOUS VOLTAGES INSIDE, KEEP OUT, CAN SHOCK BURN OR CAUSE DEATH". (THIS SIGN CAN NO LONGER BE ORDERED)
- B — FENCE WARNING SIGN (SGN055), PER ENG & DSGN STD ED 4.10.01.
- C — BURIED CABLE SIGN (SGN062), PER ENG & DSGN STD ED 4.10.06.
- D — BURIED CABLE SIGN (SGN062), MOUNTED ON POST (BY FIELD).
- E — SUBSTATION IDENTIFICATION SIGN (SGN040). PER ENG & DSGN STD ED 4.10.02 (TOP) ADDRESS SIGN (SGN038) PER ENG & DSGN STD ED 4.10.03 (BOTTOM). THE TOP SIGN MOUNTED 5'-0" FROM GRADE TO TOP OF SIGN AND LOCATED ADJACENT TO WALK OR DRIVE GATES.

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GLEASON LAKE SUBSTATION — GSL

GENERAL ARRANGEMENT

SUBSTATION ADDRESS: 701 CENTRAL AVE N

Xcel Energy® | NH-7206 | SCALE 1"=20'-0" | REV 7

REV	DATE	WBS 4	REVISION DESCRIPTION

REV	DATE	WBS 4	REVISION DESCRIPTION

REV	DATE	WBS 4	REVISION DESCRIPTION
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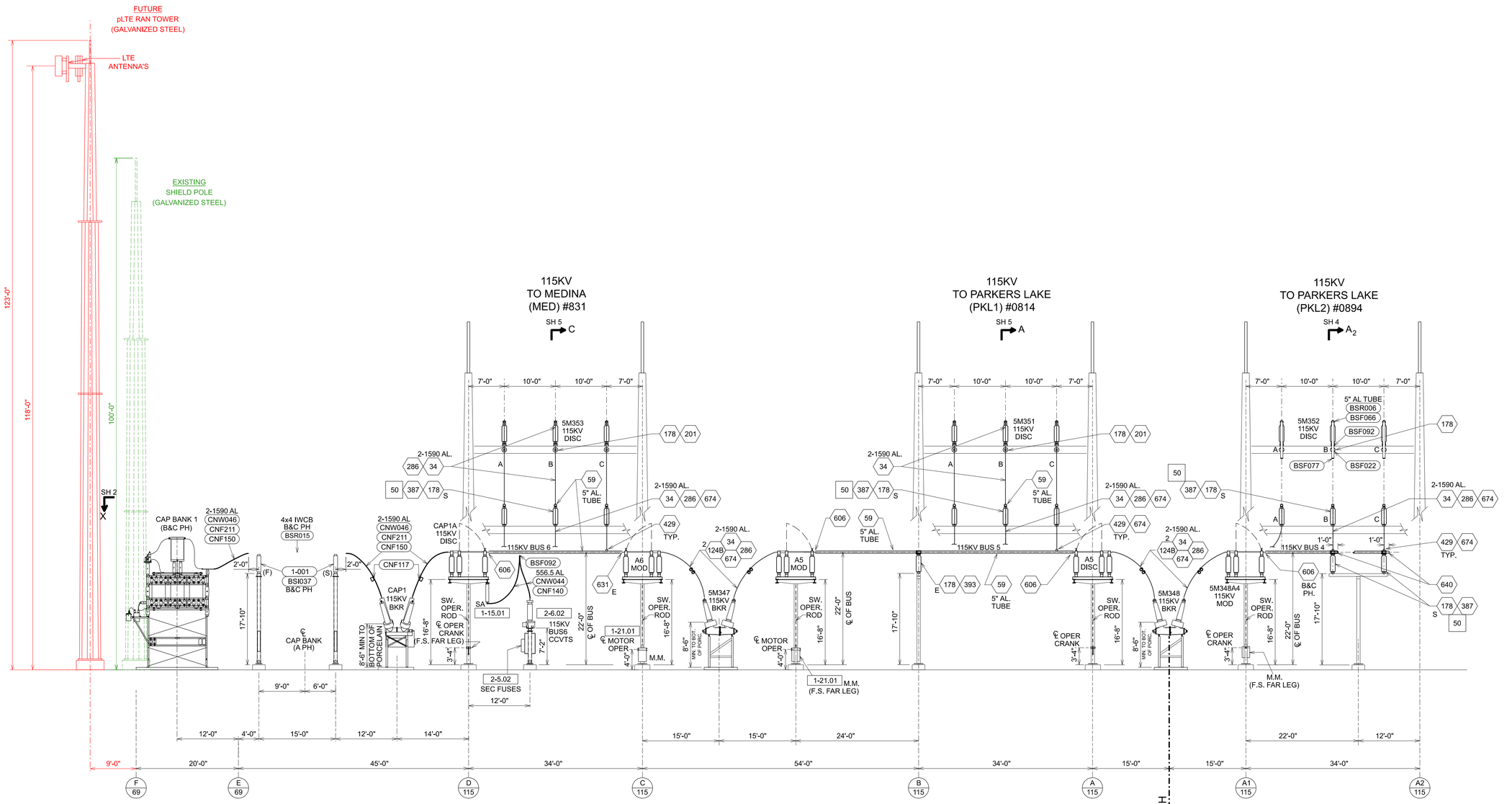
7A	06/26/2023	A.0001904.010.001.002	IFC - SFE - GSL - REPL 69KV BUSTRT A B PH CCVT

NH-7206.DGN

5/9/2023 7:46:19 AM



DESIGN NOTE:
THE NEW PLTE RAN TOWER WILL
REPLACE THE EXISTING 100' SHIELD POLE.

FOR GENERAL NOTES AND LEGEND SEE SHEET 1.
FOR DRAWING REFERENCE AND REVISION INFORMATION SEE PHYSICAL INDEX SHEET.

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GLEASON LAKE SUBSTATION — GSL

