

WAYZATA CITY COUNCIL MEETING AGENDA
Wayzata City Hall Community Room, 600 Rice Street
Tuesday, January 20, 2015

WORKSHOP TOPICS FOR DISCUSSION:

1. Lake Effect Moving Forward (4:00 PM)
2. Discuss 2015 Strategic Planning Process (4:30 PM or immediately following)
3. City Website & Dinner Available for City Council (5:00 PM or immediately following)
4. East Block Bay Center (Planning Commissioners may be in attendance) (5:30 PM)

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
4	Consent Agenda								2
a.	Approval of Minutes of January 6, 2015								
b.	Approval of Check Registers								
c.	Approval of Addendum to Recording Secretary Service Agreement								
d.	Approval of Lease Agreement for 2015 with Wayzata Historical Society for the Wayzata Depot at 402 Lake Street E.								
e.	Resolution 03-2015 Approving Hennepin County Law Enforcement Personnel & Equipment Mutual Aid Agreement								
f.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
g.	Police Activity Report								
h.	Building Activity Report								
5	New Business								
a.	Consider Resolution 06-2015 Approval of Lot Combination at 227 Walker Ave N and 529 Park St	Gadow							68
b.	Consider Resolution 07-2015 Approval of PUD and Associated Approvals at 236 and 240 Minnetonka Ave and 519 Indian Mound	Gadow							84
c.	Consider Resolution 08-2015 Wayzata Brew Works LLC & Boatworks II LLC Microbrewery and Distillery	Gadow							216
d.	Consider 2015 Legislative Priorities	Nelson							314
e.	Consider Resolution 05-2015 Designating Additional City Appointments and Assignments for 2015 to Include Council Liaison Positions for Boards and Commissions	Nelson							316
6	City Manager's Report and Discussion Items								
7	Public Forum (as necessary)								
8	Adjournment								

Meeting Rules of Conduct:

Turn in white card for public forum and blue card for agenda item
Give name and address
Indicate if representing a group
Limit remarks to 3 minutes

Upcoming Meetings:

City Council - February 3 & 17, 2015
Planning Commission - January 26 & February 2, 2015

Members of the City Council 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.

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
January 6, 2015

AGENDA ITEM 1. Call to Order and Roll Call.

a. Oath of Office – Johanna McCarthy

Ms. Nelson administered the oath of office to Council Member Johanna McCarthy and presented her with a certificate of election.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, and Mullin. Council Member absent and excused: Tyacke. Also present: City Manager Nelson, City Attorney Schelzel, and Administrative Services Director Uram.

AGENDA ITEM 2. Approve Agenda.

Mrs. Anderson made a motion, seconded by Mrs. McCarthy, to approve the agenda, as presented. The motion carried 4/0.

AGENDA ITEM 3. Public Forum – 15 Minutes (3 minutes per person).

a. Introduction of New General Manager for Wayzata Wines and Spirits

Mr. Uram shared that Steve Maeger had been the interim General Manager since August of 2013 and thanked him for his work. The position of General Manager had opened in October and there had been over 25 applicants and a rigorous hiring process. Mr. Uram introduced Kevin Castellano as the new General Manager.

Mr. Castellano shared his employment history and certifications. The Council welcomed Mr. Castellano and asked how he felt about the possibility of liquor operations on Sunday. Mr. Castellano responded that he believed it was inevitable.

b. Minnehaha Creek Watershed District Appointment

Jeff Casale, 4955 Devonshire Circle, Shorewood, shared that he had been appointed to the Minnehaha Creek Watershed District for the last three terms and was looking to be reappointed. Because of a blocking technique used by another City at the last minute, Mr. Casale needed a City Council's nomination and requested the Wayzata City Council nominate him based on previous interaction concerning Bushaway Road. The nomination would only put Mr. Casale in the pool of nominees and the appointment would still be up to the Commissioner.

AGENDA ITEM 4. Consent Agenda.

Mr. Mullin requested to pull Item 4.b., Approval of Check Register, from the consent agenda for discussion.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to approve the consent agenda:

a. Approval of Workshop Minutes of December 16, 2014 and Minutes of December 16, 2014

~~b. Approval of Check Register~~

c. Approval of Resolution No. 02-2015 Approving Appointment of Fire Department Officers for 2015

d. Consider 5:30 p.m. on April 7, 2015 Date for Local Board of Appeal and Equalization Meeting

e. Municipal licenses which received administrative approval (informational only)

f. Memorandum of Understanding AFSCME 2014-2016 Union Contract

g. Approval of Lake Minnetonka Conservation District Community Room Use Agreement and Cable Television Video Production Studio License Agreement

The motion carried 4/0.

AGENDA ITEM 5. New Business.

a. Consider Scope of Work for Downtown Parking Improvements

Ms. Nelson introduced Jim Lasher, a consultant for LSA Design. Mr. Lasher presented the revised scope of work based on feedback from the December 16, 2014 Council Workshop. Mr. Lasher reported that Stage One Services were completed. Stage Two Services consisted of six projects including: 1) Plan of Finance; 2) Pilot Projects for Near Term Parking/Mobility Management; 3) Parking District, Ordinance, and Management Tools; 4) Carisch Ramp Renovation; 5) Mill Street Parking Ramp; and, 6) Wayfinding Signage. Work would begin on the first four projects with the goal to bring preliminary information to the City Council at a February, 2015 Work Session. The information and options would allow the Council to make decisions on programming and financing of the last two projects. Mr. Lasher discussed the plan of finance and shared that LSA Designs would work with City staff and the City's financial planner (Ehlers).

The Council asked about deliverables and fees from Ehlers. Mr. Lasher answered that a plan of finance document was the deliverable. The Council asked about the role of Mr. Uram. Ms. Nelson further clarified how Ehlers, Mr. Uram, and other staff would be involved in the plan of finance.

The Council asked questions concerning shared parking, data collection analysis and application on pilot projects, and including action steps in the scope of work.

Ms. Nelson answered a question from Council, indicating that the funds for the project would come from the General CIP Fund and that the City had spent approximately \$20,000 on the project to date. Ms. Nelson also explained that surplus in 2014 could be designated for this project.

Mr. Mullin made a motion, seconded by Mr. Willcox, to authorize staff to negotiate a Not-to-Exceed Contract with LSA Design based upon the scope of work presented. The motion carried 4/0.

b. Consider Resolution No. 01-2015 Designating Appointments and Assignments for 2015

Ms. Nelson presented the resolution, which included Mayor Pro Tem appointment; liaison appointments for the Communications Board, Park and Trails Board, and Volunteer Committee; Suburban Rate Authority Representative; and, City Attorney

The Council discussed the choice of Mayor Pro Tem, noting that it had previously been based on seniority and decided to continue that method. The Council agreed to request the Charter Commission to draft specific language on appointments in the future.

Mrs. McCarthy made a motion, seconded by Mrs. Anderson, to elect Council Member Mullin as Mayor Pro Tem. The motion carried 4/0.

The Council noted that Mrs. Anderson would be second Mayor Pro Tem. Mrs. McCarthy suggested Council Member Tyacke be third Mayor Pro Tem based on his place before her in the election and that she be fourth Mayor Pro Tem.

The Council discussed liaison appointments for the Communications Board, Park and Trails Board, and Volunteer Committee; and, committed to tackling it at a following meeting when the entire Council could be present.

The Council named Council Member McCarthy as the Suburban Rate Authority Representative.

The Council discussed legal services and whether to appoint City Attorney Schelzel as the official City Attorney and have City Attorney Meller perform more of an advisory role. The Council all agreed to appoint City Attorney Schelzel as the official City Attorney, but expressed an interest in putting legal services out to bid at some point in the year to check the market. The Council discussed instituting a timeline for bidding all services to ensure cost effectiveness.

Mrs. Anderson made a motion, seconded by Mr. Mullin, to Adopt Resolution No. 01-2015, Designating the City Appointments and Assignments for 2015, as amended to allow staff to correct the term expiration of the LMCD Board of Directors. The motion carried 4/0.

c. Wayzata Yacht Club Dock Modification

Ms. Nelson presented the request from the Wayzata Yacht Club that would be considered by the Lake Minnetonka Conservation District to rebuild Dock D, replacing the existing 32 slips with 32 slips with a consistent dock finger length of 28 feet. The total number of Boat Storage Units for the properties would not be affected by this request. The Council was requested to review the request and draft a letter to the Lake Minnetonka Conservation District with its approval and/or concerns

Jonathan McDonagh, Wayzata Yacht Club Rear Commodore, answered a question from the Council, indicating that the same size boats would be using the slips as had in the past.

Mr. Mullin made a motion, seconded by Mrs. Anderson, to direct staff to draft a formal letter to the Lake Minnetonka Conservation District stating the Council's approval. The motion carried 4/0.

AGENDA ITEM 6. City Manager's Report and Discussion Items.

a. Consider ULI MN Workshop – Navigating Your Competitive Future

Ms. Nelson reported that the Urban Land Institute – Minnesota Chapter contacted staff regarding a free workshop session that it was offering to local City Councils and Planning Commissions called "Navigating Your Competitive Future." The session would be a two-hour workshop including a short presentation, moderated panel discussion, and an interactive dialogue with the City policymakers. Ms. Nelson noted that the tentative workshop date would be February 17, 2014 at 4:30 p.m. and asked if the Council would like to participate.

The Council was in favor of the workshop and asked to include the Heritage Preservation Board along with the Planning Commission and the Housing and Redevelopment Authority.

b. Consider Resolution Nominating Managers for the Minnehaha Creek Watershed District

The Council reviewed the requested nomination and explained that another City Council had put forth a nomination essentially blocking anyone else from that city from applying. The statute that applied stated that if a Council put forth a nomination, no other applicant could apply. This had never been done before. Mr. Casale needed a nomination from a city council, but a nomination required three names. Sherry White of Orono and Ron Anderson of Wayzata had agreed to participate as the other two names.

Mr. Mullin wanted the City of Wayzata to remain silent and neutral and saw it as a bigger policy issue. Mrs. McCarthy was not professionally familiar with Mr. Casale or Ms. White and felt uncomfortable nominating them as a City Official. Mrs. Anderson supported the nomination and encouraged the other Council Members to do the same. She pointed out that the nomination only allowed Mr. Casale to be in the pool of nominees. Mayor Willcox stated that he did not condone the tactics being used by other city councils and supported the nomination.

Mr. Casale noted that a letter of recommendation was in the Council's packet.

Mr. Schelzel answered a question from the Council, indicating that if there was a split vote, the motion would fail and that staff had drafted an approval resolution if that was the direction of the Council.

Mrs. Anderson made a motion, seconded by Mr. Willcox, to approve a resolution nominating Ron Anderson, Jeff Casale, and Sherry White as managers for the Minnehaha Creek Watershed District. The motion failed 2/2 (Voting nay-McCarthy, Mullin).

1 **c. Wayzata Chamber of Commerce Renovations**

2 Ms. Nelson reported that the drop ceiling was being removed from the Wayzata Chamber of
3 Commerce and the cost was being shared between the City and the Chamber.
4

5 **d. Consent Agenda Item 4.b. Approval of Check Register**

6 Ms. Nelson noted that Consent Agenda Item 4.b. had not been discussed. Mr. Mullin asked about
7 the charge labeled Unitarian Church under Best and Flanagan on page 1 of the Check Register.
8 Ms. Nelson explained that it was a City obligation as part of a settlement agreement.

9 Mrs. McCarthy noted the new phone systems on Page 4 of the Check Register and asked
10 about the City's policy for disposing of old equipment. Ms. Nelson answered that it was on a case
11 by case basis.

12 Mrs. Anderson suggested staff look into cost savings methods such as leasing of
13 equipment and buying refurbished equipment instead of purchasing new equipment.
14

15 **e. Council Comments**

16 Mr. Mullin congratulated Commissioner Jan Callison as the Chair of the Hennepin County Board
17 and asked for a staff presentation on gaming licenses.

18 Mrs. Anderson shared that Wayzata long time volunteers Irene Stemmer and Judy
19 Starkey were "retiring" and wanted to recognize them at a small banquet. The Council agreed as
20 long as there was a budget.

21 Mrs. McCarthy shared that she was excited to begin her term as a Council Member and
22 looking forward to the year ahead.
23

24 **AGENDA ITEM 7. Public Forum Continued (if necessary).**

25 There were no comments.
26

27 **AGENDA ITEM 8. Adjournment.**

28 Mrs. McCarthy made a motion, seconded by Mrs. Anderson to adjourn. There being no further
29 business, Mr. Willcox adjourned the meeting at 9:33 p.m.
30

31 Respectfully submitted,
32
33
34

35 Becky Malone
36 Deputy City Clerk
37

38 Drafted by Sarah Peterson
39 *TimeSaver Off Site Secretarial, Inc.*

***Check Detail Register©**

December 2014 to January 2015

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	097331	12/23/2014	ALLOY CASTINGS CO. INC.		
E 101-42200-499	Miscellaneous		\$713.18	10881	FD LIGHTS
	Total	ALLOY CASTINGS CO. INC.	\$713.18		
Paid Chk#	097332	12/23/2014	AVENET, LLC		
E 101-41500-433	Dues, Licensing & Seminars		\$100.00	36065	WEB SERVICES THROUGH 2-28-15
	Total	AVENET, LLC	\$100.00		
Paid Chk#	097333	12/23/2014	AVI SYSTEMS, INC.		
E 235-40000-302	Consultants		\$26.75	42431700	SUPPORT
	Total	AVI SYSTEMS, INC.	\$26.75		
Paid Chk#	097334	12/23/2014	BANK OF AMERICA		
E 101-42200-499	Miscellaneous		\$29.07		FD MTG.MEALS
	Total	BANK OF AMERICA	\$29.07		
Paid Chk#	097335	12/23/2014	BEST & FLANAGAN		
E 101-41500-304	Legal Fees		\$37.50	448397	DATA PRACTICES ACT
E 101-41500-304	Legal Fees		\$762.40	448398	CITY COUNCIL
E 101-41500-304	Legal Fees		\$1,155.00	448399	ORDINANCES
E 101-41500-304	Legal Fees		\$862.50	448401	UNITARIAN CHURCH
G 101-20310	Escrow		\$637.50	448402	151 & 159 WESTWOOD LANE
E 404-40000-304	Legal Fees		\$1,890.40	448403	CELL TOWER
E 101-41500-304	Legal Fees		\$301.20	448404	DOWNTOWN PARKING
G 101-20310	Escrow		\$937.50	448405	165 & 213 CENTRAL
E 101-41500-304	Legal Fees		\$975.00	448407	RETAINER
E 101-41500-304	Legal Fees		\$889.30	448408	WEST END
	Total	BEST & FLANAGAN	\$8,448.30		
Paid Chk#	097336	12/23/2014	BIFFS, INC.		
E 101-45200-415	Other Equipment Rentals		\$62.50	W548474	PARKS SERVICE
E 101-45200-415	Other Equipment Rentals		\$62.50	W548475	PARKS SERVICE
	Total	BIFFS, INC.	\$125.00		
Paid Chk#	097337	12/23/2014	BOTHAM, BRIAN		
E 101-42200-499	Miscellaneous		\$57.00	788	MTG.MEALS
	Total	BOTHAM, BRIAN	\$57.00		
Paid Chk#	097338	12/23/2014	BROOKDALE CHRYSLER, JEEP,DODGE		
E 101-42100-404	Repairs/Maint - Machin/Equip		\$493.75	256145	SQUAD REPAIRS
	Total	BROOKDALE CHRYSLER, JEEP,DODGE	\$493.75		
Paid Chk#	097339	12/23/2014	C.S. MCCROSSAN CONSTRUCTION		
E 430-46113-309	Contractual Services		\$76,029.28	9	HOLDRIDGE
	Total	C.S. MCCROSSAN CONSTRUCTION	\$76,029.28		
Paid Chk#	097340	12/23/2014	CARQUEST OF WAYZATA		
E 101-45200-210	Operating Supplies (GENERAL)		\$0.96	6973-233585	SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$16.54	6973-236936	SUPPLIES
	Total	CARQUEST OF WAYZATA	\$17.50		
Paid Chk#	097341	12/23/2014	CARTER, JEANNE		
E 640-47000-210	Operating Supplies (GENERAL)		\$244.66	REIMB.	PROMO SUPPLIES FOR STORE & BAR
E 640-48000-210	Operating Supplies (GENERAL)		\$24.88	REIMB.	PROMO SUPPLIES FOR STORE & BAR
E 640-48000-210	Operating Supplies (GENERAL)		\$311.92	REIMB.	PROMO SUPPLIES FOR STORE & BAR
E 640-48000-210	Operating Supplies (GENERAL)		\$215.88	REIMB.	PROMO SUPPLIES FOR STORE & BAR
E 640-47000-210	Operating Supplies (GENERAL)		\$93.04	REIMB.	PROMO SUPPLIES FOR STORE & BAR

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December 2014 to January 2015

			Check Amt	Invoice	Comment
E 640-47000-210	Operating Supplies (GENERAL)	\$188.13	REIMB.		PROMO SUPPLIES FOR STORE & BAR
	Total CARTER, JEANNE	\$1,078.51			
Paid Chk# 097342	12/23/2014	CHUNK S AUTOMOTIVE SERVICE			
E 101-42100-404	Repairs/Maint - Machin/Equip	\$83.43	0012360		SQUAD REPAIRS
	Total CHUNK S AUTOMOTIVE SERVICE	\$83.43			
Paid Chk# 097343	12/23/2014	CITY VIEW PLUMBING & HEATING			
E 101-41940-409	Maint services & Improv	\$1,968.00	42432		PW REPAIRS
E 640-48000-401	Repairs/Maint Buildings	\$662.22	42436		KITCHEN REPAIRS
	Total CITY VIEW PLUMBING & HEATING	\$2,630.22			
Paid Chk# 097344	12/23/2014	CLAREY S SAFETY EQUIPMENT			
E 101-42200-210	Operating Supplies (GENERAL)	\$1,414.00	158691		FD SUPPLIES
E 101-42200-306	Personnel Expense	\$1,944.00	158692		FD MASKS
	Total CLAREY S SAFETY EQUIPMENT	\$3,358.00			
Paid Chk# 097345	12/23/2014	CLASSIC CLEANING COMPANY			
E 101-41940-409	Maint services & Improv	\$310.00	21524		EXTRA PW CLEANING
E 101-41940-409	Maint services & Improv	\$1,597.00	21568		CH MONTHLY CLEANING
E 101-41940-409	Maint services & Improv	\$396.00	21569		PW MONTHLY CLEANING
	Total CLASSIC CLEANING COMPANY	\$2,303.00			
Paid Chk# 097346	12/23/2014	CRABTREE CAMPANIES			
E 101-41500-404	Repairs/Maint - Machin/Equip	\$1,270.00	128930		COPIER REPAIRS
	Total CRABTREE CAMPANIES	\$1,270.00			
Paid Chk# 097347	12/23/2014	DELANEY CONSULTINGLLC			
E 640-47000-302	Consultants	\$1,416.50	1331		LIQUOR OPERATIONS CONSULTANT
E 640-48000-302	Consultants	\$1,416.50	1331		LIQUOR OPERATIONS CONSULTANT
E 640-47000-302	Consultants	\$1,916.50	1337		LIQUOR OPERATIONS CONSULTANT
E 640-48000-302	Consultants	\$1,916.50	1337		LIQUOR OPERATIONS CONSULTANT
	Total DELANEY CONSULTINGLLC	\$6,666.00			
Paid Chk# 097348	12/23/2014	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing	\$79.80	170089		KRAEMER & SONS
E 101-41500-350	Printing & Publishing	\$53.20	170090		KISER PROPERTIES
	Total ECM PUBLISHERS, INC.	\$133.00			
Paid Chk# 097349	12/23/2014	EXCEL DOCUMENT MGMT.			
E 101-43300-499	Miscellaneous	\$49.43	40471		M.KELLY BUS.CARDS
E 101-41500-200	Office Supplies (GENERAL)	\$541.00	40500		ENVELOPES
	Total EXCEL DOCUMENT MGMT.	\$590.43			
Paid Chk# 097350	12/23/2014	FASTENAL			
E 620-40000-210	Operating Supplies (GENERAL)	\$16.22	MNPLY73780		SUPPLIES
E 610-40000-210	Operating Supplies (GENERAL)	\$17.00	MNPLY73780		SUPPLIES
	Total FASTENAL	\$33.22			
Paid Chk# 097351	12/23/2014	HENN.CNTY.INFO.TECH.DEPT.			
E 101-42200-323	Radio Units	\$962.29	1000052459		RADIO CONNECTIONS
E 101-42100-323	Radio Units	\$876.39	1000052460		RADIO CONNECTIONS
E 620-40000-323	Radio Units	\$80.10	1000052471		RADIO CONNECTIONS
E 101-43100-323	Radio Units	\$150.00	1000052471		RADIO CONNECTIONS
E 101-45200-323	Radio Units	\$150.00	1000052471		RADIO CONNECTIONS
E 610-40000-323	Radio Units	\$81.00	1000052471		RADIO CONNECTIONS
	Total HENN.CNTY.INFO.TECH.DEPT.	\$2,299.78			
Paid Chk# 097352	12/23/2014	HIGHWAY 55 RENTAL			

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December 2014 to January 2015

			Check Amt	Invoice	Comment
E 101-41100-499	Miscellaneous		\$57.75	481195	TABLES RENTED
	Total HIGHWAY 55 RENTAL		\$57.75		
Paid Chk# 097353	12/23/2014	INDOOR BOAT STORAGE, INC.			
E 101-42200-404	Repairs/Maint - Machin/Equip		\$544.54	41218	FD BOAT REPAIRS
	Total INDOOR BOAT STORAGE, INC.		\$544.54		
Paid Chk# 097354	12/23/2014	J.H. LARSON COMPANY			
E 101-41940-401	Repairs/Maint Buildings		\$38.56	S100821235.0	BLDG.MAINT.SUPPLIES
	Total J.H. LARSON COMPANY		\$38.56		
Paid Chk# 097355	12/23/2014	KD & COMPANY			
E 101-43100-229	Dirt, Sand and gravel		\$100.00	6362	CONCRETE DISPOSAL
	Total KD & COMPANY		\$100.00		
Paid Chk# 097356	12/23/2014	KELLY, MICHAEL JR.			
E 101-43300-433	Dues, Licensing & Seminars		\$355.00	REIMB.	CITY ENG.ASSOC.DUES
	Total KELLY, MICHAEL JR.		\$355.00		
Paid Chk# 097357	12/23/2014	KIRVIDA FIRE, INC.			
E 101-42200-404	Repairs/Maint - Machin/Equip		\$8,091.36	4433	FD TRUCK REPAIRS
E 101-42200-404	Repairs/Maint - Machin/Equip		\$835.82	4440	FD TRUCK REPAIRS
	Total KIRVIDA FIRE, INC.		\$8,927.18		
Paid Chk# 097358	12/23/2014	KLAPPRICH, KURT			
E 101-45200-240	Small Tools and Minor Equip		\$143.85	REIMB.	SNOW SHOVELS
	Total KLAPPRICH, KURT		\$143.85		
Paid Chk# 097359	12/23/2014	KNOX COMPANY			
E 237-40000-240	Small Tools and Minor Equip		\$5,318.00	INV00689893	FD STROBE LITES
	Total KNOX COMPANY		\$5,318.00		
Paid Chk# 097360	12/23/2014	LHB, INC.			
E 430-40000-302	Consultants		\$606.78	130445.00-8	EASTMAN LANE
	Total LHB, INC.		\$606.78		
Paid Chk# 097361	12/23/2014	MEDIACOM			
E 101-41940-321	Telephone		\$309.95		IP SERVICE
	Total MEDIACOM		\$309.95		
Paid Chk# 097362	12/23/2014	MENARD S			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$652.40		HOLIDAY LITES
	Total MENARD S		\$652.40		
Paid Chk# 097363	12/23/2014	MN BUREAU OF CRIMINAL APPREHEN			
E 101-42100-434	Training and schools		\$75.00	5155	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5227	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5246	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5298	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5702	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5722	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5883	PD TRAINING CLASSES
E 101-42100-434	Training and schools		\$75.00	5931	PD TRAINING CLASSES
	Total MN BUREAU OF CRIMINAL APPREHEN		\$600.00		
Paid Chk# 097364	12/23/2014	MN CHILD SUPPORT PAYMENT CENTE			
G 101-21710	County WH		\$227.50	0015104841	WITHHOLDING ORDER
	Total MN CHILD SUPPORT PAYMENT CENTE		\$227.50		

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December 2014 to January 2015

			Check Amt	Invoice	Comment
Paid Chk# 097365	12/23/2014	MULTISOURCE MANUFACTURING LLC			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$3,056.10	301908	STREET LIGHTS - PARTS
Total	MULTISOURCE MANUFACTURING LLC		\$3,056.10		
Paid Chk# 097366	12/23/2014	OFFICE DEPOT			
E 630-40000-200	Office Supplies (GENERAL)		\$67.00	74391760100	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$47.20	74391760100	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$152.91	745403127001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$2.53	745405013001	SUPPLIES
Total	OFFICE DEPOT		\$269.64		
Paid Chk# 097367	12/23/2014	PITNEY BOWES			
E 101-49200-322	Postage		\$2,020.99	95451510200	POSTAGE
Total	PITNEY BOWES		\$2,020.99		
Paid Chk# 097368	12/23/2014	PLANT & FLANGED EQUIPMENT CO.			
E 610-49100-405	Maint/Replac - System		\$457.50	0064280	WTP@2 VALVE
Total	PLANT & FLANGED EQUIPMENT CO.		\$457.50		
Paid Chk# 097369	12/23/2014	POPP TELECOM			
E 409-40000-540	Equipment		\$14,514.04	125834	NEW PHONE SYSTEM
E 409-40000-540	Equipment		\$1,760.00	125835	NEW PHONE SYSTEM
E 409-40000-540	Equipment		\$1,012.00	125836	NEW PHONE SYSTEM
E 409-40000-540	Equipment		\$575.00	125837	NEW PHONE SYSTEM
E 409-40000-540	Equipment		\$3,335.80	125840	NEW PHONE SYSTEM
Total	POPP TELECOM		\$21,196.84		
Paid Chk# 097370	12/23/2014	PRO HYDRO-TESTING			
E 101-42200-241	Safety equip/testings		\$1,296.00	9886	FD EQUIP.TESTING
Total	PRO HYDRO-TESTING		\$1,296.00		
Paid Chk# 097371	12/23/2014	RADERMACHER, KURT			
E 610-40000-433	Dues, Licensing & Seminars		\$30.00	REIMB.	LICENSE RENEWAL
Total	RADERMACHER, KURT		\$30.00		
Paid Chk# 097372	12/23/2014	RANDY S SANITATION			
E 650-47600-309	Contractual Services		\$3,804.00		RECYCLING
E 650-47500-384	Refuse/Garbage Disposal		\$8,355.49		LABOR
E 650-47500-384	Refuse/Garbage Disposal		\$30.55		STICKERS
E 650-47500-384	Refuse/Garbage Disposal		\$1,398.26		KARTS
E 650-47500-384	Refuse/Garbage Disposal		\$902.70		DRIVE UP SERVICE
E 101-41940-386	Other Utilities		\$331.12		CH & PW SERVICE
E 650-47500-386	Other Utilities		\$3,349.64		DISPOSAL
E 650-47800-386	Other Utilities		\$36.75		ORGANICS DISPOSAL
E 640-47000-384	Refuse/Garbage Disposal		\$181.28		STORE
E 640-48000-384	Refuse/Garbage Disposal		\$300.00		BAR
E 650-47800-384	Refuse/Garbage Disposal		\$6,340.00		ORGANICS
Total	RANDY S SANITATION		\$25,029.79		
Paid Chk# 097373	12/23/2014	SCHARBER & SONS			
E 101-45200-241	Safety equip/testings		\$199.90	P26846	SAFETY EQUIP.
Total	SCHARBER & SONS		\$199.90		
Paid Chk# 097374	12/23/2014	SHERIDAN SHEET METAL COMPANY			
E 101-42200-499	Miscellaneous		\$950.00	64291	FD REPAIRS
Total	SHERIDAN SHEET METAL COMPANY		\$950.00		
Paid Chk# 097375	12/23/2014	SRF CONSULTING GROUP, INC.			
E 401-40000-309	Contractual Services		\$1,067.04	08291.00-4	SUPERIOR ROW VACATION PLAT

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Total	SRF CONSULTING GROUP, INC.		\$1,067.04		
Paid Chk#	097376	12/23/2014	STANTEC CONSULTING SERVICES		
E 620-49100-405	Maint/Replac - System		\$2,449.00	855775	LIFT STATION #5 UPGRADE
Total	STANTEC CONSULTING SERVICES		\$2,449.00		
Paid Chk#	097377	12/23/2014	STREICHER S		
E 409-42100-540	Equipment		\$862.96	I1123824	PD GUNS
E 409-42100-540	Equipment		\$259.98	I1125501	PD GUNS
E 101-42100-217	Uniforms		\$13.99	I1127199	PD UNIFORMS
Total	STREICHER S		\$1,136.93		
Paid Chk#	097378	12/23/2014	TOWMASTER, INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$326.31	364484	PARTS
Total	TOWMASTER, INC.		\$326.31		
Paid Chk#	097379	12/23/2014	TRANSMISSION SHOP INC.		
E 101-42100-404	Repairs/Maint - Machin/Equip		\$119.53	111503	PD REPAIRS
Total	TRANSMISSION SHOP INC.		\$119.53		
Paid Chk#	097380	12/23/2014	UNIFORMS UNLIMITED		
E 409-42100-540	Equipment		\$1,050.90	231101	PD TASER
Total	UNIFORMS UNLIMITED		\$1,050.90		
Paid Chk#	097381	12/23/2014	VANDERHEIDEN, ROBERT		
E 101-42100-331	Mileage & Expense Account		\$14.00	MILEAGE	MILEAGE
Total	VANDERHEIDEN, ROBERT		\$14.00		
Paid Chk#	097382	12/23/2014	VERIZON WIRELESS		
E 101-42100-323	Radio Units		\$200.07	9737035503	SERVICE
Total	VERIZON WIRELESS		\$200.07		
Paid Chk#	097383	12/23/2014	VICKERS CONSULTING SERVICES		
E 101-42200-499	Miscellaneous		\$50.00	023667	FD SERVICE
Total	VICKERS CONSULTING SERVICES		\$50.00		
Paid Chk#	097384	12/23/2014	W.W. GOETSCH ASSOCIATES		
E 620-40000-405	Maint/Replac - System		\$780.00	93674	LIFT STATION #1 REPAIRS
Total	W.W. GOETSCH ASSOCIATES		\$780.00		
Paid Chk#	097385	12/23/2014	WOODFORD, RICHARD		
E 640-47000-130	Employer Paid Ins		\$300.00	DEC.2014	HEALTH INS.REIMB. DEC.2014
Total	WOODFORD, RICHARD		\$300.00		
Paid Chk#	097386	1/1/2015	AHMANN-MARTIN		
E 640-47000-361	General Liability Ins		\$5,197.00	129522	2015 LIQUOR LIABILITY INS.
E 640-48000-361	General Liability Ins		\$21,737.43	129522	2015 LIQUOR LIABILITY INS.
Total	AHMANN-MARTIN		\$26,934.43		
Paid Chk#	097387	1/1/2015	AM.WATER WORKS ASSOC.		
E 610-40000-433	Dues, Licensing & Seminars		\$78.00	7000914042	D.DUDINSKY DUES
Total	AM.WATER WORKS ASSOC.		\$78.00		
Paid Chk#	097388	1/1/2015	BANYON DATA SYSTEMS		
E 101-41500-433	Dues, Licensing & Seminars		\$1,785.00	00152296	SOFTWARE SUPPORT-FA, PR & GASB
Total	BANYON DATA SYSTEMS		\$1,785.00		
Paid Chk#	097389	1/1/2015	BETH, GERALD O		
E 640-48000-341	General Promotions		\$175.00	1/6/15	BAR MUSIC 1/6/15

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Total BETH, GERALD O			\$175.00		
Paid Chk# 097390	1/1/2015	BETH, GERALD O			
E 640-48000-341	General Promotions		\$175.00	1/13/15	BAR MUSIC 1/13/15
Total BETH, GERALD O			\$175.00		
Paid Chk# 097391	1/1/2015	BETH, GERALD O			
E 640-48000-341	General Promotions		\$175.00	1/20/15	BAR MUSIC 1/20/15
Total BETH, GERALD O			\$175.00		
Paid Chk# 097392	1/1/2015	BETH, GERALD O			
E 640-48000-341	General Promotions		\$175.00	1/27/15	BAR MUSIC 1/27/15
Total BETH, GERALD O			\$175.00		
Paid Chk# 097393	1/1/2015	BLUE CROSS AND BLUE SHIELD			
G 101-21706	Health Insurance		\$43,648.26	JAN.2015	HEALTH INS. JAN.2015
Total BLUE CROSS AND BLUE SHIELD			\$43,648.26		
Paid Chk# 097394	1/1/2015	DELTA DENTAL OF MINNESOTA			
G 101-21717	Dental Insurance		\$1,809.00	5800065	DENTAL INS. JAN.2015
Total DELTA DENTAL OF MINNESOTA			\$1,809.00		
Paid Chk# 097395	1/1/2015	GILBERT, MELODY			
E 640-48000-341	General Promotions		\$300.00	1/22/15	BAR MUSIC 1/22/15
Total GILBERT, MELODY			\$300.00		
Paid Chk# 097396	1/1/2015	ISRAEL, DAN			
E 640-48000-341	General Promotions		\$200.00	1/17/15	BAR MUSIC 1/17/15
Total ISRAEL, DAN			\$200.00		
Paid Chk# 097397	1/1/2015	MARTIN, SHANE			
E 640-48000-341	General Promotions		\$300.00	1/8/15	BAR MUSIC 1/8/15
Total MARTIN, SHANE			\$300.00		
Paid Chk# 097398	1/1/2015	MEDIACOM			
E 101-41940-321	Telephone		\$592.00		SERVICE JAN.2015
Total MEDIACOM			\$592.00		
Paid Chk# 097399	1/1/2015	MN DEPT.OF AGRICULTURE			
E 101-45200-433	Dues, Licensing & Seminars		\$15.00	2015 LICENSE	2015 PESTICIDE LICENSE RENEWAL
E 101-45200-433	Dues, Licensing & Seminars		\$25.00	2015 LICENSE	2015 TREE CARE REGISTRY
Total MN DEPT.OF AGRICULTURE			\$40.00		
Paid Chk# 097400	1/1/2015	MN LICENSED BEVERAGE ASSOC.			
E 640-48000-433	Dues, Licensing & Seminars		\$299.00	1031240	2015 DUES
Total MN LICENSED BEVERAGE ASSOC.			\$299.00		
Paid Chk# 097401	1/1/2015	MN NCPERS LIFE INSURANCE			
G 101-21715	PERA Term Life		\$48.00	JAN.2015	LIFE INS. JAN.2015
Total MN NCPERS LIFE INSURANCE			\$48.00		
Paid Chk# 097402	1/1/2015	MN POLICE & PEACE OFFICERS			
E 101-42100-433	Dues, Licensing & Seminars		\$96.00	15-092	P.REITER 2015 DUES
Total MN POLICE & PEACE OFFICERS			\$96.00		
Paid Chk# 097403	1/1/2015	MN STATE FIRE DEPT.ASSOC.			
E 101-42200-433	Dues, Licensing & Seminars		\$240.00	2015 DUES	2015 DUES
Total MN STATE FIRE DEPT.ASSOC.			\$240.00		
Paid Chk# 097404	1/1/2015	RED DOT GARAGE, LLC			

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E 640-48000-341	General Promotions		\$300.00	1/31/15	BAR MUSIC 1/31/15
	Total RED DOT GARAGE, LLC		\$300.00		
Paid Chk# 097405	1/1/2015	REYCRAFT, TOM			
E 640-48000-341	General Promotions		\$300.00	1/10/15	BAR MUSIC 1/10/15
	Total REYCRAFT, TOM		\$300.00		
Paid Chk# 097406	1/1/2015	SECURITY PRODUCTS COMPANY			
E 640-47000-433	Dues, Licensing & Seminars		\$429.10	171951	ALARM MONITORING
E 640-48000-433	Dues, Licensing & Seminars		\$429.10	171951	ALARM MONITORING
	Total SECURITY PRODUCTS COMPANY		\$858.20		
Paid Chk# 097407	1/1/2015	STARY, MARK			
E 640-48000-341	General Promotions		\$300.00	1/29/14	BAR MUSIC 1/29/14
	Total STARY, MARK		\$300.00		
Paid Chk# 097408	1/1/2015	SUN LIFE ASSURANCE COMPANY			
G 101-21716	Basic Life Insurance		\$34.50	237816	LIFE INS. JAN.2015
G 101-21714	Supplemental Life Insurance		\$784.30	237816	LIFE INS. JAN.2015
E 101-42200-306	Personnel Expense		\$21.00	237816	LIFE INS. JAN.2015
	Total SUN LIFE ASSURANCE COMPANY		\$839.80		
Paid Chk# 097409	1/1/2015	TRICK			
E 640-48000-341	General Promotions		\$400.00	1/24/15	BAR MUSIC 1/24/15
	Total TRICK		\$400.00		
Paid Chk# 097410	1/1/2015	U.S. POSTMASTER			
E 101-49200-322	Postage		\$220.00	99	FIRST CLASS MAIL PERMIT
	Total U.S. POSTMASTER		\$220.00		
Paid Chk# 097411	12/30/2014	ASPEN MILLS			
E 101-42200-217	Uniforms		\$214.65	158965	FD UNIFORMS
E 101-42200-217	Uniforms		\$2,318.80	158966	FD UNIFORMS
E 101-42200-217	Uniforms		\$2,328.80	159168	FD UNIFORMS
E 101-42200-217	Uniforms		\$190.80	159169	FD UNIFORMS
	Total ASPEN MILLS		\$5,053.05		
Paid Chk# 097412	12/30/2014	AT&T MOBILITY			
E 101-41940-321	Telephone		\$203.28		SERVICE
	Total AT&T MOBILITY		\$203.28		
Paid Chk# 097413	12/30/2014	AT&T MOBILITY			
E 101-41940-321	Telephone		\$176.75		PW SERVICE
	Total AT&T MOBILITY		\$176.75		
Paid Chk# 097414	12/30/2014	AVI SYSTEMS, INC.			
E 235-40000-404	Repairs/Maint - Machin/Equip		\$521.25	42532900	AV SYSTEM REPAIRS
	Total AVI SYSTEMS, INC.		\$521.25		
Paid Chk# 097415	12/30/2014	BEST & FLANAGAN			
E 401-40000-304	Legal Fees		\$1,559.25	448400	ROW-SUP/LAKE
E 101-41500-304	Legal Fees		\$487.50	448406	253/259 LAKE STREET
	Total BEST & FLANAGAN		\$2,046.75		
Paid Chk# 097416	12/30/2014	CARQUEST OF WAYZATA			
E 101-45200-210	Operating Supplies (GENERAL)		\$2.46	6973-238820	PARTS
	Total CARQUEST OF WAYZATA		\$2.46		
Paid Chk# 097417	12/30/2014	CARTER, JEANNE			

