

Wayzata City Council Workshop Meeting Agenda
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, December 15, 2015

WORKSHOP TOPICS FOR DISCUSSION:

1. Discuss Parking Ramp Design & Financing Options (5:00 PM) Page 2
2. Wayzata Country Club Gun Range (5:45 PM or immediately following) Page 3
3. Review 529 Indian Mound E. Redevelopment Concept Plan (6:30 PM or immediately following) Page 29



City of Wayzata
600 Rice Street
Wayzata, MN 55391-1734

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Heidi Nelson

Date: December 8, 2015

To: Mayor Willcox and Councilmembers

From: Heidi Nelson, City Manager

Subject: Discuss Mill Street Parking Ramp Design & Financing Options

At the November 17th City Council meeting, Council voted to finalize the Programming and Pre-Design for the Mill Street Ramp and directed staff to proceed with Architectural and Engineering services for a Grade + 2 level ramp. The motion made by council included direction to explore design options to address scale/massing of the structure as well as for a roof and amenities that would screen from a visual and security perspective the neighborhood to the north. Council further directed staff to reach out to potential design firms to see if they would be willing to put forth a design concept on a pro-bono basis.

Staff has reached out to Walker, a well-known parking ramp design firm, who has partnered with HGA Architects. They have agreed to provide the city with assistance with design and will be in attendance at the workshop to outline their experience and proposal. All of the background material and documents from the Mill Street Ramp Programming and Pre-design effort have been provided to Walker/HGA.

In addition, staff has continued to explore financing options for the ramp with our financial advisors and legal counsel. Staff has determined that a TIF Revenue Bond, issued by the HRA (Housing and Redevelopment Authority) could be utilized to fund the ramp project. The bond would not need to be backed by the general obligation (GO) of the city, but only by the TIF revenue stream from the Wayzata Bay Center Redevelopment and the potential use of the Widsten TIF district funds. This bond would be issued under the authority of the HRA. The costs of issuance are greater (higher rate, debt coverage, and reserve requirements) in a non-GO backed bond and would need to be weighed in considering the use of the HRA for issuance. Staff will discuss this funding option with the Council at the workshop.



WAYZATA POLICE DEPARTMENT

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Wayzata, MN 55391-1734
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MEMORANDUM

To: Heidi Nelson
From: Michael Risvold
Date: December 10, 2015
Re: Wayzata Country Club Trap/Skeet Range

The Wayzata Country Club WCC has operated a trap/skeet shooting range on Wayzata Country Club property since obtaining permission from the city in 1956. The permission was granted by city council action on October 2, 1956. The only parameters addressed in granting this permission was the location and the types of firearms that would be allowed (see attached meeting minutes).

Over the years, the city and police department have received complaints about the gun range from time to time, mostly addressing the noise issues resulting from the gun range operation. Complaints to the police department in 1999 resulted in Wayzata Police conducting decibel reading tests surrounding firearm discharge at the range. Notes from that test indicate the decibel readings from several 12 gauge shotgun blasts fired by Wayzata PD staff were less than the noise of the highway traffic, which registered at 61 decibels. WCC commented at the time that no legal recourse was fitting, as they felt they had "a legal non-conforming use situation. That is, we were operating before any statutes were created, therefore we are allowed to continue operating as long as we make no significant changes in the operation."

As we understand it, the range currently operates during the months of September through the end of March. Shooting takes place every Saturday and Sunday between 12 Noon and 4PM.

In late 2014/early, 2015, Wayzata Police again received complaints relative to noise and the operation of the gun range at WCC. Areas of concern brought up by neighbors included noise, potential use of lead ammunition in and around a wetland, increased use of the range as a selling point for WCC membership, and range operations every weekend, diminishing the neighborhood's quality of life and potentially affecting property values.

City staff spoke with concerned neighbors and listened to their concerns. Staff also met with WCC representation. It was hoped through those meetings that the two sides would get together and come to some type of compromise to the operation. One idea presented by neighbors was to limit the shooting to one day per weekend so as to not have noise in the neighborhoods on both weekend days. Based on



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conversations with both sides, conversations about a city council workshop, which staff had hoped to conduct in March, 2015, were tabled. It was agreed that each side would meet with each other independently and attempt come to some type of compromise. Staff checked with WCC General Manager Chris Gerardi on a regular basis to ascertain if there was any progress. Each time, Mr. Gerardi indicated that no one from the neighborhood had contacted them and they were waiting.

On March 10, 2015, I received the attached documents from Chris Gerardi with WCC indicating that WCC staff had conducted an independent noise study of the gun range. The results of that study appear to be similar to those obtained in 1999 relative to decibel levels. Those readings are attached. It should be noted that staff discussed the ammunition being used at the range with Mr. Gerardi. He assured staff that all ammunition being used contained steel shot, and no lead was being used. Staff also visited the range and took several photographs of the grounds (attached).

In July, 2015, I received a copy of a letter drafted by an attorney on behalf of the Myrtlewood neighborhood to the WCC demanding that the gun range be shut down. It's my understanding that no meeting between the two sides ever took place. Since the range has opened up again in the Fall of 2015, we have received another complaint. Based on this information, staff felt a city council workshop was appropriate.

Wayzata city ordinance related to firearms discharge in the city is found in Chapter 704 of Wayzata city code. Chapter 510, identified by the neighborhood, references activities that require licensing by the city. These operations include bowling alleys, pool halls, billiard halls, and shooting galleries. It is staff's interpretation of ordinance that a trap/skeet range is different than a "shooting gallery," although shooting gallery is not defined in the ordinance.

Council Chambers
City Hall
October 2, 1956

Record of the Proceedings of the City Council of Wayzata, Minnesota, at the Regular Meeting Held on October 2, 1956.

The meeting was called to order by Mayor H. O. Kallestad at 7:40 P.M. On roll call the following councilmen were present: Ackman, Feser, Palmer.
Absent: Dodge.

It was moved by Councilman Ackman and seconded by Councilman Feser that minutes of the meetings of September 4, 6, 8, and 18 be approved as reported to the council. On viva voce vote the motion carried.

Mr. Richard Peterson addressed the council concerning a 2 flat to be located on Minnetonka near Rice Street, on a lot zoned commercial. Mr. Peterson said the building could be adapted for use as an office building in the future. Mr. Peterson was referred to the Planning Commission by the council.

Mr. Nisson Mandel addressed the council and stated he was interested in acquiring the municipally owned property at Ferndale and Grove. Mandel said he wanted to erect a modern apartment building on the S.E. corner of Ferndale and Grove.

Councilman Ackman stated that the property in question is looked upon as park property and consideration of conveyance of the title posed many difficult questions. Mayor Kallestad said he would vigorously oppose sale of the land for private gain.

Charles Arnao appeared before the council on behalf of the Wayzata Country Club. Mr. Arnao requested a permit from the council for a trap shooting range to be located on Country Club property directly south of Myrtlewood Road on the south side of U. S. Hiway 12 on land adjacent to the Great Northern right-of-way. Mr. Arnao said the land was in a game refuge and the Country Club had received permission from the State for the skeet shoot and trap range. Arnao said the only weapon to be discharged would be the shotgun. In response to a council question Arnao emphasized that rifles would not be discharged on the range.

It was moved by Councilman Ackman and seconded by Councilman Feser that the council allow the Wayzata Country Club to operate a trap range and/or skeet shoot on the above described property. On viva voce vote the motion carried.

Mr. C. L. Grandin and Mr. Charles Bellows addressed the council concerning the maintenance of roads in Highcroft Subdivision. Mr. Grandin said he felt the city should accept the Highcroft Roads and maintain a satisfactory surface and base condition. The city manager pointed out the surface could not be classified as permanent and there was some question as to the city's responsibility for maintenance. Mr. Bellows said the treatment on the roads was recommended by the city engineer and that Bituminous Roadways did the original work. The city engineer stated the work done could not be considered a permanent surface and was not intended as such. Bellows said it was their understanding the roads would be accepted by the city upon completion of oiling.

Mr. Grandin said the Highcroft group might participate on an equal share basis of road repair. General discussion continued on Highcroft. Councilman Palmer said the council should determine what work Bituminous Roadways Co. had done on the roads. Councilman Ackman observed that if the roads are unsatisfactory, what would be the next step. Ackman said that sooner or later a prepared base with an asphaltic concrete surface could be installed, either by special assessment, or on a cooperative basis among the property owners.

The city manager queried Mr. Grandin as to whether the Highcroft group would consent to special assessments at a future determined date and enter into an agreement with the city, guaranteeing the improvement.

Councilman Ackman said he would be opposed to this arrangement.

Mr. Bellows suggested an estimate be made of the cost of immediate road repairs. Councilman Ackman said the council would take the matter under advisement.