ELECTRICAL LAYOUT
115KV SECTIONS

Xcel Energy® | NH-173081-3 | SCALE 3/32"=1'-0" | REV 2

REV	DATE	WBS 4	REVISION DESCRIPTION
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NH-173081-3.DGN
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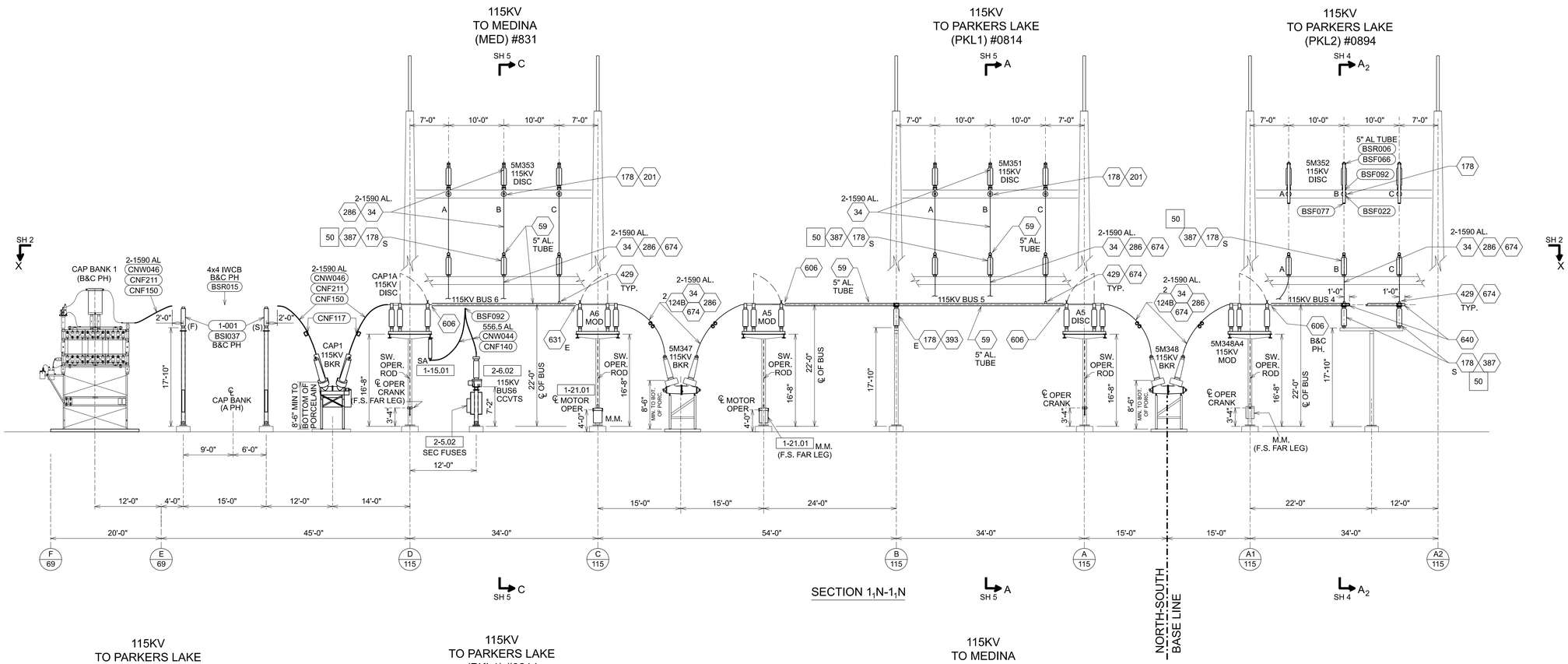

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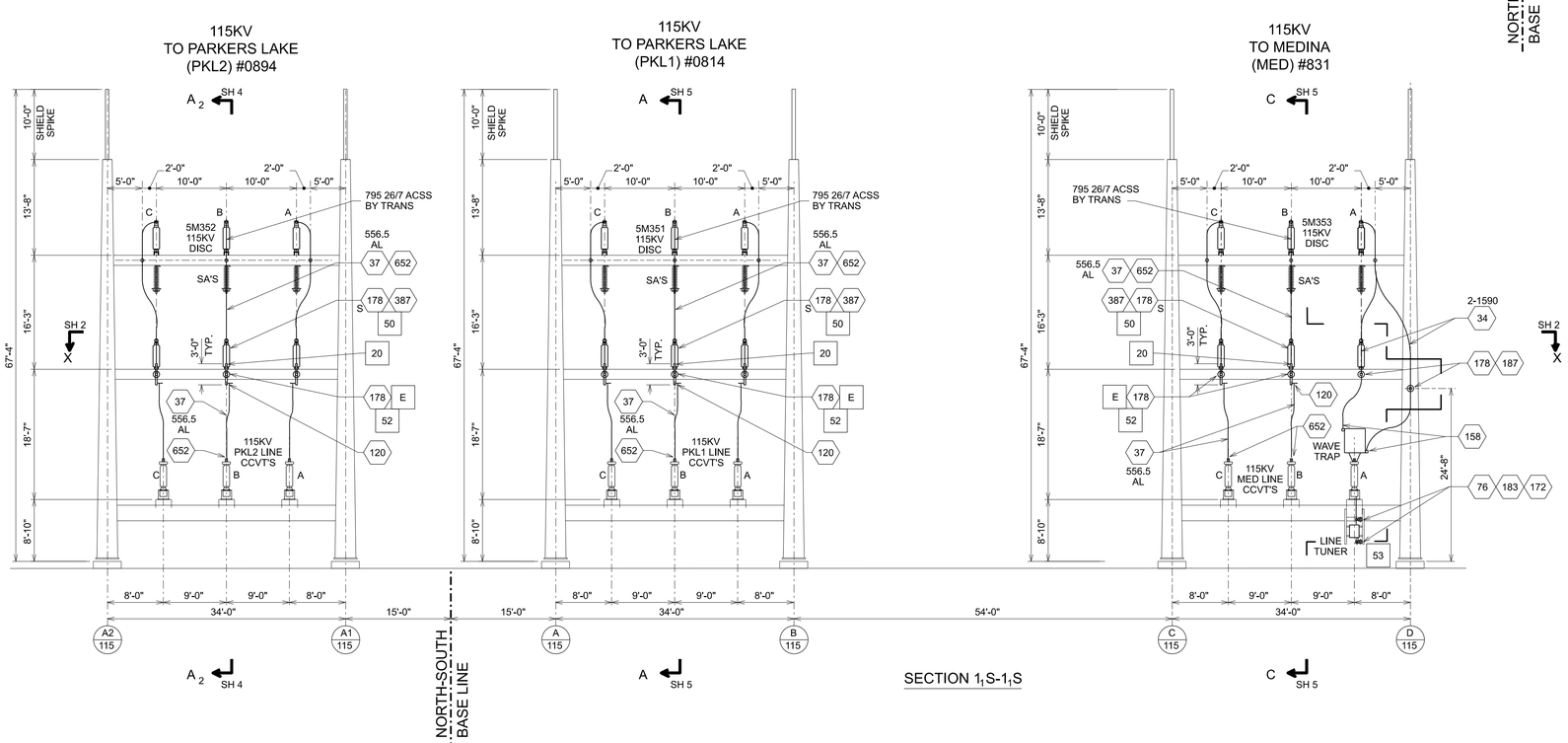

SECTION 1_1S-1_1S

REFERENCE ONLY
NO CHNAGES MADE FOR
THIS PROJECT SCOPE

SCALE IN FEET
3/32" = 1'-0"