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E 640-48000-499	Miscellaneous	\$240.00	REIMB.	BAR FIGURINE REPAIRED
	Total CARTER, JEANNE	\$240.00		
Paid Chk# 097418	12/30/2014	CASH - ANCHOR BANK		
E 101-42100-331	Mileage & Expense Account	\$47.17		PD MTG.MEALS
E 101-41940-210	Operating Supplies (GENERAL)	\$15.00		BLDG.MAINT.SUPPLIES
E 101-41100-493	Volunteer program	\$13.22		VOLUNTEER DINNER SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)	\$11.45		SUPPLIES
E 101-41500-331	Mileage & Expense Account	\$20.06		MTG.MEALS
E 630-40000-210	Operating Supplies (GENERAL)	\$61.48		MV SUPPLIES
E 620-40000-404	Repairs/Maint - Machin/Equip	\$8.00		TRUCK TABS-SEWER
E 610-40000-322	Postage	\$15.39		REPLENISH PETTY CASH
E 610-40000-404	Repairs/Maint - Machin/Equip	\$8.00		TRUCK TABS-WATER
	Total CASH - ANCHOR BANK	\$199.77		
Paid Chk# 097419	12/30/2014	CLAREY S SAFETY EQUIPMENT		
E 101-42200-210	Operating Supplies (GENERAL)	\$431.50	158933	FD SUPPLIES
E 101-42200-210	Operating Supplies (GENERAL)	\$1,288.71	158962	FD SUPPLIES
E 101-42200-240	Small Tools and Minor Equip	\$516.99	158963	FD TOOLS
E 101-42200-210	Operating Supplies (GENERAL)	\$119.43	158964	FD SUPPLIES
E 101-42200-240	Small Tools and Minor Equip	\$1,438.43	159054	FD TOOLS
	Total CLAREY S SAFETY EQUIPMENT	\$3,795.06		
Paid Chk# 097420	12/30/2014	CLASSEY, KRISTIN		
E 235-40000-331	Mileage & Expense Account	\$10.33	REIMB.	MILEAGE
	Total CLASSEY, KRISTIN	\$10.33		
Paid Chk# 097421	12/30/2014	CLASSIC CLEANING COMPANY		
E 101-41940-404	Repairs/Maint - Machin/Equip	\$1,162.00	21632	PW MATS
	Total CLASSIC CLEANING COMPANY	\$1,162.00		
Paid Chk# 097422	12/30/2014	DECORATORS SERVICE CO.,INC.		
E 101-41940-401	Repairs/Maint Buildings	\$6,195.00	16938	CH & MV INTERIOR PAINTING
	Total DECORATORS SERVICE CO.,INC.	\$6,195.00		
Paid Chk# 097423	12/30/2014	DELANO RENTAL		
E 101-45200-415	Other Equipment Rentals	\$216.33	6481	EQUIP.RENTAL
	Total DELANO RENTAL	\$216.33		
Paid Chk# 097424	12/30/2014	DIVERSIFIED ELECTRIC INC.		
E 101-41940-401	Repairs/Maint Buildings	\$901.96	1338	PW REPAIRS
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$4,773.15	1339	HERITAGE PARK REPAIRS
E 620-40000-405	Maint/Replac - System	\$965.00	1340	LIFTSTATION #12 REPAIRS
E 620-40000-405	Maint/Replac - System	\$332.00	1341	LIFTSTATION #11 REPAIRS
E 610-40000-242	Well & F.P. Equipment	\$445.00	1342	WTP#2 REPAIRS
E 409-42200-540	Equipment	\$1,710.00	1343	NEW FD GENERATOR INSTALL
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$451.25	1344	LAKE STREET OUTLETS
E 408-40000-520	Buildings and Structures	\$2,959.20	1345	DEPOT REPAIRS
E 620-40000-405	Maint/Replac - System	\$1,565.00	1346	LIFSTATION @ SUPERIOR REPAIRS
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$1,565.00	1346	PARKING LOT @ SUPERIOR
E 620-40000-405	Maint/Replac - System	\$2,108.00	1347	LIFTSTATION #5 REPAIRS
E 408-40000-520	Buildings and Structures	\$9,000.00	1348	BATH HOUSE REPAIRS
E 620-49100-405	Maint/Replac - System	\$6,444.73	1348	LIFTSTATION #5 UPGRADED
E 101-42200-409	Maint services & Improv	\$1,175.00	1349	FD REPAIRS
E 437-40000-401	Repairs/Maint Buildings	\$3,871.26	1350	LIBRARY REPAIRS
E 101-41940-401	Repairs/Maint Buildings	\$798.80	1351	PD REPAIRS
E 101-41940-401	Repairs/Maint Buildings	\$1,536.35	1352	CH REPAIRS
	Total DIVERSIFIED ELECTRIC INC.	\$40,601.70		

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Paid Chk# 097425	12/30/2014	ECM PUBLISHERS, INC.			
E 101-41500-350	Printing & Publishing		\$85.12	171925	BUDGET SUMMARY
E 101-41500-350	Printing & Publishing		\$58.52	173987	BOATWORK MICROBREWERY
E 101-41500-350	Printing & Publishing		\$138.32	173988	ORDINANCE #749
	Total ECM PUBLISHERS, INC.		\$281.96		
Paid Chk# 097426	12/30/2014	EMERGENCY AUTOMOTIVE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$304.00	23251	PD REPAIRS
	Total EMERGENCY AUTOMOTIVE		\$304.00		
Paid Chk# 097427	12/30/2014	EMERGENCY RESPONSE SOLUTIONS			
E 101-42200-240	Small Tools and Minor Equip		\$1,538.15	3230	FD TOOLS
E 101-42200-240	Small Tools and Minor Equip		\$1,200.17	3231	FD TOOLS
	otal EMERGENCY RESPONSE SOLUTIONS		\$2,738.32		
Paid Chk# 097428	12/30/2014	ESS BROTHERS & SONS INC.			
E 620-40000-225	Repair & Maint - System		\$121.00	TT8252	MANHOLE LID
	Total ESS BROTHERS & SONS INC.		\$121.00		
Paid Chk# 097429	12/30/2014	EXCEL DOCUMENT MGMT.			
E 101-41100-210	Operating Supplies (GENERAL)		\$44.75	40505	BUS.CARD
	Total EXCEL DOCUMENT MGMT.		\$44.75		
Paid Chk# 097430	12/30/2014	FERGUSON WATERWORKS			
E 610-40000-240	Small Tools and Minor Equip		\$2,179.57	0121803	UTILITY LINE TRACER
E 620-40000-240	Small Tools and Minor Equip		\$2,179.57	0121803	UTILITY LINE TRACER
	Total FERGUSON WATERWORKS		\$4,359.14		
Paid Chk# 097431	12/30/2014	FERNANDEZ, NICHOLE			
E 101-42100-331	Mileage & Expense Account		\$32.48	REIMB.	MILEAGE
	Total FERNANDEZ, NICHOLE		\$32.48		
Paid Chk# 097432	12/30/2014	FLEXIBLE PIPE TOOL COMPANY			
E 620-40000-224	Repair & Maint - Motor Equip		\$1,830.00	18206	SEWER JET VAC PRESSURE HOSE
	Total FLEXIBLE PIPE TOOL COMPANY		\$1,830.00		
Paid Chk# 097433	12/30/2014	GARELICK STEEL CO.			
E 101-45200-210	Operating Supplies (GENERAL)		\$61.00	306960	SUPPLIES
	Total GARELICK STEEL CO.		\$61.00		
Paid Chk# 097434	12/30/2014	GRAINGER, INC.			
E 610-40000-242	Well & F.P. Equipment		\$283.68	9616377009	PARTS
E 610-40000-210	Operating Supplies (GENERAL)		\$8.59	9616377025	PARTS
	Total GRAINGER, INC.		\$292.27		
Paid Chk# 097435	12/30/2014	GROVES, JAMES			
G 101-21713	Flex - HSA		\$457.78	FLEX REIMB.	FLEX SPENDING REIMB.
	Total GROVES, JAMES		\$457.78		
Paid Chk# 097436	12/30/2014	H&L MESABI			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$1,077.35	92331	PARTS
	Total H&L MESABI		\$1,077.35		
Paid Chk# 097437	12/30/2014	HAWKINS, INC			
E 610-40000-216	Chemicals and Chem Products		\$2,304.46	3674438	WTP CHEMICALS
	Total HAWKINS, INC		\$2,304.46		
Paid Chk# 097438	12/30/2014	HENNEPIN COUNTY TAX SERVICES			
E 316-40000-499	Miscellaneous		\$557.62	99-2015-1	TIF DISTRICT COSTS

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E 314-40000-499	Miscellaneous		\$1,380.77	99-2015-1	TIF DISTRICT COSTS
Total	HENNEPIN COUNTY TAX SERVICES		\$1,938.39		
Paid Chk# 097439	12/30/2014	HIGHWAY 55 RENTAL			
E 610-40000-415	Other Equipment Rentals		\$306.90	480970	EQUIP.RENTAL
Total	HIGHWAY 55 RENTAL		\$306.90		
Paid Chk# 097440	12/30/2014	HOLIDAY			
E 101-42100-212	Motor Fuels		\$31.95		PD FUEL
Total	HOLIDAY		\$31.95		
Paid Chk# 097441	12/30/2014	KILLMER ELECTRIC CO.,INC.			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$920.58	79557	WAYZ.BLVD/SUPERIOR REPAIRS
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$101.54	79566	WAYZ.BLVD/BROADWAY REPAIRS
Total	KILLMER ELECTRIC CO.,INC.		\$1,022.12		
Paid Chk# 097442	12/30/2014	LAMBERT, JEFFREY W.			
E 101-42120-304	Legal Fees		\$3,621.50	928.002	LEGAL SERVICES
Total	LAMBERT, JEFFREY W.		\$3,621.50		
Paid Chk# 097443	12/30/2014	LAW ENFORCEMENT LABOR SERVICES			
G 101-21707	Police union dues		\$405.00	DEC.2014	UNION DUES - DEC.2014
Total	LAW ENFORCEMENT LABOR SERVICES		\$405.00		
Paid Chk# 097444	12/30/2014	LOFFLER COMPANIES, INC.			
E 101-41500-404	Repairs/Maint - Machin/Equip		\$143.75	CW39121	COMPUTER REPAIRS
Total	LOFFLER COMPANIES, INC.		\$143.75		
Paid Chk# 097445	12/30/2014	LONG LAKE TRU VALUE			
E 620-40000-210	Operating Supplies (GENERAL)		\$10.72		SUPPLIES
E 101-42200-404	Repairs/Maint - Machin/Equip		\$4.93		SUPPLIES
E 610-40000-210	Operating Supplies (GENERAL)		\$41.03		SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$77.06		SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		\$54.99		SUPPLIES
Total	LONG LAKE TRU VALUE		\$188.73		
Paid Chk# 097446	12/30/2014	MACQUEEN EQUIPMENT, INC.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$665.46	2150545	PARTS
Total	MACQUEEN EQUIPMENT, INC.		\$665.46		
Paid Chk# 097447	12/30/2014	MANSFIELD OIL COMPANY			
E 101-49200-212	Motor Fuels		\$1,941.42	116982	FUEL
E 101-49200-212	Motor Fuels		\$1,054.59	142710	FUEL
E 101-49200-212	Motor Fuels		\$5,634.13	142725	FUEL
E 101-49200-212	Motor Fuels		\$789.26	143958	FUEL
Total	MANSFIELD OIL COMPANY		\$9,419.40		
Paid Chk# 097448	12/30/2014	MCCORMICK HOSPITALITY GROUP LL			
G 101-20310	Escrow		\$2,000.00	ESCROW REF	ESCROW REFUND
Total	MCCORMICK HOSPITALITY GROUP LL		\$2,000.00		
Paid Chk# 097449	12/30/2014	MED COMPASS			
E 101-42200-306	Personnel Expense		\$113.00	24654	FD EXAMS
Total	MED COMPASS		\$113.00		
Paid Chk# 097450	12/30/2014	MEYER, BILL			
E 101-42200-210	Operating Supplies (GENERAL)		\$613.01	REIMB.	FD SUPPLIES
Total	MEYER, BILL		\$613.01		

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Paid Chk# 097451	12/30/2014	MILLER, FRED			
E 235-40000-302	Consultants		\$1,525.00	89	WCTV
	Total MILLER, FRED		\$1,525.00		
Paid Chk# 097452	12/30/2014	MINNETONKA, CITY OF			
E 101-43200-309	Contractual Services		\$28,393.75		ENVIRONMEN 2014 ENVIRONMENTAL SERVICES
	Total MINNETONKA, CITY OF		\$28,393.75		
Paid Chk# 097453	12/30/2014	MUNSON LAKES NUTRITION			
E 101-43100-217	Uniforms		\$32.42	0401170	C.HEITZ UNIFORM
	Total MUNSON LAKES NUTRITION		\$32.42		
Paid Chk# 097454	12/30/2014	NAPA AUTO PARTS-WATERTOWN			
E 620-40000-210	Operating Supplies (GENERAL)		\$2.65	429490	PARTS
E 101-45200-210	Operating Supplies (GENERAL)		\$49.00	430026	PARTS
	Total NAPA AUTO PARTS-WATERTOWN		\$51.65		
Paid Chk# 097455	12/30/2014	NORTH EMS EDUCATION			
E 101-42100-434	Training and schools		\$100.00	PSA716	PD TRAINING
	Total NORTH EMS EDUCATION		\$100.00		
Paid Chk# 097456	12/30/2014	OFFICE DEPOT			
E 101-43100-200	Office Supplies (GENERAL)		\$24.89	744401712001	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$12.44	744401712001	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$24.89	744401712001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$12.44	744401712001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$5.65	744401714001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$111.46	746402736001	SUPPLIES
E 630-40000-200	Office Supplies (GENERAL)		\$144.00	746402736001	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$7.58	746822580001	SUPPLIES
E 620-40000-200	Office Supplies (GENERAL)		\$17.66	746822581001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$17.66	746822581001	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$35.30	746822581001	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$35.30	746822581001	SUPPLIES
E 640-48000-200	Office Supplies (GENERAL)		\$34.71	747126996001	SUPPLIES
E 640-48000-200	Office Supplies (GENERAL)		\$71.26	747127031001	SUPPLIES
	Total OFFICE DEPOT		\$555.24		
Paid Chk# 097457	12/30/2014	PIPE SERVICES CORP.			
E 620-40000-409	Maint services & Improv		\$10,146.76	2007722	YEARLY SEWER TELEVISION
	Total PIPE SERVICES CORP.		\$10,146.76		
Paid Chk# 097458	12/30/2014	PIRTEK			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$4.11	S2023180.001	PARTS
	Total PIRTEK		\$4.11		
Paid Chk# 097459	12/30/2014	POPP TELECOM			
E 640-47000-321	Telephone		\$100.00		STORE
E 620-40000-323	Radio Units		\$32.61		SEWER LIFTS
E 640-48000-321	Telephone		\$100.00		BAR
E 101-41940-321	Telephone		\$560.34		SERVICE
E 610-40000-323	Radio Units		\$89.35		WTP
E 409-40000-540	Equipment		\$53.64	125923	PHONE SYSTEM
	Total POPP TELECOM		\$935.94		
Paid Chk# 097460	12/30/2014	RADIOSHACK			
E 101-42100-210	Operating Supplies (GENERAL)		\$24.10	027049	PD SUPPLIES
	Total RADIOSHACK		\$24.10		

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Paid Chk# 097461	12/30/2014	SECURITY PRODUCTS COMPANY			
E 101-41940-210	Operating Supplies (GENERAL)		\$694.06	1105203	NEW KEY FOBS
E 409-40000-540	Equipment		\$4,700.03	1105561	CAMERAS & DVR
Total	SECURITY PRODUCTS COMPANY		\$5,394.09		
Paid Chk# 097462	12/30/2014	SHERWIN-WILLIAMS CO.			
E 610-40000-401	Repairs/Maint Buildings		\$76.38	2520-1	WTP#2 PAINT
Total	SHERWIN-WILLIAMS CO.		\$76.38		
Paid Chk# 097463	12/30/2014	SHORT ELLIOTT HENDRICKSON INC.			
G 101-20310	Escrow		\$2,125.73	291380	ANTENNA PROJECTS
Total	SHORT ELLIOTT HENDRICKSON INC.		\$2,125.73		
Paid Chk# 097464	12/30/2014	SPRINT			
E 101-42100-323	Radio Units		\$130.91	134573312-15	PD SERVICE
Total	SPRINT		\$130.91		
Paid Chk# 097465	12/30/2014	SPRINT			
E 101-42200-323	Radio Units		\$324.64	523093316-15	FD SERVICE
Total	SPRINT		\$324.64		
Paid Chk# 097466	12/30/2014	STREICHER S			
E 101-42100-217	Uniforms		\$1,150.00	S1167389	PD UNIFORMS
Total	STREICHER S		\$1,150.00		
Paid Chk# 097467	12/30/2014	TIME SAVER			
E 101-41100-302	Consultants		\$600.00	M20994	MTG.MINUTES
Total	TIME SAVER		\$600.00		
Paid Chk# 097468	12/30/2014	TOLL GAS & WELDING SUPPLY			
E 101-45200-210	Operating Supplies (GENERAL)		\$35.64	10058055	SUPPLIES
Total	TOLL GAS & WELDING SUPPLY		\$35.64		
Paid Chk# 097469	12/30/2014	TROPHIES BY LINDA			
E 101-41100-499	Miscellaneous		\$164.25	29056	CLOCKS - COUNCIL
Total	TROPHIES BY LINDA		\$164.25		
Paid Chk# 097470	12/30/2014	VAN PAPER COMPANY			
E 620-40000-200	Office Supplies (GENERAL)		\$54.51	332864-00	PW SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$54.51	332864-00	PW SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$109.00	332864-00	PW SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$109.00	332864-00	PW SUPPLIES
Total	VAN PAPER COMPANY		\$327.02		
Paid Chk# 097471	12/30/2014	VERIZON WIRELESS			
E 101-42200-323	Radio Units		\$11.99	9737481004	FD SERVICE
Total	VERIZON WIRELESS		\$11.99		
Paid Chk# 097472	12/30/2014	WAYZATA CHAMBER OF COMMERCE			
E 101-42100-331	Mileage & Expense Account		\$25.00	6261	NITE TO UNITE LUNCHEON
E 101-42200-331	Mileage & Expense Account		\$125.00	6261	NITE TO UNITE LUNCHEON
E 101-41100-331	Mileage & Expense Account		\$75.00	6261	NITE TO UNITE LUNCHEON
E 101-41500-331	Mileage & Expense Account		\$25.00	6261	NITE TO UNITE LUNCHEON
E 101-43100-331	Mileage & Expense Account		\$25.00	6261	NITE TO UNITE LUNCHEON
E 101-41910-331	Mileage & Expense Account		\$25.00	6261	NITE TO UNITE LUNCHEON
Total	WAYZATA CHAMBER OF COMMERCE		\$300.00		
Paid Chk# 097473	12/30/2014	WBC HOLDINGS, INC.			
E 101-45200-404	Repairs/Maint - Machin/Equip		\$7.51	11732	DUDINSKY CAR MAINT.

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E 101-43100-404	Repairs/Maint - Machin/Equip	\$7.51	11744	DUDINSKY CAR MAINT.
	Total WBC HOLDINGS, INC.	\$15.02		
Paid Chk# 097474	12/30/2014	WESTSIDE WHOLESALE TIRE		
E 620-40000-404	Repairs/Maint - Machin/Equip	\$473.44	737031	TIRES
E 101-45200-404	Repairs/Maint - Machin/Equip	\$556.96	737031	TIRES
	Total WESTSIDE WHOLESALE TIRE	\$1,030.40		
Paid Chk# 097475	12/31/2014	ADVANCED IMAGING SOLUTIONS		
E 640-48000-200	Office Supplies (GENERAL)	\$51.26	INV57620	SUPPLIES
	Total ADVANCED IMAGING SOLUTIONS	\$51.26		
Paid Chk# 097476	12/31/2014	ARCTIC GLACIER INC.		
E 640-47000-254	Soft Drinks/Mix For Resale	\$83.40	385436405	ICE
	Total ARCTIC GLACIER INC.	\$83.40		
Paid Chk# 097477	12/31/2014	BAGY JO, INC.		
E 640-48000-256	MISC.MDSE.RESALE	\$1,680.00	DRV-14215	MISC.MDSE.
	Total BAGY JO, INC.	\$1,680.00		
Paid Chk# 097478	12/31/2014	BELLBOY BAR SUPPLY CORP.		
E 640-47000-251	Liquor For Resale	\$1,344.05	46057400	LIQUOR
E 640-47000-259	Freight	\$12.40	46057400	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$163.90	46057500	MISC.BEV.
E 640-47000-259	Freight	\$7.75	46057500	FREIGHT
E 640-47000-259	Freight	\$32.55	46165900	FREIGHT
E 640-47000-251	Liquor For Resale	\$3,398.83	46165900	LIQUOR
E 640-47000-251	Liquor For Resale	\$2,339.05	46351100	LIQUOR
E 640-47000-259	Freight	\$18.60	46351100	FREIGHT
E 640-47000-259	Freight	\$6.20	46351200	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$83.80	46351200	MISC.BEV.
E 640-47000-210	Operating Supplies (GENERAL)	\$26.00	91243500	SUPPLIES
E 640-47000-254	Soft Drinks/Mix For Resale	\$39.30	91243500	MISC.MDSE.
E 640-47000-259	Freight	\$4.31	91243500	LIQUOR
E 640-47000-210	Operating Supplies (GENERAL)	\$82.80	91281600	SUPPLIES
E 640-47000-254	Soft Drinks/Mix For Resale	\$33.00	91281600	MISC.MDSE.
E 640-47000-259	Freight	\$4.35	91281600	FREIGHT
E 640-47000-259	Freight	\$1.18	91328500	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$39.96	91328500	MISC.MDSE.
E 640-47000-259	Freight	\$5.18	91351500	FREIGHT
E 640-47000-210	Operating Supplies (GENERAL)	\$153.40	91351500	SUPPLIES
E 640-47000-254	Soft Drinks/Mix For Resale	\$98.18	91351500	MISC.MDSE.
	Total BELLBOY BAR SUPPLY CORP.	\$7,894.79		
Paid Chk# 097479	12/31/2014	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale	\$172.80	184074	MISC.BEV.
E 640-47000-253	Beer For Resale	\$106.60	184075	BEER
E 640-47000-254	Soft Drinks/Mix For Resale	\$57.65	186818	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale	\$457.80	186819	MISC.BEV.
	Total BERNICK'S WINE	\$794.85		
Paid Chk# 097480	12/31/2014	BERRY COFFEE COMPANY		
E 640-48000-254	Soft Drinks/Mix For Resale	\$143.95	1219850	MISC.BEV.
	Total BERRY COFFEE COMPANY	\$143.95		
Paid Chk# 097481	12/31/2014	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies (GENERAL)	\$58.73	5002295680	FIRST AID SUPPLIES
	Total CINTAS CORPORATION	\$58.73		

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Paid Chk# 097482	12/31/2014	COCA-COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$283.36	0178056121	MISC.BEV.
E 640-48000-254	Soft Drinks/Mix For Resale		\$1,135.25	0178058808	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$320.32	0178058809	MISC.BEV.
	Total COCA-COLA		\$1,738.93		
Paid Chk# 097483	12/31/2014	COZZINI BROS., INC.			
E 640-48500-415	Other Equipment Rentals		\$71.34	C1406979	KNIFE EXCHANGE
	Total COZZINI BROS., INC.		\$71.34		
Paid Chk# 097484	12/31/2014	DAHLHEIMER DISTRIBUTING CO.			
E 640-47000-253	Beer For Resale		\$35.50	102161	BEER
E 640-48000-253	Beer For Resale		\$177.00	102230	BEER
E 640-47000-253	Beer For Resale		\$30.00	102313	BEER
E 640-47000-253	Beer For Resale		\$623.15	1136483	BEER
E 640-47000-253	Beer For Resale		\$248.50	1136537	BEER
E 640-48000-253	Beer For Resale		\$267.00	1136538	BEER
E 640-48000-253	Beer For Resale		\$469.00	1136593	BEER
E 640-47000-253	Beer For Resale		\$1,044.55	1136594	BEER
E 640-48000-253	Beer For Resale		\$724.00	1141241	BEER
E 640-48000-253	Beer For Resale		\$237.00	1141280	BEER
E 640-47000-253	Beer For Resale		\$1,558.25	1141281	BEER
	Total DAHLHEIMER DISTRIBUTING CO.		\$5,413.95		
Paid Chk# 097485	12/31/2014	DAY DISTRIBUTING			
E 640-47000-253	Beer For Resale		(\$57.00)	75716	BEER
E 640-47000-253	Beer For Resale		\$122.70	781872	BEER
E 640-48000-253	Beer For Resale		\$953.00	782336	BEER
E 640-47000-253	Beer For Resale		\$1,206.50	782337	BEER
E 640-48000-253	Beer For Resale		\$625.00	783295	BEER
E 640-47000-253	Beer For Resale		\$2,093.40	783424	BEER
E 640-48000-253	Beer For Resale		\$778.00	784128	BEER
E 640-47000-253	Beer For Resale		\$1,135.85	784258	BEER
	Total DAY DISTRIBUTING		\$6,857.45		
Paid Chk# 097486	12/31/2014	DIRECTV			
E 640-48000-415	Other Equipment Rentals		\$347.31	24767498595	SERVICE
	Total DIRECTV		\$347.31		
Paid Chk# 097487	12/31/2014	EXTREME BEVERAGE, LLC			
E 640-47000-254	Soft Drinks/Mix For Resale		\$472.50	W1084431	MISC.BEV.
	Total EXTREME BEVERAGE, LLC		\$472.50		
Paid Chk# 097488	12/31/2014	FLAHERTY S HAPPY TYME CO.			
E 640-47000-254	Soft Drinks/Mix For Resale		\$145.80	26930	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$48.60	26943	MISC.BEV.
	Total FLAHERTY S HAPPY TYME CO.		\$194.40		
Paid Chk# 097489	12/31/2014	G & K SERVICES			
E 640-48500-217	Uniforms		\$38.06	1013655356	SUPPLIES & KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$22.68	1013655356	SUPPLIES & KITCHEN UNIFORMS
E 640-48500-210	Operating Supplies (GENERAL)		\$93.35	1013655356	SUPPLIES & KITCHEN UNIFORMS
E 640-48500-217	Uniforms		\$38.06	1013666696	SUPPLIES & KITCHEN UNIFORMS
E 640-48500-210	Operating Supplies (GENERAL)		\$85.14	1013666696	SUPPLIES & KITCHEN UNIFORMS
E 640-48000-210	Operating Supplies (GENERAL)		\$46.54	1013666696	SUPPLIES & KITCHEN UNIFORMS
E 640-48500-217	Uniforms		\$164.25	1013678202	SUPPLIES & KITCHEN UNIFORMS
	Total G & K SERVICES		\$488.08		

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Paid Chk# 097490	12/31/2014	GIANNI'S			
E 640-48000-341	General Promotions		\$100.00	11/29/14	PROMO ITEM
	Total GIANNI'S		\$100.00		
Paid Chk# 097491	12/31/2014	GIFTNETWORKS LLC-1			
E 640-47000-254	Soft Drinks/Mix For Resale		\$48.00	4955	MISC.MDSE.
E 640-48000-254	Soft Drinks/Mix For Resale		\$74.10	5001	MISC.MDSE.
	Total GIFTNETWORKS LLC-1		\$122.10		
Paid Chk# 097492	12/31/2014	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale		\$1,156.00	175102	WINE
E 640-47000-259	Freight		\$22.50	175102	FREIGHT
E 640-47000-259	Freight		\$13.50	175429	FREIGHT
E 640-47000-252	Wine For Resale		\$1,360.00	175429	WINE
E 640-47000-252	Wine For Resale		\$1,146.00	175432	WINE
E 640-47000-259	Freight		\$22.50	175432	FREIGHT
E 640-47000-252	Wine For Resale		\$84.00	175606	WINE
E 640-47000-259	Freight		\$2.25	175606	FREIGHT
E 640-47000-259	Freight		\$9.00	175763	FREIGHT
E 640-47000-252	Wine For Resale		\$660.00	175763	WINE
E 640-47000-252	Wine For Resale		\$1,684.00	175985	WINE
E 640-47000-259	Freight		\$29.25	175985	FREIGHT
	Total GRAPE BEGINNINGS, INC.		\$6,189.00		
Paid Chk# 097493	12/31/2014	HEGGIES PIZZA			
E 640-48500-255	FOODIngredients For Resale		\$178.10	1428940	FOOD
	Total HEGGIES PIZZA		\$178.10		
Paid Chk# 097494	12/31/2014	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$414.00	735080	BEER
E 640-47000-253	Beer For Resale		\$745.00	737085	BEER
E 640-47000-253	Beer For Resale		\$613.00	739429	BEER
	Total HOHENSTEINS INC.		\$1,772.00		
Paid Chk# 097495	12/31/2014	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale		(\$19.25)	2294954	BEER
E 640-48000-253	Beer For Resale		\$307.00	2301579	BEER
E 640-47000-253	Beer For Resale		\$561.80	2309419	BEER
E 640-47000-253	Beer For Resale		\$1,276.62	2309464	BEER
E 640-47000-253	Beer For Resale		\$975.55	2309477	BEER
E 640-47000-253	Beer For Resale		\$1,299.80	2309510	BEER
E 640-48000-253	Beer For Resale		\$397.05	2313440	BEER
E 640-48000-253	Beer For Resale		\$629.80	2313489	BEER
E 640-48000-253	Beer For Resale		\$348.00	2313532	BEER
	Total JJ TAYLOR DISTRIBUTING OF MN		\$5,776.37		
Paid Chk# 097496	12/31/2014	JOHNSON BROS.-ST.PAUL			
E 640-47000-252	Wine For Resale		\$479.95	5044972	WINE
E 640-47000-259	Freight		\$12.69	5044972	FREIGHT
E 640-47000-259	Freight		\$19.04	5044973	FREIGHT
E 640-47000-251	Liquor For Resale		\$1,665.32	5044973	LIQUOR
E 640-47000-259	Freight		\$1.41	5044974	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale		\$82.80	5044974	MISC.BEV.
E 640-47000-252	Wine For Resale		\$160.00	5044975	WINE
E 640-47000-259	Freight		\$3.17	5044975	FREIGHT
E 640-47000-259	Freight		\$31.02	5044976	FREIGHT
E 640-47000-252	Wine For Resale		\$1,584.50	5044976	WINE
E 640-47000-259	Freight		\$33.84	5046291	FREIGHT

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E 640-47000-252	Wine For Resale	\$1,622.95	5046291	WINE
E 640-47000-259	Freight	\$4.23	5046292	FREIGHT
E 640-47000-251	Liquor For Resale	\$316.40	5046292	LIQUOR
E 640-47000-259	Freight	\$12.69	5050760	FREIGHT
E 640-47000-252	Wine For Resale	\$395.80	5050760	WINE
E 640-47000-251	Liquor For Resale	\$1,889.14	5050761	LIQUOR
E 640-47000-259	Freight	\$18.33	5050761	FREIGHT
E 640-47000-259	Freight	\$2.82	5050762	FREIGHT
E 640-47000-251	Liquor For Resale	\$177.00	5050762	LIQUOR
E 640-47000-259	Freight	\$39.47	5050763	FREIGHT
E 640-47000-252	Wine For Resale	\$2,149.30	5050763	WINE
E 640-47000-259	Freight	\$39.48	5052143	FREIGHT
E 640-47000-252	Wine For Resale	\$2,604.00	5052143	WINE
E 640-47000-251	Liquor For Resale	\$423.00	5052144	LIQUOR
E 640-47000-259	Freight	\$5.64	5052144	FREIGHT
E 640-47000-252	Wine For Resale	\$248.28	5052536	WINE
E 640-47000-251	Liquor For Resale	\$3,636.65	5055001	LIQUOR
E 640-47000-259	Freight	\$32.54	5055001	FREIGHT
E 640-47000-259	Freight	\$13.15	5055002	FREIGHT
E 640-47000-252	Wine For Resale	\$526.20	5055002	WINE
E 640-47000-259	Freight	\$14.80	5055003	FREIGHT
E 640-47000-251	Liquor For Resale	\$885.00	5055003	LIQUOR
E 640-47000-252	Wine For Resale	\$1,883.85	5055004	WINE
E 640-47000-259	Freight	\$32.43	5055004	FREIGHT
E 640-47000-252	Wine For Resale	\$1,085.85	5057962	WINE
E 640-47000-259	Freight	\$21.15	5057962	FREIGHT
E 640-47000-251	Liquor For Resale	\$590.30	5057963	LIQUOR
E 640-47000-259	Freight	\$7.05	5057963	FREIGHT
E 640-47000-252	Wine For Resale	\$664.65	5060871	WINE
E 640-47000-259	Freight	\$15.75	5060871	FREIGHT
E 640-47000-259	Freight	\$24.44	5060872	FREIGHT
E 640-47000-251	Liquor For Resale	\$2,730.77	5060872	LIQUOR
E 640-47000-259	Freight	\$1.41	5060873	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$118.75	5060873	MISC.BEV.
E 640-47000-259	Freight	\$39.47	5060874	FREIGHT
E 640-47000-252	Wine For Resale	\$1,756.20	5060874	WINE
E 640-47000-252	Wine For Resale	(\$12.41)	506519	LIQUOR
E 640-47000-251	Liquor For Resale	(\$986.90)	508892	LIQUOR
Total JOHNSON BROS.-ST.PAUL		\$27,103.37		

Paid Chk# 097497 12/31/2014 **KARLSBURGER FOODS, INC.**

E 640-48500-255 FOODIngredients For Resale \$426.10 5-000062838 FOOD

Total KARLSBURGER FOODS, INC. \$426.10Paid Chk# 097498 12/31/2014 **LINNIHAN FOY**

E 640-47000-340 Advertising \$160.00 2869 OCT.SAVOUR EMAIL
 E 640-47000-340 Advertising \$160.00 2870 NOV.SAVOUR EMAIL
 E 640-47000-340 Advertising \$180.00 2871 LAKE MTKA MAG.
 E 640-47000-340 Advertising \$405.00 2872 NOV.WINE AD

Total LINNIHAN FOY \$905.00Paid Chk# 097499 12/31/2014 **M.AMUNDSON LLP**

E 640-47000-256 MISC.MDSE.RESALE \$300.52 186764 CIGARETTES
 E 640-47000-256 MISC.MDSE.RESALE \$490.38 187256 CIGARETTES

Total M.AMUNDSON LLP \$790.90Paid Chk# 097500 12/31/2014 **MAIN STREET BAKERY**

E 640-48500-255 FOODIngredients For Resale \$73.24 255547 FOOD

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			Check Amt	Invoice	Comment
E 640-48500-255	FOODIngredients For Resale		\$157.28	255616	FOOD
E 640-48500-255	FOODIngredients For Resale		\$144.80	255681	FOOD
E 640-48500-255	FOODIngredients For Resale		\$26.99	255728	FOOD
E 640-48500-255	FOODIngredients For Resale		\$118.39	255845	FOOD
E 640-48500-255	FOODIngredients For Resale		\$136.87	255996	FOOD
E 640-48500-255	FOODIngredients For Resale		\$95.08	256064	FOOD
E 640-48500-255	FOODIngredients For Resale		\$214.38	256113	FOOD
E 640-48500-255	FOODIngredients For Resale		\$76.06	256188	FOOD
E 640-48500-255	FOODIngredients For Resale		\$81.82	256245	FOOD
E 640-48500-255	FOODIngredients For Resale		\$229.36	256294	FOOD
E 640-48500-255	FOODIngredients For Resale		\$203.27	256386	FOOD
E 640-48500-255	FOODIngredients For Resale		\$45.29	256449	FOOD
E 640-48500-255	FOODIngredients For Resale		\$189.46	256527	FOOD
E 640-48500-255	FOODIngredients For Resale		(\$22.42)	2592	FOOD
Total MAIN STREET BAKERY			\$1,769.87		
Paid Chk# 097501	12/31/2014	MEUWISSEN, LYNN			
E 640-48000-130	Employer Paid Ins		\$200.00	NOV. & DEC.2	HEALTH INS.REIMB. NOV. & DEC.2014
Total MEUWISSEN, LYNN			\$200.00		
Paid Chk# 097502	12/31/2014	NORTHWESTERN FRUIT COMPANY			
E 640-48500-255	FOODIngredients For Resale		(\$16.20)	798588	FOOD
E 640-48500-255	FOODIngredients For Resale		\$345.30	800659	FOOD
E 640-48500-255	FOODIngredients For Resale		\$322.40	800870	FOOD
E 640-48500-255	FOODIngredients For Resale		\$312.75	801058	FOOD
E 101-41100-331	Mileage & Expense Account		\$46.10	801153	COUNCIL PARTY
E 640-48000-251	Liquor For Resale		\$286.50	801253	LIQ
E 640-48500-255	FOODIngredients For Resale		(\$25.20)	801253	FOOD
E 640-48500-255	FOODIngredients For Resale		\$687.05	801478	FOOD
E 640-48000-253	Beer For Resale		\$41.70	801532	BEER
E 640-48500-255	FOODIngredients For Resale		\$289.90	801660	FOOD
E 640-48500-255	FOODIngredients For Resale		\$366.50	801917	FOOD
E 640-48500-255	FOODIngredients For Resale		\$521.55	802086	FOOD
Total NORTHWESTERN FRUIT COMPANY			\$3,178.35		
Paid Chk# 097503	12/31/2014	PARLEY LAKE WINERY			
E 640-47000-252	Wine For Resale		\$330.00	14122	WINE
E 640-47000-252	Wine For Resale		\$624.00	14151	WINE
Total PARLEY LAKE WINERY			\$954.00		
Paid Chk# 097504	12/31/2014	PAUSTIS & SONS			
E 640-47000-252	Wine For Resale		\$1,034.50	8478298	WINE
E 640-47000-259	Freight		\$13.75	8478298	FREIGHT
E 640-47000-251	Liquor For Resale		\$172.00	8478314	LIQUOR
E 640-47000-259	Freight		\$2.25	8478314	FREIGHT
E 640-48000-252	Wine For Resale		\$302.00	8478340	WINE
E 640-47000-259	Freight		\$15.00	8479458	FREIGHT
E 640-47000-252	Wine For Resale		\$1,664.00	8479458	WINE
E 640-48000-252	Wine For Resale		\$264.25	8479468	WINE
E 640-47000-259	Freight		\$26.25	8480265	FREIGHT
E 640-47000-252	Wine For Resale		\$1,757.96	8480265	WINE
E 640-47000-252	Wine For Resale		\$1,927.70	8481143	WINE
E 640-47000-259	Freight		\$18.75	8481143	FREIGHT
E 640-47000-251	Liquor For Resale		\$344.00	8481205	LIQUOR
Total PAUSTIS & SONS			\$7,542.41		
Paid Chk# 097505	12/31/2014	PEPSI -COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$323.85	47628084	MISC.BEV.