It was moved by Councilman Palmer and seconded by Councilman Feser, that the city enter into a contract with Burton I. Petri, architect, registered to do business in the State of Minnesota, for plans and specifications for an equipment storage garage; and that the Mayor and city manager be authorized to sign the contract on behalf of the city. (Copy on file in office of city manager.) On viva voce vote the motion carried.

It was moved by Councilman Ackman and seconded by Councilman Feser to approve

the plans and specifications for an equipment storage garage and to direct the city manager to advertise for bids to be opened at 8:00 P.M. October 16, said bids to include the following alternates:

- (1) No overhead doors on the building.
- (2) Entire building to be 35' wide outside dimension.

On roll call the vote was: Ayes: Ackman, Feser, Kallestad, Palmer
Nays: None.

The Mayor declared the motion carried.

Captain Roy Jones, United States Army Reserve, member of the 781st Tank Battalion Ft. Snelling, spoke to the council relative to construction of an armory in Wayzata. Capt. Jones said that if 50 reservists could be recruited in Wayzata, there was an excellent chance of locating an armory here. Capt. Jones continued that the army wanted an expression from the council on their willingness to have such an establishment and also assistance in presenting the advantages of Reserve training to young men of the community.

Mayor Kallestad said the council's function as he understood it would be to cooperate and help create a favorable community climate towards the enterprise.

The council informed Capt. Jones the subject would receive serious consideration.

Captain Jones said the army would be glad to bring an M-47 tank to Wayzata and participate in the Wayzata High School Homecoming Parade. Mr. Johnson, Principal of the High School and present at the meeting, said he felt the students would enjoy having a tank in the parade.

The city manager read a letter from the Secretary of the Wayzata Chamber of Commerce requesting more stringent traffic control at the east end of Lake Street. The council instructed the city manager to handle the matter.

Councilman Feser requested Mr. Johnson to assist the city in seeking to have high school students exercise more care in walking along Barry Avenue.

It was moved by Councilman Palmer and seconded by Councilman Feser to approve the application of William Doder for a city plumbing license. On viva voce vote the motion carried.

It was moved by Councilman Feser and seconded by Councilman Palmer to approve the application of McWilliams Plumbing & Heating Co. for a city plumbing license. On viva voce vote the motion carried.

It was moved by Councilman Ackman and seconded by Councilman Feser to allow expenditure of \$150 to the District Director of Internal Revenue for a Wholesale Liquor Dealer's Stamp for the liquor store. On viva voce vote the motion carried.

It was moved by Councilman Palmer and seconded by Councilman Feser that the High School Homecoming Committee be granted a permit to install a Homecoming Banner sign on Lake Street. On viva voce vote the motion carried.

It was moved by Councilman Palmer and seconded by Councilman Feser that the meeting be adjourned. On viva voce vote the motion carried at 10:30 P.M.

W. Kallestad
Mayor

Attest:

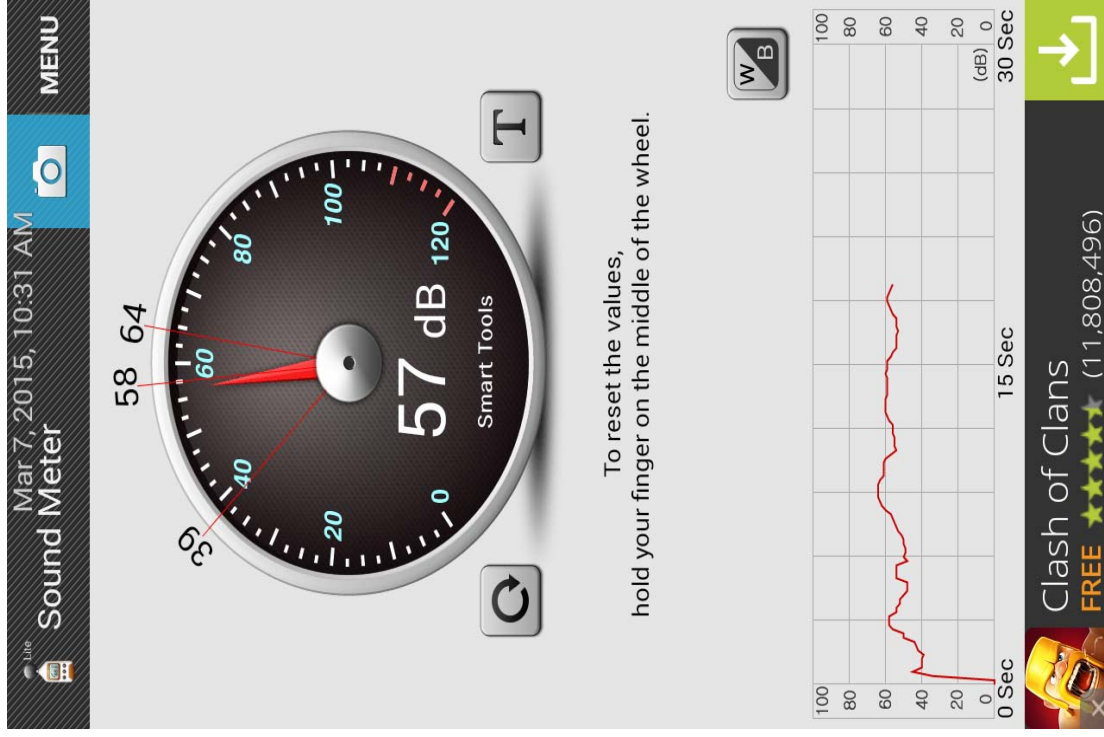
Ronald E. Piper

City Manager

Test 1

Myrtlewood and Wayzata Blvd

39db standard reading
58db Car driving by
64db truck driving by

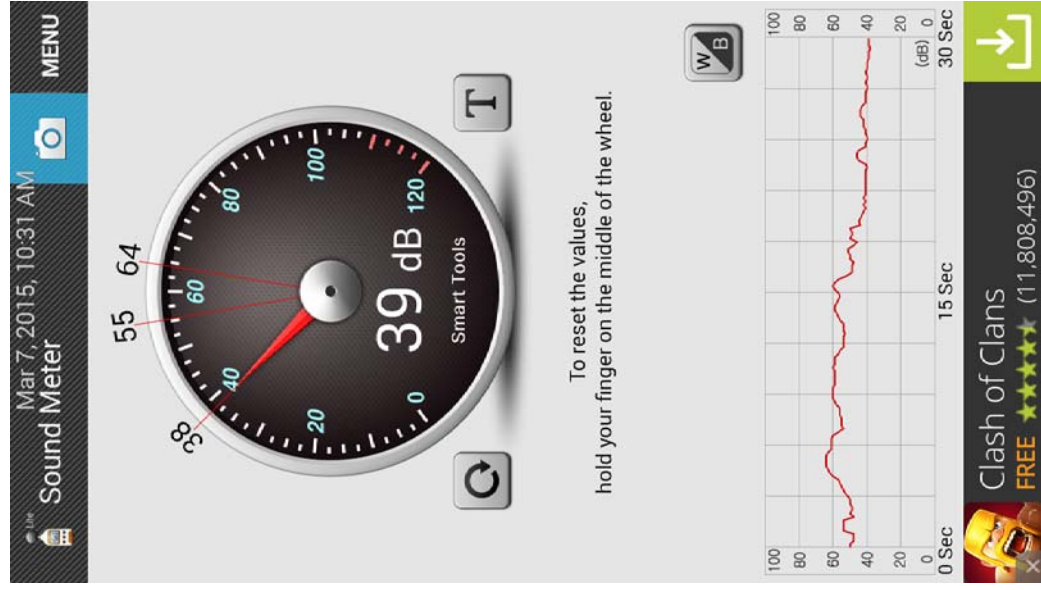


Test 2

WCC Trap & Skeet

Field

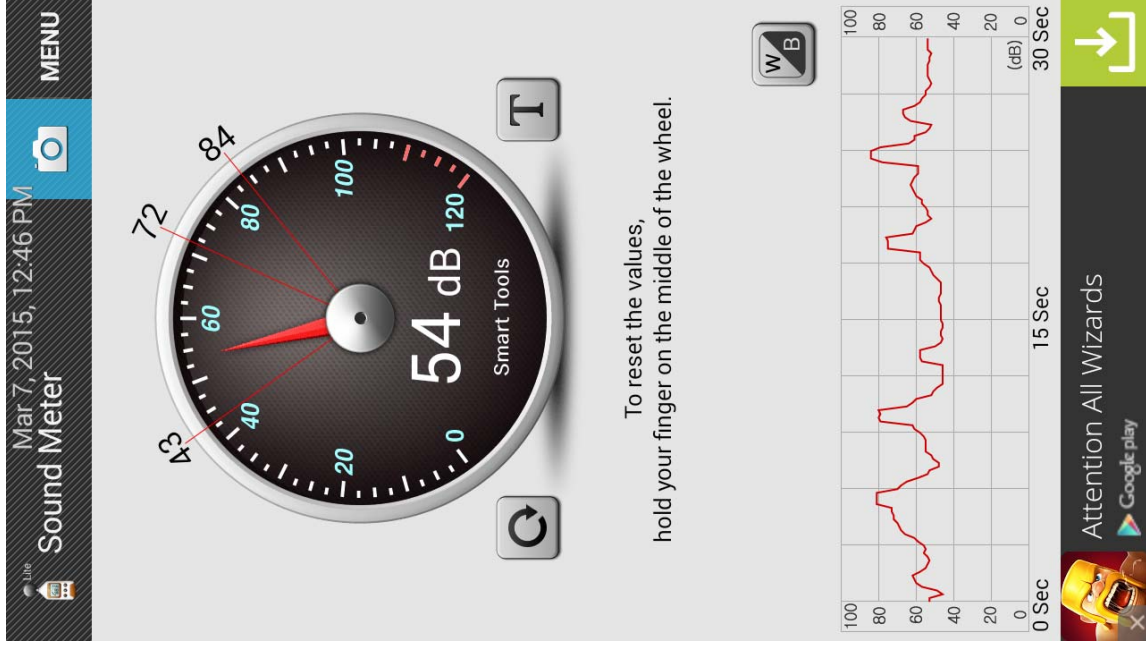
- 38db Standard
- 55db Road Noise
- 64db Train



Test 3

Wcc Trap & Skeet Field while shooting

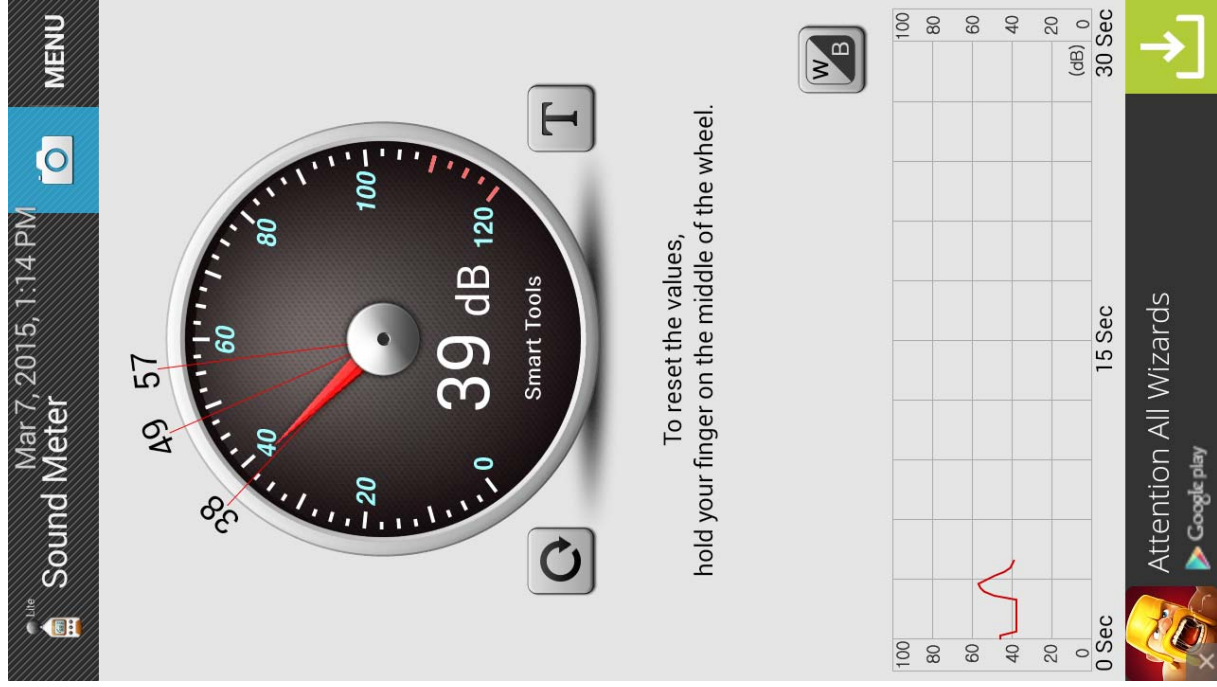
- Standing in front of club house.
- Db varied with muzzle direction



Test 4

Myrtlewood & Wayzata Blvd

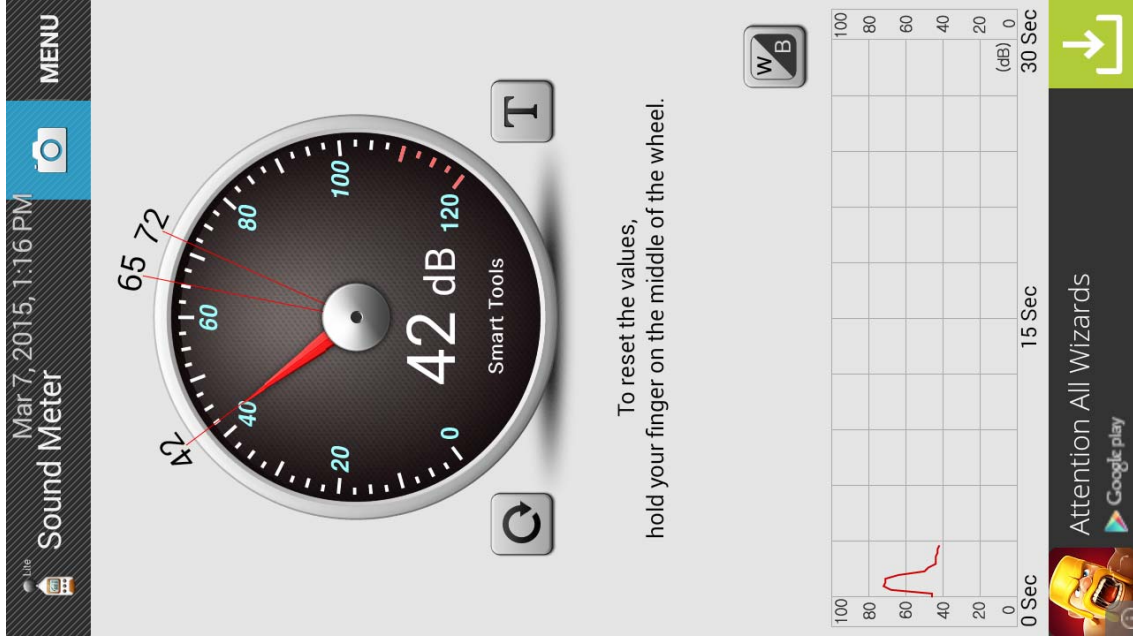
- Shooting in progress
with no traffic



Test 5

Myrtlewood & Wayzata Blvd

- Shooting in progress
with Traffic



Russell A. Norum

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ADMITTED IN:
MINNESOTA
TEXAS

LEGAL ASSISTANT
TERRY NORUM

July 24, 2015

Wayzata Country Club
200 Wayzata Blvd. W.
Wayzata, MN 55391

Re: Citizens Request to Permanently Close Gun Range

Dear Board of Directors of the Wayzata Country Club

Please take notice that a group of citizens that reside close to the Wayzata Country Club gun range, has asked the law firm of Russell A. Norum to contact the Club and to request that the Club close down the gun range.

The citizens contend that when gun range is active in such close proximity to their residences, the noise disturbs their peace and quiet, and prevents them from enjoying outdoor activities. The citizens further contend that the surrounding wildlife and natural resources are being damaged by the constant noise that occurs while the range is in operation, and that the wetlands are being contaminated with clay pigeons and steel shot. Also, there is a concern for the safety of the individuals that live in close proximity to the range. Further, the citizens contend that the noise levels exceed those imposed by state and local ordinances.

Beth Davis: Resident

"I grew up around guns and would occasionally trap shoot with my dad as a teenager. That said, I understand the fun and fellowship involved in the trap/skeet range, but have a different perspective living so close to a shooting range. We live about ¼ mile from the country club and can easily hear the gunshots from the range in and outside of our house. With the loss of leaves and frozen surroundings in the fall and winter, the gunshots become a louder and more unpleasant part of our Saturday and Sunday afternoons. The shots are even heard in the background of our home videos."

William Henderson: Resident

"While I live somewhat further away from the range than the Davis residence, the noise from it is certainly a part of the fall and winter landscape. I do think that Ms. Davis has a legitimate concern about its intrusiveness. I know that when I walk along Old Long Lake Road, or Wakefield Rd., or in The Big Woods that the sounds are loud and insistent. I have also often wondered what it does to the birds residing in the area."