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GLEASON LAKE SUBSTATION GSL
ELECTRICAL LAYOUT
115KV SECTIONS

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NH-173081-3.DGN
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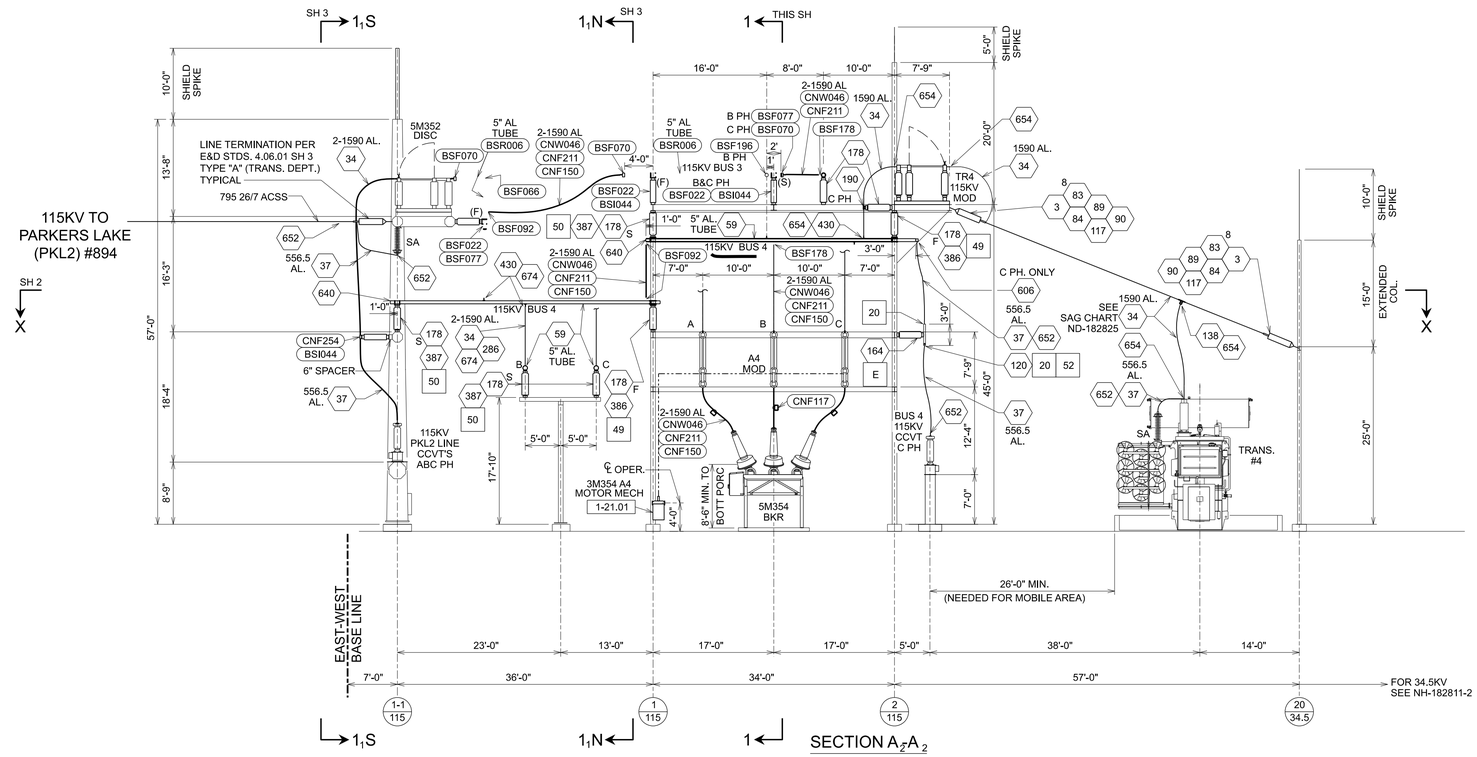

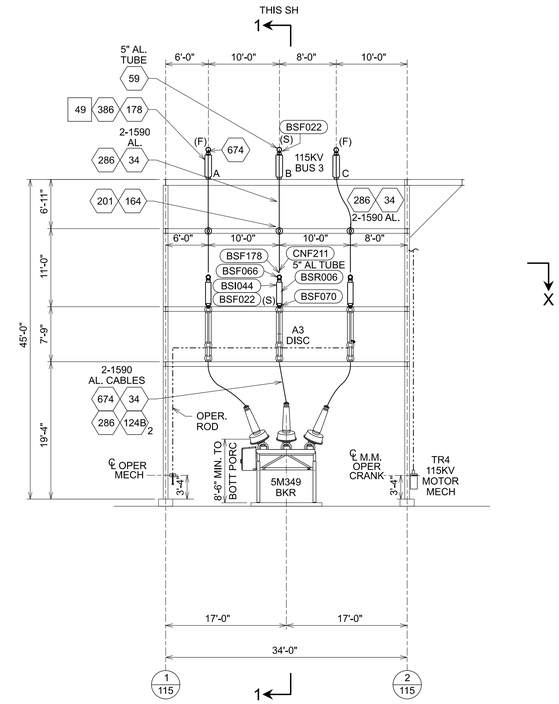

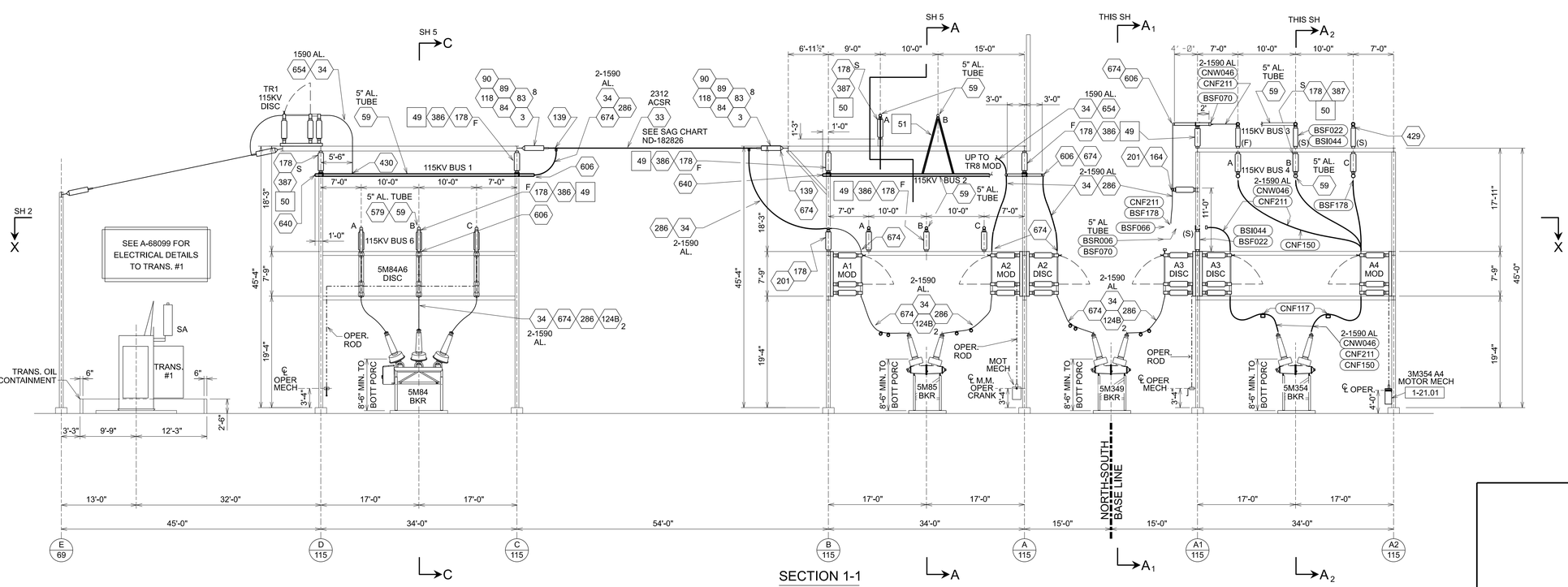

REFERENCE ONLY
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SCALE IN FEET
3/32" = 1'-0"

FOR GENERAL NOTES AND LEGEND SEE SHEET 1.
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GLEASON LAKE SUBSTATION
GSL
ELECTRICAL LAYOUT
115KV SECTIONS

Xcel Energy®
NH-173081-4
SCALE 3/32"=1'-0"
REV 3

REV	DATE	WBS 4	REVISION DESCRIPTION	REV	DATE	WBS 4	REVISION DESCRIPTION	REV	DATE	WBS 4	REVISION DESCRIPTION
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				1A	07/28/2017	A.0001255.003.001.002	GLEASON LAKE INST 115KV CAP BANK	3A	01/02/2020	A.0000521.014.001.018	IFR - GLEASON LAKE INST OIL CONTAINMENT DCP