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Total PEPSI -COLA		\$323.85		
Paid Chk# 097506	12/31/2014	PHILLIPS WINES & SPIRITS		
E 640-47000-259	Freight	\$23.97	2710779	FREIGHT
E 640-47000-252	Wine For Resale	\$1,353.90	2710779	WINE
E 640-47000-259	Freight	\$5.64	2710780	FREIGHT
E 640-47000-251	Liquor For Resale	\$292.30	2710780	LIQUOR
E 640-47000-251	Liquor For Resale	\$2,246.04	2714557	LIQUOR
E 640-47000-259	Freight	\$22.74	2714557	FREIGHT
E 640-47000-252	Wine For Resale	\$2,555.90	2714558	WINE
E 640-47000-259	Freight	\$43.70	2714558	FREIGHT
E 640-48000-251	Liquor For Resale	\$422.39	2716999	LIQUOR
E 640-47000-252	Wine For Resale	\$793.95	2717261	WINE
E 640-47000-259	Freight	\$10.11	2717261	FREIGHT
E 640-47000-251	Liquor For Resale	\$297.00	2717262	LIQUOR
E 640-47000-259	Freight	\$5.64	2717262	FREIGHT
E 640-47000-251	Liquor For Resale	\$341.61	2721289	LIQUOR
E 640-47000-259	Freight	\$4.93	2721289	FREIGHT
E 640-47000-252	Wine For Resale	\$2,713.00	2721290	WINE
E 640-47000-259	Freight	\$31.72	2721290	FREIGHT
Total PHILLIPS WINES & SPIRITS		\$11,164.54		
Paid Chk# 097507	12/31/2014	RITE		
E 640-48000-210	Operating Supplies (GENERAL)	\$971.52	9522	GIFT CARDS
E 640-47000-210	Operating Supplies (GENERAL)	\$751.91	9523	GIFT CARDS
Total RITE		\$1,723.43		
Paid Chk# 097508	12/31/2014	SINCLAIR, DAVID		
E 640-48500-130	Employer Paid Ins	\$100.00	NOV.2014	HEALTH INS. REIMB.NOV.2014
Total SINCLAIR, DAVID		\$100.00		
Paid Chk# 097509	12/31/2014	SOUTHERN WINE & SPIRITS OF MN		
E 640-47000-259	Freight	\$6.25	1226923	FREIGHT
E 640-47000-251	Liquor For Resale	\$546.00	1226925	LIQUOR
E 640-47000-251	Liquor For Resale	\$1,092.00	1226926	LIQUOR
E 640-47000-259	Freight	\$47.43	1231324	FREIGHT
E 640-47000-251	Liquor For Resale	\$4,685.00	1231324	LIQUOR
E 640-47000-259	Freight	\$3.34	1231325	FREIGHT
E 640-47000-252	Wine For Resale	\$514.64	1231325	WINE
E 640-47000-259	Freight	\$10.00	1232567	FREIGHT
E 640-47000-252	Wine For Resale	\$1,120.00	1232567	WINE
E 640-47000-251	Liquor For Resale	\$3,735.28	1233800	LIQUOR
E 640-47000-259	Freight	\$37.50	1233800	FREIGHT
E 640-47000-259	Freight	\$1.25	1233801	FREIGHT
E 640-47000-259	Freight	\$18.75	1233802	FREIGHT
E 640-47000-252	Wine For Resale	\$1,110.00	1233802	WINE
E 640-47000-252	Wine For Resale	\$448.00	1233803	WINE
E 640-47000-259	Freight	\$5.00	1233803	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$24.00	1233804	MISC.BEV.
E 640-47000-259	Freight	\$1.25	1233804	FREIGHT
E 640-47000-251	Liquor For Resale	\$4,108.47	1236409	LIQUOR
E 640-47000-259	Freight	\$27.87	1236409	FREIGHT
E 640-47000-252	Wine For Resale	\$746.00	1236410	WINE
E 640-47000-259	Freight	\$8.75	1236410	FREIGHT
E 640-47000-259	Freight	\$6.25	1236411	FREIGHT
E 640-47000-252	Wine For Resale	\$1,184.00	1236411	WINE
E 640-47000-254	Soft Drinks/Mix For Resale	\$25.25	1236412	MISC.BEV.
E 640-47000-259	Freight	\$38.59	1238313	FREIGHT

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E 640-47000-251	Liquor For Resale	\$6,041.48	1238313	LIQUOR
E 640-47000-259	Freight	\$41.25	1238314	FREIGHT
E 640-47000-252	Wine For Resale	\$3,048.00	1238314	WINE
E 640-47000-259	Freight	\$15.10	1238315	FREIGHT
E 640-47000-252	Wine For Resale	\$861.07	1238315	WINE
E 640-47000-252	Wine For Resale	\$2,144.32	1240363	WINE
E 640-47000-259	Freight	\$21.66	1240363	FREIGHT
Total	SOUTHERN WINE & SPIRITS OF MN	\$31,723.75		
Paid Chk# 097510	12/31/2014	SPENCER JANITORIAL		
E 640-48000-409	Maint services & Improv	\$2,220.54	10289	MONTHLY CLEANING
Total	SPENCER JANITORIAL	\$2,220.54		
Paid Chk# 097511	12/31/2014	STRATEGIC EQUIPMENT AND		
E 640-48500-210	Operating Supplies (GENERAL)	(\$177.65)	139982	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$375.70	2330863	KITCHEN SUPPLIES
E 640-48000-341	General Promotions	\$32.72	2330863	PROMO SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$152.30	2330863	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$24.50	2333714	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$149.11	2334551	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$271.39	2334552	KITCHEN SUPPLIES
E 640-48000-341	General Promotions	\$65.44	2334552	PROMO SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$57.41	2334552	BAR SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)	\$142.03	2337879	STORE SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$72.66	2337880	BAR SUPPLIES
E 640-48000-341	General Promotions	\$32.72	2337880	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$302.75	2337880	KITCHEN SUPPLIES
E 640-48000-341	General Promotions	\$144.75	2337881	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$63.55	2339828	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$197.46	2339829	KITCHEN SUPPLIES
Total	STRATEGIC EQUIPMENT AND	\$1,906.84		
Paid Chk# 097512	12/31/2014	SYSCO MINNESOTA		
E 640-48000-342	Promotions - Food/Drinks	(\$29.25)	3450349PU	PROMO SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	(\$29.72)	3450350PU	MISC.BEV.
E 640-48000-342	Promotions - Food/Drinks	\$28.17	412121357	PROMO SUPPLIES
E 640-48000-341	General Promotions	\$45.60	412121357	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$162.36	412121357	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$18.75	412121357	BAR SUPPLIES
E 640-48000-251	Liquor For Resale	\$15.68	412121357	LIQ
E 640-48500-255	FOODIngredients For Resale	\$4,115.75	412121357	FOOD
E 640-48000-253	Beer For Resale	\$10.97	412121357	BEER
E 640-48500-210	Operating Supplies (GENERAL)	\$48.93	412150677	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$27.93	412150677	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	\$3,816.46	412150677	FOOD
E 640-48000-251	Liquor For Resale	\$36.36	412150677	LIQ
E 640-48000-251	Liquor For Resale	\$78.41	412170784	LIQ
E 640-48500-255	FOODIngredients For Resale	\$2,768.11	412170784	FOOD
E 640-48000-342	Promotions - Food/Drinks	\$56.10	412170784	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	(\$14.35)	412190026	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$59.04)	412190026	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$150.57	412191157	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$4,253.48	412191157	FOOD
E 101-41100-331	Mileage & Expense Account	\$106.48	412191157	COUNCIL
E 640-48000-342	Promotions - Food/Drinks	\$56.10	412191157	PROMO FOOD
E 640-48000-251	Liquor For Resale	\$85.05	412191157	LIQ
E 640-48000-254	Soft Drinks/Mix For Resale	\$23.02	412191157	MISC.BEV.
E 640-48000-253	Beer For Resale	\$11.09	412191157	BEER

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E 640-48000-342	Promotions - Food/Drinks	\$56.10	412220592	PROMO FOOD
E 640-48000-253	Beer For Resale	\$10.97	412220592	BEER
E 640-48500-255	FOODIngredients For Resale	\$4,310.48	412220592	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$87.27	412220592	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$26.66	412231379	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale	\$34.94	412240881	LIQ
E 640-48500-255	FOODIngredients For Resale	\$3,388.85	412240881	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$42.76	412240881	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale	\$23.45	412261156	LIQ
E 640-48000-342	Promotions - Food/Drinks	\$56.10	412261156	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	\$2,429.20	412261156	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$91.02)	412271760	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$125.48)	412271787	FOOD
E 640-48000-342	Promotions - Food/Drinks	\$27.93	412290660	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$51.24	412290660	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$2,709.67	412290660	FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$89.81	412311085	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale	\$157.98	412311085	LIQ
E 640-48500-255	FOODIngredients For Resale	\$5,672.14	412311085	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$29.72	412311085	MISC.BEV.
E 640-48000-342	Promotions - Food/Drinks	\$28.17	412311085	PROMO FOOD
Total SYSCO MINNESOTA		\$34,799.95		

Paid Chk# 097513 12/31/2014 T.D. ANDERSON INC.

E 640-48000-409	Maint services & Improv	\$115.00	551290	BEER LINES CLEANED
Total T.D. ANDERSON INC.		\$115.00		

Paid Chk# 097514 12/31/2014 THORPE DISTRIBUTING CO.

E 640-48000-253	Beer For Resale	\$71.65	767873	BEER
E 640-48000-253	Beer For Resale	\$234.99	767874	BEER
E 640-47000-253	Beer For Resale	\$1,727.11	864693	BEER
E 640-47000-253	Beer For Resale	\$18.55	864694	BEER
E 640-47000-253	Beer For Resale	\$124.25	865833	BEER
E 640-47000-253	Beer For Resale	\$161.25	865834	BEER
E 640-48000-253	Beer For Resale	\$670.00	865836	BEER
E 640-47000-253	Beer For Resale	\$3,508.00	865837	BEER
E 640-47000-253	Beer For Resale	\$156.00	866108	BEER
E 640-48000-253	Beer For Resale	\$700.00	866918	BEER
E 640-47000-253	Beer For Resale	\$123.00	867159	BEER
E 640-48000-253	Beer For Resale	\$71.65	867160	BEER
E 640-48000-253	Beer For Resale	\$115.00	867167	BEER
E 640-47000-253	Beer For Resale	\$1,206.65	867170	BEER
E 640-47000-253	Beer For Resale	\$158.00	868345	BEER
E 640-48000-253	Beer For Resale	\$143.30	868346	BEER
E 640-48000-253	Beer For Resale	\$140.00	868347	BEER
E 640-47000-253	Beer For Resale	\$2,382.59	868348	BEER
Total THORPE DISTRIBUTING CO.		\$11,711.99		

Paid Chk# 097515 12/31/2014 TKO WINES, INC.

E 640-47000-252	Wine For Resale	\$199.20	807	WINE
Total TKO WINES, INC.		\$199.20		

Paid Chk# 097516 12/31/2014 TRADITION WINE & SPIRITS

E 640-47000-252	Wine For Resale	\$200.00	4220	WINE
E 640-47000-259	Freight	\$2.00	4220	FREIGHT
Total TRADITION WINE & SPIRITS		\$202.00		

Paid Chk# 097517 12/31/2014 UPS STORE

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E 640-48000-340	Advertising		\$24.27		BAR ADVERTISING SUPPLIES
E 640-47000-340	Advertising		\$13.60		STORE ADVERTISING SUPPLIES
E 640-48000-341	General Promotions		\$169.92	6730	BAR PROMO SUPPLIES
Total UPS STORE			\$207.79		
Paid Chk# 097518	12/31/2014	VINOCOPIA			
E 640-47000-251	Liquor For Resale		\$632.00	0113765	LIQUOR
E 640-47000-252	Wine For Resale		\$144.00	0113766	WINE
E 640-47000-252	Wine For Resale		\$908.40	0114787	WINE
E 640-47000-251	Liquor For Resale		\$124.25	0114788	LIQUOR
Total VINOCOPIA			\$1,808.65		
Paid Chk# 097519	12/31/2014	WILLIAMS, CRAIG			
E 640-48500-130	Employer Paid Ins		\$300.00	DEC.2014	HEALTH INS.REIMB.DEC.2014
Total WILLIAMS, CRAIG			\$300.00		
Paid Chk# 097520	12/31/2014	WINE COMPANY			
E 640-47000-259	Freight		\$28.05	379875	FREIGHT
E 640-47000-252	Wine For Resale		\$1,970.00	379875	WINE
E 640-47000-259	Freight		\$11.55	380542	FREIGHT
E 640-47000-252	Wine For Resale		\$1,140.00	380542	WINE
E 640-47000-259	Freight		\$13.20	381947	FREIGHT
E 640-47000-252	Wine For Resale		\$1,029.33	381947	WINE
Total WINE COMPANY			\$4,192.13		
Paid Chk# 097521	12/31/2014	WINE MERCHANT			
E 640-47000-259	Freight		\$7.05	7009467	FREIGHT
E 640-47000-252	Wine For Resale		\$1,560.00	7009467	WINE
E 640-47000-259	Freight		\$9.87	7009468	FREIGHT
E 640-47000-252	Wine For Resale		\$696.25	7009468	WINE
E 640-47000-252	Wine For Resale		(\$125.41)	700950	WINE
E 640-47000-252	Wine For Resale		\$6,157.19	7010622	WINE
E 640-47000-259	Freight		\$54.98	7010622	FREIGHT
E 640-47000-252	Wine For Resale		\$2,212.75	7011720	WINE
E 640-47000-259	Freight		\$24.68	7011720	FREIGHT
E 640-47000-259	Freight		\$35.24	7012552	FREIGHT
E 640-47000-252	Wine For Resale		\$4,240.40	7012552	WINE
Total WINE MERCHANT			\$14,873.00		
Paid Chk# 097522	12/31/2014	WIRTZ BEVERAGE MN BEER			
E 640-47000-253	Beer For Resale		\$1,715.35	1090330192	BEER
E 640-48000-253	Beer For Resale		\$261.00	1090333257	BEER
E 640-47000-253	Beer For Resale		\$46.20	1090333499	BEER
E 640-47000-253	Beer For Resale		\$1,563.75	1090333500	BEER
E 640-48000-253	Beer For Resale		\$758.00	1090336865	BEER
E 640-47000-253	Beer For Resale		\$123.25	1090336992	BEER
E 640-47000-253	Beer For Resale		\$69.30	1090336993	BEER
E 640-47000-253	Beer For Resale		\$2,085.85	1090336994	BEER
E 640-48000-253	Beer For Resale		\$228.00	1090339804	BEER
E 640-47000-253	Beer For Resale		\$130.50	1090339914	BEER
E 640-47000-253	Beer For Resale		\$2,788.35	1090339915	BEER
E 640-47000-253	Beer For Resale		\$46.20	1090339916	BEER
Total WIRTZ BEVERAGE MN BEER			\$9,815.75		
Paid Chk# 097523	12/31/2014	WIRTZ BEVERAGE MN WINE & SPIRI			
E 640-47000-252	Wine For Resale		\$628.00	1080262858	WINE
E 640-47000-259	Freight		\$8.70	1080262858	FREIGHT
E 640-47000-251	Liquor For Resale		\$3,525.04	1080262859	LIQUOR

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		Check Amt	Invoice	Comment
E 640-47000-259	Freight	\$27.06	1080262859	FREIGHT
E 640-47000-252	Wine For Resale	\$2,344.00	1080265762	WINE
E 640-47000-259	Freight	\$23.32	1080265762	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,119.62	1080265763	LIQUOR
E 640-47000-259	Freight	\$10.63	1080265763	FREIGHT
E 640-47000-259	Freight	\$1.45	1080268668	FREIGHT
E 640-47000-252	Wine For Resale	\$44.00	1080268668	WINE
E 640-47000-252	Wine For Resale	\$1,666.00	1080268669	WINE
E 640-47000-259	Freight	\$14.50	1080268669	FREIGHT
E 640-47000-251	Liquor For Resale	\$3,249.45	1080268670	LIQUOR
E 640-47000-259	Freight	\$32.00	1080268670	FREIGHT
E 640-47000-259	Freight	\$1.45	1080270627	FREIGHT
E 640-47000-252	Wine For Resale	\$72.00	1080270627	WINE
E 640-47000-252	Wine For Resale	\$3,230.00	1080270628	WINE
E 640-47000-259	Freight	\$27.55	1080270628	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$189.13	1080270629	MISC.BEV.
E 640-47000-251	Liquor For Resale	\$5,474.29	1080270629	LIQUOR
E 640-47000-259	Freight	\$50.02	1080270629	FREIGHT
E 640-47000-251	Liquor For Resale	\$90.00	1080270630	LIQUOR
E 640-47000-259	Freight	\$1.45	1080270630	FREIGHT
E 640-47000-259	Freight	\$7.25	1080271506	FREIGHT
E 640-47000-252	Wine For Resale	\$600.00	1080271506	WINE
Total WIRTZ BEVERAGE MN WINE & SPIRI		\$22,436.91		

Paid Chk# 097524 12/31/2014 Z WINES USA LLC

E 640-47000-252	Wine For Resale	\$428.00	13554	WINE
E 640-47000-259	Freight	\$10.00	13554	FREIGHT
Total Z WINES USA LLC		\$438.00		

10100 Anchor Bank \$648,469.48**Fund Summary**

10100 Anchor Bank	
101 GENERAL FUND	\$177,645.95
235 CABLE TV	\$2,083.33
237 FIRE DEPT PULL TABS	\$5,318.00
314 WIDSTEN	\$1,380.77
316 BAY CENTER	\$557.62
401 PERM IMPROVEMENT	\$2,626.29
404 PARK AND TRAIL CIP	\$1,890.40
408 GENERAL FUND CIF	\$11,959.20
409 EQUIP REVOLVING	\$29,834.35
430 STREET CIP	\$76,636.06
437 LIBRARY/COMM.ROOM CIP	\$3,871.26
610 WATER FUND	\$6,512.11
620 SEWER FUND	\$29,629.41
630 MOTOR VEHICLE	\$272.48
640 LIQUOR	\$274,034.86
650 SOLID WASTE	\$24,217.39
	\$648,469.48

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Cks 1/12/2015 - 1/15/2015

		Check Amt	Invoice	Comment
10100 Anchor Bank				
Paid Chk#	097525	1/12/2015	AHMANN-MARTIN	
E 101-49200-361	General Liability Ins	\$1,750.00	129672	AGENCY FEE
E 101-49200-365	Workers Comp Ins	\$1,750.00	129672	AGENCY FEE
Total AHMANN-MARTIN		\$3,500.00		
Paid Chk#	097526	1/12/2015	AMERICAN SOCIETY OF COMPOSERS	
E 640-48000-433	Dues, Licensing & Seminars	\$335.00	500724620	ANNUAL MUSIC LICENSE
otal AMERICAN SOCIETY OF COMPOSERS		\$335.00		
Paid Chk#	097527	1/12/2015	CARVER COUNTY	
G 101-20300	Deposits Payable	\$300.00	CASH BAIL	CASH BAIL RIEMB.-JAMES FICARO
Total CARVER COUNTY		\$300.00		
Paid Chk#	097528	1/12/2015	CENTERPOINT ENERGY	
E 101-41940-383	Fuel, oil and natural gas	\$2,430.82		SERVICE
E 610-40000-383	Fuel, oil and natural gas	\$109.13		SERVICE
E 640-47000-383	Fuel, oil and natural gas	\$319.95		SERVICE
E 640-48000-383	Fuel, oil and natural gas	\$1,279.78		SERVICE
Total CENTERPOINT ENERGY		\$4,139.68		
Paid Chk#	097529	1/12/2015	DISTEL, DANIEL	
E 101-41550-302	Consultants	\$3,496.00		MONTHLY ASSESSING
Total DISTEL, DANIEL		\$3,496.00		
Paid Chk#	097530	1/12/2015	DMX MUSIC - MINNEAPOLIS	
E 640-48000-415	Other Equipment Rentals	\$92.23	51302405	BAR MUSIC
Total DMX MUSIC - MINNEAPOLIS		\$92.23		
Paid Chk#	097531	1/12/2015	EXCEL DOCUMENT MGMT.	
E 101-41500-200	Office Supplies (GENERAL)	\$219.79	40519	SUPPLIES
Total EXCEL DOCUMENT MGMT.		\$219.79		
Paid Chk#	097532	1/12/2015	GOLDEN VALLEY TCA A LLC	
G 630-20300	Deposits Payable	\$844.75	CVR REFUND	CVR REFUND
Total GOLDEN VALLEY TCA A LLC		\$844.75		
Paid Chk#	097533	1/12/2015	IMPACT MAILING & FULFILLMENT	
E 610-40000-322	Postage	\$3,000.00	AN ACCOUNT	UTILITY BILLING MAILING SERVICE
E 620-40000-322	Postage	\$3,000.00	AN ACCOUNT	UTILITY BILLING MAILING SERVICE
Total IMPACT MAILING & FULFILLMENT		\$6,000.00		
Paid Chk#	097534	1/12/2015	JOHNSON, BRIDGET	
R 610-00000-37110	W/S/Storm Sales	\$35.78	REFUND	OVERPAYMENT ON FINAL UTILITY BILL
Total JOHNSON, BRIDGET		\$35.78		
Paid Chk#	097535	1/12/2015	MDRA	
E 630-40000-433	Dues, Licensing & Seminars	\$414.00	2015 DUES	2015 DUES
Total MDRA		\$414.00		
Paid Chk#	097536	1/12/2015	MENARD S	
E 101-45200-210	Operating Supplies (GENERAL)	\$39.00		SUPPLIES
Total MENARD S		\$39.00		
Paid Chk#	097537	1/12/2015	METRO CITIES	
E 101-41500-433	Dues, Licensing & Seminars	\$1,743.00	86	2015 MEMBERSHIP DUES
Total METRO CITIES		\$1,743.00		
Paid Chk#	097538	1/12/2015	METRO FIRE OFFICERS ASSOCIATIO	

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Cks 1/12/2015 - 1/15/2015

			Check Amt	Invoice	Comment
E 101-42200-433	Dues, Licensing & Seminars		\$100.00	2015 DUES	2015 DUES
Total	METRO FIRE OFFICERS ASSOCIATIO		\$100.00		
Paid Chk# 097539	1/12/2015	METROPOLITAN COUNCIL			
E 620-40000-386	Other Utilities		\$36,867.42	0001039888	SEWER SERVICE
Total	METROPOLITAN COUNCIL		\$36,867.42		
Paid Chk# 097540	1/12/2015	MN BATTERY LLC			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$89.75	13333	SUPPLIES
Total	MN BATTERY LLC		\$89.75		
Paid Chk# 097541	1/12/2015	NAPA AUTO PARTS-WATERTOWN			
E 101-45200-210	Operating Supplies (GENERAL)		\$21.38	430826	SUPPLIES
Total	NAPA AUTO PARTS-WATERTOWN		\$21.38		
Paid Chk# 097542	1/12/2015	SCOTT COUNTY			
G 101-20300	Deposits Payable		\$135.00	CASH BAIL	CASH BAIL - BRIAN NEWTON
Total	SCOTT COUNTY		\$135.00		
Paid Chk# 097543	1/12/2015	SIGNS NOW			
E 101-41100-210	Operating Supplies (GENERAL)		\$107.00	27589	NEW BOARD MEMBERS NAME PLATES
Total	SIGNS NOW		\$107.00		
Paid Chk# 097544	1/12/2015	WAYZATA CHAMBER OF COMMERCE			
E 101-41500-433	Dues, Licensing & Seminars		\$425.00	6368	2015 DUES
Total	WAYZATA CHAMBER OF COMMERCE		\$425.00		
Paid Chk# 097545	1/12/2015	WAYZATA ROTARY CLUB			
E 101-41500-331	Mileage & Expense Account		\$342.00	431	MTG.MEALS & DUES
Total	WAYZATA ROTARY CLUB		\$342.00		
Paid Chk# 097546	1/12/2015	XCEL ENERGY			
E 101-45203-381	Electric Utilities		\$128.45		SERVICE
E 101-41940-381	Electric Utilities		\$3,661.54		SERVICE
E 101-42200-381	Electric Utilities		\$300.00		SERVICE
E 610-40000-381	Electric Utilities		\$7,765.06		SERVICE
E 640-47000-381	Electric Utilities		\$215.91		SERVICE
E 640-48000-381	Electric Utilities		\$503.80		SERVICE
E 620-40000-381	Electric Utilities		\$983.91		SERVICE
Total	XCEL ENERGY		\$13,558.67		
Paid Chk# 097547	1/14/2015	ABSOLUTE MECHANICAL			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$640.00	4736	QRTLY.MAINT.HVAC EQUIP.
Total	ABSOLUTE MECHANICAL		\$640.00		
Paid Chk# 097548	1/14/2015	ALLDATA			
E 620-40000-240	Small Tools and Minor Equip		\$300.00	FW191635	DIAGNOSTIC SUPPORT FOR MECHANIC 2015
E 610-40000-240	Small Tools and Minor Equip		\$300.00	FW191635	DIAGNOSTIC SUPPORT FOR MECHANIC 2015
E 101-42100-240	Small Tools and Minor Equip		\$300.00	FW191635	DIAGNOSTIC SUPPORT FOR MECHANIC 2015
E 101-45200-240	Small Tools and Minor Equip		\$300.00	FW191635	DIAGNOSTIC SUPPORT FOR MECHANIC 2015
E 101-43100-240	Small Tools and Minor Equip		\$300.00	FW191635	DIAGNOSTIC SUPPORT FOR MECHANIC 2015
Total	ALLDATA		\$1,500.00		
Paid Chk# 097549	1/14/2015	AM.WATER WORKS ASSOC.			
E 610-40000-433	Dues, Licensing & Seminars		\$78.00	00100291	2015 DUES
Total	AM.WATER WORKS ASSOC.		\$78.00		
Paid Chk# 097550	1/14/2015	ANCHOR BANK-CARDMEMBER SERV.			
E 101-43100-331	Mileage & Expense Account		\$25.00		PW MEALS

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			Check Amt	Invoice	Comment
E 101-41100-331	Mileage & Expense Account		\$157.95		MTG.MEALS
E 101-41100-499	Miscellaneous		\$46.16		COUNCIL MISC.
E 101-41500-306	Personnel Expense		\$372.77		PERSONNEL EXP.
E 101-45200-331	Mileage & Expense Account		\$25.00		PW MEALS
E 640-48000-210	Operating Supplies (GENERAL)		\$26.14		BAR SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$28.96		CH SUPPLIES
E 101-41500-331	Mileage & Expense Account		\$12.00		PARKING EXP.
E 640-47000-210	Operating Supplies (GENERAL)		\$135.16		STORE SUPPLIES
E 640-48000-540	Equipment		\$534.21		BAR PC
E 235-40000-433	Dues, Licensing & Seminars		\$85.00		CONF.EXP.
E 101-42400-433	Dues, Licensing & Seminars		\$610.00		BLDG.DEPT.DUES & CONF.
E 101-43300-433	Dues, Licensing & Seminars		\$400.00		ENG.SOFTWARE
E 101-41910-433	Dues, Licensing & Seminars		\$1,258.00		PLANNING DUES & SOFTWARE
E 101-42100-200	Office Supplies (GENERAL)		\$57.84		PD SUPPLIES
E 101-43100-499	Miscellaneous		\$207.84		PW FILE CABINETS
E 620-40000-331	Mileage & Expense Account		\$24.97		PW MEALS
E 610-40000-331	Mileage & Expense Account		\$25.00		PW MEALS
E 640-47000-254	Soft Drinks/Mix For Resale		(\$416.56)		STORE MISC.MDSE.REFUND
Total	ANCHOR BANK-CARDMEMBER SERV.		\$3,615.44		
Paid Chk#	097551	1/14/2015	BLUE CROSS AND BLUE SHIELD		
G 101-21706	Health Insurance		\$42,647.26	FEB.2015	HEALTH INS.FEB.2015
Total	BLUE CROSS AND BLUE SHIELD		\$42,647.26		
Paid Chk#	097552	1/14/2015	BUDGET PRINTING & AWARDS		
G 101-20300	Deposits Payable		\$23.94	6936	BENCH PLATES
Total	BUDGET PRINTING & AWARDS		\$23.94		
Paid Chk#	097553	1/14/2015	CARQUEST OF WAYZATA		
E 101-45200-222	Repair & Maint - Equip		\$21.04	6973-239901	PARTS
Total	CARQUEST OF WAYZATA		\$21.04		
Paid Chk#	097554	1/14/2015	CIVICPLUS		
E 409-40000-540	Equipment		\$5,583.96	152984	WEBSITE SETUP FEE
Total	CIVICPLUS		\$5,583.96		
Paid Chk#	097555	1/14/2015	CRAIG RAPP, LLC		
E 101-41500-433	Dues, Licensing & Seminars		\$600.00	01.15.01	LEADERSHIP PROGRAM
Total	CRAIG RAPP, LLC		\$600.00		
Paid Chk#	097556	1/14/2015	EHLERS		
E 101-41500-433	Dues, Licensing & Seminars		\$275.00	1652010-7709	SEMINAR REGISTRATION
Total	EHLERS		\$275.00		
Paid Chk#	097557	1/14/2015	GRAINGER, INC.		
E 620-40000-240	Small Tools and Minor Equip		\$67.03	9630482231	TOOLS
E 610-40000-240	Small Tools and Minor Equip		\$67.03	9630482231	TOOLS
Total	GRAINGER, INC.		\$134.06		
Paid Chk#	097558	1/14/2015	HD SUPPLY WATERWORKS, LTD		
E 670-40000-409	Maint services & Improv		\$154.41	D366245	STORMSEWER REPAIRS
Total	HD SUPPLY WATERWORKS, LTD		\$154.41		
Paid Chk#	097559	1/14/2015	HEITZ, CHRISTOPHER		
E 101-43100-433	Dues, Licensing & Seminars		\$426.36	COURSE REI	TRAINING COURSE REIMB.
Total	HEITZ, CHRISTOPHER		\$426.36		
Paid Chk#	097560	1/14/2015	LAMBERT, JEFFREY W.		
E 101-41500-499	Miscellaneous		\$200.00	928.001	AUDIT LETTER

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Cks 1/12/2015 - 1/15/2015

			Check Amt	Invoice	Comment
Total LAMBERT, JEFFREY W.			\$200.00		
Paid Chk# 097561	1/14/2015	LOFFLER COMPANIES, INC.			
E 101-41500-311	Data Processing		\$2,911.76	1896495	NETWORK SUPPORT
Total LOFFLER COMPANIES, INC.			\$2,911.76		
Paid Chk# 097562	1/14/2015	MANSFIELD OIL COMPANY			
E 101-49200-212	Motor Fuels		\$2,013.32	177248	FUEL
Total MANSFIELD OIL COMPANY			\$2,013.32		
Paid Chk# 097563	1/14/2015	MICRO CENTER			
E 620-40000-210	Operating Supplies (GENERAL)		\$149.99	5381776	COMPUTER PARTS
Total MICRO CENTER			\$149.99		
Paid Chk# 097564	1/14/2015	MN CHILD SUPPORT PAYMENT CENTE			
G 101-21710	County WH		\$227.50	0015104841	WITHHOLDING ORDER
Total MN CHILD SUPPORT PAYMENT CENTE			\$227.50		
Paid Chk# 097565	1/14/2015	NAPA AUTO PARTS-WATERTOWN			
E 101-45200-222	Repair & Maint - Equip		\$45.30	431214	PARTS
Total NAPA AUTO PARTS-WATERTOWN			\$45.30		
Paid Chk# 097566	1/14/2015	NEWMAN TRAFFIC SIGNS			
E 101-43100-226	Sign Repair Materials		\$1,004.49	0281801	TRAFFIC SIGNS
E 101-43100-226	Sign Repair Materials		\$181.11	0281830	TRAFFIC SIGNS
Total NEWMAN TRAFFIC SIGNS			\$1,185.60		
Paid Chk# 097567	1/14/2015	PERMITWORKS, LLC			
E 101-42400-433	Dues, Licensing & Seminars		\$3,585.00	2015-0046	BLDG.DEPT.SOFTWARE SUPPORT
Total PERMITWORKS, LLC			\$3,585.00		
Paid Chk# 097568	1/14/2015	SCHARBER & SONS			
E 101-45200-222	Repair & Maint - Equip		\$51.46	P27207	PARTS
Total SCHARBER & SONS			\$51.46		
Paid Chk# 097569	1/14/2015	SNAP-ON INDUSTRIAL			
E 620-40000-240	Small Tools and Minor Equip		\$27.00	24611027	TOOLS
E 610-40000-240	Small Tools and Minor Equip		\$27.00	24611027	TOOLS
E 101-43100-240	Small Tools and Minor Equip		\$26.00	24611027	TOOLS
Total SNAP-ON INDUSTRIAL			\$80.00		
Paid Chk# 097570	1/14/2015	STONEBROOKE			
E 101-45200-222	Repair & Maint - Equip		\$355.68	34182	WATER TRUCK LIGHT
Total STONEBROOKE			\$355.68		
Paid Chk# 097571	1/14/2015	SUSA			
E 610-40000-433	Dues, Licensing & Seminars		\$62.50	2015 DUES	2015 DUES
E 620-40000-433	Dues, Licensing & Seminars		\$62.50	2015 DUES	2015 DUES
Total SUSA			\$125.00		
Paid Chk# 097572	1/14/2015	TOLL GAS & WELDING SUPPLY			
E 610-40000-210	Operating Supplies (GENERAL)		\$75.00	70001439	SUPPLIES
Total TOLL GAS & WELDING SUPPLY			\$75.00		
Paid Chk# 097573	1/14/2015	TWIN CITY GARAGE DOOR CO.			
E 101-41940-404	Repairs/Maint - Machin/Equip		\$251.00	430885	DOOR REPAIRS
Total TWIN CITY GARAGE DOOR CO.			\$251.00		
Paid Chk# 097574	1/14/2015	WESTSIDE WHOLESALE TIRE			

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Cks 1/12/2015 - 1/15/2015

		Check Amt	Invoice	Comment
E 610-40000-404	Repairs/Maint - Machin/Equip	\$244.72	738798	UTILITY TRUCK TIRES
E 620-40000-404	Repairs/Maint - Machin/Equip	\$244.72	738798	UTILITY TRUCK TIRES
Total	WESTSIDE WHOLESALE TIRE	\$489.44		
Paid Chk# 097575	1/14/2015	XCEL ENERGY		
E 101-45203-381	Electric Utilities	\$4,849.51		SERVICE
	Total XCEL ENERGY	\$4,849.51		
	10100 Anchor Bank	\$145,100.48		

Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$81,475.98
235 CABLE TV	\$85.00
409 EQUIP REVOLVING	\$5,583.96
610 WATER FUND	\$11,789.22
620 SEWER FUND	\$41,727.54
630 MOTOR VEHICLE	\$1,258.75
640 LIQUOR	\$3,025.62
670 STORMWATER	\$154.41
	\$145,100.48