Dean B. Thomson: Resident

"I live at 685 Old Long Lake Road across the Luce Line from the Wayzata Country Club, and am writing to express my family's displeasure with the Club's continued use of this gun range on the weekends when my family is all at home trying to enjoy time in our yard. We can hear every discharge from the range, and the noise is quite loud. Use of the shooting range definitely disturbs our quiet enjoyment of our property. We would appreciate the Club considering discontinuing the range or at least during the weekend. Perhaps another hole on the executive course or a bubble for winter activity would be a good substitute. The time when the Club was a distance from other homes and a shooting range was not a nuisance have long since passed."

Pete & Mary Nell Bovee: Residents

"Dear Sir, We would like to add our voice to those who have expressed complaints @ the trap & shoot division of your club. As you know the noise is very disturbing & as a neighbor is experiencing, this disturbance clearly diminishes property values. We understand the "we were here first" argument, however, times change. Years ago there was a slaughter house in midtown Manhattan. Please understand I have nothing against guns; just the time & place. I owned my first gun when I was 12 yrs old. Over the years we have lived in other neighborhoods. We have never had a better neighbor than your club. Your maintenance staff is courteous & considerate; a tribute to your management skills and your members are delightful But when the guns rattle the pots & pans in the kitchen (that's a stretch but not by much) the weekends are less than pleasant. We are hopeful that you will consider mitigating what to us is a very intrusive dimension."

It is believed that both Wayzata and Orono sound levels allowed by their respective municipal sound ordinances have been exceeded. The concerned citizens of Wayzata and Orono believe that the sound levels produced while the range is in operation is an unreasonable disturbance of the peace in the neighborhood.

To support the citizens' request that the gun range close permanently, the following memorandum is submitted.

THE SOUND PRODUCED BY THE GUN RANGE EXCEEDS PERMISSABLE NOISE STANDARDS

The application of noise standards in the State of Minnesota is made more difficult than it actually is by their various methods by which they are interpreted and enforced. A review of the basic applicable State and Federal statutes, Federal Regulations, Minnesota Agency powers, Minnesota Administrative Rules, and the Local Municipality Ordinances, along with Permit requirements, follows.

ENFORCEMENT:

Minn. Stat. § 87A.08, subd. 1(a): (Shooting Ranges)

Subdivision 1(a), in part, states as follows:

Public safety Laws: zoning. (a) Nothing in this chapter prohibits enforcement of any federal law. To the extent consistent with this chapter, other state laws regarding the health, safety, and welfare of the public may be enforced. ***To the extent consistent with this chapter, a local unit of government with zoning authority jurisdiction over a shooting range may enforce its applicable ordinances and permits.*** Nothing in this chapter shall supersede more restrictive regulation of days and hours of operation imposed by the terms and conditions of ordinances and permits that are in effect on May 28, 2005. (Emphasis added)

Minnesota Stat. § 116.07 POWERS AND DUTIES (Pollution Control Agency)

Subdivision 2(c), in part, states as follows:

The Pollution Control Agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably human health or welfare, animal or plant life, or property, ***or could interfere unreasonably with the enjoyment of life or property.*** (Emphasis added)

What the state gives in 116.07, subd. 2(c), it takes away in 116.07, subd 2(a), which, in part, states as follows:

2(a). Exemptions from standards.

No standards adopted by any state agency for limited levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to ... (4) skeet, trap or shooting sports clubs,

After taking away The Pollution Control Agency's power to enforce noise standards on gun ranges, the statute appears to give the noise enforcement power to the local unit of government. *Minn. Stat. § 116.07, subd. 2(a)*, in part, states, that, ***"Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, ... conducted at a facility specifically designed for that purpose that was in operation on or before July 1, 1996. (Emphasis added)***

Before I refer to the Orono and Wayzata Noise Control Ordinances, I would like to review the Minnesota Rules related to the measurement of the levels of sound that would be related to the operation of a gun range.

Minnesota Administrative Rules, Section 7030.0040 NOISE STANDARDS:

Subpart 1. Scope. These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7030.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare....

Subpart 2. Noise Standards

Noise Area Classification	Daytime		Nighttime	
	L ₅₀	L ₁₀	L ₅₀	L ₁₀
1	60	65	50	55
2	65	70	65	70
3	75	80	75	80

The Minnesota Administrative Rules, Section 7030.0030 state that:

No person may violate the standards established in part 7030.0040, unless exempted by *Minnesota Statutes, section 116.07, subdivision 2a*. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

The acceptable way to measure the sound levels are contained in *Minn. Admin. Rules 7030.0060*. No attempt will be made to scientifically analyze these rules, but the comments are included for reference purposes that would need further study and clarification.

It is more instructive to review the Proposed Amended Noise Control Ordinance that would repeal and replace *Chapter 13, Sections 51-59A, of Orono Code of Ordinances. April 13, 2015*. Of course, the reason the Municipality of Orono is involved in this discussion that several of the concerned residents that are affected by the sounds emanating from the gun range, reside in Orono and some of the property owned by the Wayzata Country Club is situated in Orono. Therefore, it is my opinion that the Orono noise ordinances must be considered.

The proposed noise ordinance describes a "short duration repetitive sound as a sequence of repetitive sounds, including by way of example only, explosion, drop forge impact, or **firearm discharge**, which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration." (Emphasis added)

Orono attempts to describe the sound level limits in *Sec. 13-53* in the proposed noise ordinance. As an example, the Citizens Group that make present this request letter believe that they inhabit the area that Orono describes as Medium Density Residential, and that if this is correct, the hourly sound level should not exceed 55 dBA. The citizen's estimate, without the proper testing done as yet, of the sound level during the gun range's operation is approximately 65 dBA to 70 dBA. We know the sound emanates from the gun at about 165 dBA. Of course this would decrease with distance as the sound attenuates.

Wayzata's noise ordinance *Chapter 708 of the Wayzata Code* is a general prohibition against loud, unnecessary, unnatural or unusual noises which are prolonged, unusual or unnatural in their time, place or use affect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the City. The Code states that the provisions and prohibitions contained in the noise legislation are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the City and its inhabitants. It does not list gun range operations in its exemption list.

Of interest is the language in the Orono proposed ordinances, *Sec. 13-53* which states, "Where properties in two or more districts join at a common boundary, the maximum noise level shall be the arithmetic mean of the maximum levels for each of the properties affected." We take this to mean that if the noise level ordinances differ between Wayzata and Orono, then a mean level would be the proper level to use for purposes of enforcement. I have not found in the Wayzata Code any defined dBA limitations. Therefore, I assume that any decibel limitations will be defined by the Orono Ordinances.

The conclusion is that it is the local government that sets the acceptable sound level within its municipality, has the duty to enforce any violation of the sound levels, and has the authority to commence any kind of action that would require a gun range to come into compliance. The citizens believe that unless major concessions are made by the Wayzata Country Club, the Club's current operation of its gun range would violate these standards.

THE FALLOUT OF CLAY PIGEONS AND SHOT IS NEGATIVELY AFFECTING THE WILD LIFE AND ECOLOGY OF THE AREA

The requesting parties have not examined the gun range property to determine whether or not wild life and ecology need protection. Should this become an issue in the future, the requesting parties want to include a statement of what they believe are their rights to protect the environment in the area.

Minn. Stat. § 116B.01, et al, defines Environmental Rights of the citizens of Minnesota. We are specifically concerned with § 116B.03, which states, in part, that, "Any person residing within the state; the attorney general; any political subdivision of the state; any instrumentality or agency of the state or of a political subdivision thereof; or any partnership, corporation, association, organization, or other entity having shareholders, members, partners or employees residing within the state may maintain a civil action in the district court for declaratory or equitable relief in the name of the state of Minnesota against any person, for the protection of the air, water, land, or other natural resources located within the state, whether publically or privately owned, from pollution, impairment, or destruction; provided, however, that no action shall be allowable hereunder for acts taken by a person on land leased or owned by said person pursuant to a permit or license issued by the owner of the land to said person which do not and cannot reasonably be expected to pollute, impair, or destroy any other air, water, land, or other natural resources located within the state; provided further that no action shall be allowable under this section for conduct taken by a person pursuant to any environmental quality standard, limitation, rule order, license, stipulation agreement or permit issued by the Pollution Control Agency, Department of Natural Resources, Department of Health or Department of Agriculture.

In a nutshell a private person can bring an environmental action against an entity to protect the integrity of the resources of Minnesota. If the parties discover damage to the environment during the parties' possible future environmental research of the matter of the gun range, including finding damage to wild life, the residents may bring a private suit on behalf of the state to correct the violations.

The court in *Soo Line R. Co. v. BJ Carney & Co.*, 797 F. Sup. 1472 (D. Minn., 1992) stated that, "A showing of 'pollution, impairment or destruction' , generally may be made showing conduct that materially adversely affects or is likely to materially adversely affect the environment."