NH-173081-4.DGN
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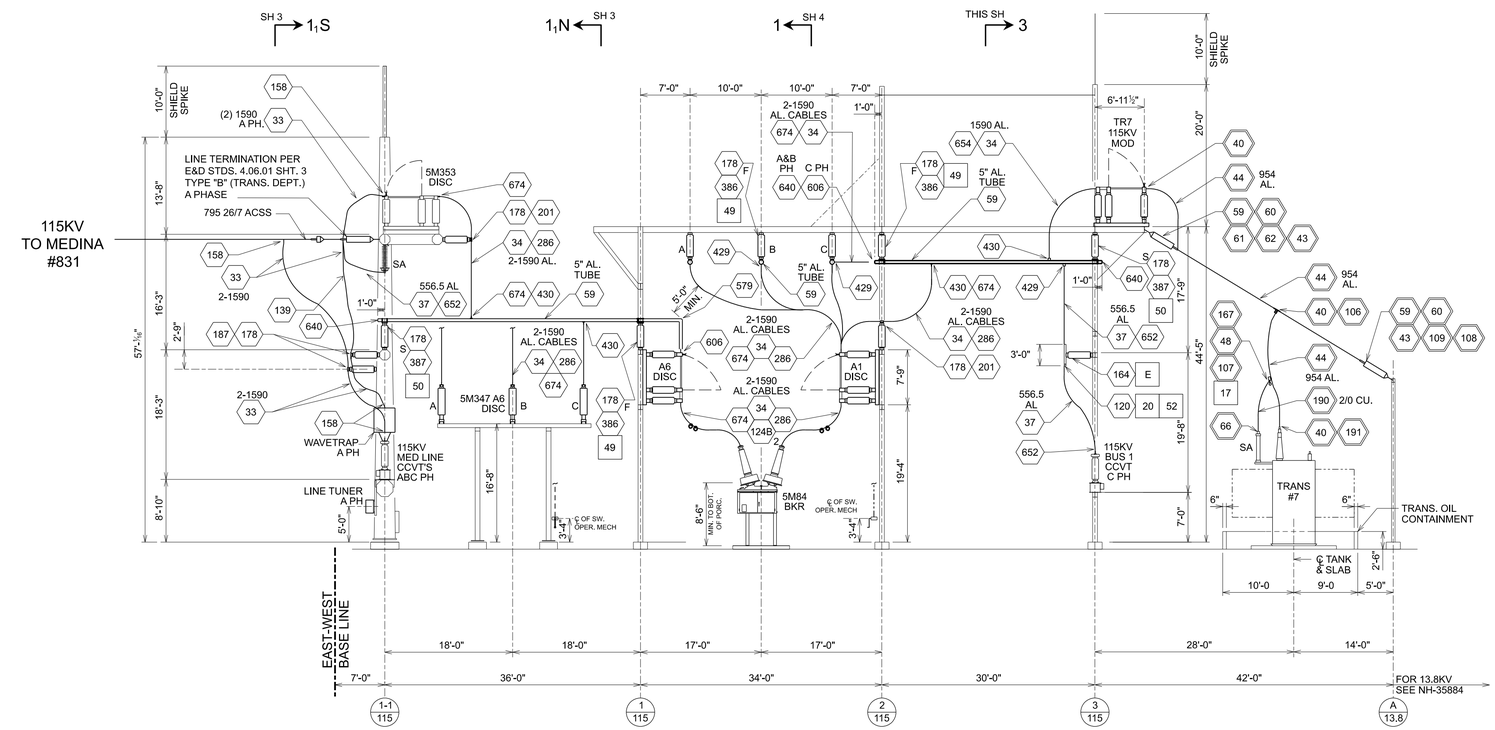

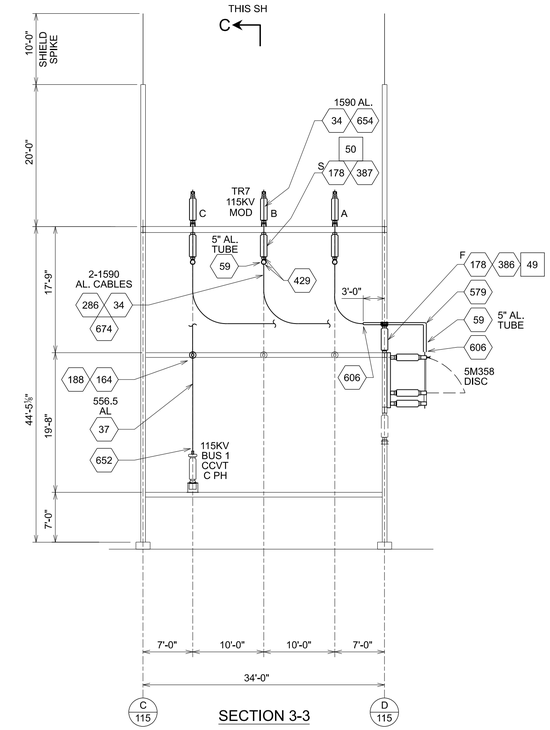

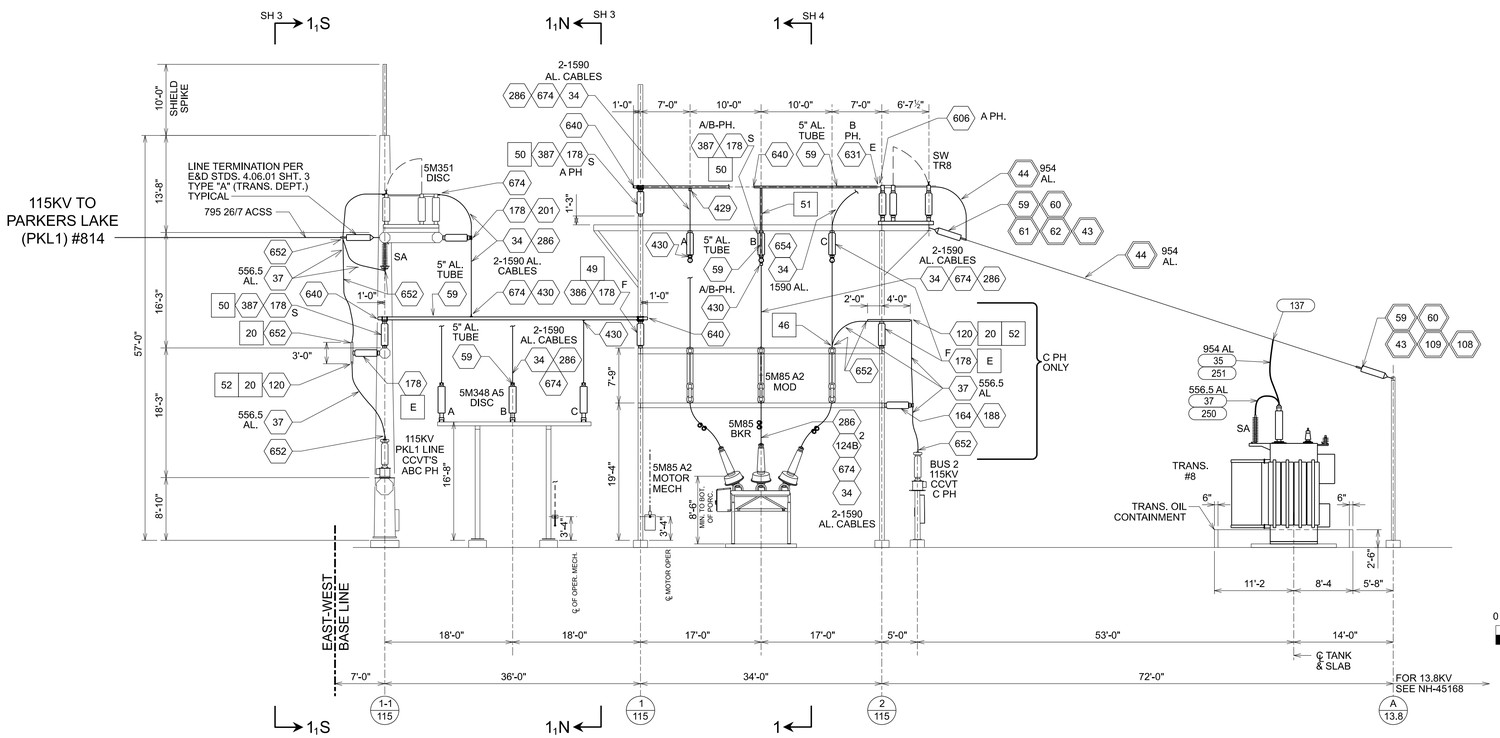

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SCALE IN FEET 3/32" = 1'-0"