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		Check Amt	Invoice	Comment
20100 Accounts Payable				
Paid Chk#	097576	1/15/2015	ABSOLUTE MECHANICAL	
E 640-48000-404	Repairs/Maint - Machin/Equip	\$689.00	4696	BAR HVAC REPAIRS
E 640-48000-404	Repairs/Maint - Machin/Equip	\$448.00	4697	BAR HVAC REPAIRS
Total ABSOLUTE MECHANICAL		\$1,137.00		
Paid Chk#	097577	1/15/2015	BAGY JO, INC.	
E 101-41500-306	Personnel Expense	\$1,150.00	14223	UNIFORMS
Total BAGY JO, INC.		\$1,150.00		
Paid Chk#	097578	1/15/2015	BANK OF AMERICA	
E 101-42200-212	Motor Fuels	\$95.16		FD FUEL
E 101-42200-499	Miscellaneous	\$217.88		FD MISC.
E 101-42200-404	Repairs/Maint - Machin/Equip	\$90.84		FD REPAIRS
E 101-42200-210	Operating Supplies (GENERAL)	\$182.36		FD SUPPLIES
Total BANK OF AMERICA		\$586.24		
Paid Chk#	097579	1/15/2015	BERNICK'S WINE	
E 640-47000-254	Soft Drinks/Mix For Resale	\$121.40	171639	MISC.BEV.RESALE
E 640-47000-254	Soft Drinks/Mix For Resale	\$55.50	171640	MISC.BEV.RESALE
Total BERNICK'S WINE		\$176.90		
Paid Chk#	097580	1/15/2015	BIFFS, INC.	
E 101-45200-415	Other Equipment Rentals	\$62.50	W550516	PARKS SERVICE
E 101-45200-415	Other Equipment Rentals	\$62.50	W550517	PARKS SERVICE
Total BIFFS, INC.		\$125.00		
Paid Chk#	097581	1/15/2015	CITY VIEW PLUMBING & HEATING	
E 101-41940-404	Repairs/Maint - Machin/Equip	\$278.56	42492	PW REPAIRS
Total CITY VIEW PLUMBING & HEATING		\$278.56		
Paid Chk#	097582	1/15/2015	CULLIGAN-BOTTLED WATER	
E 101-42100-499	Miscellaneous	\$61.36	1819848	PD SUPPLIES
Total CULLIGAN-BOTTLED WATER		\$61.36		
Paid Chk#	097583	1/15/2015	CUSTOM FIRE APPARATUS, INC.	
E 237-40000-240	Small Tools and Minor Equip	\$1,159.40	0016026	FD TOOLS
E 237-40000-240	Small Tools and Minor Equip	\$6,700.38	0016027	FD TOOLS
Total CUSTOM FIRE APPARATUS, INC.		\$7,859.78		
Paid Chk#	097584	1/15/2015	DAY DISTRIBUTING	
E 640-47000-253	Beer For Resale	\$1,015.25	781385	BEER
Total DAY DISTRIBUTING		\$1,015.25		
Paid Chk#	097585	1/15/2015	DEHMER FIRE PROTECTION	
E 101-41940-401	Repairs/Maint Buildings	\$259.00	2574	ANNUAL INSPECTIONS
E 101-41940-401	Repairs/Maint Buildings	\$430.75	2575	ANNUAL INSPECTIONS
E 101-41940-401	Repairs/Maint Buildings	\$38.00	2576	ANNUAL INSPECTIONS
E 101-41940-401	Repairs/Maint Buildings	\$61.25	2577	ANNUAL INSPECTIONS
E 101-41940-401	Repairs/Maint Buildings	\$31.00	2578	ANNUAL INSPECTIONS
Total DEHMER FIRE PROTECTION		\$820.00		
Paid Chk#	097586	1/15/2015	GILLUND ENTERPRISES	
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$297.24	79658	PARTS
Total GILLUND ENTERPRISES		\$297.24		
Paid Chk#	097587	1/15/2015	GOPHER STATE ONE CALL	
E 610-40000-313	Permit Fees/Gopher State	\$63.90	129306	LOCATES
E 620-40000-313	Permit Fees/Gopher State	\$63.90	129306	LOCATES

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			Check Amt	Invoice	Comment
Total GOPHER STATE ONE CALL			\$127.80		
Paid Chk# 097588	1/15/2015	GRAINGER, INC.			
E 101-42200-210	Operating Supplies (GENERAL)		\$26.40	9629725186	FD SUPPLIES
Total GRAINGER, INC.			\$26.40		
Paid Chk# 097589	1/15/2015	HENN.CNTY.INFO.TECH.DEPT.			
E 101-42200-323	Radio Units		\$962.29	1000053406	RADIO CONNECTION
E 101-42100-323	Radio Units		\$786.65	1000053407	RADIO CONNECTION
Total HENN.CNTY.INFO.TECH.DEPT.			\$1,748.94		
Paid Chk# 097590	1/15/2015	HENNEPIN COUNTY TREASURER			
G 650-20818	Garbage Sales Tax		\$1,347.98	DEC.2014	9% REFUSE TAX DEC.2014
Total HENNEPIN COUNTY TREASURER			\$1,347.98		
Paid Chk# 097591	1/15/2015	HOME DEPOT			
E 101-45200-240	Small Tools and Minor Equip		\$115.90		TOOLS & SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$113.12		TOOLS & SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$19.57		TOOLS & SUPPLIES
E 101-45200-210	Operating Supplies (GENERAL)		\$9.62		TOOLS & SUPPLIES
Total HOME DEPOT			\$258.21		
Paid Chk# 097592	1/15/2015	LINNIHAN FOY			
E 640-47000-341	General Promotions		\$160.00	3219	DEC.2014 SAVOUR BLAST
Total LINNIHAN FOY			\$160.00		
Paid Chk# 097593	1/15/2015	LSA DESIGN, INC.			
E 401-40000-309	Contractual Services		\$7,019.61	13302	DOWNTOWN PARKING
Total LSA DESIGN, INC.			\$7,019.61		
Paid Chk# 097594	1/15/2015	MAPLE GROVE, CITY OF			
E 101-42100-434	Training and schools		\$175.00	15196	PD TRAINING
Total MAPLE GROVE, CITY OF			\$175.00		
Paid Chk# 097595	1/15/2015	MARY DELAITTRE			
E 233-40000-302	Consultants		\$2,600.00	1/5/15	LAKE EFFECT
Total MARY DELAITTRE			\$2,600.00		
Paid Chk# 097596	1/15/2015	METROPOLITAN COUNCIL			
G 101-20813	Surcharge Payable		\$2,485.00	DEC.2014	SAC PAYMENTS
R 101-00000-34190	Charges for Services/Gen Gov		(\$24.85)	DEC.2014	SAC PAYMENTS
Total METROPOLITAN COUNCIL			\$2,460.15		
Paid Chk# 097597	1/15/2015	MN BUREAU OF CRIMINAL APPREHEN			
E 101-42100-434	Training and schools		\$75.00	4984	PD TRAINING
E 101-42100-434	Training and schools		\$75.00	5999	PD TRAINING
Total MN BUREAU OF CRIMINAL APPREHEN			\$150.00		
Paid Chk# 097598	1/15/2015	MN DEPT.OF PUBLIC SAFETY			
E 610-40000-310	Plan Review		\$100.00	2014-M68496	2014 HAZARDOUS MATERIAL FEES
E 610-40000-310	Plan Review		\$100.00	2014-M68499	2014 HAZARDOUS MATERIAL FEES
Total MN DEPT.OF PUBLIC SAFETY			\$200.00		
Paid Chk# 097599	1/15/2015	MN DNR WATERS			
E 610-40000-310	Plan Review		\$3,107.29		WATER PERMIT FEES 2014
Total MN DNR WATERS			\$3,107.29		
Paid Chk# 097600	1/15/2015	MN UC FUND			
E 101-45200-140	Unemployment Comp (GENERAL		\$466.00	07970965	UNEMPLOYMENT

***Check Detail Register©**

December 2014

			Check Amt	Invoice	Comment
Total MN UC FUND			\$466.00		
Paid Chk# 097601	1/15/2015	NAPA AUTO PARTS-WATERTOWN			
E 101-43100-210	Operating Supplies (GENERAL)		\$7.36	429327	PARTS
Total	NAPA AUTO PARTS-WATERTOWN		\$7.36		
Paid Chk# 097602	1/15/2015	ONE STOP AUTO SERVICE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$179.90	30643	PD REPAIRS
Total	ONE STOP AUTO SERVICE		\$179.90		
Paid Chk# 097603	1/15/2015	PIPE SERVICES CORP.			
E 670-40000-409	Maint services & Improv		\$860.00	2007733	STORMSEWER TELEVISED
Total	PIPE SERVICES CORP.		\$860.00		
Paid Chk# 097604	1/15/2015	POPP TELECOM			
E 409-40000-540	Equipment		\$146.20	126049	PHONE SYSTEM
Total	POPP TELECOM		\$146.20		
Paid Chk# 097605	1/15/2015	RDO EQUIPMENT CO.			
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$59.13	P25502	PARTS
Total	RDO EQUIPMENT CO.		\$59.13		
Paid Chk# 097606	1/15/2015	RISVOLD, MICHAEL			
E 101-42100-217	Uniforms		\$39.99	REIMB.	UNIFORMS
Total	RISVOLD, MICHAEL		\$39.99		
Paid Chk# 097607	1/15/2015	SINCLAIR, DAVID			
E 640-48000-130	Employer Paid Ins		\$100.00	DEC.2014	HEALTH INS.REIMB.DEC.2014
Total	SINCLAIR, DAVID		\$100.00		
Paid Chk# 097608	1/15/2015	SPENCER JANITORIAL			
E 640-48000-409	Maint services & Improv		\$2,205.31	10295	MONTHLY CLEANING-DEC.2014
Total	SPENCER JANITORIAL		\$2,205.31		
Paid Chk# 097609	1/15/2015	STATE OF MINNESOTA			
E 101-42100-323	Radio Units		\$270.00	230674	PD RADIO CONNECTION
Total	STATE OF MINNESOTA		\$270.00		
Paid Chk# 097610	1/15/2015	STRATEGIC EQUIPMENT AND			
E 640-48000-341	General Promotions		\$10.53	2337881	PROMO SUPPLIES
Total	STRATEGIC EQUIPMENT AND		\$10.53		
Paid Chk# 097611	1/15/2015	STREICHER S			
E 101-42100-217	Uniforms		\$139.99	I1130260	PD UNIFORMS
E 101-42100-217	Uniforms		\$2,256.00	I1130512	PD UNIFORMS
Total	STREICHER S		\$2,395.99		
Paid Chk# 097612	1/15/2015	THORPE DISTRIBUTING CO.			
E 640-47000-253	Beer For Resale		\$19.89	864693	BEER
Total	THORPE DISTRIBUTING CO.		\$19.89		
Paid Chk# 097613	1/15/2015	TIME SAVER			
E 101-41100-302	Consultants		\$564.05	M21026	MTG.MINUTES
Total	TIME SAVER		\$564.05		
Paid Chk# 097614	1/15/2015	TOLL GAS & WELDING SUPPLY			
E 640-48000-210	Operating Supplies (GENERAL)		\$97.06	10059341	BAR SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)		\$69.75	40020154	BAR SUPPLIES
Total	TOLL GAS & WELDING SUPPLY		\$166.81		

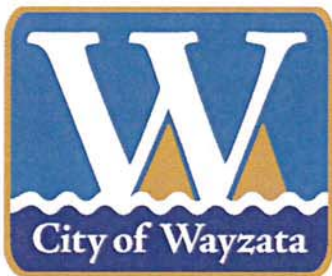
***Check Detail Register©**

December 2014

			Check Amt	Invoice	Comment
Paid Chk# 097615	1/15/2015	TRI-CITY			
E 610-40000-309	Contractual Services		\$80.50	12/1-12/31/14	WATER ANALYSIS
	Total TRI-CITY		\$80.50		
Paid Chk# 097616	1/15/2015	UNIFORMS UNLIMITED			
E 101-42100-217	Uniforms		\$63.00	231095	PD UNIFORMS
E 101-42100-217	Uniforms		\$31.50	231103	PD UNIFORMS
E 101-42100-217	Uniforms		\$707.98	231868	PD UNIFORMS
E 101-42100-217	Uniforms		\$23.99	231869	PD UNIFORMS
	Total UNIFORMS UNLIMITED		\$826.47		
Paid Chk# 097617	1/15/2015	UNITED FARMERS COOPERATIVE			
E 101-45200-210	Operating Supplies (GENERAL)		\$24.95	21-24424	SUPPLIES
	Total UNITED FARMERS COOPERATIVE		\$24.95		
Paid Chk# 097618	1/15/2015	UPS STORE			
E 640-47000-210	Operating Supplies (GENERAL)		\$8.17	179	STORE SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)		\$62.45	182	STORE SUPPLIES
	Total UPS STORE		\$70.62		
Paid Chk# 097619	1/15/2015	VILLAGE CHEVROLET			
E 610-40000-224	Repair & Maint - Motor Equip		\$231.61	277663	PARTS
	Total VILLAGE CHEVROLET		\$231.61		
	20100 Accounts Payable		\$41,614.02		

Fund Summary**20100 Accounts Payable**

101 GENERAL FUND	\$12,970.94
233 LAKFRONT IMPROVE	\$2,600.00
237 FIRE DEPT PULL TABS	\$7,859.78
401 PERM IMPROVEMENT	\$7,019.61
409 EQUIP REVOLVING	\$146.20
610 WATER FUND	\$3,683.30
620 SEWER FUND	\$63.90
640 LIQUOR	\$5,062.31
650 SOLID WASTE	\$1,347.98
670 STORMWATER	\$860.00
	\$41,614.02



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

MEMORANDUM

DATE: January 15, 2015

TO: The Honorable Mayor and Members of the City Council

FROM: Becky Malone, Deputy City Clerk

RE: Approval of Addendum to Recording Secretary Service Agreement

TimeSaver Off Site Secretarial, Inc. has submitted an Addendum to the Recording Secretary Service Agreement which extends the expiration date of the current agreement to December 31, 2015. The rates reflect an increase of about 2%, and a \$10 reduction in the discount for minutes transcribed via the webstream broadcast. I have included a copy of the proposed 2015 agreement, the agreement for 2014, and the original Recording Secretary Service Agreement of March 1, 2000.

Staff recommends approval of the agreement

ADDENDUM TO RECORDING SECRETARY SERVICE AGREEMENT

Dated: December 31, 2014

By and between TimeSaver Off Site Secretarial, Inc. and the City of Wayzata, 600 Rice Street, Wayzata, MN 55391.

1. EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT: The term of the existing Recording Secretary Service Agreement dated December 31, 2013 shall be extended under the same terms and conditions to December 31, 2015.
2. TOSS Charges. TOSS shall be paid for its services as recording secretary for each meeting (the highest rate will prevail), as follows:
 - a. Base Rate of One Hundred Thirty-Three and 00/100 dollars (\$133.00) for any meeting up to one (1) hour (billable time) plus Thirty-Three and 00/100 dollars (\$33.00) for each thirty (30) minutes following the first one (1) hours; **or**
 - b. Twenty-Nine and 00/100 dollars (\$29.00) per hour for length of meeting, and fifteen (15) minutes prior to Call to Order and fifteen (15) minutes following Adjournment with a one and one-half (1.5) hour minimum; and Twelve and 60/100 dollars (\$12.60) for each page of minutes prepared from shorthand or machine notes of the recording secretary as draft minutes for submission to and the review and comment of the City of Wayzata for their preparation of final minutes.
 - d. The City of Wayzata shall receive a Ten and 00/100 dollar (\$10.00) per meeting discount for minutes transcribed via the webstream broadcast.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January __, 2015

CITY OF WAYZATA

By _____
Heidi A. Nelson

Its _____
City Manager

December 1, 2014

TIMESAVER OFF SITE SECRETARIAL, INC.

By Carla Wirth
Carla Wirth

Its _____
President & CEO

#1344

**ADDENDUM TO
RECORDING SECRETARY SERVICE AGREEMENT**

Dated: December 31, 2013

By and between TimeSaver Off Site Secretarial, Inc. and the City of Wayzata, 600 Rice Street, Wayzata, MN 55391.

1. EXTENSION OF RECORDING SECRETARIAL SERVICE AGREEMENT: The term of the existing Recording Secretary Service Agreement dated December 31, 2012 shall be extended under the same terms and conditions to December 31, 2014.
2. TOSS Charges. TOSS shall be paid for its services as recording secretary for each meeting (the highest rate will prevail), as follows:
 - a. Base Rate of One Hundred Thirty-One and 00/100 dollars (\$131.00) for any meeting up to one (1) hour (billable time) plus Thirty-Two and 50/100 dollars (\$32.50) for each thirty (30) minutes following the first one (1) hours; or
 - b. Twenty-Eight and 50/100 dollars (\$28.50) per hour for length of meeting, and fifteen (15) minutes prior to Call to Order and fifteen (15) minutes following Adjournment with a one and one-half (1.5) hour minimum; and Twelve and 40/100 dollars (\$12.40) for each page of minutes prepared from shorthand or machine notes of the recording secretary as draft minutes for submission to and the review and comment of the City of Wayzata for their preparation of final minutes.
 - d. The City of Wayzata shall receive a Twenty and 00/100 dollar (\$20.00) per meeting discount for minutes transcribed via the webstream broadcast.

At the end of the term of this Addendum or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement.

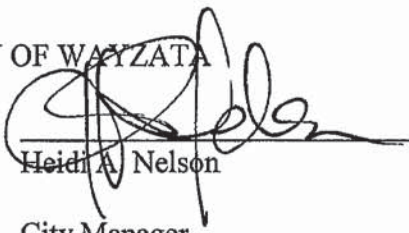
IN WITNESS WHEREOF, the undersigned have executed this Addendum to the Recording Secretary Service Agreement as of the day and year indicated.

January , 2014

December 17, 2013

CITY OF WAYZATA

By

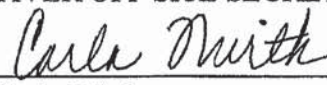

Heidi A. Nelson

Its City Manager

November 21, 2013

TIMESAVER OFF SITE SECRETARIAL, INC.

By


Carla Wirth

Its President & CEO

#1344

#960

RECORDING SECRETARY SERVICE AGREEMENT

THIS AGREEMENT is made between TIMESAVER OFF SITE SECRETARIAL, INC. ("TOSS") and the CITY OF WAYZATA, 600 RICE STREET, WAYZATA, MN 55391-1799 ("Wayzata").

Wayzata wishes to retain the services of TOSS to act as recording secretary for all regular City Council and Planning Commission meetings during the term of this Agreement, and such special meetings as Wayzata shall request of TOSS from time to time.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Recording Secretary. TOSS shall provide a competent, experienced and professional recording secretary to appear at and attend, record, transcribe, and submit minutes of all Wayzata City Council and Planning Commission meetings and, as requested of TOSS by Wayzata from time to time, special meetings of its Subcommittees. Minutes of each meeting shall be prepared and submitted via e-mail within seven (7) days after each meeting to such officer as the City Manager may designate from time to time.
2. Equipment. Wayzata shall provide for each meeting at the meeting site all tape recording equipment required to record the minutes of the meeting (if desired). TOSS shall provide all equipment and materials necessary to transcribe and prepare the minutes and to take shorthand/machine minutes at the meeting.
3. TOSS Charges. TOSS shall be paid for its services as recording secretary for each meeting (the highest rate will prevail), as follows:
 - a. Base Rate of One Hundred (\$100.00) dollars for any meeting up to 1.5 hours (billable time) plus Twenty Five (\$25.00) dollars for each thirty (30) minutes following the first 1.5 hours for meeting attendance, fifteen (15) minutes prior to Call to Order and Fifteen (15) minutes following Adjournment, and meeting minutes; or
 - b. Twenty-one (\$21.50) dollars per hour for time attending meetings, and fifteen (15) minutes prior to Call to Order and fifteen (15) minutes following Adjournment with a one and one-half (1.5) hour minimum; and Nine and 50/100 dollars (\$9.50) for each page of minutes prepared from shorthand or machine notes of the recording secretary as draft minutes for submission to and the review and comment of Wayzata for their preparation of final minutes.

4. Billing. When TOSS submits the minutes of each meeting, TOSS shall bill Wayzata on its standard invoice form which itemizes time in attendance at each meeting and the number of pages of draft minutes prepared by TOSS of each meeting. Wayzata agrees that it will submit each TOSS invoice with the next bill list or other applicable expense authorization list to be considered by the Wayzata City Council or the authorizing official of the Council.
5. Term. This Agreement shall become effective on March 1, 2000, and shall continue in force until December 31, 2000. Either party may cancel this Service Agreement with or without cause upon thirty (30) days written notice; otherwise the contract shall remain in force.
6. Delegation. TOSS may, from time to time, appoint one or more persons and delegate its duties as recording secretary hereunder to its employees or contractors.
7. Wayzata agrees that during the term of this Agreement and any extension to it, and for a period of six (6) months thereafter, it will not employ, hire, subcontract with, or otherwise engage as a recording secretary a person or an entity formed by a person who has acted as a recording secretary of TOSS for Wayzata under this Agreement.
8. At the end of the term of this Agreement or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement in writing.
9. Independent Contractor. The parties of this Agreement agree that TOSS is an independent contractor. TOSS is not an employee of the City and is not entitled to the benefits provided by the City to its employees, including but not limited to, health, worker's compensation and employment insurance, and pension or employee benefit plans.
10. Indemnification. TOSS shall indemnify the City against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contribution imposed or required under employment insurance, social security and income tax laws, with respect to TOSS' employees engaged in performance of the agreement.

Dated: 3-1, 2000.

CITY OF WAYZATA

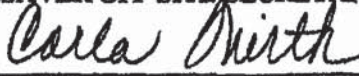
By: 

Allan W. Orsen

Its: City Manager

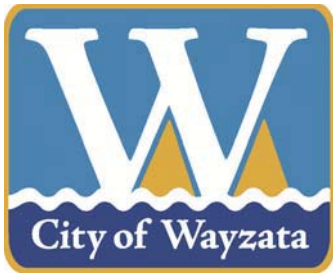
Dated: March 1, 2000.

TIMESAVER OFF SITE SECRETARIAL, INC.

By: 

Carla Wirth

Its: President & CEO



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

Mayor:
Ken Willcox

City Council:
Jack Amdal
Bridget Anderson
Andrew Mullin
Tom Tanner

City Manager:
Heidi Nelson

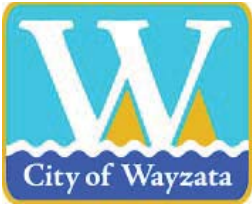
Date: January 12, 2015

To: Mayor Willcox and Councilmembers
Heidi Nelson, City Manager

From: Kathy Ovshak, Finance Manager

Re: 2015 Lease Agreement with Wayzata Chamber of Commerce

Attached for your approval is the 2015 Lease Agreement between the City of Wayzata and Wayzata Historical Society. The 2015 Lease Agreement does not have a rent increase adjustment due to the “every other year” rent increase (based on CPI) that was agreed upon in the 2014 Lease Agreement. The Wayzata Historical Society is in full agreement with the contract and has returned signed copies.



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

Mayor:
Ken Willcox

City Council:
Jack Amdal
Bridget Anderson
Tom Tanner
Andrew Mullin

City Manager:
Heidi Nelson

LEASE

THIS LEASE, entered into this _____ day of _____, 20____, by and between the City of Wayzata, a municipal corporation (hereinafter "Lessor"), and the Wayzata Historical Society, a Minnesota non-profit corporation ("Lessee").

WITNESSETH, in consideration of the covenants and agreements of the respective parties herein contained, the parties hereto agree as follows:

1. **Premises.** Lessor does hereby demise and let unto Lessee and the Lessee leases and hires from Lessor those certain premises located in that building commonly known as the Wayzata Depot, 402 E. Lake Street, Wayzata, MN. The finished office space (800 sq. ft.), together with access to all common areas, including restrooms (200 sq. ft.), and storage space as needed in basement.
2. **Tenn.** The lease period shall commence in the year 2015 on the first day of January, and shall terminate on the 31st day of December, provided that either party may cancel this lease by giving the other party no less than ninety (90) days written notice thereof and provided further that any cancellation date shall be effective no earlier than July 1. Said term shall be automatically renewed for like periods of time unless terminated as provided above.
3. **Rent.** As rent therefore Lessee covenants to pay Lessor an annual rent of \$1,228.00 payable in quarterly installments of \$307.00 on or before the first day of each quarter.
4. **Purpose.** The leased property shall be used for the normal purposes of Lessee, together with incidental storage in conjunction therewith.
5. **Sublease.** Lessee shall not assign this lease or sublet all or any part of said premises without the written consent of Lessor.
6. **Fire.** If the premises becomes untenable or unfit for occupancy in whole or in part by the total or partial destruction of said building by fire or other casualty and Lessor shall fail or refuse within 10 days thereafter to agree in writing to restore the same within 90 days after such loss, this lease may be terminated by either Lessor or Lessee by notice in writing. If Lessor agrees in writing within 10 days after such loss, the rent to be paid hereunder pending such restoration shall be abated in proportion that the impairment of the use of said premises to Lessee bears to the total rent to be paid during the term of the lease.
7. **Utilities.** Lessor will provide for electricity, natural gas, water and sewer to the premises. Lessee will pay for telephone, cable TV, and other personal choice amenities used on the premises by the Lessee.
8. **Furnishing.** The premises are leased unfinished with the exception of the wooden depot benches. All other furnishings shall belong to and be the responsibility of Lessee.

9. Additional Interior Improvements. Lessee may make, at its own expense and with the written consent of Lessor for improvements costing more than \$500.00, such further and additional interior improvements in the leased premises as it shall deem necessary and proper.
10. Janitor. Lessee will provide its own janitorial services at its own expense for the demised premises and for the restroom facilities adjacent thereto. Lessor shall at its own expense provide maintenance, including snow removal and cleaning for the driveways, the roof, the exterior of the building, the lawns and the parking area. Lessee will keep the leased premises in a neat, clean and respectable condition. Lessor will replace glass broken on the premises during the term on the lease.
11. Insurance. Lessee hereby holds Lessor harmless from any and all liability that may arise out of Lessee's use or occupancy of said premises, and Lessee will obtain, at its own expense, policies of liability insurance with the Lessor endorsed thereon as an additional insured in an amount not less than \$1,000,000 per person injured and \$2,000,000 per accident. Lessee will furnish Lessor appropriate certificates showing such coverage and that the City be listed as additional insured.
- Lessor will, at his own expense, obtain fire and extended coverage insurance on the entire building and such contents thereof as are owned by Lessor. Lessor shall obtain waiver of subrogation clauses on such policies so as to relieve Lessee of any liability to Lessor or any other person for causes or events for which Lessor was covered under such policies.
12. Entry by Lessor. Lessor may at all reasonable times enter said premises to inspect the same and to maintain and make repairs therein.
13. Repairs. Lessor shall make all necessary structural repairs and repairs to the exterior of the building except as specifically provided above.
14. Binding Effect. This agreement shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused the foregoing agreement to be executed the day and year first above written.

CITY OF WAYZATA, MINNESOTA (Lessor)

By _____
Ken Willcox, Mayor

And - - - - -
Heidi Nelson, City Manager

WAYZATA HISTORICAL SOCIETY (Lessee)

By _____
Joanie Holst, President

And - - - - -
Andy L. Bond, Treasurer



WAYZATA POLICE DEPARTMENT

Proudly Serving Wayzata and Long Lake

600 Rice Street
Wayzata, MN 55391-1734
(952) 404-5340
Fax: (952) 404-5359

MEMORANDUM

To: Heidi Nelson

From: Chief Mike Risvold

Date: January 5, 2014

Re: Hennepin County Mutual Aid Pact

The city of Wayzata and the Wayzata Police Department have worked cooperatively with municipalities across Hennepin County under a mutual aid pact since 1968. This mutual aid agreement allows for the deployment of law enforcement personnel, equipment, and resources to requesting jurisdictions. It also defines the “rules of engagement” for doing so. In 2014, the Hennepin County Chiefs of Police Association looked to revise and update the old agreement. The attached contains much of the old agreement with minor changes. One of those changes relates to a database that the member agencies used to inventory equipment. That database no longer exists, and since it was specifically mentioned in the agreement by name, a change was necessary.

Attorneys from a number of municipalities as well as the League of Minnesota Cities have reviewed the final version and have given it their approval. The pact is in place in most Hennepin County cities. Wayzata is among a handful of agencies in Hennepin County yet to adopt the revised pact. Membership in the agreement requires a jurisdiction to adopt a resolution and forward the executed document to the Hennepin County Sheriff’s Office as the keeper of the documents. Staff recommends adoption of the attached resolution.

CITY OF WAYZATA

RESOLUTION NO. 03-2015

**RESOLUTION APPROVING JOINT AND COOPERATIVE AGREEMENT
FOR USE OF LAW ENFORCEMENT PERSONNEL AND EQUIPMENT**

WHEREAS, Minnesota Statutes, Section 471.59 authorizes governmental units by agreement of their governing bodies to jointly or cooperatively exercise any power common to them; and

WHEREAS, the Hennepin County Chiefs of Police Association previously developed a Mutual Aid Pact to foster the sharing of law enforcement resources among agencies in Hennepin County; and

WHEREAS, the Hennepin County Chiefs of Police Association has revised its Mutual Aid Pact to clarify and update the language of the Joint and Cooperative Agreement for the Use of Law Enforcement Personnel and Equipment (the Agreement); and

WHEREAS, the Agreement allows other governmental units and municipalities to become a party to the Agreement by the adoption of a resolution and sending notice to the Hennepin County Sheriff; and

WHEREAS, the Wayzata Police Department considers it to be in its best interests to become a Party to the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Wayzata:

1. Authorizes the Wayzata Police Department to be a Party to the Joint and Cooperative Agreement as dated for the Use of Law Enforcement Personnel and Equipment developed by the Hennepin County Chiefs of Police Association.
2. Police Chief Michael Risvold is directed to send a copy of the signature page of the Agreement and this Resolution to the Hennepin County Sheriff; and
3. The Wayzata Police Department agrees to comply with all terms of the Agreement.

IN WITNESS WHEREOF, The Wayzata Police Department, by action of its governing body, caused this Resolution to be approved on the 20th day of January, 2015.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. ____-2015 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 20, 2015.

Becky Malone, Deputy City Clerk

SEAL

**HENNEPIN COUNTY
CHIEFS OF POLICE ASSOCIATION**

MUTUAL AID PACT

Effective January 1, 2015

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**HENNEPIN COUNTY
CHIEFS OF POLICE ASSOCIATION
MUTUAL AID PACT**

FOREWORD

The Mutual Aid Committee of the Hennepin County Chiefs of Police Association was tasked with revising and updating the mutual aid pact among all the police agencies of Hennepin County. The original pact was created in 1968 with the various agencies joining the pact throughout the years. Many provisions of the original pact were continued into the new pact. The Joint and Cooperative Agreement for Use of Law Enforcement Personnel and Equipment (“Joint Powers Agreement”) was updated to reflect accurately the procedures, address current issues and enhance the ability of departments to share resources with each other.

The general purpose of the pact is to permit agencies to share law enforcement resources with other agencies in Hennepin County. The Joint Powers Agreement specifically allows a requesting party to select the resources that best meets the needs of a given situation. A requesting party may call upon any other participating party for mutual aid. There is no requirement to make requests through a particular party. In addition, the Joint Powers Agreement should not be interpreted as restrictive in providing resources to deal with only major catastrophic situations. Participating parties can utilize the resources for many reasons including routine circumstances such as training efforts and back-up patrol service. This pact provides the flexibility for all agencies to use the resources located among all participating parties in Hennepin County.

The decision as to when to invoke mutual aid and whether to respond is left to the discretion of the requesting or sending party. Each agency should acquaint supervisory personnel with any internal procedures used for mutual aid. While the Joint Powers Agreement does not require particular words or actions to initiate mutual aid, agencies should be clear about whether mutual aid was requested and what type of assistance is being provided. Parties should not self-deploy.

Furthermore, each officer within a department should have a basic familiarity with mutual aid, the responsibilities when reporting to another agency and the protections afforded under the agency's worker's compensation.

For liability reasons, management of a mutual aid situation is under the control of the requesting party. However, the sending party has discretion whether to provide personnel or equipment and can recall such assistance at any time.

Time commitments for mutual aid requests: While there is no hard and fast time limit, the commitment of resources can be taxing on agencies. In addition, in some situations, an advantage can be gained by ending a mutual aid request and entering into some contractual assistance, especially when the law enforcement costs need to be tracked or can be recovered from other sources.

The Hennepin County Sheriff's Office ("Sheriff") has again volunteered to serve as the administrative coordinator of the pact. As communities adopt the Joint Powers Agreement, the appropriate documentation and signature page need to be forwarded to the Sheriff.

Each agency is responsible for entering and updating available agency resources. Previously the parties used the Regional Automated Property Information (RAPID) database. Resources will now be listed online in a mutually agreed upon resource management database. The parties to this agreement are solely responsible to update their available resources in the agreed upon database.

The effective date for the new Joint Powers agreement is January 1, 2015. This date was established to allow enough time for agencies to receive the appropriate authority and to provide some finality between the old pact and the new pact. The former pact will expire at midnight on December 31, 2014. Failure to execute the new agreement by December 31, 2014 will terminate a party's participation in the pact. Participation can be resumed upon execution of the new agreement. Agencies that elect not to participate in the new agreement may be bound by other existing mutual aid agreement or state statutes.

JOINT AND COOPERATIVE AGREEMENT FOR USE OF LAW ENFORCEMENT PERSONNEL AND EQUIPMENT

I. GENERAL PURPOSE

The general purpose of this Joint and Cooperative Agreement for Use of Law Enforcement Personnel and Equipment ("Agreement") is to provide a means by which a Party to this Agreement may request and obtain Law Enforcement Assistance from other Parties when a Party deems such Law Enforcement Assistance necessary. This Agreement is made pursuant to Minnesota Statutes, Section 471.59, which authorizes the joint and cooperative exercise of powers common to the Parties.

II. DEFINITION OF TERMS

For the purposes of this Agreement, the terms defined in this section shall have the following meanings:

Subd. 1. *"Eligible Party" means* a "governmental unit" as defined by Minnesota Statutes, Section 471.59, subd. 1 or a "municipality" as defined by Minnesota Statutes, Section 466.01, subd. 1, that is authorized to exercise police powers in Hennepin County, Minnesota.

Subd. 2. *"Law Enforcement Assistance" means* equipment and personnel, including but not limited to, licensed peace officers and non-licensed personnel.

Subd. 3. *"Party" means* an "Eligible Party" that elects to participate in this Agreement by the authorization of its governing body. "Parties" means more than one Party to this Agreement.

Subd. 4. *"Requesting Official" means* a person who is designated by the Requesting Party to request Law Enforcement Assistance from other Parties.

Subd. 5. *"Requesting Party" means* a Party that requests Law Enforcement Assistance from other Parties.

Subd. 6. *"Sending Official" means* a person who is designated by a Party to determine whether and to what extent that Party should provide Law Enforcement Assistance to a Requesting Party.

Subd. 7. *"Sending Party" means* a Party that provides Law Enforcement Assistance to a Requesting Party.

Subd. 8. *"Sheriff" means* the Hennepin County Sheriff or designee.

III. PARTIES

The Parties to this Agreement shall consist of as many Eligible Parties that have approved this Agreement by December 31, 2014. Additional Eligible Parties shall become a Party on the date this Agreement is approved by the Party's governing body.

Upon approval by a Party, the executed signature page of this Agreement shall be sent to the Sheriff along with a resolution approving this Agreement.

IV. PROCEDURE

Subd. 1. Each Party shall designate, and keep on file with the Sheriff, the name of the person(s) of that Party who shall be its Requesting Official and Sending Official. A Party may designate the same person as both the Requesting Official and the Sending Official. Also, a Party may designate alternate persons to act in the absence of an official.

Subd. 2. Whenever, in the opinion of a Requesting Official of a Party, there is a need for Law Enforcement Assistance from other Parties, such Requesting Official may, at his or her discretion, call upon the Sending Official of any other Party to furnish Law Enforcement Assistance.

Subd. 3. Upon the receipt of a request for Law Enforcement Assistance from a Party, the Sending Official may authorize and direct personnel and equipment of the Sending Party be sent to the Requesting Party. Whether the Sending Party provides such Law Enforcement Assistance to the Requesting Party and, if so, to what extent such Law Enforcement Assistance is provided shall be determined solely by the Sending Official (subject to such supervision and direction as may be applicable within the governmental structure of the Party by which they are employed). Failure to provide Law Enforcement Assistance will not result in liability to a Party and each Party hereby waives all claims against another Party for failure to provide Law Enforcement Assistance.

Subd. 4. When a Sending Party provides Law Enforcement Assistance under the terms of this Agreement, it may in turn request Law Enforcement Assistance from other Parties as "back-up" during the time that such Law Enforcement Assistance is provided.

Subd. 5. Whenever a Sending Party has provided Law Enforcement Assistance to a Requesting Party, the Sending Official may at any time recall such Law Enforcement Assistance or any part thereof, if the Sending Official in his or her best judgment deems such recall necessary to provide for the best interests of the Sending Party's community. Such action will not result in liability to any Party and each Party hereby waives all claims against another Party for recalling Law Enforcement Assistance.

Subd. 6. The Requesting Party shall be in command of all situations where Law Enforcement Assistance is provided. The personnel and equipment of the Sending Party shall be under the direction and control of the Requesting Party until the Sending Party withdraws Law Enforcement Assistance or the Law Enforcement Assistance is no longer needed.