The court in *State by Schaller v. County of Blue Earth*, 563 N.W.2d 260 (Minn., 1997) stated that the express legislative purpose behind the civil remedy established in MERA was "to create and maintain within the state conditions under which human beings and nature can exist in productive harmony..."

THE GUN RANGE OPERATION IS A PROHIBITED GENERAL PUBLIC NUISANCE

Minn. Stat. § 701.01 provides that, "whoever by his act or failure to perform a legal duty intentionally creates, maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number members of the public shall be deemed to have committed a general public nuisance, which shall be a violation of this Chapter."

Chapter 701 and 720 of the Wayzata Code defines "general nuisance" and what is prohibited. *Chapter 701*, in part, states as follows, "Whoever by his act or failure to perform a legal duty intentionally creates, maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, moral, comfort or repose of any considerable number of members of the public shall be deemed to have committed a general public nuisance, which shall be a violation of the Chapter."

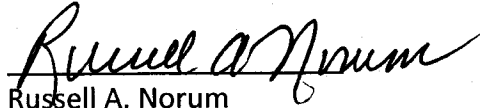
The Code mentions that a condition that unreasonably annoys any considerable number of members of the public is a nuisance. The Citizens Group is very annoyed by the excessive noise given off by the gun range when it is in operation.

Chapter 720.01 defines terms and in general, defines nuisance. "A nuisance shall mean any act, substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the City..."

Chapter 720.02 (j) states that anything or condition on property which is known to the common law of the land as a nuisance, or which is defined or declared to be a nuisance by the Statutes of Minnesota or the Wayzata City Code of Ordinances.

We believe that the operation of the gun range, so close to the residents of the citizens of Orono and Wayzata, causes discomfort to those residents, disrupts their peace and tranquility and thus makes the Wayzata Country Club Gun Range a nuisance to the neighborhood.

Yours truly,



Russell A. Norum
Attorney for Citizens Group

Dated: July 24, 2015



Beth Davis
Representing Citizens Group
220 Wakefield Road

Dated: 30 Jul 2015

rn/RN

CHAPTER 704

FIREARMS AND ASSAULT WEAPONS

704.01. Definitions.

- a. “Firearm” shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives, gas or compressed air, springs or elastic material.
- b. “Assault weapon” shall mean and include any of the following objects: dagger, dirk or stiletto; sabre or sword; spear or lance; switchblade knife, spring blade knife or any other knife with a blade which can be opened by gravity or by a flick of the wrist; blackjack, sand club, sap, pipe club, bludgeon, mace or nightstick; chain club or chains assembled or used as an assault weapon; artificial knuckles or other objects designed to be worn over the fist or knuckles; throwing devices with cutting or pointed edges; Japanese nightstick, nut cracker, nanchaku, chaka, flail, karate stick or morning star; slingshot.
- c. “Public place” shall mean any area, building or structure which is open and accessible to the public.

704.02. Possession of Firearms. No person within the City shall carry in a public place, or have in his possession, custody or control in a public place, or transport in the passenger compartment of a motor vehicle a firearm of any type whatsoever unless said firearm is unloaded and broken apart or carried in a case in such a manner that it cannot be fired, discharged or exploded or is unloaded and carried in the locked trunk of a motor vehicle.

704.03. Discharge of Firearms. No person shall shoot or discharge a firearm in any public place or on any private property within the City, whether loaded with powder, blank cartridges or any other explosive, bullet, pellet or shot. However, in special circumstances, following the written application therefor, the City Council may issue a written permit to a specific individual to allow the use of a firearm on private property within the City.

704.04. Possession of Assault Weapons. No person within the City shall carry in a public place, or have in his possession, custody or control in a public place, or transport in the passenger compartment of a motor vehicle an assault weapon of any kind whatsoever unless said assault weapon is carried in a locked case or container in such a manner that it cannot easily be used or is carried in the locked trunk of a motor vehicle.

704.05. Sale of Assault Weapons. No person shall sell or transfer any assault weapon to any minor as defined by State Statute unless at the time of the sale or transfer said minor is accompanied by his parent or guardian and such parent or guardian gives express written consent to the proposed sale or transfer.

704.06. Confiscation. Any firearm or assault weapon duly adjudged by a court of competent jurisdiction to have been worn, carried, possessed, transported, used or handled in

violation of this Chapter or any State Statute, ordinance or other regulation may be confiscated and disposed of in an appropriate manner by the Chief of Police.

704.07. **Exception.** Nothing in this Chapter shall be construed to prohibit the firing of a firearm or the use of an assault weapon when done in lawful defense of person, property or family or when done in necessary defense or enforcement of the law.

CHAPTER 510

AMUSEMENT AND RECREATION ESTABLISHMENTS

510.01. License Required. No person shall operate or engage in the business of operating a pool hall, billiard hall, bowling alley or shooting gallery within the City without first having been issued an appropriate license therefor.

510.02. License Fees. Fees are hereby adopted by reference and are as established by City Council resolution.

(Ord. 449 [1-7-1986])

510.03. Licensing Procedures. All licenses issued under this Chapter shall be issued in conformance with the provisions of Chapter 501 of this Code. In addition, the City Council may deny or revoke any such license when, in the judgment of the Council, the establishment or continued operation of the premises for which a license is requested would be detrimental to the public health, safety or general welfare.

510.04. License Restrictions. Every license issued under this Chapter shall be subject to the following provisions, which shall govern the issuance and continued validity of all such licenses:

a. Closing hours. All premises licensed hereunder shall be closed to the public not later than 11:00 P.M. Monday through Saturday, and no such premises shall be open to the public on Sunday.

b. Minors. No person under eighteen years of age shall be permitted in any premises licensed hereunder unless accompanied by a parent or guardian.









Manzara



TRAP & SKEET

OPEN

SATURDAY & SUNDAY
12:00 - 4:00 P.M.

WCC MEMBERS ONLY



CITY OF WAYZATA



MEMORANDUM

To: City Council
From: Jeff Thomson, Director of Planning and Building
Date: December 10, 2015
Re: Workshop Meeting - 529 Indian Mound E

Introduction

Ron Clark Construction & Design is proposing to develop the vacant property at 529 Indian Mound East. The proposed plans consist of a three-story condominium building with one level of indoor parking on the basement level. The building would contain five (5) condominium units and shared common space. Ron Clark has submitted a narrative and concept plans for feedback from the City Council, which are included in Attachment D.

Comp Plan and Zoning Information

The property is guided for Mixed Use Commercial in the Comprehensive Plan, and is zoned C-1/Office and Limited Commercial District. The property is also within the Shoreland Overlay District, and the Bluff District for the Design Standards.

2030 Comprehensive Plan

The City's Comprehensive Plan includes the following information on the Mixed Use Commercial land use designation:

Mixed Use Commercial - These are commercial areas along Wayzata Blvd, Central Avenue, and the Bluff neighborhood (between Wayzata Blvd and Lake Street) that are almost exclusively retail and office use. The mixed use commercial category is intended to be a mix of commercial, office and residential uses with an emphasis that commercial and office use but allowing for residential use when properly integrated.

Zoning Standards

The zoning ordinance includes the following purpose statement for the C-1/Office and Limited Commercial District:

The C-1 District is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts for the location and

development of administrative office buildings and related office uses which are subject to more restrictive controls. The office uses allowed in this district are those in which there is limited contact with the public and no manufacture, exterior display or selling of merchandise to the general public.

Within the C-1 zoning district, mixed use buildings with upper story residential and ground floor office/service commercial uses, are a permitted use in the zoning district. Residential-only uses are subject to the R-3 density standards, which would only allow for single and two-family residential uses as a permitted use. Multi-family condominium buildings are not a permitted or conditional use in the C-1 zoning district. Therefore, the proposed development would require rezoning, most likely PUD/Planned Unit Development District.

The PUD/Planned Unit Development district would allow for flexibility by incorporating design modifications as part of the PUD review. A table summarizing the C-1 and PUD zoning standards is included as Attachment C.

Planning Commission Review

The Planning Commission reviewed the concept plans at their meeting on December 7, 2015. The Planning Commission feedback included overall policy discussion regarding housing types, unit sizes, and prices currently being constructed in the community. The Planning Commission generally expressed concerns about the cost of new housing in the community, and discussed how to address this.