FOR GENERAL NOTES AND LEGEND SEE SHEET 1.
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GLEASON LAKE SUBSTATION — GSL

ELECTRICAL LAYOUT
115KV SECTIONS

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REV	DATE	WBS 4	REVISION DESCRIPTION
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2A	10/10/2017	A.0000521.014.001.018	GLEASON LAKE INST OIL CONTAINMENT DCP
3A	01/02/2020	A.0000521.014.001.018	IFR - GLEASON LAKE INST OIL CONTAINMENT DCP

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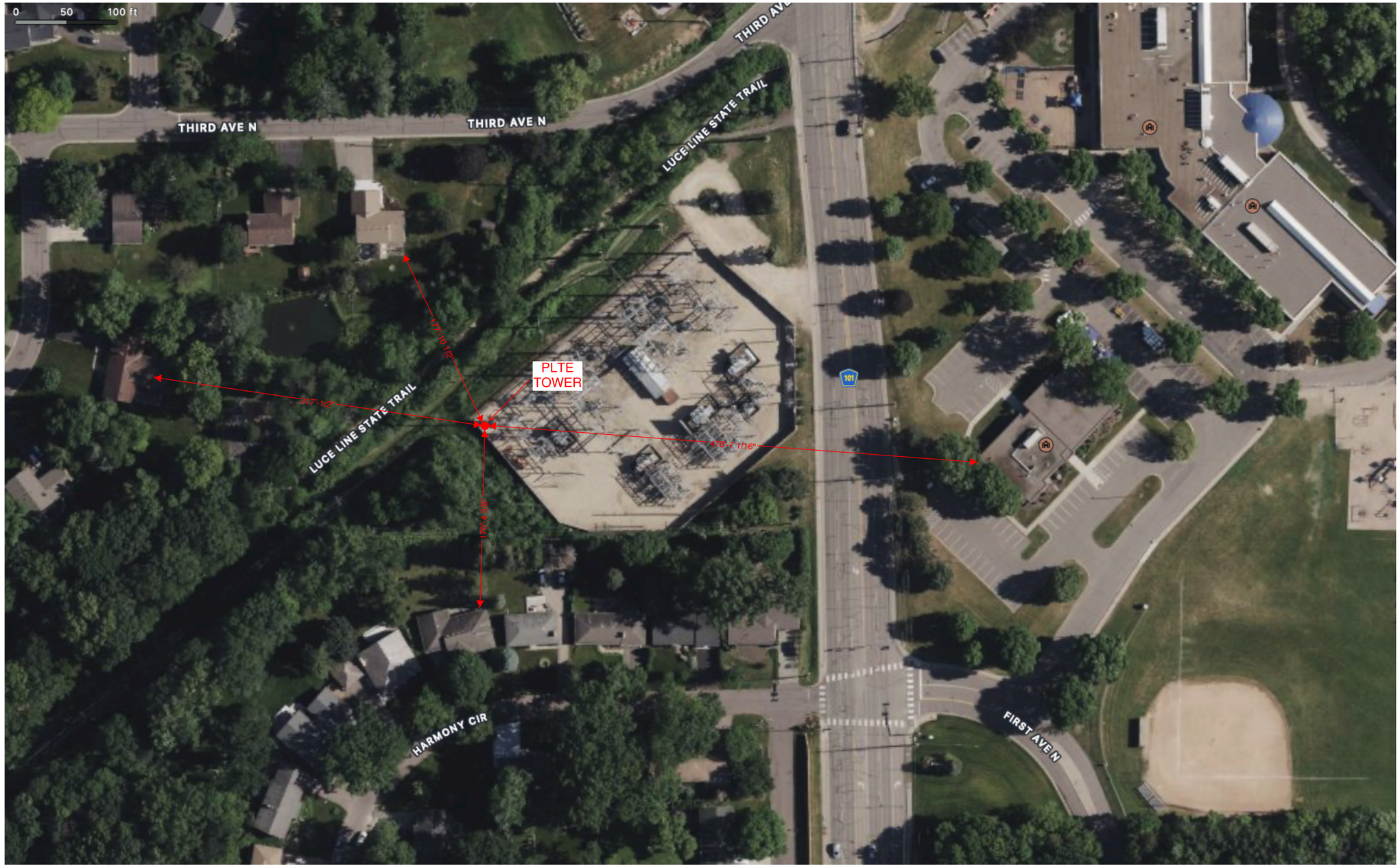

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SCALE IN FEET
2"=100'-0"

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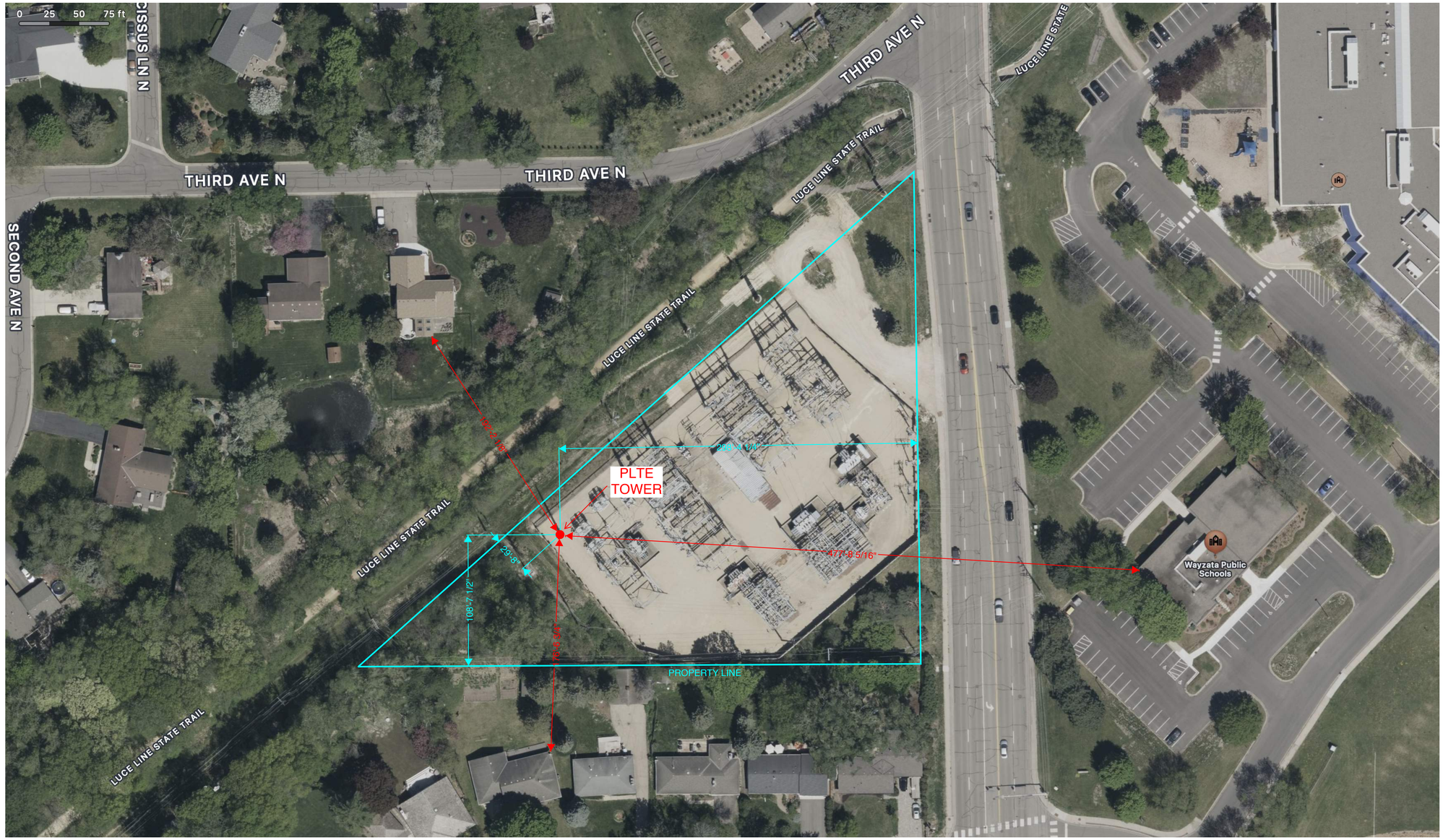
GLEASON LAKE SUBSTATION GSL