Subd. 7. No charges will be levied by a Sending Party to this Agreement for Law Enforcement Assistance rendered to a Requesting Party under the terms of this Agreement unless that assistance continues for a period of more than eight (8) hours. If Law Enforcement Assistance provided under this Agreement continues for more

than eight (8) hours, the Sending Party may submit to the Requesting Party an itemized bill for the actual cost of any Law Enforcement Assistance provided after the initial eight (8) hour period, including salaries, overtime, materials and supplies and other necessary expenses. The Requesting Party will reimburse the Sending Party providing the Law Enforcement Assistance for that amount. Such charges are not contingent upon the availability of federal or state government funds.

V. LIABILITY

Liability for Injury, Death or Damage to Sending Party's Personnel or Equipment

Each Party shall be responsible for its own personnel and equipment and for injuries or death to any such personnel or damage to any such equipment. Responding personnel shall be deemed to be performing their regular duties for each respective Sending Party for purposes of workers' compensation.

Worker's Compensation: Each Party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing Law Enforcement Assistance pursuant to this Agreement. Each Party, and where applicable its insurer, waives the right to sue any other Party for any workers' compensation benefits paid to its own employee or volunteer or their dependants, even if the injuries or death were caused wholly or partially by the negligence of any other Party or its officers, employees or volunteers.

Damage to Equipment: Each Party shall be responsible for damages to or loss of its own equipment. Each Party, and where applicable its insurer, waives the right to sue any other Party for any damages to or loss of its equipment, even if the damages or losses were caused wholly or partially by the negligence of any other Party or its officers, employees or volunteers.

Liability for Injury or Death to Third Parties or Property Damage of Third Parties

For the purposes of the Minnesota Municipal Tort Liability Act (Minnesota Statutes, Chapter 466), the employees and officers of the Sending Party are deemed to be employees, as defined in Minnesota Statutes, Section 466.01, subd. 6, of the Requesting Party.

The Requesting Party agrees to defend and indemnify against any claims brought or actions filed against a Sending Party or any officers, employees, or volunteers of a Sending Party for injury or death to any third person or persons or damage to the property of third persons arising out of the performance and provision of Law Enforcement Assistance pursuant to the Agreement, using legal counsel reasonably acceptable to the Sending Party.

Under no circumstances shall a Requesting Party be required to pay, on behalf of itself and other Parties, any amount in excess of the limits of liability established in Minnesota Statutes, Chapter 466, applicable to any one Party. The limits of liability for the Parties may not be added together to determine the maximum amount of liability for a Party pursuant to Minnesota Statutes, Section 471.59, subd. 1a.

The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts among the Parties and to permit liability claims against the Parties from a single occurrence to be defended by a single attorney. However, the Sending party, at its option and its own expense, shall have the right to select its own attorney or approve a joint attorney as appropriate, considering potential conflicts of interest. Nothing in this Agreement is intended to constitute a waiver of any immunities and privileges from liability available under federal law or the laws of Minnesota.

If a court determines that the liability of a Party or Parties is not subject to the tort caps and liability exceeds the tort cap maximum, a Party shall be subject to liability only for the acts of its officers, employees and volunteers.

No Party to this Agreement nor any official, employee or volunteer of any Party shall be liable to any other Party or to any other person for failure of any Party to furnish Law Enforcement Assistance or for recalling Law Enforcement Assistance.

VI. EFFECTIVE DATE

This Agreement shall become effective and operative beginning at 12:01 A.M., local time on January 1, 2015.

The Sheriff shall maintain a current list of the Parties to this Agreement and, whenever there is a change, shall notify the designated Sending Officials. Notice may be sent to the Sending Officials via email or through the United States Postal Service.

VII. WITHDRAWAL AND TERMINATION

A Party may withdraw from this Agreement by action of its governing body. Withdrawal is effective after thirty (30) days' written notice is provided to the Sheriff. The Sheriff shall thereupon give notice of such withdrawal, and the effective date thereof to all other Parties. Parties that have withdrawn may rejoin by following the procedure set forth in Section III of this Agreement. This Agreement will terminate when the number of Parties to the Agreement falls below eleven (11). The Sheriff shall notify the remaining parties that the Agreement has terminated.

IN WITNESS WHEREOF, the Parties, by action of their respective governing bodies, caused this Agreement to be approved on the dates below.

(Each Party must attach a dated and signed signature page consistent with that Party's method of executing contracts.)

City of Wayzata

The governing body of the Wayzata Police Department duly approved this Joint and Cooperative Agreement for Use of Law Enforcement Personnel and Equipment on the 20th day of January, 2015.

By: _____

Mayor Ken Willcox

And: _____

City Manager Heidi Nelson

1/20/2015
THE FOLLOWING 2015 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

2015 Gas Fitters License	
Center Point Energy	Coon Rapids, MN
Horizon Contractors Inc	Shakopee, MN
Lindemeier Heating & Cooling	Waconia, MN
Metro Air Inc	Prior Lake, MN
Treated Air Company	Becker, MN
Wenzel Heating & A/C	Eagan, MN
Special Event/Itinerant Food License - Wayzata Chilly Open - 2/7/15	
Greater Wayzata Area Chamber of Commerce	Wayzata, MN
2015 Swimming Pool License	
Highcroft Wayzata	Wayzata, MN
2015 Tree Removal & Treatment License	
Aaspen Tree Service	Wayzata, MN
Arbor Tech Tree & Landscaping	Sauk Rapids, MN
Davey Tree Expert Company	Eden Prairie, MN
Four Seasons Tree Service	Hopkins, MN
North Star Tree Care	Pierz, MN
Schmidt's 4 Season Service Inc	Excelsior, MN
Tim's Tree Service	St Louis Park, MN

**WAYZATA POLICE DEPARTMENT
ACTIVITY REPORT
DECEMBER, 2014**

Suspicious **Reported:** 12-31-2014 2348

Report of a smell of marijuana. No odor detected.

Addresses Involved

600 block of Wayzata Blvd E, Wayzata, MN

DWI **Reported:** 12-31-2014 0113

39 year old male from Wayzata arrested for driving while under the influence of alcohol and refusal to submit to test.

Addresses Involved

1800 block of Wayzata Boulevard W, Long Lake, MN 55356 USA

Names Involved

(Arrested) Linden, William Oscar (Age:39)

DWI **Reported:** 12-30-2014 2211

25 year old female from Wayzata was arrested for driving under the influence. Tested .12

Addresses Involved

Lake St E & Walker S, Wayzata, MN

Names Involved

(Arrested) Sass, Kesenja Eleanora (Age:25)

Suspicious **Reported:** 12-29-2014 2318

Officer observed a suspicious vehicle with a male in driver's seat. Male was resting.

Addresses Involved

600 block of Lake St E, Wayzata, MN 55391 USA

Suspicious **Reported:** 12-29-2014 2041

Report of a male being seen on camera walking in construction area. Area checked, unable to locate.

Addresses Involved

800 block of Lake St E, Wayzata, MN

Suspicious **Reported:** 12-26-2014 1141

Report of a suspicious occupied vehicle parked on street. Vehicle registers to this street.

Addresses Involved

1600 block of Hollybrook Rd, Wayzata, MN

Unwanted Person **Reported:** 12-25-2014 2318

Officer flagged down by male pedestrian. Male was asked to leave a Wayzata residence after an argument with the resident. Male transported home to Plymouth.

Addresses Involved

1300 block of Block Wayzata Blvd, Wayzata, MN

Order Violation **Reported:** 12-25-2014 2021

Charges pending against a 47 year old male from Orono for violation of court order.

Addresses Involved

100 block of Circle A Dr, Wayzata, MN 55391

Suspicious **Reported:** 12-24-2014 1556
Officer observed a suspicious vehicle in lot. Vehicle had mechanical issue.
Addresses Involved
1900 block of Wayzata Blvd W, Long Lake, MN

Domestic **Reported:** 12-24-2014 1247
Report of a physical domestic. Two juveniles cited for 5th degree domestic assault and released to their parents.
Addresses Involved
1300 block of Holdridge Terrace , Wayzata, MN 55391 USA

Suspicious **Reported:** 12-24-2014 0023
Suspicious vehicle at business. Driver was the business owner. Unfounded.
Addresses Involved
2400 block of Wayzata Blvd W, Long Lake, MN 55356 USA

Disturbance **Reported:** 12-23-2014 0210
Report of hearing what sounded like a scream. Area checked, nothing suspicious seen or heard.
Addresses Involved
1100 block of Wayzata Blvd, Long Lake, MN

Ordinance **Reported:** 12-22-2014 1328
Report of two males going door to door selling tree trimming without a permit.
Advised to cease and desist.
Addresses Involved
300 block of Greenhill Ln, Wayzata, MN 55391

Disturbance **Reported:** 12-22-2014 1058
Report of a dispute between a male and female. Parties were advised.
Addresses Involved
500 block of Broadway Ave N, Wayzata, MN

Financial Transaction Card Fraud **Reported:** 12-22-2014 0742
Report of fraudulent use of bank debit card. Loss \$120.
Addresses Involved
1300 block of Wayzata Blvd E, Wayzata, MN 55391

Burglary-Commercial **Reported:** 12-20-2014 1128
Report of power tools stolen overnight. Loss of approximately \$1260.
Addresses Involved
1700 block of Wayzata Blvd, Long Lake, MN 55356

Open Door **Reported:** 12-19-2014 4133
Officer observed an open garage door. Made contact with occupant and they closed the door.
Addresses Involved
300 block of Greenhill Ln, Long Lake, MN 55356

Hit & Run **Reported:** 12-19-2014 1619
Report of a hit and run in parking lot.
Addresses Involved
100 block of Gleason Lake Rd, Wayzata, MN 55391

Trespassing **Reported:** 12-19-2014 0910

Report of a bicyclist trespassing on Railroad property. Party was advised.

Addresses Involved

Hillside Dr W & Shoreline, Wayzata, MN

Neighbor Dispute **Reported:** 12-18-2014 2245

Report of a neighbor dispute over shared driveway. Advised of options.

Addresses Involved

100 block of Gleason Lake Rd, Wayzata, MN

Unwanted Person **Reported:** 12-18-2014 1546

Report of an unwanted person being belligerent and refusing to leave. Party left prior to officer arrival.

Addresses Involved

1300 block of Wayzata Blvd, Wayzata, MN

Missing Person **Reported:** 12-17-2014 2331

Report of a missing female. Female was located.

Addresses Involved

400 block of Dexter Dr, Long Lake, MN 55356

Missing Person **Reported:** 12-17-2014 1933

Report of a teenager who did not return home after practice. Parent located child.

Addresses Involved

1800 block of Symes St, Long Lake, MN

Burglary-Attempted **Reported:** 12-17-2014 1212

Report of an attempted burglary. Pry marks on window. No entry made.

Addresses Involved

200 block of Lake Street E, Wayzata, MN 55391 USA

Juvenile Curfew **Reported:** 12-16-2014 2305

Report of a juvenile leaving home without permission. Juvenile located. Three juveniles cited for curfew.

Addresses Involved

1800 block of Symes St, Long Lake, MN 55356

Unwanted Person **Reported:** 12-16-2014 1650

Report of a male urinating at park and ride. Unable to locate.

Addresses Involved

300 block of Wayzata Blvd E, Wayzata, MN

Hit & Run **Reported:** 12-16-2014 1557

Report of a hit and run property damage accident.

Addresses Involved

700 block of Lake St E, Wayzata, MN

Theft **Reported:** 12-16-2014 1502

Report of a theft of a package from mailbox. Loss \$86.00

Addresses Involved

500 block of Broadway Ave N, Wayzata, MN 55391 USA

Disturbance **Reported:** 12-15-2014 1542

Report of a car alarm sounding. Owner was located and alarm was reset.

Addresses Involved

200 block of Lake St, Wayzata, MN 55391

Suspicious **Reported:** 12-15-2014 1454

Report of someone being inside a vacant house. Unable to locate anyone.

Addresses Involved

2000 block of Grand Ave, Long Lake, MN 55356

Damage to Property **Reported:** 12-15-2014 1350

Report of an unknown person spraying mustard on vehicles. No loss at this time.

Addresses Involved

900 block of Rice Street E, Wayzata, MN 55391

Domestic **Reported:** 12-13-2014 0117

Report of a male and female arguing outside building. Area checked, unable to locate.

Addresses Involved

700 block of Wayzata Blvd, Wayzata, MN 55391

Disturbance **Reported:** 12-12-2014 2234

Report of a male and female arguing. Area checked, unable to locate.

Addresses Involved

700 block of Lake St E, Wayzata, MN 55391

Warrant **Reported:** 12-12-2014 1948

Attempted warrant pick up. Unable to locate subject of the warrant.

Addresses Involved

1200 block of Wayzata Blvd E, Wayzata, MN

Ordinance **Reported:** 12-11-2014 1230

Report of an illegal fire. Parties were advised by Fire Chief to extinguish fire.

Addresses Involved

2300 block of Daniels St, Long Lake, MN

Theft **Reported:** 12-11-2014 0852

Report of a stolen cellular phone. Phone was returned and victim did not wish to pursue charges.

Addresses Involved

100 block of Barry Ave N, Wayzata, MN 55391 USA

Welfare Check **Reported:** 12-10-2014 0520

Safety check on a male walking near roadway. Male was advised of safety issues.

Addresses Involved

1500 block of Wayzata Boulevard W, Long Lake, MN 55356 USA

Disturbance **Reported:** 12-09-2014 2107

Report of an argument in one of the apartments. Nothing heard upon arrival.

Attempted contact, no answer.

Addresses Involved

200 block of Central Ave N, Wayzata, MN 55391

Financial Transaction Card Fraud**Reported:** 12-09-2014 1442

Report of a credit card being stolen in Plymouth and subsequently used for several purchases online. Loss of approximately \$3160.

Addresses Involved

100 block of Hunters Glen Road, Wayzata, MN 55391 USA

Theft from Vehicle**Reported:** 12-08-2014 1047

Report of a theft from vehicle that occurred several days prior. Loss \$160.

Addresses Involved

200 block of Grove La E, Wayzata, MN 55391 USA

Domestic**Reported:** 12-07-2014 0106

Report of a dispute amongst family members. Parties had separated for the night.

Addresses Involved

1500 block of Holdridge Ter, Wayzata, MN

Controlled Substance**Reported:** 12-07-2014 0014

21 year old male from Maple Grove arrested for 5th degree possession of a controlled substance.

Addresses Involved

Wayzata Boulevard & Superior Blvd, Wayzata, MN 55391

Names Involved

(Arrested) Tomasko, Seth Mitchell (Age:21)

Disturbance**Reported:** 12-05-2014 2128

Report of a male standing on the sidewalk making gestures at vehicles as they drove by. Area checked, unable to locate.

Addresses Involved

1400 block of Wayzata Blvd E, Wayzata, MN 55391

Suspicious**Reported:** 12-04-2014 2119

Report of a male talking on the phone about wanting to shoot someone. Male did not have any weapons and was advised on his conduct.

Addresses Involved

1300 block of Wayzata Blvd E, Wayzata, MN 55391

Fraud**Reported:** 12-04-2014 0925

Scam attempt via mail. No loss at this time.

Addresses Involved

200 block of Barry Avenue S, Wayzata, MN 55391 USA

Animal**Reported:** 12-02-2014 0910

Report of a dog biting another dog.

Addresses Involved

Neilson Ave & Watertown, Long Lake, MN

Suspicious**Reported:** 12-01-2014 1507

Report of an attempted email scam. No loss at this time.

Addresses Involved

100 block of Lake St W, Wayzata, MN 55391

Burglary-Commercial **Reported: 12-01-2014 0828**

Report of a burglary that occurred overnight. Loss of \$55.00

Addresses Involved

1300 block of Wayzata Blvd, Wayzata, MN

Burglary-Attempted **Reported: 12-01-2014 0823**

Report of an attempted overnight burglary. Owner noticed pry marks on door.

No entry was gained to business.

Addresses Involved

300 block of Barry Ave, Wayzata, MN

Burglary-Commercial **Reported: 12-01-2014 0653**

Report of a burglary that occurred overnight. No loss at this time.

Addresses Involved

700 block of Lake St, Wayzata, MN

TRAFFIC – DECEMBER, 2014

CITATIONS	112
WRITTEN WARNINGS	7
VERBAL WARNINGS	47

Description	Dec 2014
MISSING PERSON	3
MISSING ANIMAL	2
FOUND ANIMAL	1
FOUND PROPERTY	4
ABANDONED VEHICLE	1
PIMV	4
PDMV	10
H & R PDMV	5
FALL/CUT	1
FIRE ALARM	8
HAZ ROAD CONDITION	15
SUICIDE ATTEMPT	1
SUICIDE THREAT	1
OTHER MEDICAL	48
Medical Alarm	2
72 Hour Hold/Emergency Admission	3
WELFARE CHECK - ADULT	7
WELFARE CHECK - JUV	2
MENTAL HEALTH ISSUE	1
INFO REC'D	10
VERBAL DOMESTIC	4
CIVIL MATTER	7

Trespass Warn/Order	1
DISTURBANCE/FIGHT/LOUD PARTY/HARASSMENT	12
SUSPICION	22
OPEN DOOR/WINDOW	1
SCAM/FRAUD ATTEMPT	2
BURNING COMPL	1
MISC. JUVENILE PROBLEM	1
DRIVING/TRAFFIC COMPLAINT	29
PARKING COMPL	7
HOUSE/BUSINESS CHECKS	11
RECORD CHECKS	7
OTHER PERMITS	4
FIREARM PERMIT	2
HC SHERIFFS PERMIT TO CARRY	1
LIQUOR LICENSE CHECKS/PERMIT	6
BURN PERMIT	1
SOLICITATION - Verbal Warning	1
ANIMAL COMPLAINT/CHECK	8
DOG LICENSE ISSUED	10
KENNEL APP/LICENSE	5
PATROL REQUEST	4
POLICE ESCORT/STAND-BY	3
ADULT PROTECTION ASSIST	7
FINGERPRINTS	1
ASSIST CHILD PROTECTION	5
MOTORIST ASSIST/STALL	16
UTILITY PROBLEM	2
PUBLIC ASSIST	21
LOCKOUT	6
BUSINESS ALARM	25
HOME ALARM	14
911 HANG-UP	13
ASSIST OTHER DEPT	7
WARRANT/ATTEMPT/ARREST	1
TRAFFIC CONTROL / DIRECT ENFORCEMENT	4
TRANSPORT	1
Cancel/No Contact	1
ASLT-DOMESTIC-MS-INFLT BODLY HRM-HNDS-ADLT-AC	1
DOM ASLT-MS-INFLT BODILY HARM-HANDS-CH-FAM	2
BURG 2-AT FRC NRES-N-UNK WEAP-COM THEFT	1
BURG 2-AT FRC NRES-U-UNK WEAP-COM THEFT	1
BURG 2-UNOCC NRES FRC-N-UNK WEAP-COM THEFT	3
CON SUB 5-POSSESS-UNK DRUG-UNK	1
TRAF-AC-GM-2ND DEG DWI-REFUSAL TO TEST-MV	1
TRAF-AC-GM-3RD DEG DWI-UI ALCOHOL-MV	1

TRAF-ACC-M-4TH DEG DWI-UI ALCOHOL-MV	1
JUVENILE-CURFEW	3
DISTURB PEAC-MS-VIOL DOM ABUSE NO CONTACT ORD	2
PROP DAMAGE-MS-PRIVATE-OTHER INTENT	1
THEFT-MORE 35000-FE-BUILDING-MONEY	1
THEFT-500 OR LESS MS-BLDG-OTH PROP	1
THEFT-500 OR LESS MS-MAIL-OTHER PROPERTY	1
THEFT-500 OR LESS MS-MTR VEHICLE-OTH PROP	1
FRAUD-FE-FIN-TRAN-CARD-NO-CNSENT-2501-19000	1
FRAUD-MS-FIN-TRAN-CARD-NO-CONSENT-250-LESS	1
CRIM AGNST ADMN JUST-MS-PROBATION VIOLATION	1

	2011	2012	2013	2014 Sept	2014 Oct	2014 Nov	2014 Dec	2014
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BUILDING CONSTRUCTION

NUMBER OF BLDG. PERMITS	136	130	180	19	19	12	13	197
PROJECT VALUE	\$17,502,681.99	\$96,042,207.60	\$86,541,995.07	\$7,318,357.00	\$2,940,000.00	\$1,103,860.00	\$1,432,306.00	\$72,116,194.31
BUILDING PERMIT FEE	\$129,836.75	\$450,559.14	\$450,148.65	\$39,842.75	\$23,258.00	\$9,295.75	\$12,246.75	\$398,821.84
PLAN CHECK FEE	\$77,189.59	\$261,987.39	\$263,643.54	\$23,154.52	\$14,878.03	\$5,675.65	\$6,220.35	\$239,736.80

EXTERIOR REPAIR

NUMBER OF PERMITS	67	92	54	9	7	4	1	69
PROJECT VALUE	\$810,715.91	\$1,447,782.00	\$803,851.01	\$98,195.74	\$77,673.91	\$33,907.00	\$5,300.00	\$868,852.35

PERMIT FEE	\$14,203.75	\$21,298.96	\$12,737.00	\$ 1,861.53	\$ 1,504.50	\$ 708.00	\$ 132.75	\$15,457.53
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MECHANICAL

NUMBER OF PERMITS	127	120	154	25	20	19	15	213
PROJECT VALUE	\$4,479,374.00	\$3,087,534.32	\$4,245,740.00	201,658.66	379,142.00	1,574,116.00	112,536.00	\$6,434,508.61
PERMIT FEE	\$73,015.04	\$52,434.06	\$70,487.99	4,039.18	7,014.19	24,937.57	2,270.72	\$108,666.50

PLUMBING

NUMBER OF PERMITS	108	183	166	18	19	19	18	193
PROJECT VALUE	\$604,153.00	\$1,838,744.75	\$1,041,197.50	\$321,425.00	\$86,664.00	\$390,620.00	\$114,407.00	\$4,316,761.00
PERMIT FEE	\$13,065.64	\$35,180.86	\$21,005.93	\$6,280.50	\$1,900.00	\$6,825.40	\$2,444.14	\$75,280.16

TOTAL # OF PERMITS	438	525	554	71	65	54	47	672
TOTAL INCOME	\$307,310.77	\$821,460.41	\$818,023.11	\$75,178.48	\$48,554.72	\$47,442.37	\$23,314.71	\$837,962.83

NUMBER OF INSPECTIONS

BUILDING	592	666	639	92	113	102	110	1061
EXTERIOR	132	192	74	12	13	8	1	84
HVAC	230	253	318	46	39	55	52	466
PLUMBING	191	282	294	33	34	35	43	392
OTHER	45	78	39	2	0	1	0	9
TOTAL # OF INSPECTIONS	1190	1471	1364	185	199	201	206	2012

RENTAL HOUSING INSPECTIONS

INSPECTIONS		146	122	0	0	0	0	119
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Planning Report
January 20, 2015
Wayzata Planning Commission

Owner/Applicant: Joseph and Mary Kiser
Address of request: 227 Walker Ave N and 529 Park St
PID number: 06-117-22-24-0081
06-117-22-24-0080

Prepared By: Bryan Gadow, City Planner
Project Summary: Request is for a Concurrent Preliminary/Final Plat lot combination to combine 227 Walker and 529 Park St into one (1) conforming lot.

Section 1: Background

Joseph and Mary Kiser (collectively, the “Applicant”) have submitted a Development Application for approval of a Concurrent Preliminary/Final Plat Lot Combination under Sections 805.14 and 805.15 (the “Lot Combination”) to combine 227 Walker Ave N and 529 Park St (collectively, the “Property”) into one (1) lot that conform with the R-3A District standards. The Applicants own both adjoining properties, and the lots as they exist currently, are each legally non-conforming due to lot area. The 227 Walker Ave N lot is only 7,260 SF and the 529 Park St lot is only 5,500 SF. The minimum lot area in the R-3A District is 9,000 SF. The resulting lot combination would remove the existing non-conformities, and create one (1) conforming lot of 12,760 SF.

Relevant Property Information:

Zoning:	R-3A Low Density Single Family Residential District
Comp Plan:	Low Density Single Family Residential
Total lot size:	12,760 SF or 0.293 acres

1.2 Existing Conditions

The 227 Walker Ave N lot has an existing residence on it that was constructed in 1983, and remodeled in 2003. The 529 Park St lot is currently vacant. The proposed lot combination would create one (1) conforming lot of 12,760 SF.

Map 1: Property Aerial Image



1.3 Property Description

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

227 Walker Ave N	06-117-22-24-0081	Joseph & Mary Kiser
529 Park St	06-117-22-24-0080	Joseph & Mary Kiser

1.4 Public Noticing Requirements

Zoning Ordinance Section 805.14 requires the Planning Commission to hold a public hearing on the Subdivision application. The Notice of Public Hearing was published in the Sun Sailor on December 11, 2014. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject property on December 5, 2014.

1.5 Planning Commission Meeting Summary

The Planning Commission reviewed the Application and held a Public Hearing on December 15, 2014. The Planning Commission was supportive of the Application, and made a motion to recommend approval of the lot combination, which was adopted unanimously (7-0). Minutes from the December 15th meeting and a draft resolution for approval of the lot combination is included as Attachments B and C.

SECTION 2: ANALYSIS OF DEVELOPMENT PROPOSAL

2.1 Zoning

The property is located in the R-3A, Low Density Single Family Residential District. The R-3A District prescribes minimum design criteria for the creation of lots and platting of land. As shown on the submitted Plat, the proposed lot combination would result in combining two (2) non-conforming lots in to one (1) conforming lot:

R-3A District	Standard	Existing Lots	Combined Lots
Minimum Lot Area	9,000 SF	7,260 SF/5,500 SF	12,760 SF
Minimum Lot Width	60 ft	50 ft/60 ft	116 ft
Minimum Lot Depth	100 ft	110	110 ft
Front Yard Setback (min.)	20 ft	20 ft	20 ft
Side Yard Setback (min.)	10 ft	7 ft (Existing Condition)	7 ft (Existing Condition)
Rear Yard Setback (min.)	20 ft	10 ft (Existing Condition)	60 ft
Lot Coverage	30%	31.5% (Existing Condition)	18%

Section 3. Applicable Code Provisions for Review

3.1 Subdivision Ordinance – Preliminary Plat – Lot Combination

Section 805.14(e) provides criteria for the Planning Commission to evaluate when reviewing a Preliminary Plat for Lot Combination. In this review, the Planning Commission should determine if the proposed subdivision would have an adverse impact on the site or surrounding area. The following are the factors from this section for consideration. Included is Staff's evaluation of each of the factors.

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

The proposed lot combination conforms with low density development for this residential area. The Application results in the combination of two (2) substandard lots into one (1) conforming lot, in terms of lot area.

- B. 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.

No additional work or construction is proposed by the Applicant. The Lot Combination would not impact community assets.

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

No additional work or construction is proposed by the Applicant. The Lot Combination would not impact existing topography.

- D. 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.

No additional work or construction is proposed by the Applicant. The Lot Combination would not impact existing tree coverage.

- E. 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.

The proposed lot combination would result in one (1) conforming lot, in terms of lot size. Lots in the immediate area range from appropriately 7,000 SF, up to appropriately 16,500 SF. The lot size that would result from the proposed Lot Combination would be 12,760 SF, and within the area range.

- F. 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.

The resulting Lot Combination would be similar to other lots in the immediate vicinity.

- G. 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.

The resulting Lot Combination would be similar to other lots in the immediate vicinity. The proposed lot exceeds the R-3A District minimums.

- H. 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.

No additional building work is proposed with this Lot Combination.

- I. 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.

Not applicable.

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

The buildable area meets the performance requirements of R-3A District.

- K. 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.

The Lot Combination would result in a lot that is not dissimilar from other lots in the neighborhood, which would positively impact other properties.

- L. 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.

The proposed lot combination has access to sanitary sewer services and would not over burden this system.

3.2 Concurrent Preliminary/Final Plat.

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

SECTION 4: ACTION STEP

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

1. Adopt the draft approval Resolution No. 06-2015 included as Attachment C of this Report.
2. If the Council wishes to significantly modify the Resolution for approval, the Council should direct staff to prepare a revised Resolution for review and adoption at the next Council meeting.

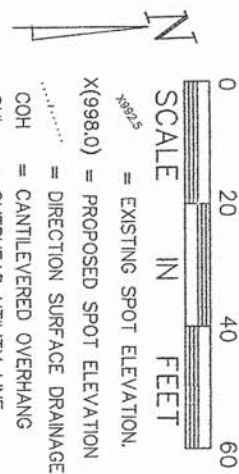
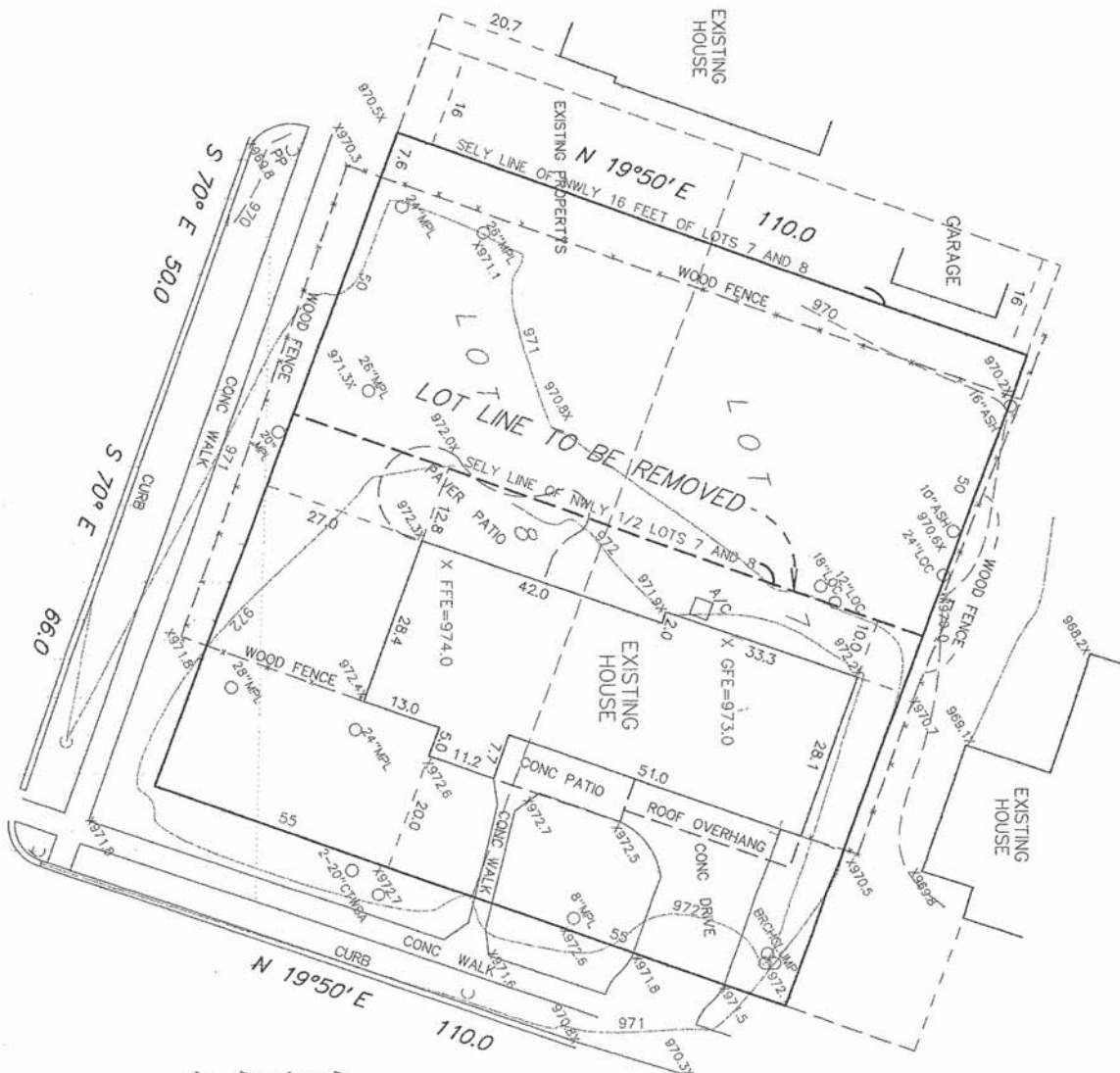
3. If the Council wishes to pursue a denial motion, the Council should direct staff to prepare a revised Resolution reflecting the denial motion for review and adoption at the next Council meeting.

Attachments:

Attachment A: Proposed Lot Combination Preliminary and Final Plat

Attachment B: Planning Commission Meeting Minutes – December 15, 2014

Attachment C: Draft Resolution 06-2015



- X992.5 = EXISTING SPOT ELEVATION.
- X(996.0) = PROPOSED SPOT ELEVATION
- ... = DIRECTION SURFACE DRAINAGE
- COH = CANTILEVERED OVERHANG
- OHL = OVERHEAD UTILITY LINE
- GFE = GARAGE FLOOR ELEVATION
- TFE = TOP OF FOUNDATION ELEVATION
- LFE = LOWEST FLOOR ELEVATION

EXISTING PROPERTIES

ADDRESS - 227 WALKER STREET
 PID NO 06-117-22-24-0081
 EXISTING LEGAL DESCRIPTION:
 THE SOUTHEASTERLY 1/2 OF LOT 7
 AND 8, BLOCK 21, WAYZATA REVISED,
 HENNEPIN CO., MN.
 AREA = 7260 SF

ADDRESS - 529 PARK STREET
 PID NO 06-117-22-24-0080
 EXISTING LEGAL DESCRIPTION:
 THE SOUTHEASTERLY 50 FEET OF THE
 NORTHEASTERLY 1/2 OF LOT 7 AND 8,
 BLOCK 21, WAYZATA REVISED,
 HENNEPIN CO., MN.
 AREA = 5500 SF

PROPOSED LEGAL DESCRIPTION:
 THAT PART OF LOT S 7 AND 8, LYING
 SOUTHEASTERLY OF THE NORTHWESTERLY
 16 FEET THEREOF, BLOCK 21, WAYZATA
 REVISED, HENNEPIN CO., MN.

ARAE = 12760 SF / 0.293 AC

PROJECT NO.	BOOK
DATE AUG 18, 2014	PAGE
REVISIONS	
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. FRANK R. CARDARELLE REG. NO. 6398	

**LOT CONSOLIDATION
 SURVEY**
 for **KISER RESIDENCE**
227 WALKER AVENUE

 Land
Frank R. Cardarelle Surveyor
 6440 FLYING CLOUD DRIVE
 EDEN PRAIRIE, MN 55344
 952-941-3031

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 29
30 **d. 236 and 240 Minnetonka Avenue and 519 Indian Mound – John Adams,**
31 **Representing John Kraemer & Sons**
32 **i. Concurrent Concept and General Plan PUD and Rezoning to PUD**
33 **ii. Project Design Review**
34 **iii. Concurrent Preliminary and Final Plat/Lot Combination**
35 **iv. Building Height and Site Variances, and CUP**
36 **v. Shoreland Conditional Use Permit**
37

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

DRAFT RESOLUTION NO. 06-2015

**RESOLUTION APPROVING AN APPLICATION FOR CONCURRENT PRELIMINARY
AND FINAL PLAT LOT COMBINATION AT 227 WALKER AVE N AND 529 PARK ST**

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

Section 1. BACKGROUND

1.1 Project. Joseph and Mary Kiser (collectively, the “Applicant”) have submitted a Development Application for approval of a Concurrent Preliminary/Final Plat Lot Combination under Sections 805.14 and 805.15 (the “Lot Combination”) to combine 227 Walker Ave N and 529 Park St (collectively, the “Property”) into one (1) lot that conform with the R-3A District standards. The Applicants own both adjoining properties, and the lots as they exist currently, are each legally non-conforming due to lot area. The 227 Walker Ave N lot is only 7,260 SF and the 529 Park St lot is only 5,500 SF. The minimum lot area in the R-3A District is 9,000 SF. The resulting lot combination would remove the existing non-conformities, and create one (1) conforming lot of 12,760 SF.

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

A. Concurrent Preliminary and Final Plat Lot Combination of the Property (the “Proposed Lot Combination”)

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

227 Walker Ave N	06-117-22-24-0081	Joseph & Mary Kiser
529 Park St	06-117-22-24-0080	Joseph & Mary Kiser

1.4 Land Use. The Property is located within the R-3A Single and Two Family Residential District, as defined in Section 801.55 of the Wayzata Zoning Ordinance. The Property is guided for Low Density Single Family Residential in the Wayzata Comprehensive Plan.

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

1.6 Planning Commission Action Summary.

A Public Hearing on the Application was held at the Planning Commission's December 15, 2014 meeting. The Planning Commission voted to recommend approval of the Application on a vote of seven (7) in favor and zero (0) opposed.

Section 2. STANDARDS

2.1 Preliminary and Final Plat Subdivision. Chapter 805 of the Wayzata City Code, (the "Subdivision Ordinance") sets forth the procedure and substantive review criteria for applications for a subdivision. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.15 of the Wayzata Subdivision Ordinance allows the City to review a proposed preliminary and final plat simultaneously.

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

1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan).
2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
3. Provide a balanced housing supply available for all people no matter their income, age, race or ethnicity (Comprehensive Plan).
4. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
5. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).

B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:

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

2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filling or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform with all relevant performance standards.
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.
- C. Concurrent Preliminary/Final Plat. Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Concurrent Preliminary and Final Plat requested in the Application meet the applicable requirements of Wayzata's 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 Proposed Subdivision.