Regarding the specific plans presented by the applicant, the Planning Commission asked the applicant to consider and review the following items:

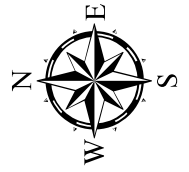
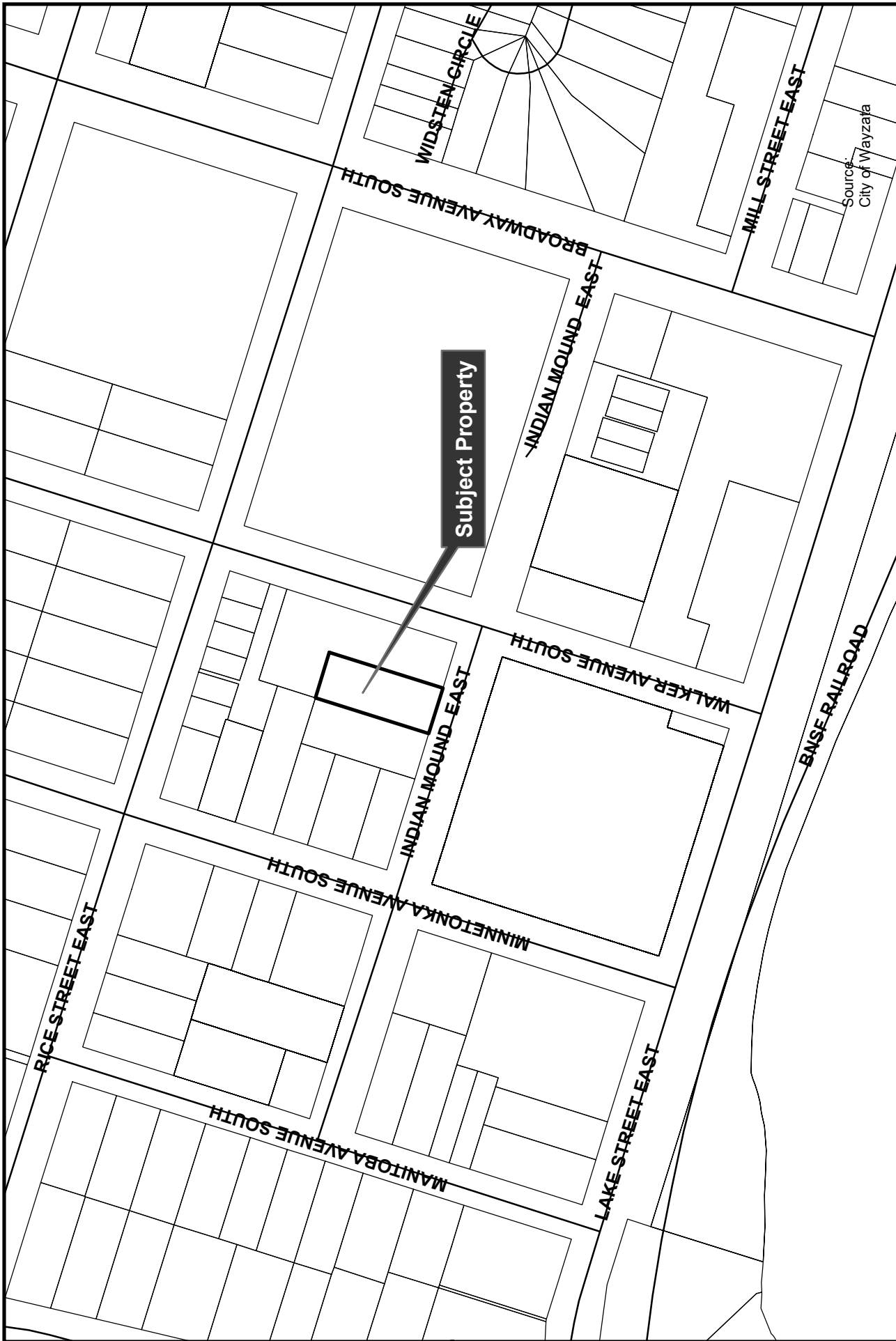
- Stormwater management
- Reducing the lot coverage
- Reducing the height of the building
- Integrating service commercial or office uses into the first level
- Reducing the size of the units

City Council Review

The applicant has submitted the concept plan for review to receive feedback and direction from the City Council on the proposed project. No formal action is required by the City Council.

Attachments

- | | |
|------------------------|--|
| ▪ <u>Attachment A:</u> | Location Map |
| ▪ <u>Attachment B:</u> | Comp Plan Land Use Map |
| ▪ <u>Attachment C:</u> | Zoning Standards Review Table |
| ▪ <u>Attachment D:</u> | Narrative and Concept Plans from Applicant |



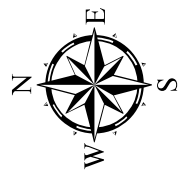
Location Map





Legend

- No City Sewer
- Wayzata_streets
- Wayzata_area_parcel
- Bushaway Conservation District
- Estate Single Family
- One Acre Single Family
- Low Density Single Family
- Medium Density Multiple Family
- High Density Multiple Family
- Mixed Use Residential
- Mixed Use Commercial
- Service Commercial
- Central Business District
- Downtown Mixed Use District
- Institutional/Public
- Semi-Public/Private
- Park
- Public Open Space



Comp Plan - Land Use Map



	C-1 Zoning Standard	PUD Standard	Shoreland Overlay District	Proposed Concept Plan	Notes
Permitted Uses	Mixed use with upper story residential and ground floor office or service commercial	Shall be consistent with the Comprehensive Plan	N/A	Multi-family condominium building	
Density	N/A	Shall be consistent with the Comprehensive Plan	N/A	20 units/acre	Proposed plan would be designated as high density residential in Comp Plan
Height	3 stories and 35 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet; buildings over 35 feet may be allowed through approval of a shoreland impact plan/CUP	37 feet	Does not meet the height requirement of C-1, PUD, or Shoreland District
Floor Area Ratio	2.0	No maximum	N/A	1.66 (approx)	Would comply with FAR requirement of C-1 District
Impervious Surface	No maximum	No maximum	25% if stormwater management is provided 100% with approval of shoreland impact plan/CUP	60%	Project would need to meet stormwater management requirements in order to exceed 25% impervious surface
Lot Coverage	50%	No maximum	N/A	55%	Does not meet lot coverage requirement of C-1 District
Setbacks	10 ft. all property lines	Same as imposed by zoning district	N/A	Front: 10 ft. Sides: 10 ft. Rear: 25 ft	Complies with setback requirements

Jeff Thomson
Director of Planning and Building
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: 529 Indian Mound East 5-Unit Condominium

Jeff,

Ron Clark Construction requests the opportunity to present to the Planning Commission and City Council in a Concept Review format.

Our proposal is for a five unit Condominium Building located on our property at 529 Indian Mound East.

We are including concept plans, exterior elevations, streetscape perspective and a site plan for your review.

As per our preliminary discussion with City Staff we have listed below the projects potential variance requests to be considered:

- Shoreland Conditional Use Permit for impervious surface coverage above 25%.
- Variance for building height above 35 feet.
- Conditional Use Permit for stairs and elevator penthouse taller than five feet.
- A variance for the exclusion of an office space component.

We appreciate the opportunity to present our concept at the December 7th Planning Commission meeting and the December 15th City Council meeting.

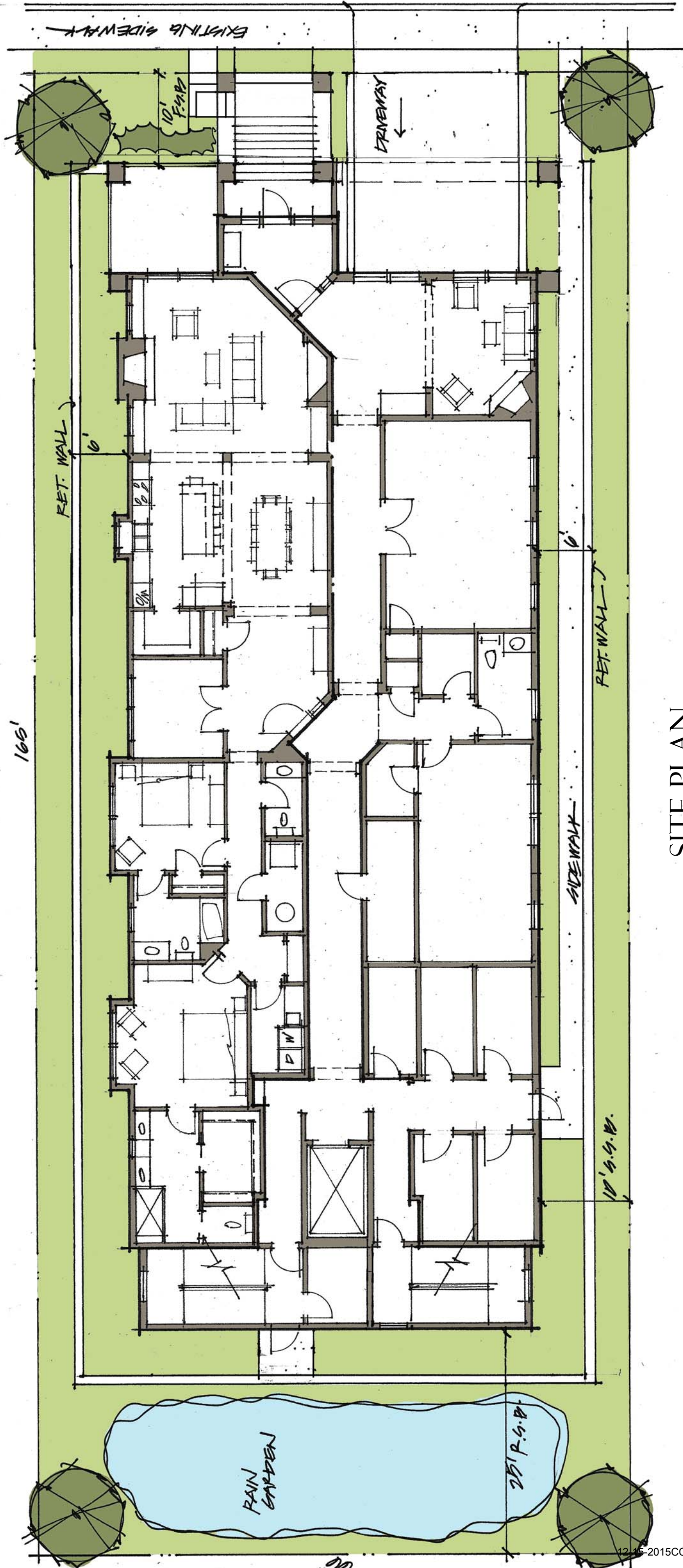
Please feel free to contact me with any question at 952.947.3022 or email at mike@ronclark.com.