SUBSTATION PLAN

Xcel Energy®

SCALE	REV
2"=100'-0"	1



pLTE TOWER TO NORTH PROPERTY LINE - ~29'-8"
pLTE TOWER TO SOUTH PROPERTY LINE - ~108'-7 1/2"
pLTE TOWER TO EAST PROPERTY LINE - ~298'-4 1/4"

pLTE TOWER TO NORTH STRUCTURE/HOME - ~192'-2 1/8"
pLTE TOWER TO SOUTH STRUCTURE/HOME - ~108'-7 1/2"
pLTE TOWER TO EAST PUBLIC SCHOOL BUILDING - ~477'-8 5/16"

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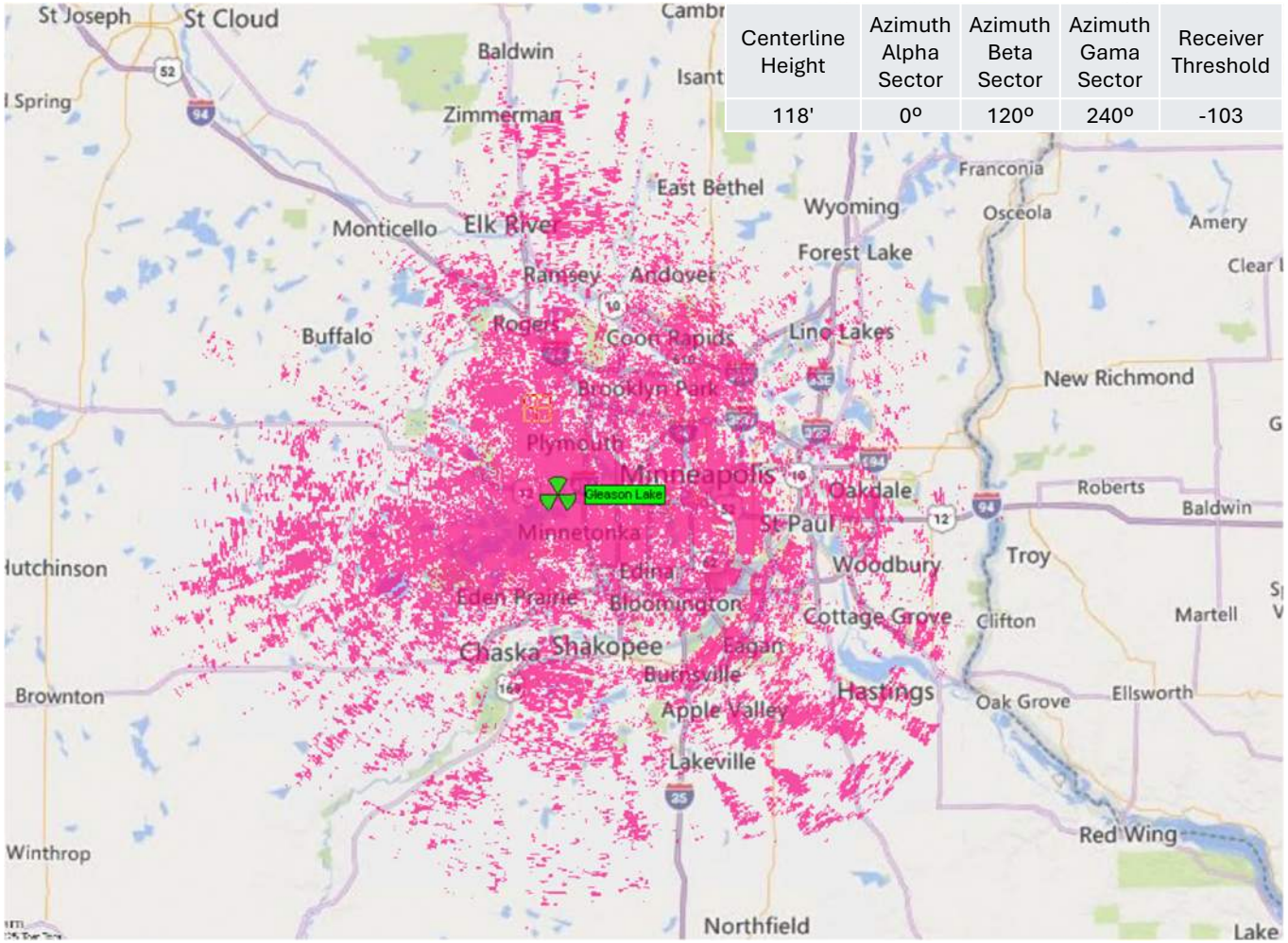
GLEASON LAKE SUBSTATION GSL