- A. Goals. The Proposed Lot Combination is consistent with the goals of the Subdivision Ordinance, as the Application conforms with the low density guidance for the area and combines two substandard lots into one conforming lot.
- B. Criteria for Approval.
 1. The proposed Lot Combination conforms with low density development for this residential area. The Application results in the combination of two (2) substandard lots into one (1) conforming lot, in terms of lot area.
 2. No additional work or construction is proposed by the Applicant. The Lot Combination would not impact community assets, existing topography, or existing tree coverage.
 3. The proposed Lot Combination would result in one (1) conforming lot, in terms of lot size. Lots in the immediate area range from appropriately 7,000 SF, up to appropriately 16,500 SF. The lot size that would result from the proposed Lot Combination would be 12,760 SF, and within the area range.
 4. The resulting Lot Combination would be similar to other lots in the immediate vicinity. The proposed lot exceeds the R-3A District minimums.

5. The proposed Lot Combination is not likely to tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
6. The proposed Lot Combination would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. CITY COUNCIL ACTION

4.1 Based on the Findings in Section 3 of this Resolution, the requests for approval of the Concurrent Preliminary and Final Plat for Lot Combination as set forth in the Application and attached to this Resolution (Attachment A), is **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of the approvals):

- A. The Applicant records the Final Plat document with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7, and provide a recorded copy to the City.

Adopted by the Wayzata City Council this ____ day of January, 2015.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

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 _____.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Preliminary/Final Plat Documentation



Planning Report

Wayzata City Council Monday, January 20, 2015

File Case No: PR 2014-15

Applicant: John Adams, representing John Kraemer & Sons

Address of Request: 236 Minnetonka Ave S
240 Minnetonka Ave S
519 Indian Mound

Prepared By: Bryan Gadow, City Planner

Request(s): Concurrent Concept and General Plan Planned Unit Development (PUD) and associated PUD District Rezoning
Shoreland Conditional Use Permit (CUP)
Concurrent Preliminary and Final Plat Lot Combination
Project Design Review
Variance for Building Height in a PUD District – two (2) ft of additional building height above thirty five (35) ft and a lower half story for retail
Conditional Use Permit (CUP) for Elevator Penthouse above forty (40) ft
Building Setback Variances
Site Plan Review

Project Summary: The proposed project would remove the existing commercial building and redevelop the properties for one (1) mixed use commercial and residential condominium building.

Section 1: Introduction

John Adams, representing John Kraemer & Sons, and Haglund's Corner LLC (collectively, the "Applicant") has submitted an application (the "Application") for approval of a Concurrent Concept and General Plan Planned Unit Development (PUD) (the "PUD"), Project Design Review (the "Design Review"), a concurrent preliminary and final plat for a lot combination of commercial property (the "Plat" or "Subdivision"), a Shoreland Conditional Use Permit (CUP) (the "Shoreland CUP"), a variance for building height above thirty five (35) ft in a PUD District (the "Building Height Variance"), building and site setback variances (the "Setback Variance"), and a conditional use permit for elevator penthouse above forty (40) ft (the "Mechanical CUP") to redevelop the properties at 236 Minnetonka Ave S, 240 Minnetonka Ave S, and 519 Indian Mound (collectively, the "Property").

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

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

- Project Narrative
- Context Aerial
- Site Survey
- Preliminary Plat
- Final Plat
- Site Plan
- 3D Building Renderings
- Building Elevations
- Building Floor Plans
- Landscape Plan
- Photometric Plan
- Grading, Drainage, and Utility Plan
- Stormwater System Detail
- Building Material Detail

1.1 Property Background

The Property includes three parcels at the intersection of Indian Mound and Minnetonka Ave S, south of the City's Post Office Park. Of the three parcels included in the Application, two of the parcels are presently have existing commercial structures. The existing 236 Minnetonka Ave S building is a one story retail building of approximately 576 square feet (SF) on 0.2 acres. The 240 Minnetonka Ave S building is a two story building of approximately 5,000 SF.

Map 1: Existing Property Aerial



1.2 Application Requests.

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

- A. Concurrent Concept and General Plan Planned Unit Development (PUD) under Section 801.33.
- B. Concurrent Preliminary and Final Plat Subdivision to combine lot lines under Section 805.
- C. Shoreland Conditional Use Permit for Impervious Surface coverage above twenty five percent (25%) under Section 801.91.
- D. Variance for Building Height above thirty five (35) ft and three (3) stories under Section 801.33.2.A.14.
- E. Variance from Section 801.75.6 for ten (10) ft Building Setback to allow zero (0) ft setbacks on west and south building facades.

- F. Variance from Section 801.20.9.C to allow less than a ten (10) ft parking area setback.
- G. Variance from Section 801.20.9.E.8 to allow less than a ten (10) ft curb cut spacing from the side yard lot line.
- H. Conditional Use Permit (CUP) under Section 801.19.2.B for stairs and elevator penthouse taller than five (5) ft to a height of ten (10) and fifteen (15) ft, respectively.
- I. Project Design Review for a commercial structure under Section 801.09.
- J. Site Plan Review under Section 801.22.
- K. City Council approval of City Right of Way encroachment for outdoor patio area

1.3 Property Description

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

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

1.4 Relevant Property Information

Zoning:	C-1 Office and Limited Commercial District
Comp Plan:	Mixed Use Commercial (MUC)
Design District:	Property is in the Bluff Design District
Total lot size:	25,421 square feet (SF) or 0.58 acres

1.5 Public Noticing Requirements

Zoning Ordinance Section 801.33.5 requires the Planning Commission to hold a public hearing on the Application. The Notice of Public Hearing was published in the Sun Sailor on December 11, 2014. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject property on December 5, 2014.

1.6 Planning Commission Meeting Summary

The Planning Commission reviewed the Application and held a Public Hearing on December 15, 2014. Four (4) individuals spoke on the Application during the Public Hearing. Received written public comment is included as Attachment D. The Planning Commission directed staff to develop a draft *Planning Commission Report and Recommendation* recommending approval of the Application on a vote of four (4) in favor and three (3) opposed. The Planning Commission adopted the Planning Commission Report and Recommendation recommending

approval of the Application on January 5, 2015 on a vote of four (4) in favor and one (1) opposed, with those who had previously voted no on the Application, restating their reasons for voting no on the record, but voting to adopt the Planning Commission Report and Recommendation only to facilitate moving the Application onto City Council for review. A copy of the Planning Commission meeting minutes from December 15, 2014 is included as Attachment E. The Planning Commission Report and Recommendation is included as Attachment F. A draft resolution based upon the Commission's recommendation is included as Attachment G.

Section 2: Summary of Issues

2.1 Surrounding Uses

A summary of land uses and their respective zoning classifications for the immediate area:

Direction	Land Use	Zoning
North	Single Family Residential and Apartments	C-1B
South	Commercial and Condominiums	C-4
East	Commercial and City Hall	C-1 and INS
West	Commercial	C-1

2.2 Project Hardcover Calculations and Lot Areas

The Property has the following proposed hardcover as part of the Project:

Item	Proposed	Percentage
Impervious Surface	20,916 SF	82.3%
Non-paved/green space	4,505 SF	17.7%

Note: As the amount of proposed impervious surface is above the twenty five percent (25%) allowed within the Shoreland Overlay District, the Applicant has included a Shoreland CUP with the Application, and will install pervious pavers as part of the parking lot surface. The Applicant has also indicated a willingness to install a roof drain and cistern system to capture water from the building's roof.

2.3 Project Comparison.

A comparison of the C-1 Standards and the proposed Project is as follows:

C-1 District	Code Standard	Proposed
Minimum Lot Area	9,000 SF	25,421 SF

Front Yard Setback (West)	10 ft	0 ft
Front Yard Setback (South)	10 ft	0 ft
Side Yard Setback (East)	10 ft	32 ft, 10 inches
Rear Yard Setback (min.)	10 ft	10 ft
Floor Area Ratio	2.0	1.78
Impervious Surface	25% (Shoreland)/Up to 75% with Shoreland CUP	82.3% (Would need approval of a Shoreland CUP. With pervious paver credit, the hardcover would be 67%)
Building Height	3 Stories or 35 ft	3.5 stories, 37 ft from entry level, 38.1 ft from average grade

2.4 Building Height and Associated Variance and CUP Requests.

The building elevations submitted with the Application indicate that the new mixed use building is 37 ft to the top of the flat roof parapet from entry level, and 38.1 ft from average grade due to the below grade retail space, and 53.1 ft to the top of elevator penthouse. The building height requirements under a PUD are as follows (Section 801.33.2.A.14):

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

The proposed building height for the Project would exceed the thirty five (35) height maximum. The Property is 0.58 acres and does not exceed 13 acres, so the Applicant has included a variance request from the above PUD code requirement to allow the thirty seven (37) ft from entry level, 38.1 ft from average grade tall, 3.5 story building.

Items such as stairs or elevator shafts are allowed to go above thirty five (35) ft, but no more than forty (40) ft, unless a conditional use permit is approved. In the proposed building, the top of elevator penthouse would be at 53.1 ft. As such, the elevator penthouse and stairs would need approval of a Conditional Use Permit (CUP) per Section 801.19.2.B.

2.5 Stormwater Management.

As part of the Project, the Applicant will incorporate a pervious paver system for the 7,885 SF of parking area and commercial patio with an associated EcoStorm stormwater treatment system. Included in the Application is a Shoreland CUP request for additional hardcover above twenty five percent (25%). Without any credits for use of the pervious paver system, the total hardcover would be eighty two percent (82%). If one assumed a 50% credit for the square footage of the pervious paver surfaces, the hardcover would be reduced to sixty seven percent (67%). The Applicant has also indicated a desire to install a roof drain system that would capture water runoff from the rooftop and direct it into an underground cistern system. This item would need additional review from the City Engineer in order for additional hardcover credit to be granted. The cistern system would need to be design to capture the first inch of rain fall in order to receive credit for the roof surface area. If a Shoreland CUP is approved for this Project, the Applicant would be required to enter into a Stormwater Maintenance Agreement with the City to address long term maintenance and inspections of the system.

2.6 Parking Calculations.

Parking for the Property is provided in an underground facility and a surface parking lot as part of the Project. The Applicant would provide thirty five (35) parking spaces on the commercial property to retail and residential uses. Based on the calculations below, the Applicant meets the required number of parking spaces under Section 801.20.

Parking Calculations:

Use	Code Requirement	Number Required
Residential Condo use	2 stalls x 10 units = 20 stalls	22 stalls
Retail use	2,700 SF/250 SF = 11 stalls	13 stalls
Project Parking Required		31 stalls
Project Parking Provided		35 stalls

The parking spaces are design to be nine (9) ft x eighteen (18) ft, with a two (2) ft overhang. This would be allowed under the Zoning Ordinance, subject to the City Engineer's approval.

2.7 Building and Site Layout.

As noted in Section 1.2, the Application includes variance requests for components of the site layout and parking lot design that do not meet certain requirements of the Zoning Ordinance. The site variances are as follows:

- A. Variance from Section 801.75.6 for ten (10) ft Building Setback to allow zero (0) ft setbacks on west and south building facades.
- B. Variance from Section 801.20.9.C to allow less than a ten (10) ft parking area setback. Site Plan depicts a two (2) ft setback.
- C. Variance from Section 801.20.9.E.8 to allow less than a ten (10) ft curb cut spacing from the side yard lot line. Site Plan depicts a five (5) ft curb cut setback.

2.8 Landscaping.

The existing site is relatively flat with little existing tree coverage. As part of the Project, the Applicant is proposing to plant thirty six (36) trees, assorted shrubs and grasses. A landscape plan is included as Attachment B for how the proposed site would be screened.

2.9 Project Density.

As this Property lies within the Shoreland Overlay District, the density cannot exceed the R-5 Average Density Multiple Family District standards. The minimum lot area per dwelling unit is 2,500 SF, but can be reduced to 2,000 SF with use of underground parking. Dividing the Property lot area of 25,421 SF by 2,000 SF (minimum lot area per dwelling unit) allow a project density of 12 dwelling units. The Project proposes ten (10) dwelling units, which would not exceed the density limit for this Property.

2.10 Design.

The Project is subject to the Bluff District of the Design Standards. A Design Review of the proposal is included as Attachment C. Additional design sketches and material detail are included in Attachment B.

2.11 Comprehensive Plan.

The commercial portion of the Property is currently guided for Mixed Use Commercial (MUC) land use in the 2030 Comprehensive Plan. The Comprehensive Plan provides the following description of the MUC category:

“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 mixed of commercial, office, and residential uses with an emphasis that [sic] commercial and office use but allowing for residential use when properly integrated”.

The following are applicable Mixed Use Commercial Policies from the Comprehensive Plan:

- 3.1 Allow for a broad range of commercial and residential uses that provide daily goods and services, as well as a variety of housing opportunities.
- 3.3 Plan development of parking so that it is not a focal point, but rather placed behind buildings with appropriate buffers and landscaping.
- 3.4 Give particular attention in commercial and service areas to building design and scale, street trees, and extensive use of landscaping to minimize the effects of buildings, parking areas and driveways.
- 3.7 Adequately screen or buffer all service and commercial uses from any adjacent residential neighborhoods.

Section 3. Applicable Code Provisions for Review

3.1 Planned Unit Development – General Standards – 801.33.1

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

- A. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
- B. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.

- C. More convenience in location and design of development and service facilities.
- D. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
- E. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
- F. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
- G. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
- H. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

3.2 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
 - 1. Health Safety and Welfare. The Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
 - 2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
 - 3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.
 - 4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
 - 5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.

6. Common Space. The proposed PUD must provide common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD.
7. Common Space Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
8. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
9. Density. The proposed PUD must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
10. Utilities. All utilities associated with proposed PUD must be installed underground.
11. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
12. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.

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

3.3 Residential and Non-Residential PUD Standards – Section 801.33.3 and 4. Sections 801.33.3 and 4 set forth lot area, minimum frontage, municipal water and sewer availability, roadway and parking standards for PUDs which have a residential and non-residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

3.4 PUD Procedure.

- A. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of an application for a PUD. Concept Plan approval in no way binds the City to subsequent approval of a General Plan of Development or other approvals that may be required. Section 801.33.5.B.

- B. Application Contents. An application for approval of a Concept Plan of development for a PUD project must contain the information and materials listed in Section 801.33.5.C.
 - C. Planning Commission Review and Recommendation. Within sixty (60) days following the public hearing on any an application, the Planning Commission shall forward a report on the application to the City Council, and it shall recommend (i) approval of the application as submitted, (ii) approval of the application subject to certain modifications or conditions therein, or (iii) disapproval of the application. Section 801.33.5.C.13.
- 3.5 Rezoning from C-1 to PUD District. City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 801.03.
- 3.6 Standards for Rezoning. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 - B. The proposed use's conformity with present and future land uses of the area.
 - C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 - D. The proposed use's effect on the area in which it is proposed.
 - E. The proposed use's impact upon property value in the area in which it is proposed.
 - F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

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

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

3.8 Subdivision / Preliminary and Final Plats.

Chapter 805 of the Wayzata City Code, (the “Subdivision Ordinance”) sets forth the procedure and substantive review criteria for applications for a subdivision.

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

- A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:
 - 1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan).
 - 2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
 - 3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
 - 4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).
- B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:
 - 1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 - 2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.

3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
4. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
5. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
6. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
7. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
9. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
10. The proposed lot layout and building pads shall conform to all performance standards contained herein.
11. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.
12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to

transportation and utility systems, and will not overburden the City's service capacity.

3.9 Concurrent Preliminary/Final Plat.

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

3.10 Design Standards. The design of all new buildings and exterior improvements to the public side of nonresidential and/or multifamily buildings in Wayzata which clearly alter the appearance of a structure are subject to the review and approval of the Wayzata Planning Commission and City Council. City Code Section 801.09; Wayzata Design Standards Section 1.5. The relevant design criteria for the "Bluff District" are as reflected in the Design Critique attached to this Report as Attachment C.

Based upon Staff's review of the proposed design, there would be two (2) deviations requested from the design standards for this project:

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

The Planning Commission should discuss the requested deviation as part of their review of the Project Design.

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

1. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
2. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards and microsilt basins on storm water inlets, oil skimming devices,

etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.

3. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
4. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
5. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
6. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
7. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
8. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
9. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

10. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
11. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
12. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

In addition to the above conditions, the provisions of Section 801.04.2.F must be considered and satisfactorily met. Section 801.04.2.F requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's compatibility with present and future uses of the area.
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use 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.

Section 4: Department Comments

Utility Superintendent and City Engineer

- Must maintain a five ft (5") sidewalk width.
- Encroachment of patio/stairs/retaining wall/storm sewer on City Right of Way
- Where does the Sump Pump discharge? (Freezing/Icing)
- Existing water services to be abandoned at the Main.
- Existing sewer services to be abandoned at the property line.

Section 5: Discussion Items

In evaluating merits of the Application, Staff would offer the following topics for City Council discussion:

1. Does this proposal provide a good redevelopment approach to reusing the 236 and 240 Minnetonka Ave S, and 519 Indian Mound properties that is in the best interests of the community, and the general standards of the Zoning Ordinance and the Comprehensive Plan?
2. Is the proposed density, height, and provided parking of the Project acceptable at this location?

Section 6: Action Steps

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

1. Adopt the draft approval Resolution No. 07-2015 included as Attachment G of this Report.
2. If the Council wishes to significantly modify the Resolution for approval, the Council should direct staff to prepare a revised Resolution for review and adoption at the next Council meeting.
3. If the Council wishes to pursue a denial motion, the Council should direct staff to prepare a revised Resolution reflecting the denial motion for review and adoption at the next Council meeting.

Attachments:

Attachment A-1: Updated Project Narrative, January 6, 2015

Attachment A-2: Original Project Narrative

Attachment B: Project Plan Set

Attachment C: Project Design Critique

Attachment D: Received Public Comment

Attachment E-1: Planning Commission Meeting Minutes – December 15, 2014

Attachment E-2: Planning Commission Meeting Minutes – January 5, 2015

Attachment F: Planning Commission Report and Recommendation

Attachment G: Draft Resolution 07-2015

Planning Commission & Council Members,

First of all, I would like to thank all 7 of the Planning Commission members and city staff for staying so late to discuss our project on Dec. 15. I felt like we had great dialogue and everyone had the opportunity to express their opinion.

When we started the process of designing this project, Bryan Gadow suggested that I should look at the Lake Effect framework section for Minnetonka Ave. In the Lake Effect framework, it identifies Minnetonka Ave as the following:

“a prime location for small local businesses”

“it has potential to become a more active local business area”

“opportunity for stunning views of the lake flanked by small local shops”

“a number of locations along Minnetonka Ave could be developed to provide a denser, pedestrian-oriented shopping district”

After reviewing the Lake Effect standards, I proceeded to get input from Council members, neighbors and community members. It was pretty much unanimous that incorporating a retail element into this project was the right thing to do. I met with Merrily Babcock, chair of the Post Office Park project and a long-time planning Commission member, and she came up with the idea of outdoor sunken patios in front of the halfway below grade retail. I went back to our architects and they really liked the idea. We continued getting input from Council and Planning Commission members at 2 different workshops, in addition to input from neighbors at 6 different neighborhood meetings. We have produced 3 different designs at a cost of well over \$100,000 in an effort to make the retail component work in this project. During each of the design stages, we have done our best to minimize the amount of deviation from the ordinances but we do need minor variances for height, hardcover and setbacks and a right of way encroachment agreement in order to incorporate the retail into this project. On Nov. 26, I sent an email to the Planning Commission and Council members that was included as Attachment A in the Planning Commission packets for the Dec. 15 meeting. In the height variance section of that email, we provided height information on buildings around our project showing that we are actually lower than each of those particular buildings.

Our application is for a PUD. In the general standards of the PUD code, section 801.33.1.H it states: “The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage: ... A more desirable and creative environment than might be possible through

the strict application on zoning and subdivision regulations of the city.” I believe that is exactly what we are proposing – “a more desirable and creative environment”.

We often think in terms of the granting of variances for relief of hardship, but the language in the ordinance is “practical difficulties”, not hardship. In the city’s criteria for granting variances, it indicates that the applicant establishes that there are practical difficulties causing a need for variances. Practical difficulties means:

- i. The proposal for the property is reasonable but not permitted by the zoning ordinances.
 - I believe our deviations from the ordinances are minor and very reasonable.
- ii. Due to circumstances unique to the property.
 - This property sits at one of the lowest elevations in the city. By providing the desired retail space, we need small variances for building height, hardcover and setbacks.
- iii. Will not alter the essential character of the locality.
 - I think our project will improve the character of this corridor, by providing a retail/residential concept and not an office building. I also hope that our project will help encourage other future projects similar in the Minnetonka Ave corridor.

Although my role in this project is part of the development team, my interests stretch far beyond creating a successful project – I am a Wayzata resident that lives approximately 100’ away from this project and will look at the north and east elevations from my windows and decks. I thoroughly agree with what other neighbors have expressed and that is the last thing we want to be built on this site is another office building. I think the consensus from all is that the architectural look and character that has been created in the building’s design, after receiving a lot of input from many community members, is very fitting for the Minnetonka Ave corridor. I think the sunken patio/retail concept is a very cool idea that will create a very interesting streetscape and personally I look forward to walking by every day with my dog.

During the Planning Commission meeting, 3 commissioners voted against the project stating that they thought there were too many deviations from the ordinances and for that reason could not support the project. There are 5 issues to be assessed when evaluating the project in front of you.

- i. Building height
- ii. Setbacks
- iii. Hardcover
- iv. Improvements in the city right of way
- v. Design standard deviations

I would like to do a quick comparison between our proposed project with the retail and a project without the retail if the city decides to take us in that direction.

- i. Building height would be less because there would not be sunken patio areas, which is a part of building height calculations based on the proposed grade.
- ii. Setbacks improve because we have less surface parking.
- iii. Hardcover is improved because the surface parking lot would be smaller.
- iv. Improvements in the city right of way would be limited to landscaping because the sunken patio area would be gone.
- v. Design standard deviation would stay the same. I was under the impression that the design standards were more of a guideline and the Council often approves deviations from the design standards if they like the design and think it is an appropriate building for its location.

If the council agrees that they like the design of this building but feel that we just cannot make the retail work, then we would need to address the remaining differences between alternative site plan #2 and #3.

Setbacks on Minnetonka Ave and Indian Mound E

If we redesign the building to comply with the setbacks, it would be necessary to make the building more of a rectangle than the L shaped building it is now – which I don't think is as architecturally appealing. Pushing the building to the east 10' and to the north 10' would move the north wall from 45' away from the park to approximately 25' from the park. The required parking for the 600 sq. ft. office (to satisfy the mixed use requirement) and the guest parking would need to be located to the east of the park/behind the park. Please see the attached alternative site plan #3 for the approximate location of the residential building, designed without the retail component and in compliance with the setbacks.

A 10' setback from Minnetonka Ave would not present a consistent streetscape. Both buildings to the north of this building, the post office park entrance and fencing are all on the lot lines with zero setbacks. Being granted zero setbacks on Minnetonka Ave and Indian Mound, would allow us to build our new building in the same location on our site as the

existing buildings. The 12' of city right of way would remain (between the curb and lot line) – 5' would be sidewalk and 7' would be green space before the lot line.

I think the green space is much better spent located on the north side of the building and behind the park than having 17' of green space between the sidewalk and the building. I think the streetscape, the balance of the green space on the site, the location of the surface parking and the distance the building is from the park are all significantly better with zero setbacks (as depicted on the alternative site plan # 2) than complying with 10' setbacks from Minnetonka Ave and Indian Mound E per alternative site plan # 3.

If we are granted a setback variance, it will not be a problem for setting a precedent for any future development on Lake St because Lake St already has zero setback requirements.

Building Height

The low site elevation presents practical difficulties with drainage. In order to lower the building height 2', we would have our engineers work with the city engineers to develop the best solution to alleviate any future drainage issues.

Our biggest hurdle is the concern that our project will set a precedent regarding height. Allowing a 2' height variance to existing grade and a 3' to proposed grade (which is how building height is being calculated) is “reasonable” and is at the heart of the city’s criteria for granting variances. I think a 2-3' height variance is very “reasonable”, while a 20-30' height variance is not reasonable. I am not a lawyer, but I think if legal action is ever brought against the city by Lake St developers using the precedent of 5 stories and 65' height in the Presbyterian Homes project, the word “reasonable” would be a very important part of the city’s defense. I think the city will need to establish that it was very “reasonable” for the city to create a separate 13 acre zoning district to be treated differently than any other parcel in Wayzata. Because of the circumstances unique to the property, the Presbyterian Homes parcel also presented “practical difficulties” due to the low elevation and the expense of building everything on pilings.

The city has a nuance in the ordinance that allows up to a 5' parapet above a 35' building height. I have a hard time understanding the difference between a 35' building with a 5' parapet (allowed by the ordinance) and a 38' building with a 2' parapet (not permitted by the ordinance). Both buildings would have the same 40' height effect and impact on the surrounding neighbors. All of the neighbors surrounding this site and the community members familiar with the proposed building, to my knowledge, all support this project. If the Council comes to the conclusion that this is in fact the right project for this location, the

city could add language to the height variance part of the resolution that states, “The combined height of the building and parapet shall not exceed 40”.

I know the Council recently denied a request from the Hoyt Group for a 5 story building. My understanding was that they were requesting 1 level of retail and 4 levels of residential. If the Council decides to approve our project, the city could go back to the Hoyt Group and offer a similar compromise. In other words, they could mirror our project by lowering their retail half way below grade and then rework their residential levels to meet the 40’ combined building and parapet height allowance. The Hoyt Group wouldn’t get their 4 stories of residential but they would get 3 and maybe that works for them without a legal challenge. If they do legally challenge the city, I think the city having offered this compromise would be viewed both favorable and “reasonable”.

On our project, we looked at a main level retail and 2 floors of residential and it was not economically feasible. If you look at the most recent Zitzloff & Beltz buildings on Lake St, both have main level retail and 2 stories of office – which is more financially viable than 1 level of retail and 2 levels of residential. If the city encourages main level retail (halfway below grade), I think we would find Lake St developers doing more mixed uses with retail and residential instead of retail and office – particularly west of Wayzata Place. That all being said, I think our project as proposed could be a very positive model for the city going forward.

Someone mentioned at the meeting that there was an economic benefit to the developer/builder generated by receiving approval for the requested variances. This is not the case. By incorporating the desired retail component, there are significantly increased expenses.

- i. Expenses of the sunken patio area
- ii. Expenses of the handicap ramp on the north side of the property
- iii. Expenses of a roof drainage/underground cistern system which would not be needed to improve the hardcover
- iv. Expense of a larger surface parking lot.

The developer/builder, John Kraemer & Sons, has wanted to eliminate the retail component from this project ever since the Nov. 5 workshop. The Kraemer’s like the retail element but felt the variance requests, though minor, were problematic both from an approval and expense perspective. I convinced the Kraemer’s to submit the project with the retail component in place because I thought this historic style concept felt right and would bring something truly special to the community. I am hopeful that this concept would encourage a

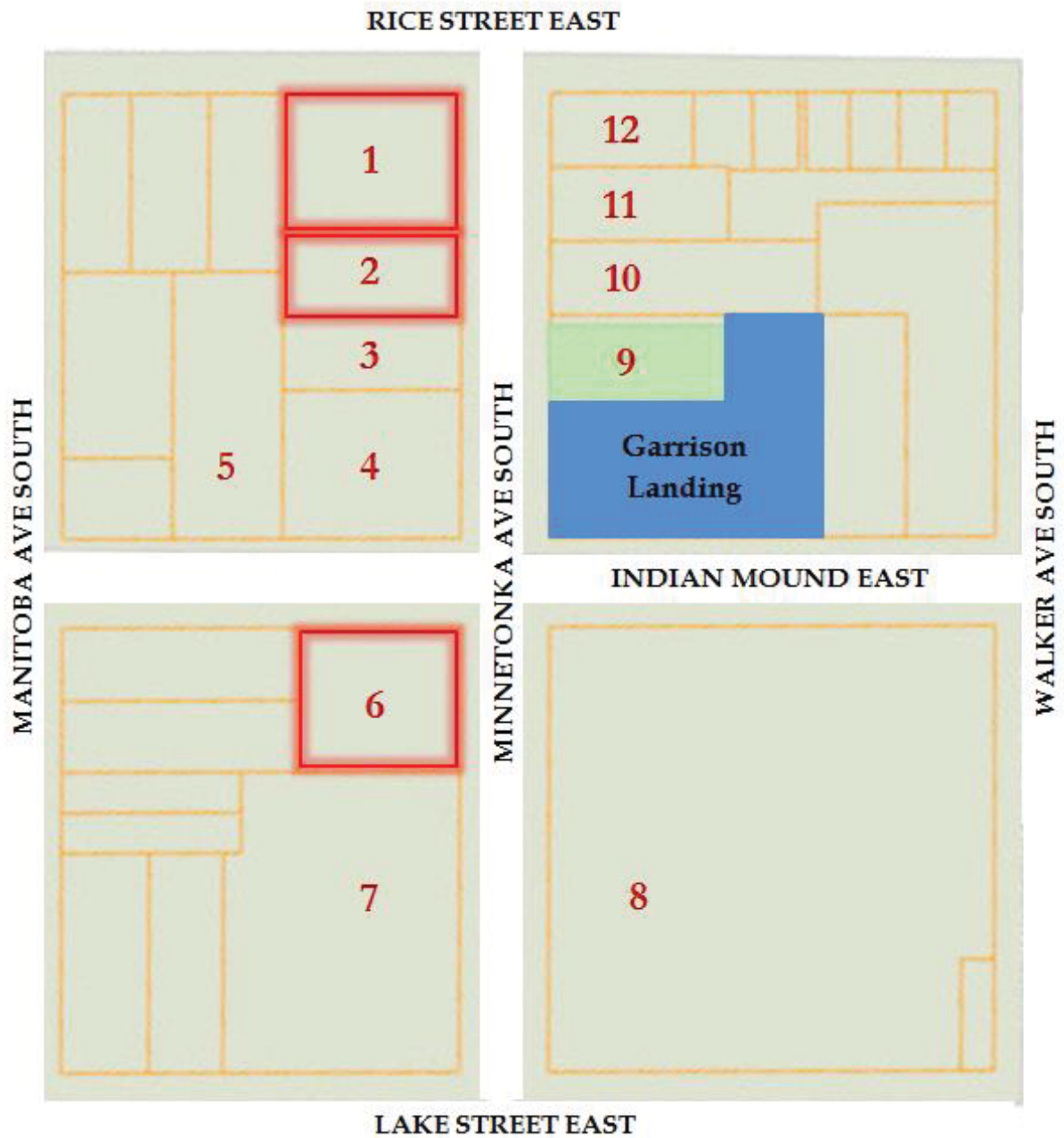
future developer of the old Whitely building site, kiddy corner from this project, to do something similar to our project rather than a big office building like the 445 Lake St building adjacent to it. Collectively we think the project in front of you is more compelling than a project without the retail, however we cannot make it work without the “reasonable” minor variance requests being sought.

I have included an overview of the Minnetonka Ave corridor which evaluates possible future development opportunities within this corridor that I reviewed at the Planning Commission meeting. I have also included a letter from Dennis and Jan Himan who will look directly at this building from their front porch and have lived in their current house for almost 40 years.

Thank you again for your time and consideration of this project. I hope you have the opportunity to digest all of this information prior to the Jan. 20 Council meeting to help you make the best decision for the city of Wayzata.

Thank you,
John Adams

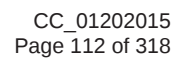
Minnetonka Avenue Corridor



1	Older Brick Apartment Buildings 426 Rice St E (Lindahl Properties LP) Two apartment buildings owned by the Lindahl family. This property would possibly be re-developed in the future.
2	Auxciseaux Tailor Building 217 Minnetonka Ave S (Lindahl Properties LP) This building is also owned by the Lindahl family and would have future redevelopment potential.
3	Post Office Parking Lot 229 Minnetonka Ave S (Post Office : Parcel 1)
4	Post Office 229 Minnetonka Ave S (Post Office : Parcel 2) Hopefully never goes away. The post office was for sale a couple years ago, however the government changed their mind and it is not currently for sale. If it is ever for sale again, the city of Wayzata should consider buying it and lease it back to the US Government to keep it as a post office.
5	Waypoint of Wayzata 415 Indian Mound E (REC INC / Ron Clark) The new 8-unit condominium building with a 600sf office. The height on this building is 62.6ft from the ground, at the bottom of the retaining wall on the east side of the building/back of the post office parking lot, to the top of the roof. Because of how the ordinance measures height, this building has a 35ft height . <u>This building will tower over our building.</u>
6	The Old Whitely Building 305 Minnetonka Ave S (Charles Schoen) This property would have future re-development potential. From the ground level on Minnetonka Ave to the roof peak is 40.7ft and from the ground to the top of the coupala is 49.9ft .
7	Dayton Office Building 445 Lake St E (445 Lake Street Ltd Partners)
8	Wayzata Place 520, 540 & 460 Indian Mound E (35 units owners) The building height from the ground on Indian Mound to the top of the roof is 46ft and from the ground to the top of the staircase tower is 50ft . The residents of Wayzata Plave are all very supportive of our project.
9	Post Office Park 228 Minnetonka Ave S (City of Wayzata)
10	The Partners Group (Foster Klima & Company) Office Building 222 Minnetonka Ave S (PG West LLC) This property was owned by Tim & Lorie Line for years. Tim Foster has done a very major remodel to this property and, as a result, will probably not be re-developed in the future.
11	Bayview Capital & Merry Residence Building 214 Minnetonka Ave S (White Otter Holdings LLC) 216 Minnetonka Ave S (Bruce Merry) This property was owned by David and Audry Beal for many years and was a travel agency with a condo upstairs where the Beal's lived. Bayview Captial operates out of the main level and the upper level condo is owned by Bruce and Ann Merry – who support our project. Due to the fact that there are two separate owners of this building, the likelihood of it being re-developed in the near future is very low. This building roof peak is at an elevation of 984.6ft . <u>Our proposed building is 972ft at the roof top with a two foot parapet wall above the roof. The ordiannce allows for up to a 5ft parapet wall. So the ordiannce provides for a 35ft high building and a 5ft parapet wall which would essentially be 40ft of height allowable. Our prproposed building is 38ft in height with a 2ft parapet wall, which is essentially also a 40ft height.</u>
12	Cute 1914 Restored House 206 Minnetonka Ave S (ICG Properties LLC) This building is a house converted into an office building that the city and I agreed to put a conservation easement on for it to never be torn down or added onto. This buildings exterior will always stay the same, unless it were to burn down. I think if you added retail as a permitted use of this property, it could become a very cute little shop – along with our 4 retail spaces.

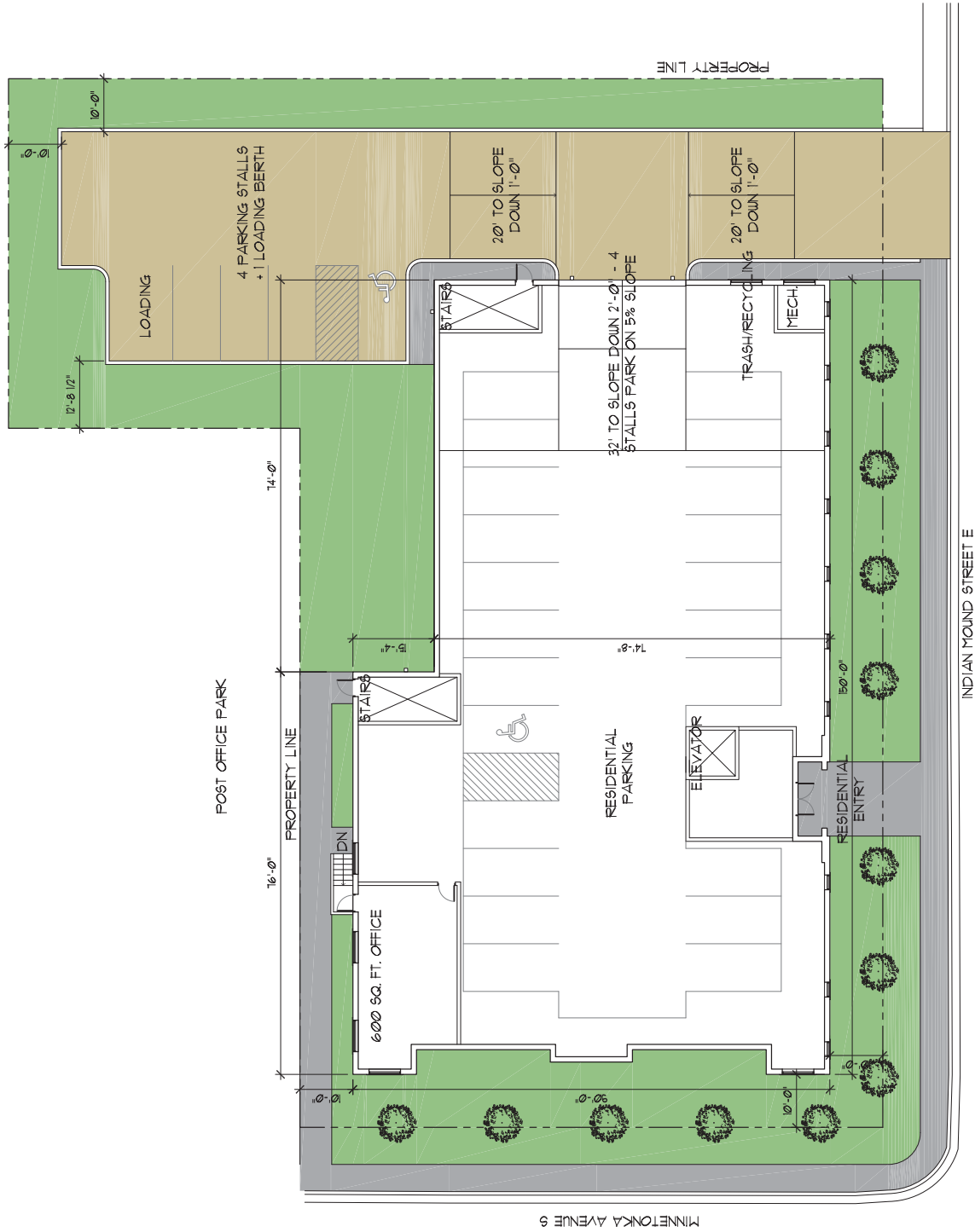
In summary, the only three other properties besides ours in the Minnetonka Ave cooridoor with re-development potential are 1, 2 and 6 (the two Lindahl properties and the Charlie Shoen property) – highlighted with a red border. Hopefully with our four retail spaces, it will encourage the re-development of these three parcels in the future to do projects similar to ours –instead of potentially becoming more office buildings.