Thank you,

Michael R. Roebuck
President
Ron Clark Construction

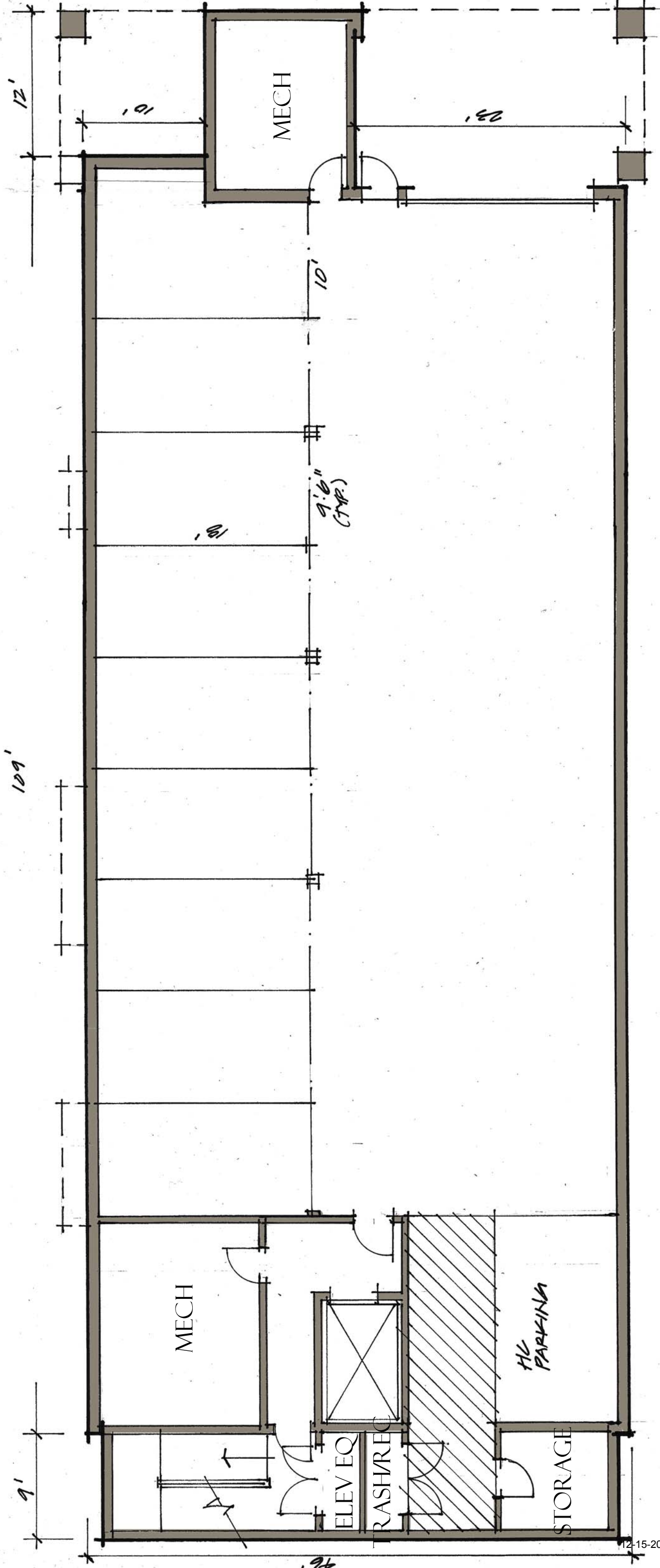
CC: Tim Whitten – Whitten Associates
Ron Clark





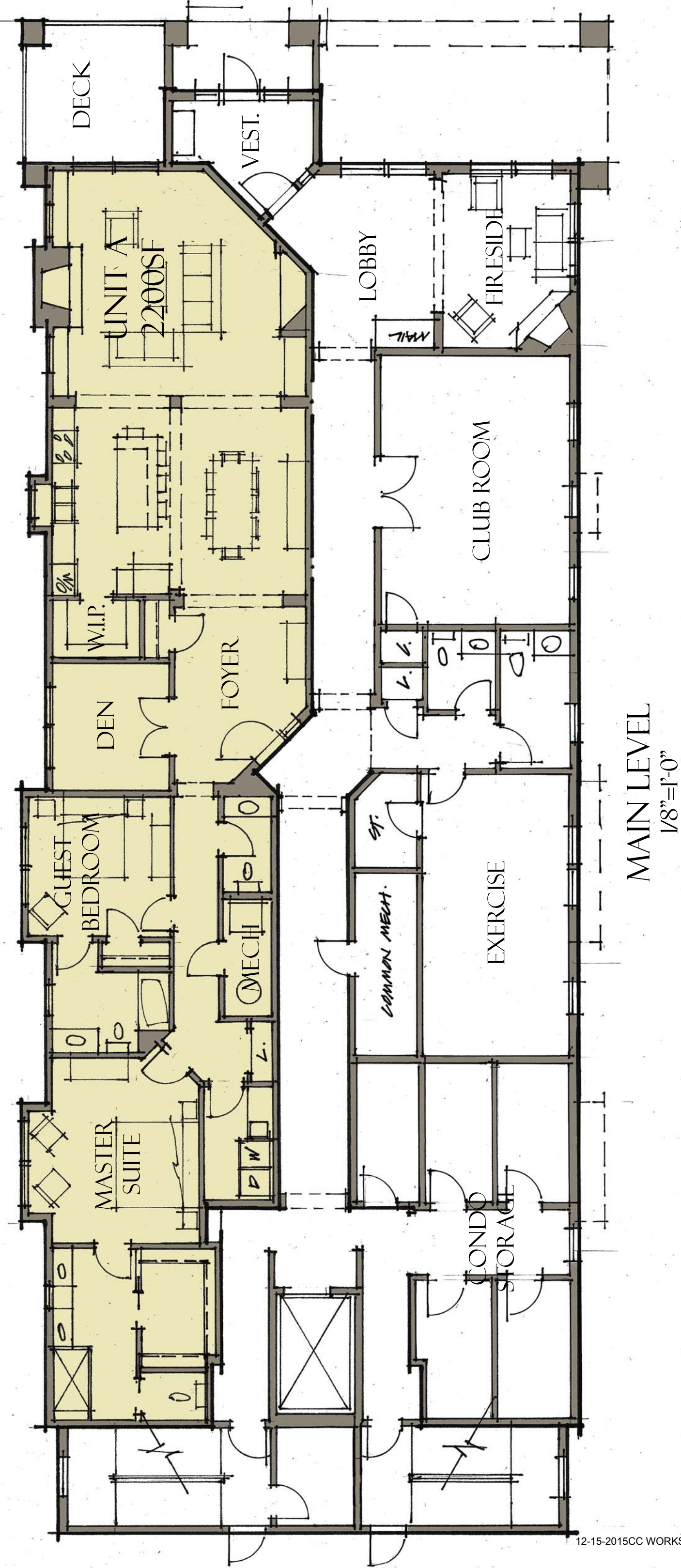
SITE PLAN
3/32"=1'-0"