SUBSTATION PLAN

Xcel Energy®

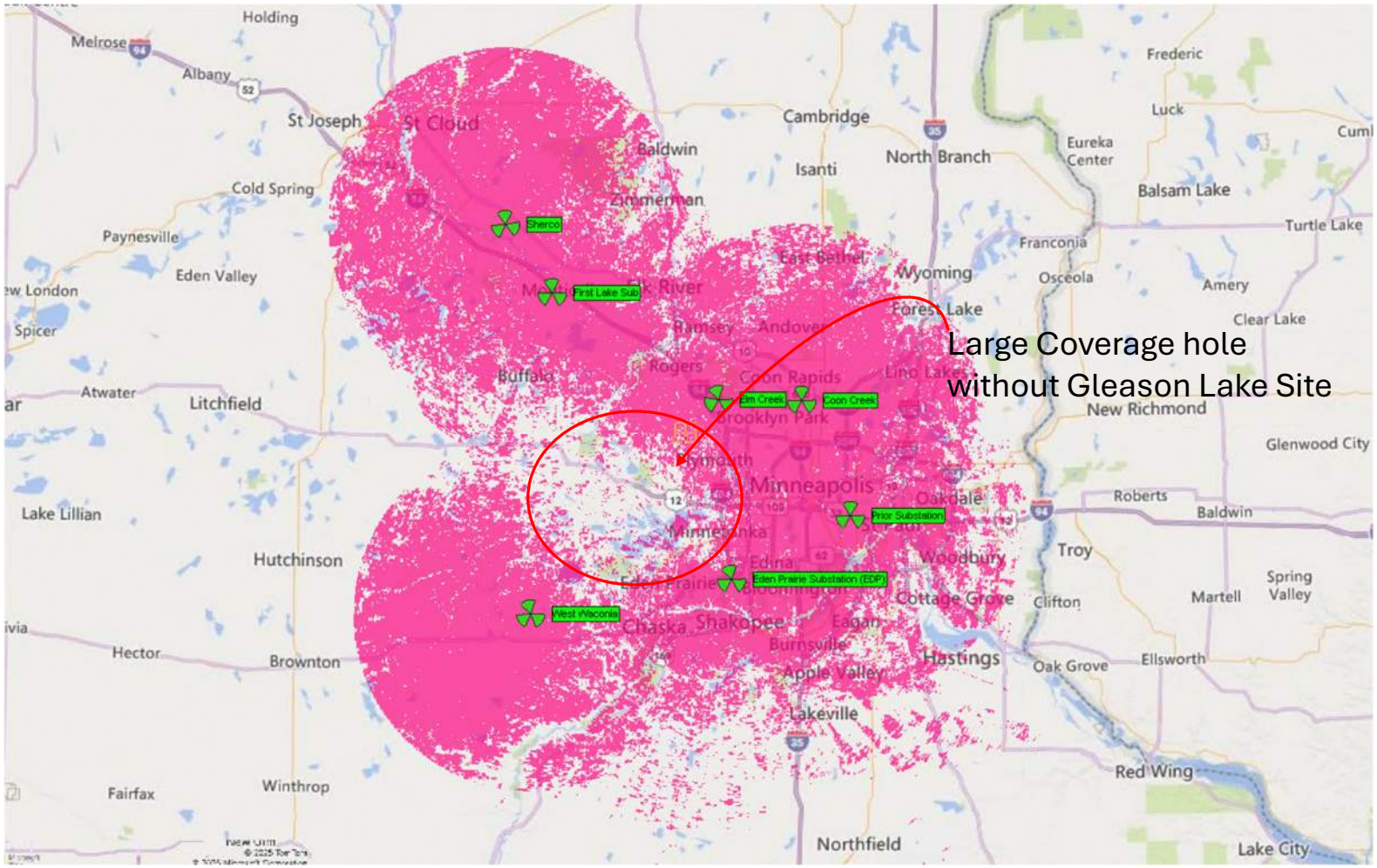
SCALE	REV
	1

Gleason Lake Stand Alone Coverage



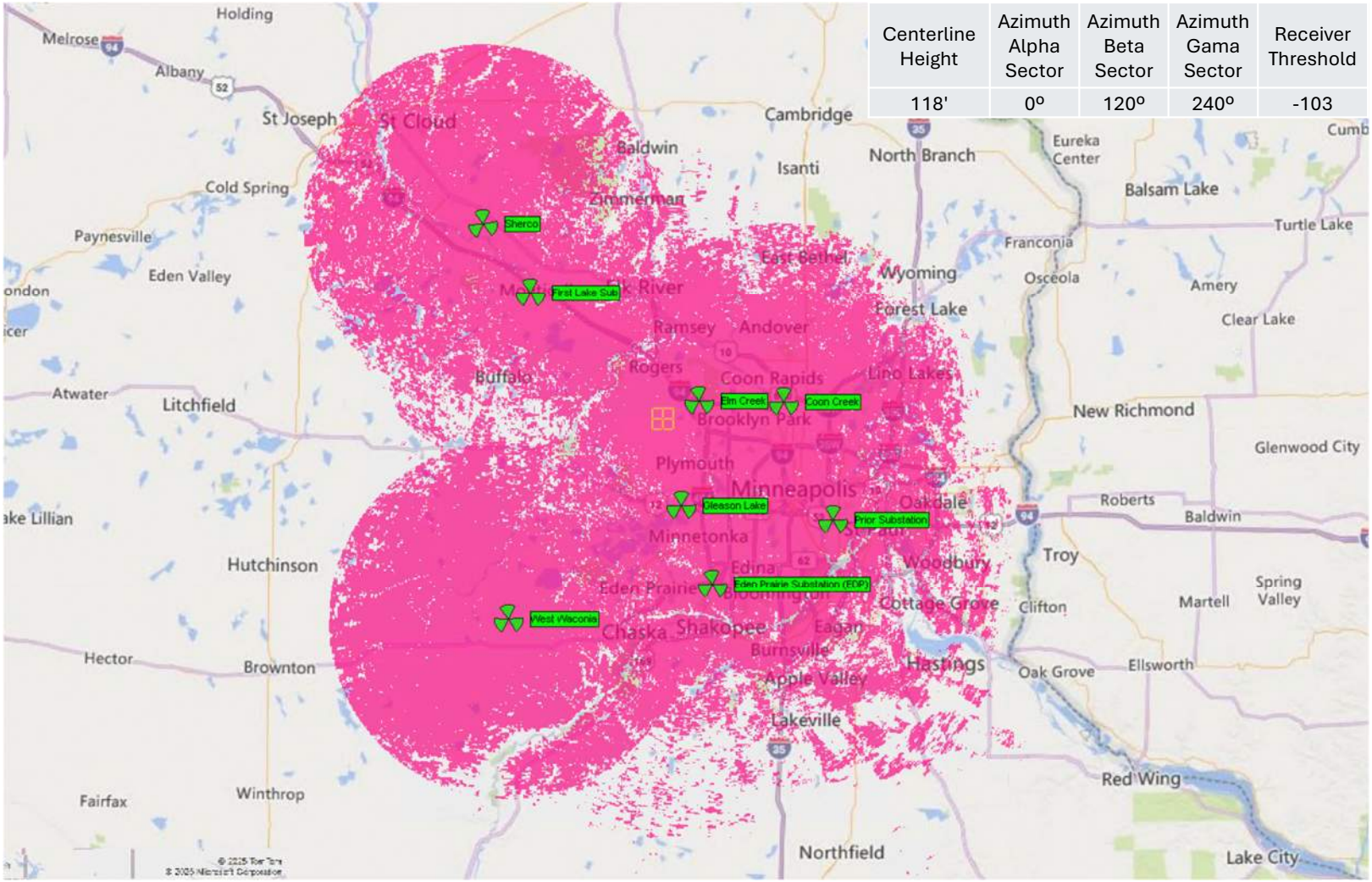
Centerline Height	Azimuth Alpha Sector	Azimuth Beta Sector	Azimuth Gama Sector	Receiver Threshold
118'	0º	120º	240º	-103

Area Coverage without Gleason Lake



Area Coverage with Gleason Lake

Centerline Height	Azimuth Alpha Sector	Azimuth Beta Sector	Azimuth Gama Sector	Receiver Threshold
118'	0º	120º	240º	-103