Same building in same location on site, no retail and a 600 sq. ft. office



Alternate Site Plan #3

Different building footprint, similar façade, no retail, a 600 sq. ft. office and 10' setback



Attachment A-2

Council Members & Planning Commission Members,

For those of you who attended the Nov. 5 workshop, thank you for taking the time to give us additional feedback on the redesign of Garrison Landing – our 10-unit boutique condominium project across from the Post Office.

We have been very pro-active with the neighborhood and involved them in the concept design. We listened very closely at both workshops and the neighborhood meetings and we took all of the suggestions back to our architectural team and asked them to incorporate them into a redesign of the project. Both Gary and I were very pleased with the end result. Since completing the redesign, we have had more neighborhood meetings showing them and discussing the redesigned project and it has been very well received. To my knowledge, all of the neighbors support the new project with the 3' requested height variance.

Both Gary and I want to be transparent and up front throughout this process. The following is some factual background information so everybody understands the roles and relationships of all the parties involved in this project.

1. Gigi Villamil and her father, Leroy Haglund (the Wayzata City Attorney for approx. 20 years) have owned this property for almost 50 years. It has become necessary for Gigi to sell the property due to health issues.
2. I listed the property for sale for Gigi. I have a fiduciary responsibility, to Gigi, to sell the property for as much as the market will bear.
3. We had 2 written offers on the property. One from John Kraemer & Sons and the other from Ron Clark. You couldn't ask for 2 higher quality people to purchase this land. John Kraemer & Sons has been in the business for over 35 years and has a fabulous reputation for the highest level of both integrity and of quality construction. John Kraemer & Sons is Minnesota's only builder to be named Builder of the Year three times. I, from a personal standpoint, was very thankful that both offers were from residential builders and neither one had any interest in building an office building.
4. Ron Clark is under contract to purchase the Charlie Schoen parcel on Indian Mound, between Gigi's property and Keller Williams. I knew that Charlie had an interest in selling and tried to list his property so I could market Gigi's and Charlie's together. I consulted with Bryan Gadow about a project that would combine Gigi's and Charlie's property and Bryan said he did not think that the

Attachment A-2

city would want a project that combined the 2 properties. Therefore there was not an advantage for Gigi to sell to Ron Clark and she selected Kraemer because he had the highest price.

Gary Kraemer was very frustrated at the last workshop as was I. He said he had made a decision to direct his architectural team to redesign the project to be a residential project with a 600 sq. ft. office that was not asking for any variances and complied with all the ordinances. He went on to say that he really liked the retail component, but it will be necessary to obtain variances in order to keep the retail in the project. Regardless whether the project has a retail component or not, I think it will be a fabulous project that we can all be proud of and most importantly it is not another office building. That being said, I think almost everybody agrees that the project is better for the community with the retail component.

I convinced Gary to give me some time to see if there weren't some changes we could make to the current proposal that might work with the city. I did some brainstorming with Bryan Gadow and our architects and organized a meeting on Nov. 13 with Merrily Babcock, Kathleen Nash and Bridget Anderson. All three of these women love Wayzata, are very creative and tend to think out of the box. The results of that meeting generated some very good ideas. I went back to Gary and our architectural team and we incorporated some of those ideas into a new design. The three main changes we have now made are as follows:

1. Reduced the building height from 38' to 37' – lowering the variance request from 3' to 2'.
2. Setting back the top floor more to reduce massing – we have reduced the square footage on the 3rd floor by approx. 800 sq. ft.
3. Planting Boston Ivy on the North side of the building, facing the park to soften the North elevation.

At the last workshop Nov. 5, there were three main concerns brought to our attention:

1. 3' height variance
2. Improvements in the City Right of Way
3. The elevator and staircase towers on the roof top

I would like to address all three of these concerns.

1. The height variance. The biggest problem with the height variance is the concern that it sets a precedent with other projects coming down the pike.
 - Our architectural team was able to pull 1' of height out of the design, hereby lowering the variance request from 3' to 2'. The residents living around this project all have supported the 3' variance. We originally asked for 40' in height, then reduced our request to 38' and now we are asking for 37' in order to incorporate the retail component into this project. We have measured the buildings around us and those heights are as follows:
 - i. Wayzata Place – from the ground on Indian Mound to the top of the building is 46'. It is 50' to the top of the staircase tower
 - ii. Waypointe – from the bottom of the easterly retaining wall/back parking lot level of the Post Office (which is approximately the same ground floor elevation as Gigi's property) to the top of the roof is 62.6'.
 - iii. Charlie Shoen's Building (old Whiteley building) – from the ground to the peak of the roof is 40.7' and the top of the cupola is 49.9'.

Our project at 37' height will be significantly lower than the buildings around us. I do think as the city fights the potential battle with Lake Street developers in the future who want to use the 5 stories of the Pres Homes project as a precedent for 5 stories on Lake St., the city can use our project as an example that the city would consider the same 2' height variance that we were given but not the 5 stories of Pres. Homes which is in a separate 13 acre zone.

2. Improvements in the City Right of Way
 - Minnetonka Ave is 40' wide curb to curb and is a 66' wide right of way. It is presently one of the widest streets in Wayzata. It is highly unlikely that Wayzata would ever want to widen Minnetonka Ave more than 40'. Rice St to the east of Minnetonka Ave is 24' wide and to the west of Minnetonka Ave is 32' wide. The snow removal of Minnetonka Ave is done the same way as Lake St, which is piled in the middle of the street

and picked up with a front loader and hauled away. The width of the city right of way is 66' on Minnetonka Ave which creates an additional 13' on each side of the blacktop street and curb. Our proposal would have 5' of sidewalk next to the curb (where it is now) and the additional 8' of right away would be used for our sunken patios outside of the retail. It is very common for private property owners to place improvements, like retaining walls, patios, sidewalks, staircases, fences and other landscaping features into the city right of way. Wayzata and almost all communities have boiler plate documents they use that give the city total control of their right of way land if the city ever wants to have the private property owner remove any improvements from the right of way. So, all the risk is with the private property owner, not the city. I've attached a copy of the document used when my project on Rice St was approved. I have stairs, landings, fencing, sidewalks, retaining walls, brick pillars, lighting, trees, plantings and landscaping material in the city right of way. As you can see from the document, the risk is all mine and the city retained total control of the right of way land.

3. The elevator and staircase towers on the roof top.

- The city ordinance only allows for these structures to be 5' above the roof top. Due to handicap accessibility and fire codes, it is necessary to have 2 staircases and an elevator to the roof top. In order to have enough head room to get in and out of the elevator and the appropriate mechanical components of an elevator, this tower needs to be approximately 10' high. This is commonly handled by the city of Wayzata with a Conditional Use Permit. Waypointe, Ron Clark's project behind the Post Office, has a common area roof top deck with an elevator and staircases that was approved to go over the 5' level per the ordinance with a Conditional Use Permit.

The information I've provided in this email is correct to the best of my knowledge. I have copied both Bryan and Heidi on this and I'm sure if there is any inaccurate information, it will be corrected by city staff. The ordinances are complicated, so if I have miscalculated, misunderstood or misinterpreted anything I apologize.

We really believe this is the right project for this site. It has been very well received by the neighborhood and members of the community. We have tried to come as close as

Attachment A-2

possible to complying with the ordinances and still incorporating this exciting sunken retail element that makes this project very compelling. We have come very close to meeting all the ordinances, however we do need some variances to make this work. Oftentimes cities look back on projects they have turned down only to end up with an inferior development at a later date. I really think this has been a collaborative, out of the box effort by a number of community members to come up with what I think is a homerun design for this site and for our city. Unfortunately, it requires us to also get a little out of the box with our ordinances.

The name of our project, Garrison Landing was derived from our desire to connect with historical Wayzata. Known as a legend and the man who founded Wayzata, Oscar E. Garrison was the first settler in Wayzata in 1852 and platted many of the first lots in Wayzata. Wayzata Blvd used to be named Garrison St. before it was changed in 1929, so we thought it was fitting to have a remembrance of Oscar E. Garrison back in the city.

Thank you for your thoughtful consideration of Garrison Landing.

Public Right-of-Way Encroachment Agreement

Rice Street Brownstones, LLC (the "Property Owner") at 520 Rice Street (PID #06-117-22-24-0036) and 207 Walker Avenue (PID #06-117-22-24-0034) (the "Property") is hereby granted a license to install and maintain on the City Right-of-Way adjacent to the Property (which is legally described on the attached Exhibit A), the materials identified on Exhibit B (the "Permitted Encroachment Materials").

In consideration of this license, the Property Owner agrees to the following:

Any and all costs associated with the initial installation and maintenance of the Permitted Encroachment Materials will be borne exclusively by the Property Owner.

If at any time the city of Wayzata, for itself or on behalf of Public utility companies who have permission to have their utilities within the City Right-of-Way, requires temporary or permanent modification or removal of any or all of the Permitted Encroachment Materials for maintenance of existing public improvements or the installation of any other public improvements, or because of the need to use the City Right-of-Way in such a manner that requires removal of the Permitted Encroachment Materials, such removal or modification will be done by the City of Wayzata, provided that the City first informs the Property Owner of its intentions, explains to the Property Owner the need to access the City Right-of-Way, and does all such removal or modification in such a way so as to minimize the impact to the Permitted Encroachment Materials, to the extent reasonably possible without significant delay or cost, or if approved by the City, such removal or modification may be done by the Property Owner.

If there is an emergency situation requiring full or partial removal of any or all of the Permitted Encroachment Materials and the City, for itself or on behalf of Public utility companies, is unable to contact the Property Owner within a reasonable time, the City will engage in such removal of the Permitted Encroachment Materials as deemed necessary to perform the emergency repairs.

Replacement of the Permitted Encroachment Materials will be at the discretion of the City, shall not interfere with the operation of any improvements constructed by the City in the City Right-of-Way, and the cost thereof shall be paid by the Property Owner.

The Property Owner agrees to indemnify the City from any claim made against the City for any damage or injury caused by the locating of the Permitted Encroachment Materials in the City Right-of-Way. Upon conveyance of fee title to the Property, the grantee, by accepting such conveyance, will thereby become the "Property Owner" and a new party to, and be bound by, this Agreement, and the conveying owner will be released from any and all liability under this Agreement for any obligation to be performed or breach of this Agreement occurring thereafter. The City shall not be responsible for any damage to the Permitted Encroachment Materials except as specifically set forth in this Agreement.

This Agreement is executed as of the 12 day of July, 2006.



aerial view of existing site



aerial view of proposed development

BOUNDARY AND TOPOGRAPHIC SURVEY FOR
JOHN ADAMS
IN LOTS 3, 4 AND 5, BLOCK 5, WAYZATA REVISED
HENNEPIN COUNTY, MINNESOTA

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435



SCALE IN FEET
0 20 40 60 80

AREA CALCULATIONS

PARCEL 1 = 7928+ SQ. FT.
PARCEL 2 = 6609+ SQ. FT.
PARCEL 3 = 10898+ SQ. FT.
TOTAL AREA = 25421+ SQ. FT.

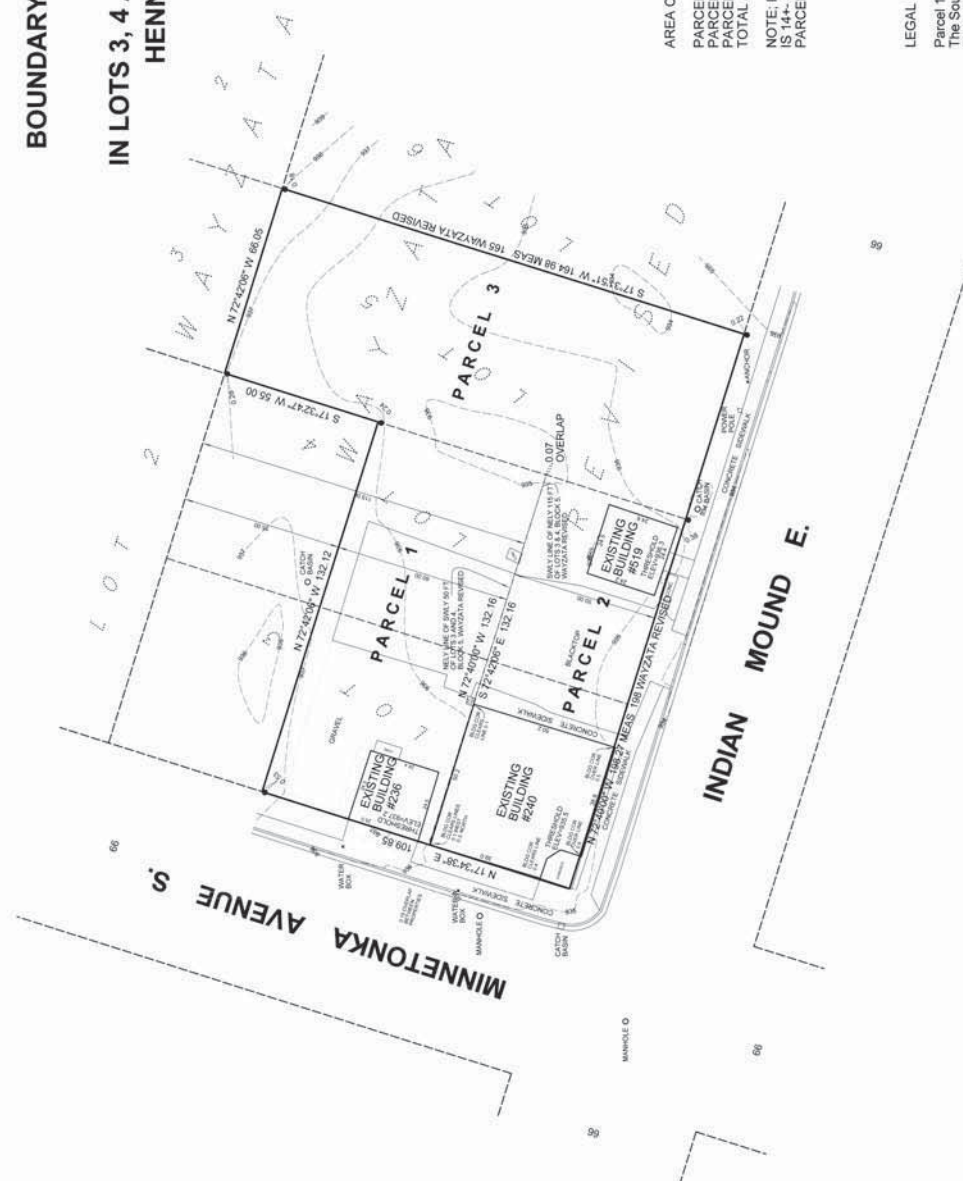
NOTE: INDIVIDUAL AREAS TOTAL 25435+ SQ. FT. HOWEVER THERE IS 14+ SQ. FT. OF SHARED LAND IN THE OVERLAP BETWEEN PARCELS 1 AND 2

LEGAL DESCRIPTION OF PREMISES SURVEYED:

Parcel 1:
The Southwesterly 60 feet of the Northeastly 115 feet of Lots 3 and 4,
Block 5, Wayzata Revised, Hennepin County, Minnesota.
Parcel 2:
The Southwesterly 50 feet of Lots 3 and 4, Block 5, Wayzata Revised,
Hennepin County, Minnesota.
Parcel 3:
Lot 5, Block 5, Wayzata Revised, Hennepin County, Minnesota.

This survey shows the boundaries and topography of the above described property, and the location of all visible improvements thereon. It does not purport to show any other improvements or encroachments.

• : Iron marker found
○ : Iron marker set
--- : Existing contour line



REVISIONS	DATE	BY	REMARKS

DESIGNED	CHECKED	DATE	BY

MINN. LICENSE NUMBER 17575

GRONBERG & ASSOCIATES, INC.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS
445 N. WILLOW DRIVE LONG LAKE, MN 55356
PHONE: 952-473-4141 FAX: 952-473-4435

IN LOTS 3, 4 AND 5, BLOCK 5, WAYZATA REVISED
HENNEPIN COUNTY, MINNESOTA

JOHN ADAMS

IN LOTS 3, 4 AND 5, BLOCK 5, WAYZATA REVISED
HENNEPIN COUNTY, MINNESOTA



AREA CALCULATIONS

TOTAL AREA = 25421+- SQ. FT.

LEGAL DESCRIPTION OF PREMISES SURVEYED:

This survey shows the boundaries and topography of the above described property, and the location of all visible improvements thereon. It does not purport to show any other improvements or encroachments.

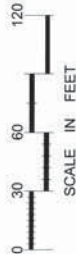
- Iron marker found
- Iron marker set
- Existing contour line

REVISIONS	BY	DATE

KRAEMER WAYZATA ADDITION



• DENOTES FOUND IRON MONUMENT
FOR PURPOSES OF THIS SURVEY THE SOUTHERLY LINE OF BLOCK 5,
WAYZATA, "REVISED" HAS AN ASSUMED BEARING OF N 72°40'00" W



GRONBERG & ASSOCIATES, INC. ENGINEERS, LAND SURVEYORS, PLANNERS

C.R.DOC.NO. _____

Know all persons by these presents that Haglund's Corner, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officers this _____ day of _____, 20____, at _____, Minnesota, to wit:

Lot 3 and 4 EXCEPT the north 55.00 feet thereof; Lot 5, all in Block 5, WAYZATA, "REVISED" HENNEPIN COUNTY MINN.

Has caused the same to be surveyed and platted as KRAEMER WAYZATA ADDITION.

In witness whereof said Haglund's Corner, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officers this _____ day of _____, 20____, at _____, Minnesota, to wit:

Haglund's Corner, LLC, a Minnesota limited liability company

By _____, its _____

STATE OF _____, COUNTY OF _____, the foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, _____ of Haglund's Corner, LLC, a Minnesota limited liability company, on behalf of the company:

Notary Public, _____ County, _____ Notary's printed name _____

My commission expires _____

I, Mark S. Gronberg, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the survey; that all measurements and data and computations were made from the original field notes and data; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 95.01, Subd 3 as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Mark S. Gronberg, Licensed Land Surveyor and Engineer
Minnesota License Number 12755

STATE OF _____, COUNTY OF _____, the foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, _____ of Haglund's Corner, LLC, a Minnesota limited liability company, on behalf of the company:

Notary Public, _____ County, _____ Notary's printed name _____

My commission expires _____

WAYZATA, MINNESOTA

This plat of KRAEMER WAYZATA ADDITION was approved and accepted by the City Council of Wayzata, Minnesota, as a regular plat of a subdivision of land, and the same is hereby certified to be a correct representation of the survey and the plat of the City of Wayzata, Minnesota, and the County Highway Engineer have been received by the City, or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 95.01, Subd. 2.

CITY COUNCIL OF WAYZATA, MINNESOTA

Mayor _____ Clerk _____

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA
Haglund's Corner, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officers this _____ day of _____, 20____, at _____, Minnesota, to wit:

Mark V. Chapin, Hennepin County Auditor

By _____, Deputy
SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA
Pursuant to MINN. STAT. Sec. 333.565 (1993), this plat has been approved this _____ day of _____, 20____.

Chris F. Mavis, Hennepin County Surveyor

By _____, Deputy
COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA
I hereby certify that the within plat of KRAEMER WAYZATA ADDITION was recorded in this office this _____ day of _____, 20____, at _____ o'clock _____ M.

Martin McCormick, Hennepin County Recorder

By _____, Deputy
COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA





Minnetonka Ave. elevation

CC_01202015
Page 125 of 318



view from corner of Minnetonka Ave. and Indian Mound St.



Indian Mound St. elevation



view from north of parking lot

CC_01202015
Page 128 of 318



view from north on Minnetonka Ave.



Minnetonka Ave. lower level commercial space



aerial view

CC_01202015
Page 131 of 318



view from corner of Minnetonka Ave. and Indian Mound St.



SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"

EXTERIOR FINISHES AND CALCULATIONS

	BRICK	188' 0.0 FT. (57.31M)
	EAST ELEVATION	2,860' 0.0 FT. (881.32M)
	CAST STONE	1,899' 0.0 FT. (578.71M)
	EAST ELEVATION	135' 0.0 FT. (41.15M)
	CLEAR GLAZING WITH CAST STONE SILL	2,268' 0.0 FT. (691.44M)
	EAST ELEVATION	460' 0.0 FT. (140.21M)



EAST EXTERIOR ELEVATION
1/8" = 1'-0"

I hereby certify that the plans, specifications, and calculations are my original work, prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.

DATE
SIGNED
ENGINEER

SCALE
1/8" = 1'-0"
6/10/15

CITY APPLICATION 10.31.2014
CITY APPLICATION 11.26.2014

EXTERIOR ELEVATIONS



118 E. 26th Street
Suite 300
Minneapolis, MN 55404
P: 612-479-8225
F: 612-479-8152
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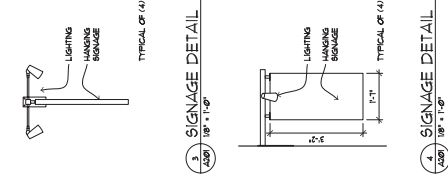
page

**Mixed Use
Development**
238 Minneapolis Ave
Weymouth, MN



EXTERIOR FINISHES AND CALCULATIONS

BRICK	
NORTH ELEVATION	1288 SQ. FT. (253A)
WEST ELEVATION	1288 SQ. FT. (253A)
CAST STONE	
NORTH ELEVATION	1895 SQ. FT. (253A)
WEST ELEVATION	1895 SQ. FT. (253A)
GLASS GLAZING WITH CAST STONE SILLS	
NORTH ELEVATION	1711 SQ. FT. (253A)
WEST ELEVATION	1880 SQ. FT. (253A)



1. This drawing is for the use of the architect only. It is not to be used for construction without the approval of the architect. The architect is not responsible for the accuracy of the information provided on this drawing. The architect is not responsible for the accuracy of the information provided on this drawing.

DATE: 10/31/2014
BY: [Signature]
CHECKED: [Signature]
SCALE: 1/8" = 1'-0"
SHEET: 6/10

city application 10.31.2014
city application update 11.26.2014

EXTERIOR ELEVATIONS

a201

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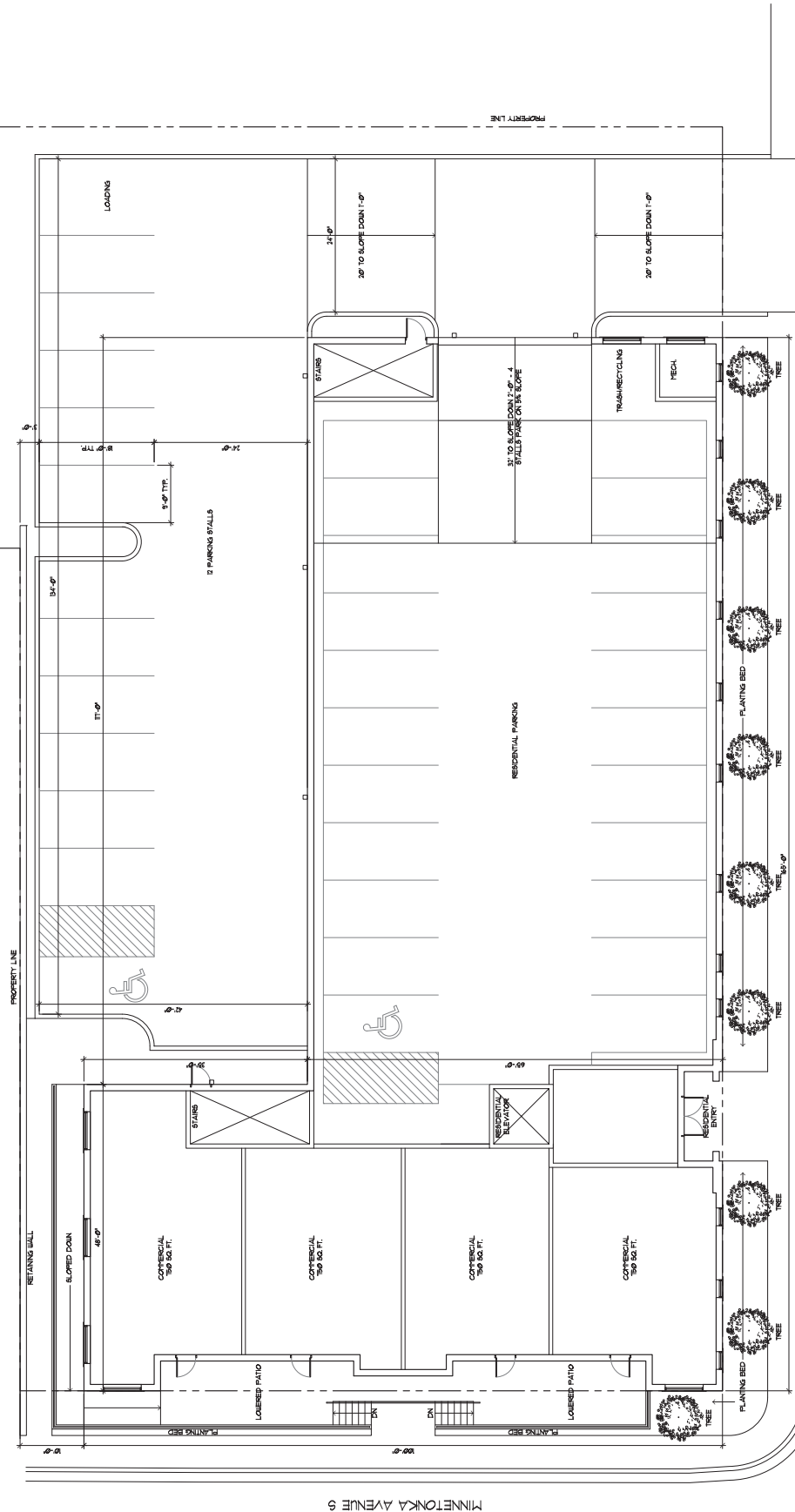
SITE INFORMATION	
SITE AREA:	25.47 SQ. FT.
EXISTING BUILDING FOOTPRINT:	0.80 SQ. FT.
PROPOSED PARKING:	1.00 SQ. FT.
(PARKING AND CIRCULATORY PATIO SPACE):	1.00 SQ. FT.
OTHER FUTURE (WALK, ETC.):	20% (12% COVERED)
TOTAL FUTURE:	
PARKING:	21 REMOTE PARKING SPOTS
PAVING:	21 REMOTE SPOTS (ACCESSIBLE AND 1 CIRCULATORY/PAVING SPOTS)
SURFACE:	1 LOADING RAMP

BUILDING INFORMATION

BASEMENT:	COMMERCIAL SPACE (5,000 SQ. FT. SPLIT INTO 4 TENANT SPACES)
	RESIDENTIAL PARKING STALLS
GROUND FLOOR:	3 CONDO UNITS
2ND FLOOR:	4 CONDO UNITS
3RD FLOOR:	3 CONDO UNITS

POST OFFICE PARK

GREEN SPACE



MINNETONKA AVENUE S

I hereby certify that this plan, specifically as reported was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Illinois.

name	date
license number	signature

name	scale	$1/8^{\circ} = 1'0''$	er/ns

review	12.03.2014
city appl'n update	11.26.2014
city application	10.31.2014
BASEMENT AND SITE PLAN	

BASEMENT AND SITE PLAN



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page

**Mixed Use
Development**
238 Minnesota Ave
Weyzata, MN

NOT FOR CONSTRUCTION

I have prepared this plan, specification, and schedule for use as a basis of construction and the basis of a contract for construction.

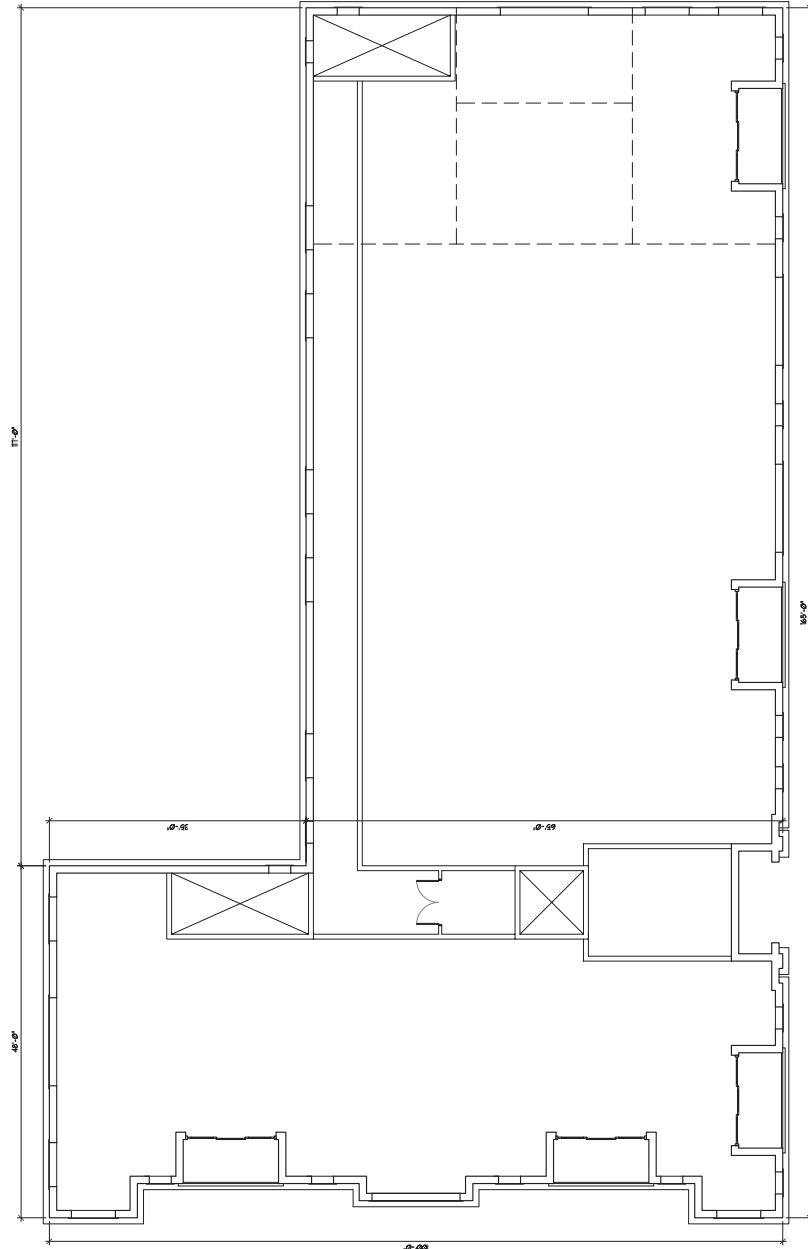
name	date	signature

scale
1/8" = 1'-0"
6/15/15

review 12.03.2014
city application 11.26.2014
city application 10.31.2014
FIRST FLOOR PLAN

a101

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



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project

**Mixed Use
Development**
238 Minnesota Ave
Weyzata, MN

NOT FOR CONSTRUCTION

I hereby certify that the plans, specifications, and notes hereon were prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.

name	date
Kristen Harty	signature

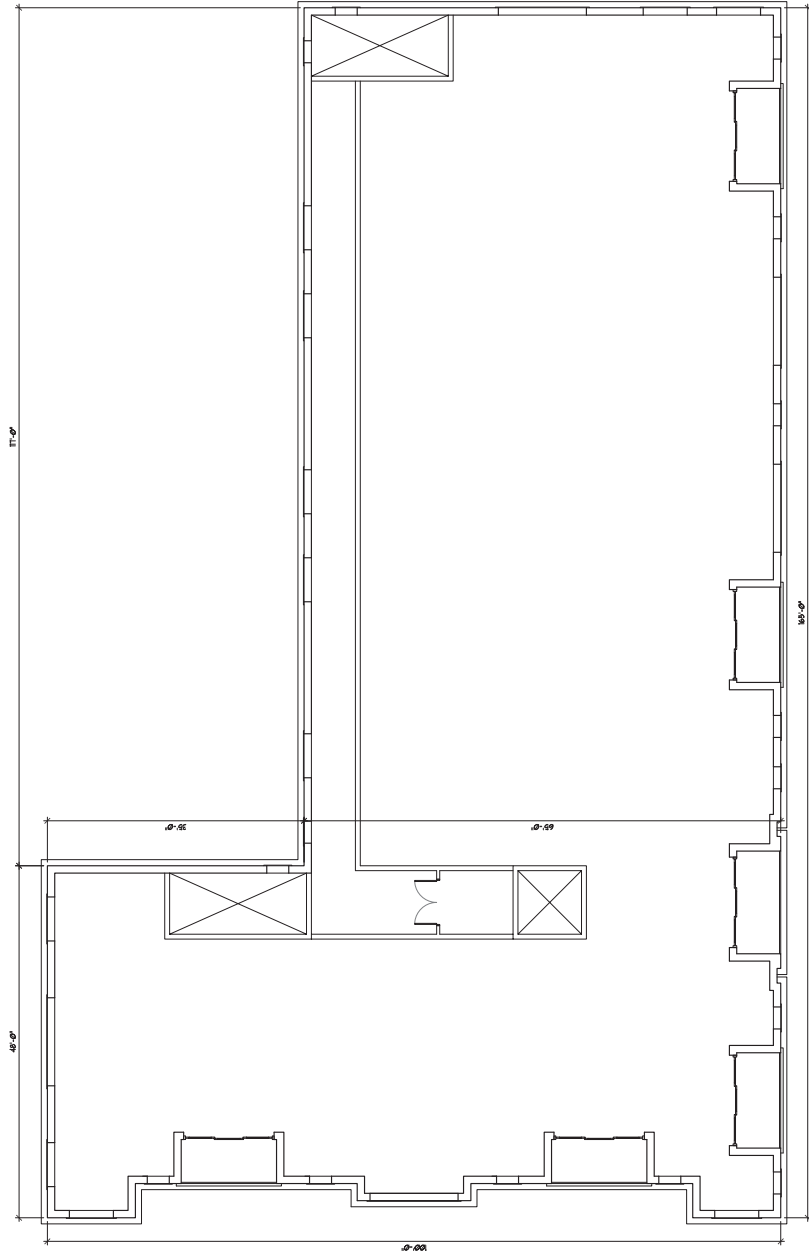
scale
1/8" = 1'-0"
6/1/15

review 12.03.2014
city application 11.26.2014
city application 10.31.2014

SECOND FLOOR PLAN

a102

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SECOND FLOOR PLAN
1/8" = 1'-0"



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**Mixed Use
Development**
238 Minnesota Ave
Weyzata, MN

NOT FOR CONSTRUCTION

I have prepared this plan, specification, and schedule for use in connection with the project described above and I am a duly Licensed Professional Engineer in the State of Minnesota.