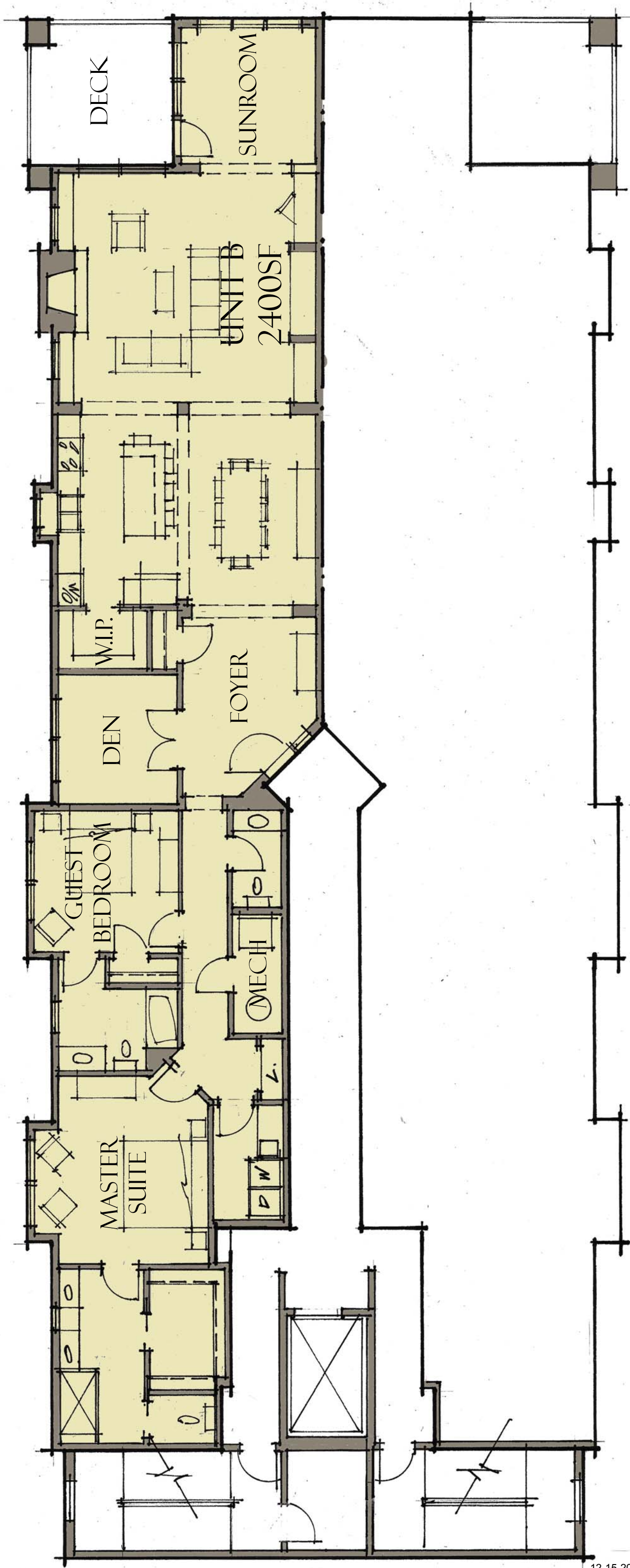
12/1/15



PARKING LEVEL
1/8"=1'-0"

8/25/15





UPPER LEVELS 2-3
1/8"=1'-0"

8/25/15



STREETSCAPE AT INDIAN MOUND

12/1/15

I hereby certify that this plan, specification, and calculation were prepared by me or under my direct supervision and that I am a duly Licensed PROFESSIONAL ENGINEER under the laws of the State of MINNESOTA.

DAVID NASH, PE

Date License No.

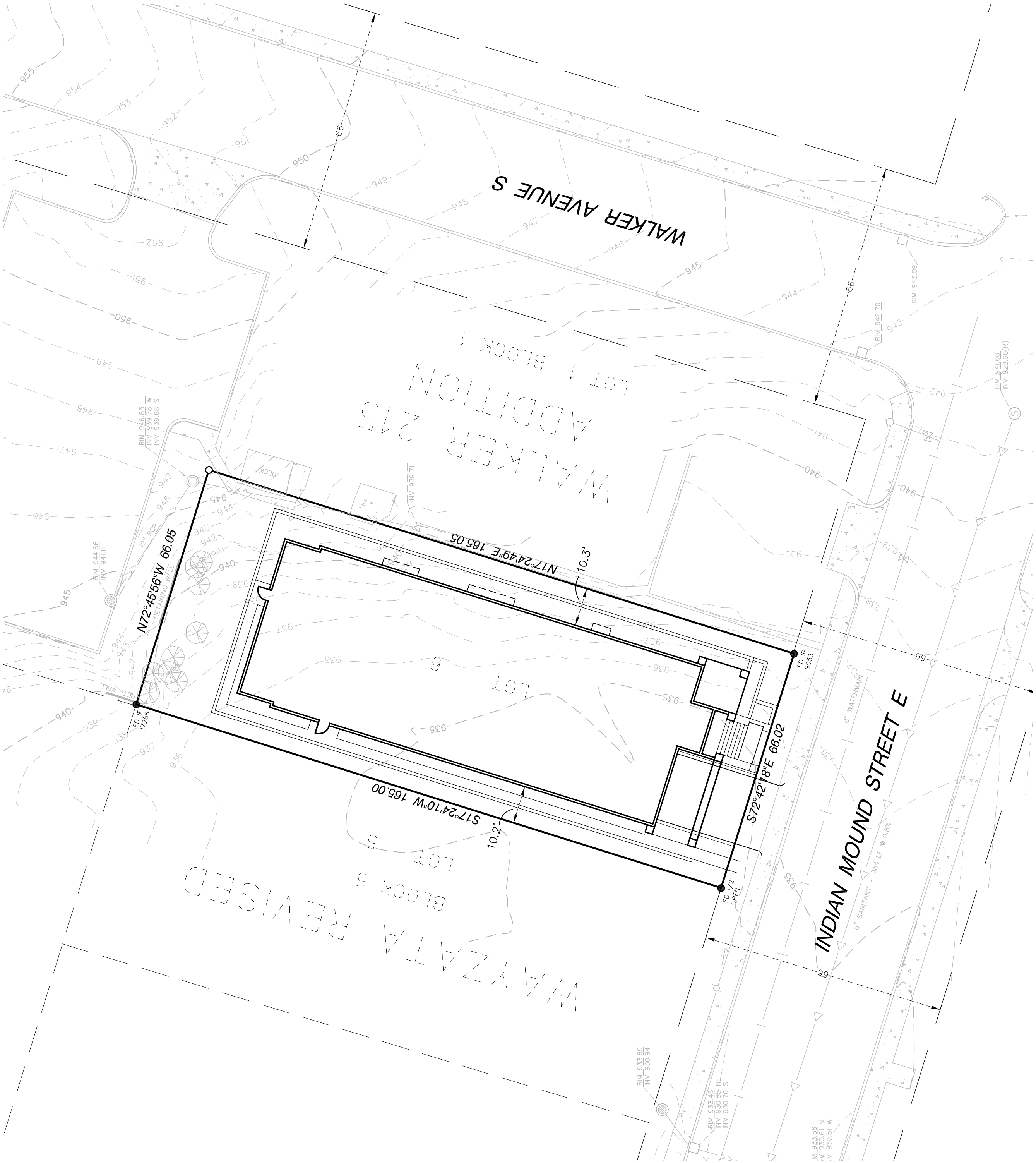
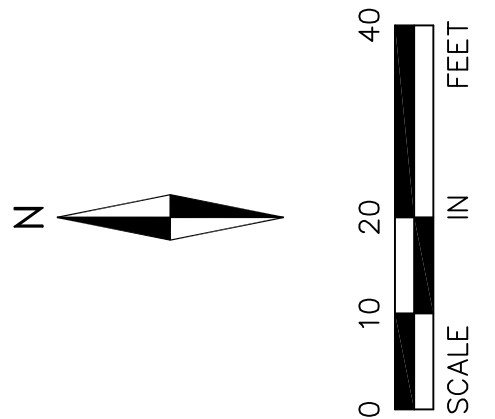
QUALITY ASSURANCE/CONTROL

BY DATE

DATE ISSUE

12/2/15 CONCEPT

PROJECT TEAM DATA
DESIGNED: DN
DRAWN: DPE
PROJECT NO: 150125



SITE DATA:	
GROSS AREA =	10,897 SF
AREA OF BUILDING =	6018 SF
% OF COVERAGE =	55%

IMPERVIOUS AREA CALCULATION:	
AREA OF D/W =	180 SF
AREA OF SIDEWALK =	900 SF
TOTAL AREA =	
IMPERVIOUS PAVERS =	1080 SF
50% CREDIT =	540 SF
TOTAL IMPERVIOUS =	6018+540 = 6558 SF
% IMPERVIOUS =	6558/10,897 = 60%