Gleason Lake Coverage with Legend

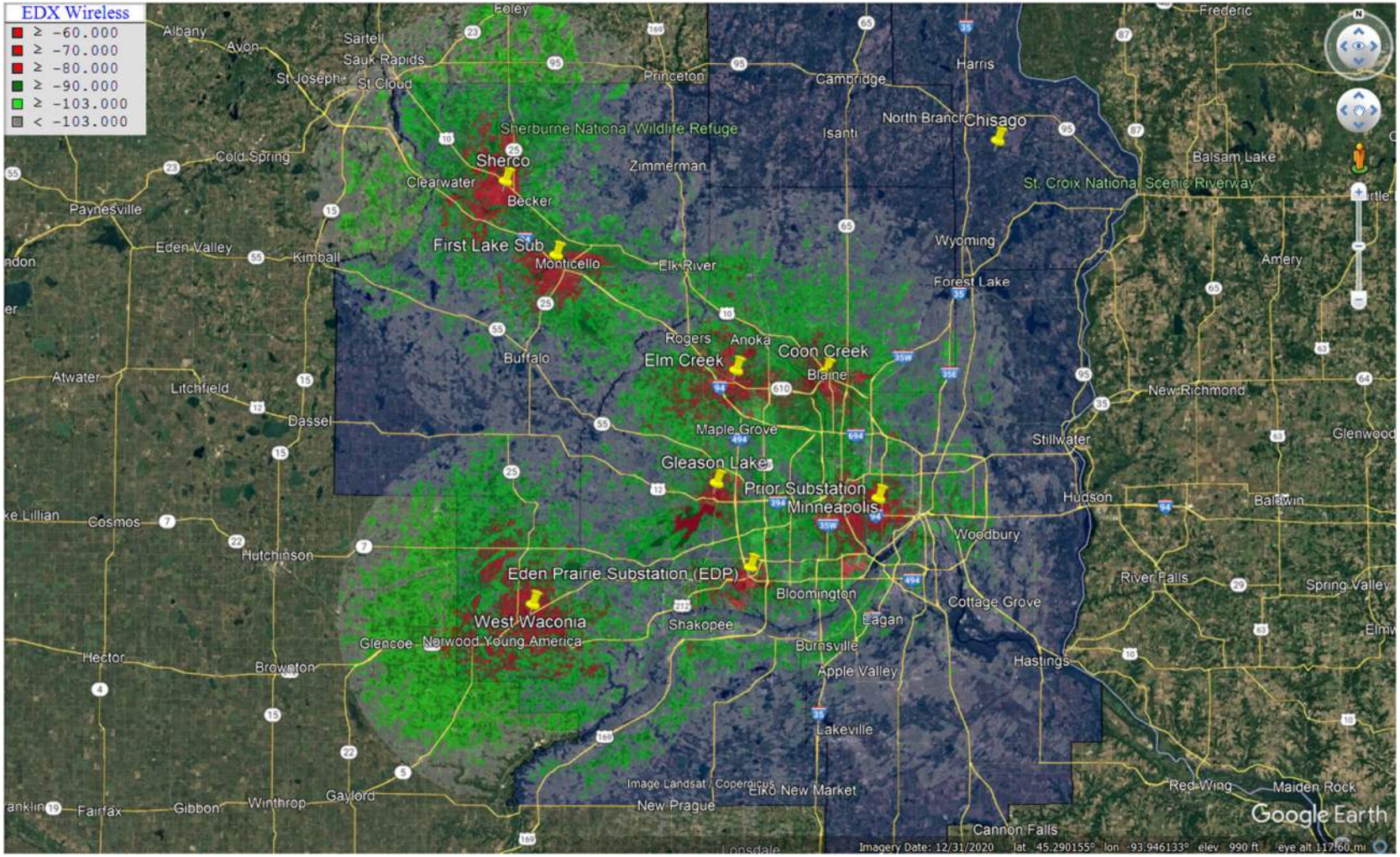


PHOTO SIMULATIONS – 3RD AVE N

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PHOTO SIMULATIONS – 3RD AVE N

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PHOTO SIMULATIONS – HARMONY CT

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PHOTO SIMULATIONS – HARMONY CT

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PHOTO SIMULATIONS – LUCE LINE TRAIL

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1. **Compliance with Permit Conditions**: We, Xcel Energy, acknowledge that we will be installing a 123-foot tall monopole at our Gleason Lake Substation located in Wayzata, Minnesota. We understand and accept that failure to comply with the conditions of the permit approval will result in the revocation of the permit and the removal of the monopole. We commit to adhering strictly to all conditions stipulated in the permit.
2. **Reimbursement of Expenses**: We recognize that any expenses incurred by the city of Wayzata in relation to the installation, maintenance, or removal of the monopole will be fully reimbursed by Xcel Energy. We commit to prompt and full reimbursement to ensure no financial burden is placed on the city due to our operations.
3. **Adherence to FCC Guidelines**: We affirm that Xcel Energy will adhere to all guidelines set forth by the Federal Communications Commission (FCC) in relation to the operation of the monopole. In the event of any complaints relating to interference caused by the monopole, we commit to resolving these in accordance with FCC guidelines.
4. **Good Faith and Fair Dealing**: We, Xcel Energy, acknowledge that we will be installing a 123-foot tall monopole at our Gleason Lake Substation located in Wayzata, Minnesota. We commit to acting in good faith and fair dealing in co-locating the monopole.
5. **Maintenance and Preservation**: We pledge to maintain the monopole in good and safe condition. The appearance of the monopole will remain the same as approved. Any changes due to weathering or other external factors will be promptly addressed to restore the monopole to its original state.
6. **City Inspections**: We recognize the city's authority to conduct periodic inspections to ensure that the monopole complies with the city's ordinance. We will cooperate fully with these inspections and make any necessary adjustments to remain in compliance.
7. **Abandonment and Removal**: We understand that monopoles not used for at least 6 months will be considered abandoned and must be taken down. We commit to adhering to this rule and will ensure the timely removal of any unused monopoles.
8. **Annual Notification**: We, Xcel Energy, will notify the City of Wayzata annually that the tower is in operation. This will be done in a timely manner and in accordance with any stipulated procedures.

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: September 8, 2025	**AGENDA ITEM:** 7.a
TITLE: Review of Development Activities	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:
Verbal updates will be provided at the meeting. Staff would like to discuss the following items:

1. Amendments to City Ordinance Chapter 810 - Swimming Pools

ACTION REQUESTED:
N/A

ATTACHMENTS:
None

City of Wayzata
Planning Commission
Agenda Report

MEETING DATE: September 8, 2025	**AGENDA ITEM:** 7.b
TITLE: Planning Commission Meeting Schedule	
PREPARED BY: Haily Hedblom, Planner	
REVIEWED BY: Alex Sharpe, Community Development Director	
60 DAY DEADLINE: N/A	

BACKGROUND:
The 2025 City Calendar and City Council Liaison Schedule are attached. The next Planning Commission meeting is scheduled for Monday, September 22.

ACTION REQUESTED:
N/A

ATTACHMENTS:
1. 2025 Planning Commission Liaison Schedule
2. City of Wayzata Calendar 2025

2025 Planning Commission Assignments at Council Meetings

	Meeting Date	**Commission Representative**
Tuesday	January 7	Blake Cameron
Tuesday	January 21	Adam Elg
Tuesday	February 4	Joe VanLoy
Tuesday	February 18	Chris Plantan
Tuesday	March 4	Bonnie Schwalbe
Tuesday	March 18	Jennifer Severson
Tuesday	April 1	Sue Ankeny
Tuesday	April 15	Blake Cameron
Tuesday	May 6	Adam Elg
Tuesday	May 20	Joe VanLoy
Tuesday	June 3	Chris Plantan
Tuesday	June 17	Bonnie Schwalbe
Tuesday	July 1	Jennifer Severson
Tuesday	July 15	Sue Ankeny
Wednesday	August 6	Blake Cameron
Tuesday	August 19	Adam Elg
Tuesday	September 9	Joe VanLoy
Tuesday	September 23	Chris Plantan
Tuesday	October 7	Bonnie Schwalbe
Tuesday	October 21	Jennifer Severson
Tuesday	November 4	Sue Ankeny
Tuesday	November 18	Blake Cameron
Tuesday	December 2	Adam Elg
Tuesday	December 16	Joe VanLoy

City of Wayzata
2025 Meeting Calendar

January 2025

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

February 2025

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

March 2025

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

April 2025

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

May 2025

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

June 2025

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

July 2025

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

August 2025

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

September 2025

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

October 2025

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

November 2025

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

December 2025

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

Revised
5/27/2025

Energy & Environment 5:30 PM

Planning Commission - 6:30 PM

City Council - 7:00 PM
Local Board of Appeal & Equalization - April 17th

Charter Commission - 9:00 AM

Lake Minnetonka
Conservation District (LMCD)

Heritage Preservation
Board (HPB) - 11:30 AM

Housing & Redevelopment
Authority (HRA) - 7:30 AM

Parks & Trails Board - 6:00 PM

Night to Unite

Holiday Observed
City Offices Closed

Election
Precinct Caucuses - no statewide caucus in 2025

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