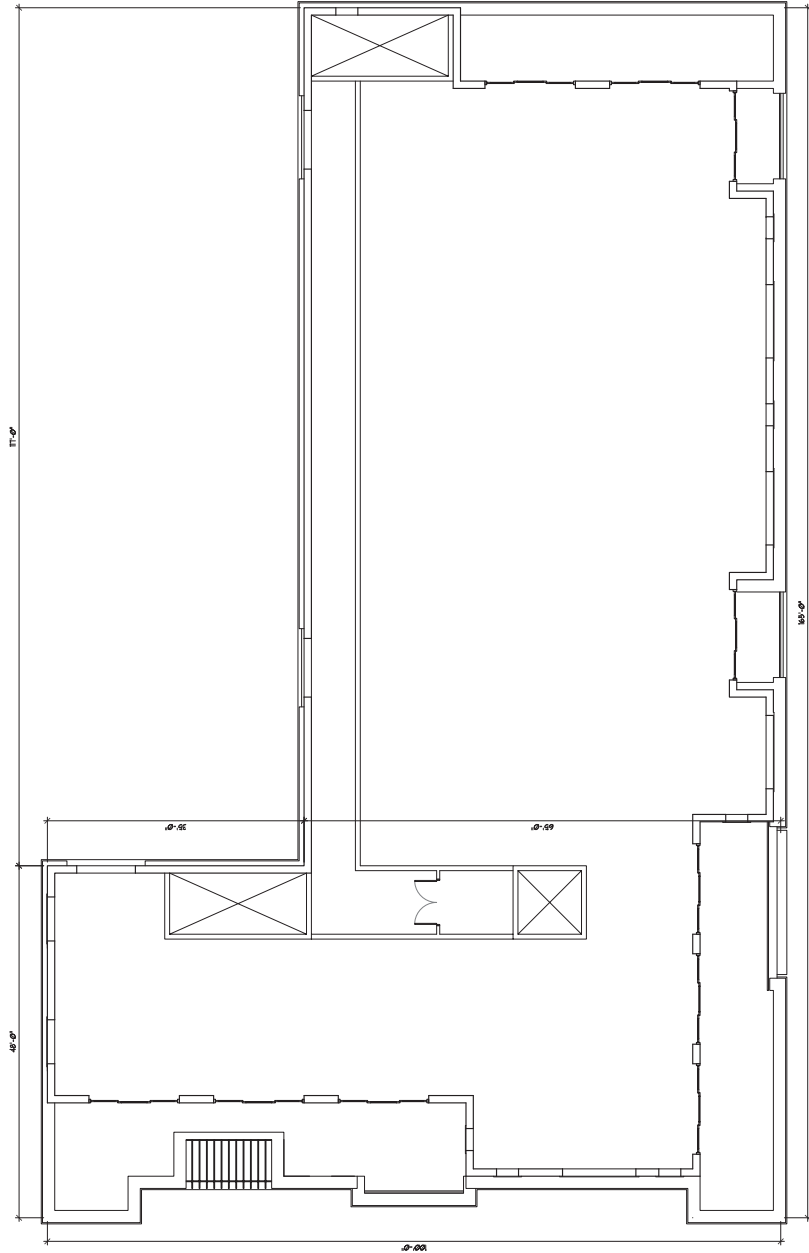
name	date
Kenzie Hays	signature

scale
1/8" = 1'-0"
6/1/15

review 12.03.2014
city application 11.26.2014
city application 10.31.2014
THIRD FLOOR PLAN
(PENTHOUSES)

a103

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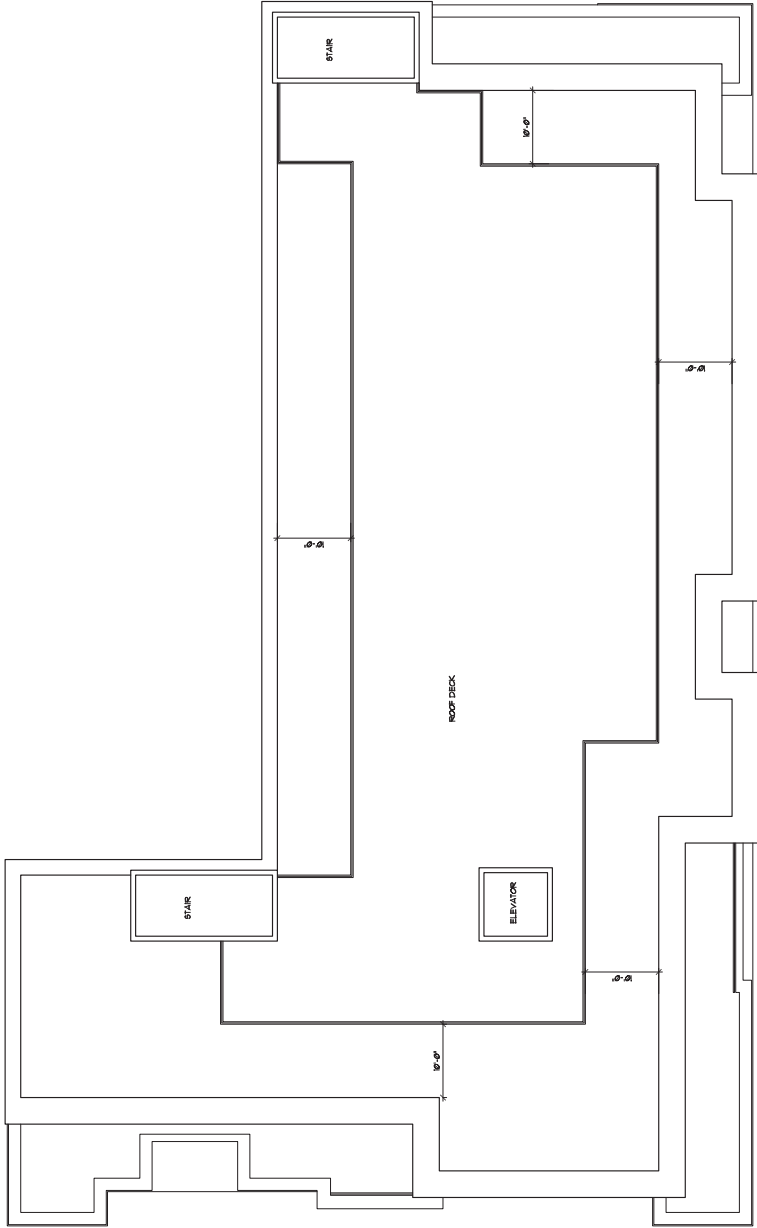


1 THIRD FLOOR PLAN (PENTHOUSES)
1/8" = 1'-0"

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Mixed Use
Development
236 Minnesota Ave
Weyzata, MN



ROOF PLAN
1/8" = 1'-0"

a104

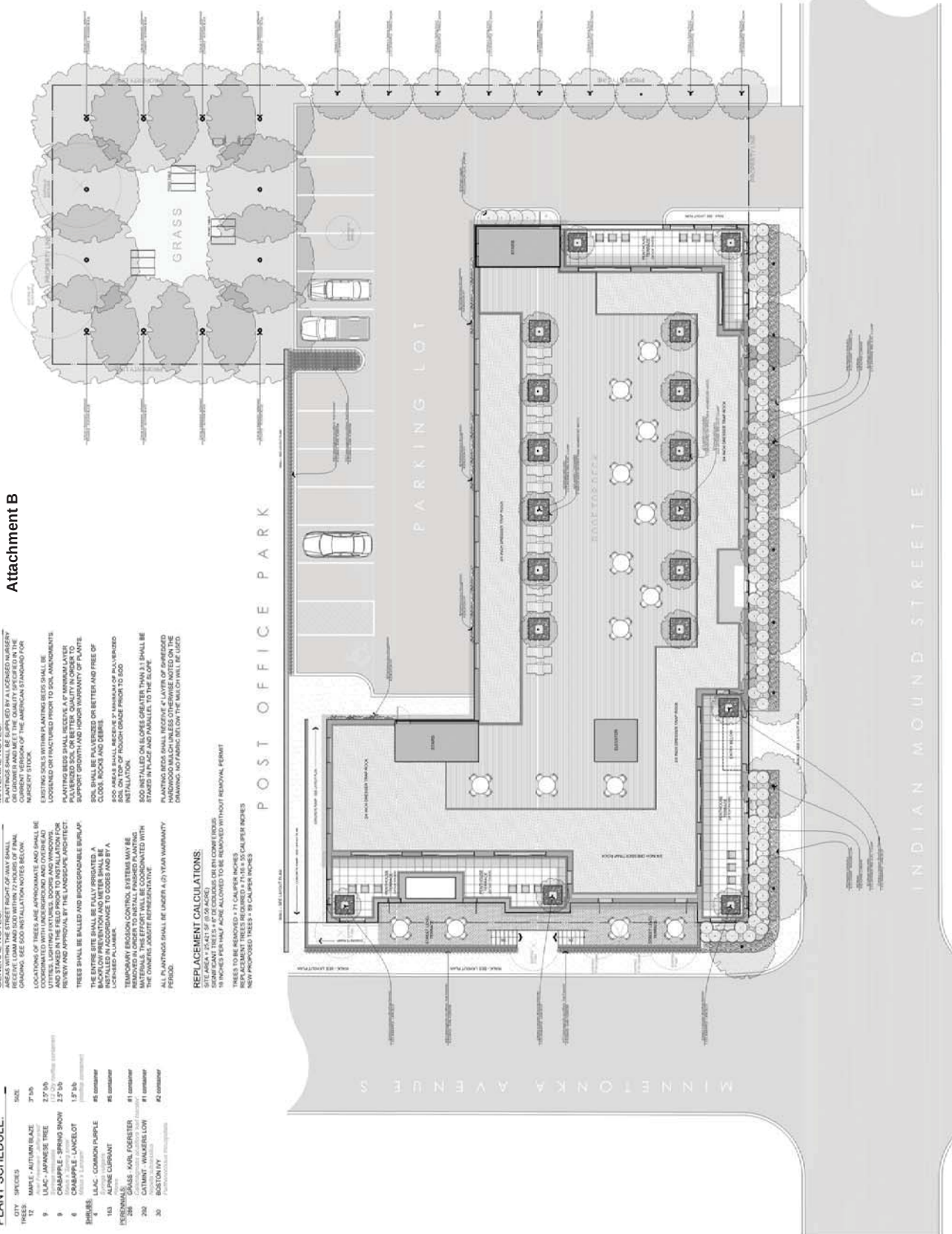
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QTY.	SPECIES	SIZE
12	MARLE - AUTUMN BLAZE	3' x 6'
8	JAPANESE - JAPANESE TREE	27" x 36"
9	CHAMPAGNE - SPRING SHOW	27" x 36"
6	DOUBLEDAY - LANCELOT	18" x 36"
10	ILLIC - COMMON PURPLE	#3 container
163	ALPINE CURRANT	#6 container
246	GRASS KARI DOESTER	#1 container
20	CATALPA - WALKERS LOW	#1 container
30	BOSTON IVY	#2 container

GENERAL NOTES:
AREAS WITHIN THE STREET RIGHT-OF-WAY SHALL
RECEIVE LOAM AND SOIL WITHIN 72 HOURS OF FINAL
CRACKING. SEE SOI INSTALLATION NOTES BELOW.

[illegible]

REPLACEMENT CALCULATIONS:
SITE AREA = 35,421.56' (0.24 ACRES)
SIGNIFICANT TREES = 6' OF COLORADO BLUE SPRUCE
19 THIN TREES PER HALF ACRE ALLOWED TO BE REMOVED WITHOUT REMOVAL POINT
TREES TO BE REMOVED = 71 CALIPER INCHES
REPLACEMENT TREES REQUIRED = 71 x 1.5 = 55 CALIPER INCHES
NOW PROPOSED TREES = 89 CALIPER INCHES



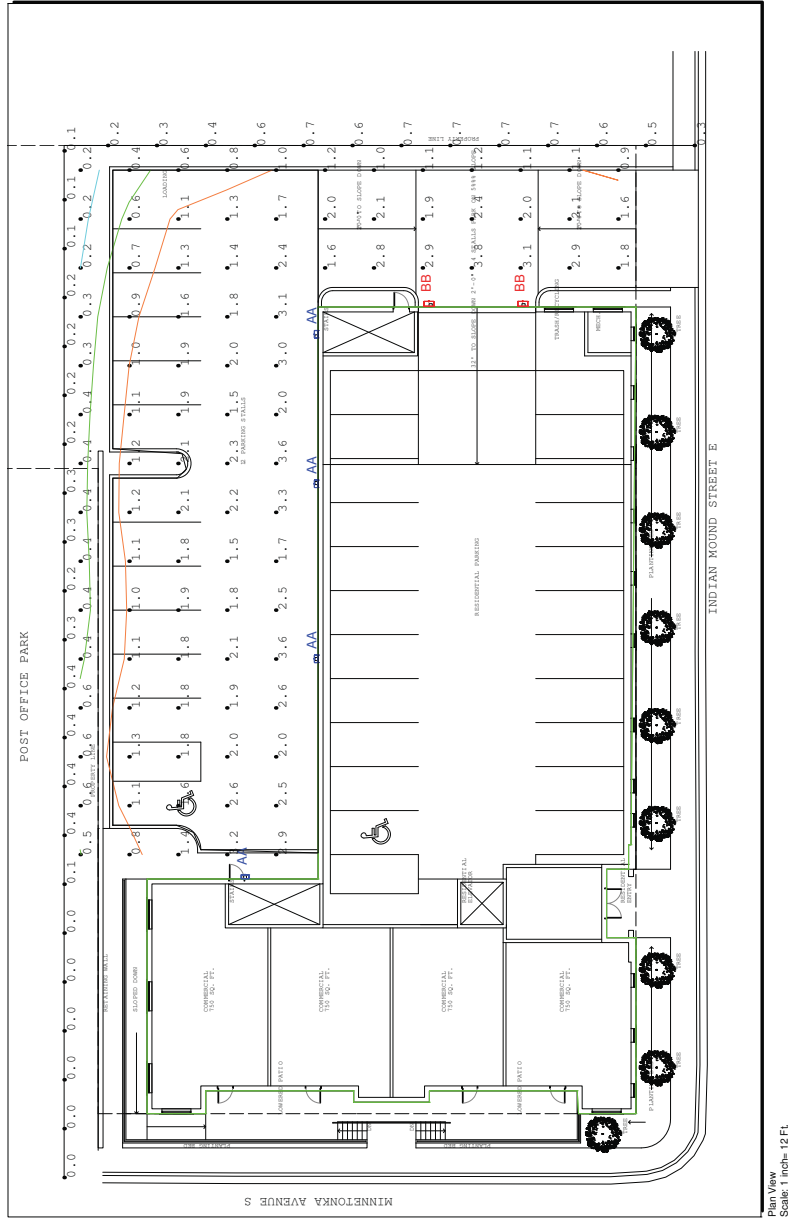
Luminaire Schedule				Total Lamp Lumens		LLF		Description		Lum. Watts	
Symbol	Qty	Label	Arrangement	N.A.		N.A.		INVUE ENV-B02-LED-E1-BL4-ULG, 4547 LUMENS, MOUNT AT 16FT8IN		59	
A	4	AA	SINGLE	N.A.		N.A.		INVUE ENV-B02-LED-E1-BL3-ULG, TYPE III, 4312 LUMENS, MOUNT AT 16FT8IN		59	
B	2	BB	SINGLE								

GENERAL NOTES:

- A. PULSE PRODUCTS DOES NOT ASSUME RESPONSIBILITY FOR THE INTERPRETATION OF THIS CALCULATION OR COMPLIANCE TO THE LOCAL, STATE, OR FEDERAL LIGHTING CODES OR ORDINANCES.
- B. LIGHTING LAYOUT IS NOT INTENDED FOR CONSTRUCTION DOCUMENTS BUT ONLY TO ILLUSTRATE THE PERFORMANCE OF THE PRODUCT.
- C. ALL READINGS/CALCULATIONS SHOWN ARE SHOWN ON OBJECTS/SURFACES.

Calculation Summary		Units		Avg		Max		Min		Avg/Min		Max/Min	
PROPERTY LINE		Fc		0.91		0.7		0.0		N/A		N/A	
SITE GROUND		Fc		1.59		3.8		0.2		7.95		19.00	
PARKING		Fc		1.74		3.6		0.4		4.35		9.00	

Luminaire Location Summary									
Luminaire Label	X	Y	Z	Orient	Tilt				
24 AA	917	93.9	16.66	0	0				
25 AA	961.2	79.7	16.66	90	0				
26 AA	997	79.7	16.66	90	0				
27 AA	1027.6	79.7	16.66	90	0				
28 BB	1034.3	37.1	16.66	0	0				
29 BB	1034.3	56.3	16.66	0	0				



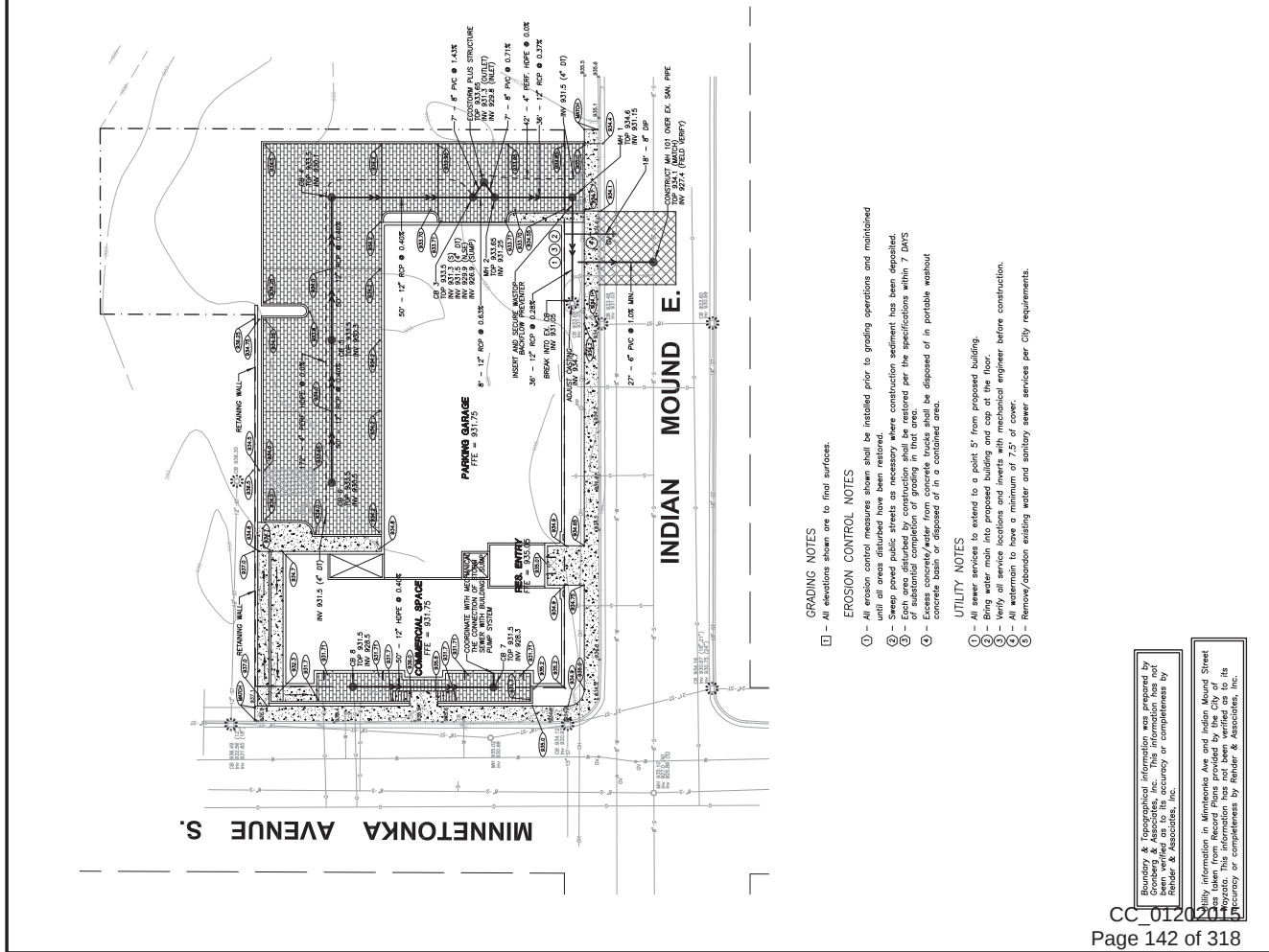
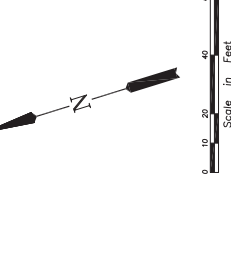
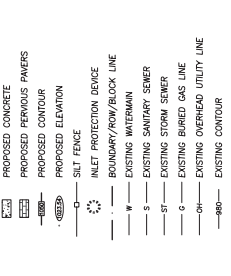
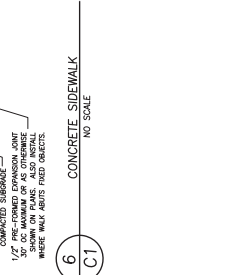
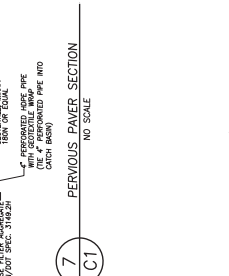
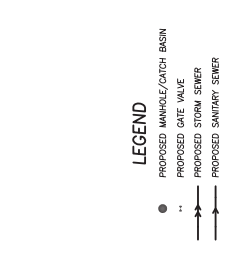
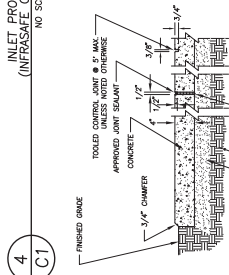
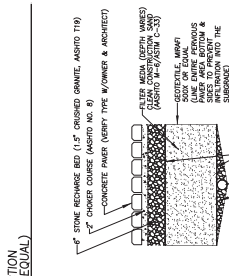
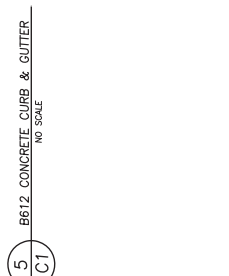
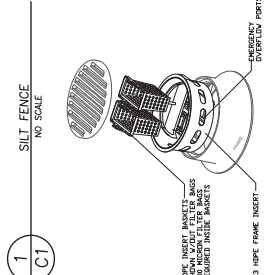
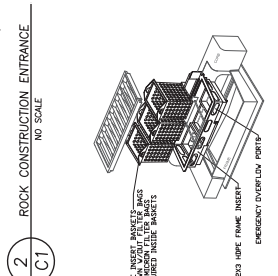
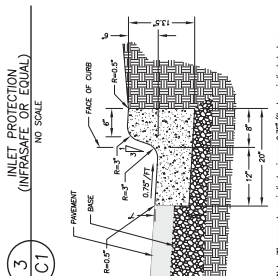
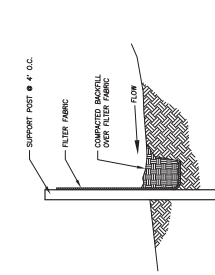
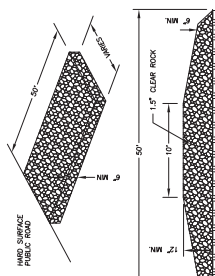
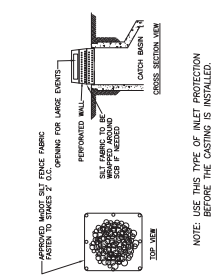
Plan View
Scale: 1 inch = 12 Ft



Revisions	
#	Date

Scale: AS NOTED	
Date: 11/26/2014	
Checked By: TRENT	
Drawn By: SANDY	

WAYZATA SITE	



cast stone



brick



240 Minnetonka Ave S
Attachment C: Design Critique
December 10, 2014

			Comments		Compliance
Building Recesses					
801.09.3.1.A – All Districts	Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level		The Project Design includes recesses in the building façade, including at street level.		Yes.
801.09.3.1.B	Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The Property has landscaping proposed for the south and west façade of the building. An outdoor patio area is proposed for the west façade of the building, half below grade.		Yes.
Building Width					
801.09.4.1 All Districts – New Buildings	In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:		The Project Design includes the following design elements: 1. Parapet detailing 2. Building setbacks and articulations 3. Special treatment at entrance		Yes.
	1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements				

Upper Story Setbacks														
801.09.5.1.A – All Districts – New Buildings Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the façade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.														
The building height proposed is higher than that allowed in the C-1 District, so the Application includes a variance request. The 3rd story is not setback an average of ten (10) ft across the full public façades along Indian Mound and Minnetonka Ave S. The building is designed with railings and building recesses to break up the façade.														
														No. The Applicant is requesting a deviation to this section.

801.09.5.1.B – All Districts – New Buildings	The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.	The Minnetonka public façade width is 100 ft, thus the west side façade 2nd story is required to have at least 25 ft of setback from the 2nd story. The site plan does not show 25 ft of recess on the Minnetonka façade. The proposal would not meet this requirement as there is not 25 ft of recess of the 2nd story from the 1st story. The Indian Mound public façade width is 165 ft, thus the south side façade 2nd story is required to have at least 41.25 ft of setback from the 2nd story. The site plan does not show 41.25 ft of recess on the Indian Mound façade. The proposal would not meet this requirement as there is not 41.25 ft of recess of the 2nd story from the 1st story.	No. The Applicant is requesting a deviation to this section.
801.09.5.1.C – All Districts – New Buildings	Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.	The building height to the top of the flat portion of the roof is 37 ft from the entry level and 38.1 ft from average grade.	The Planning Commission should comment.
Roof Design			
801.09.6.1 – All Districts	“Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.		Not applicable.

<u>801.09.6.2.A – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors. <u>801.09.6.2.B – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.	The flat portion of the roof includes gravel over synthetic membrane with a patio system for the roof deck.	Yes.
--	--	-------------

Screening of Rooftop Equipment <u>801.09.7.1 – Lake Street and Bluff District</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.	No mechanical equipment will be located on the roof deck.	Yes.
--	--	-------------

			Comments		Compliance
Facade Transparency					
801.09.8.3 – Bluff District					
No less than thirty-five percent (35%) of ground level public façades for buildings containing commercial or office uses shall be transparent glass.			The west elevation of the building contains 45% glass. The south elevation of the building contains 40% glass.		Yes.
Ground Level Expression					
801.09.9.1 – All Districts					
In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements:					
1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels			The Project Design contains the following design elements: 1. Offsets in the façade with recesses and projections. 2. A difference in building materials with brick and cast stone 3. Window lintels trimmed with cast stone		Yes.
Entries					
801.09.10.1 – All Districts					
The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.			The proposed entrance to the condos will be at grade with landscaping around the façade. The proposed retail will be half below grade on the western façade. The Applicant will incorporate window boxes on the balconies.		Yes.

<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco	The building is primarily of brick, fiber cement board, and glass with the following percentages: Total Building Façade SF: 11,960 SF South Elevation: Non-Glass: 3,809 SF Brick: 1,910 SF – 29.9% Cast Stone: 1,899 SF – 29.7% Glass: 2,581 SF – 40.4% Overall: 6,390 SF East Elevation: Non-Glass: 3,213 SF Brick: 2,080 SF – 52.3% Cast Stone: 1,133 SF – 28.5% Glass: 765 SF – 19.2% Overall: 3,978 SF North Elevation: Non-Glass: 4,561 SF Brick: 3,518 SF – 53.8% Cast Stone: 1,043 SF – 28.3% Glass: 1,171 SF – 17.9% Overall: 5,732 SF West Elevation: Non-Glass: 2,302 SF Brick: 1,259 SF – 30.0% Cast Stone: 1,043 SF – 24.9% Glass: 1,888 SF – 45.1% Overall: 4,190 SF	Yes, other than glass, brick and cast stone are the only primary opaque materials.
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<u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all façades of the building.	Brick and Cast Stone are incorporated on all four side of the building.	Yes.
<u>801.09.11.1.C – Type of Brick – All Districts</u> On all façades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.	The brick will be full course brick of a standard size.	Yes.
<u>801.09.11.1.D – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.	The brick proposed as a part of the Project will be full course brick.	Yes.
<u>801.09.11.1.E – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence	The mortar for the brick will be a dark color and assembled as required by code.	Yes.
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.	The stone joints will be assembled as required by code.	Yes.

<u>801.09.11.1.G – Accent Materials – All Districts</u> Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS	Brick and cast stone are utilized as the primary materials for the building.	Yes.
<u>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</u> 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.	The parapet coping will be aluminum, installed as required by code.	Yes.

<u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.	This section is not applicable as there are no awnings proposed as part of the Project.	Not Applicable.
<u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.	The proposed balconies are usable by the tenants of the building.	Yes.
<u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects	The glass shall meet the standards of the ordinance.	Yes.
<u>801.09.11.1.L – Doors – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.	The proposed entry doors will be wood with glass.	Yes.

Franchise Architecture		Comments	Compliance
801.09.12.1			
A.	Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited.	Section does not apply as the Project Design is not for a franchised operation that has a particular architectural design.	Not Applicable.
B.	Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application		
Walkways			
801.09.13.2 – Bluff District			
A.	Continuous sidewalks at least five (5) feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible.	A sidewalk exists adjacent to the Property along the west side of Minnetonka Ave S and along the south side of Indian Mound.	Yes.
B.	Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.		

Landscaping			Comments	Compliance
<u>801.09.14.1 – All Districts</u> A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level. B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings. C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area. D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers			The Applicant has proposed landscaping for the entrances of the building and will include window boxes and hanging baskets.	Yes. The Planning Commission and City Council should comment on the plantings proposed for the Project.
<u>801.09.14.3 – Bluff and Wayzata Blvd Districts</u> Trees with a minimum of three (3) caliper inches shall be planted no more than twenty-six (26) feet apart within a landscaped boulevard.			The Applicant will be installing additional trees and landscaping around the building in front yard and rear yard.	Yes.

	Comments	Compliance
Parking Lot Landscaping 801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.	The project includes landscaping along the eastern side of the parking lot. It does not have a five (5) ft of landscaping along the north side of the parking lot.	No. The Planning Commission and Council should discuss whether a deviation is warranted.
Surface Parking 801.09.16.1 – All Districts A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.	The surface parking area is located in the rear of the building. Tree plantings are provided along the eastern property line to screen the parking area.	Yes.

					Compliance
801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.			As there are more than twenty (20) parking spaces, the Applicant would be required to install bicycle parking.		Would be included as a condition of any project approval.
Parking Structures					
801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.			This section is not applicable, as there is no above ground parking ramp associated with the request. Parking is proposed in the interior of the building and in an adjacent surface parking lot.		Not Applicable.

Signs					Comments		Compliance
<u>801.09.18.1 – All Districts</u> A. Compatibility 1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. 2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. 3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. 4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.					Small projecting signage of approximately five (5) SF is proposed for each of the four (4) retail spaces. The signage is proposed to have downcast lighting.		Yes. Formal sign permit review would be conducted at a later stage.

Parking Lot and Building Lighting		Comments	Compliance
801.09.19.1 – All Districts A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare. B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution. C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets. D. Light posts shall be of a dark color. E. Lighting fixtures shall be compatible with the architecture of the building. F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards. G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.		Six (6) light poles with down lit fixtures are proposed. The Applicant has included a photometric plan with the Application. Any lighting would be required to comply with the City standards.	Yes.

Deviations Requested with the Application

- Section 801.09.5 A&B – Upper Story Setback
- Section 801.09.15.1 – Parking Lot Landscaping

Attachment D

Bryan Gadow

From: Graciela Gonzalez
Sent: Monday, December 15, 2014 4:59 PM
To: Bryan Gadow
Subject: FW: Adams/Kraemer Project - Mtka Ave. and Indian Mound

Bryan:

Could you please make copies of this email for the PC? If you do not get this message on time, I will read it into the record and will bring a printed copy for your files.

Thank you

Graciela

From: Kathleen Nash [margskln@aol.com]
Sent: Monday, December 15, 2014 4:14 PM
To: Graciela Gonzalez
Subject: Adams/Kraemer Project - Mtka Ave. and Indian Mound

Hi Graciela -

Just a note about the Adams/Kraemer proposed project for Minnetonka Ave. and Indian Mound.

I understand that the job of the Planning Commission is to review and make recommendations to the City Council based on the project's adherence to Wayzata's Design Standards, City Ordinances, etc. I am not sure what place there is at this juncture for neighborhood input - but inasmuch as I am not able to attend tonight's meeting, I wanted to write a short comment about the project you will be reviewing.

Of the eight items to be evaluated - those which are listed on the public hearing notice I received - I am familiar with three. John Adams invited me to several meetings where matters related to set-back, height, and hardcover variances were discussed at length, input was invited, and suggestions were taken into account.

Adams and Kraemer were asked by City Council at the first workshop, to include some retail in this project. This put them at some disadvantage regarding height and hardcover requirements. I think they've done a conscientious job in accommodating the Council's request, while also trying to meet the limits required by The City on these two issues. Additionally, I think the rationale for their request for a variance regarding setback requirements makes perfect sense...as it is based on their conforming to the other buildings on the block.

Based on what I know about these three issues, plus the overall design of the building (which is important to the neighborhood) I feel that granting the above variances is reasonable, and I would support your doing so.

Thank you, Graciela, for all the hours and hours you put into this job - it is much appreciated!

Best Regards,
Kathleen Nash

Attachment D

Adams, John F

From: Dennis Himan <himan.dennis@gmail.com>
Sent: Saturday, December 13, 2014 7:29 PM
To: Adams, John F
Subject: Minnetonka Ave/ Indian Mound Condos

Flag Status: Flagged

Jan and I are unable to attend the Planning Commission meeting reviewing this project. We are in support of the project. Our interest is as neighbors within sight of the new condos. There are three reasons we believe why the City should approve this project.

1. Height restrictions are an important consideration and ordinance for new buildings within Wayzata. However, we believe that the one or two foot height variance is reasonable for this particular project. The retail space, included in this project, significantly adds to the "streetcape" and neighbor ambience. We recognize that the addition of retail space probably is the significant reason that a height variance is required. It would seem to us that this tradeoff of added retail space versus some height variance is a reasonable tradeoff.
2. The overall design of this condo complex fits well into the neighborhood and overall community. The architects use of large window space, the architectural connection to the Post Office design provides a "street friendly/ walking" experience.
3. Finally, I would commend both Mr Adams and Mr Kramer in their effort to seek input from many different sources and to incorporate much of that feedback into their design. The process has been very inclusive and transparent, which deserves our cooperation and compromise of variances requiring approvals.

Dennis and Jan Himan
123 South Minnetonka Ave
Wayzata, Mn 55391

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

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

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

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

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

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

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

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

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

- 29
30 **d. 236 and 240 Minnetonka Avenue and 519 Indian Mound – John Adams,**
31 **Representing John Kraemer & Sons**
32 **i. Concurrent Concept and General Plan PUD and Rezoning to PUD**
33 **ii. Project Design Review**
34 **iii. Concurrent Preliminary and Final Plat/Lot Combination**
35 **iv. Building Height and Site Variances, and CUP**
36 **v. Shoreland Conditional Use Permit**
37

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

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

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

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

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

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

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

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

26
27 City Planner Gadow stated the Applicant is proposing a ramp area so that people can get down to
28 the sidewalk and the sidewalk would have to be maintained a 5 ft clear zone, which meets ADA
29 standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43
44 Chair Gonzalez stated the green space behind the post office had been a good addition. She
45 stated looking at the landscaping plan all the trees appeared to be the same type. She

recommended if this project were to move forward the Applicant consider a mixture of native trees.

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

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

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

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

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

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

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

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

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

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

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

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

1 City Planner Gadow stated the Comprehensive Plan states the site is guided for mixed use
2 commercial defined as commercial areas that are almost exclusively retail and office use. The
3 mixed use commercial category is intended to be a mix of commercial and office use and
4 residential uses with an emphasis on commercial and office use but allowing for residential use
5 when properly integrated. He would see this project as working with the Comprehensive Plan.

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

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

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

16
17 Commissioner Pearson agreed with the concept plan and PUD.

18
19 Commissioner Vanderheyden stated he would also support the concept and PUD.

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

30
31 Mr. Adams explained that the exact price had not been determined because they did not know
32 what the size of the units would be. He estimated that the units would start at \$900,000 to \$1
33 million for the larger units. There would be a limit of 10-units even though it is zoned for up to
34 12-units.

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

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

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

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

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

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

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

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

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

23
24 Commissioner Iverson stated she would like to see the building remain at a maximum height of
25 35-feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36
37 Commissioner Vanderheyden stated the proposed hardcover is approximately 82%, which is
38 extremely high compared to the 25% maximum allowed. As a condition of approval he would
39 recommend including the Applicant's offer to include the rain runoff from the building roof in
40 the storm water management in addition to the parking lot; this would get the project to less than
41 45% along with a maintenance agreement for this system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18
19 Commissioner Vanderheyden stated the next meeting would include two new Commissioners
20 and they have not been a part of these discussions. He asked what options the Commission had
21 in making a recommendation at this meeting.

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

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

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

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

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

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

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

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

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

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

11
12 City Planner Gadow reviewed the recommendation and report.

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

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

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

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

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

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

35
36 **c. Other Items**

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

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

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

1 that have been satisfied and adding a condition that landscaping be added to the east façade of
2 the building. The motion carried unanimously.

3
4 City Planner Gadow stated this would be presented to the City Council at their January 20
5 meeting.

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

8
9 a. **Review and adoption of Planning Commission Report and Recommendation on**
10 **PUD and Associated Approvals for 236 and 240 Minnetonka Avenue and 519 Indian**
11 **Mound.**

12 Chair Gonzalez stated the vote for this application had been 4 to 3 and two of the people that had
13 voted in favor of the application are not at the meeting. She asked if this item should be
14 continued to the next meeting.

15
16 City Attorney Schelzel stated the Commission is not voting on the application at this time. The
17 Commission had acted on the Application during the previous meeting. The vote at this time
18 would be if the report presented reflects the action recommended by the Commission. Specific
19 concerns can be stated for the record.

20
21 Chair Gonzalez reviewed her concerns with the project including the restrictions the residents
22 put on the retail space.

23
24 Commissioner Vanderheyden stated on page 13, Item 5 under Common Open Space would be in
25 the northeast corner not the northwest.

26
27 Commissioner Ramy stated in Section 4.1, Item C should include seasonal screening of this
28 equipment.

29
30 Commissioner Vanderheyden stated the Commission had discussed this and the Applicant had
31 agreed to use similar material to match the exterior of the building.

32
33 City Planner Gadow stated this could be added at this time.

34
35 Commissioner Iverson stated the minutes do not reflect that she had suggested architectural
36 elements be added to the side of the building that faces the parking lot and she would like to be
37 sure the minutes reflect this suggestion. She offered the heated sidewalk as a suggestion not a
38 condition.

39
40 Commissioner Vanderheyden made a motion, Seconded by Chair Gonzalez to adopt the draft
41 Staff Report and Planning Commission Recommendation for approval of: the Concept/General
42 Plan PUD, Rezoning to PUD District, Concurrent Preliminary and Final Plat for Lot
43 Combination, Shoreland Conditional Use Permit, a Variance for Building Height in a PUD
44 District, a Conditional Use Permit for Elevator Penthouse and Stairs, Building Setback
45 Variances, project design review, and site plan review to include the corrections, changes, and
46 suggestions presented for 236 and 240 Minnetonka Avenue and 519 Indian Mound.

Chair Gonzalez stated another reason she had not approved this projected had been the setback variances requested and the encroachment into the right-of-way.

The motion was called to a vote. The motion carried 4-ayes and 1-nay (Iverson).

City Planner Gadow stated this would be presented to the City Council at their January 20 meeting.

b. Review of Development Activities

City Planner Gadow stated a tour with the Great River Green Energy in Maple Grove was scheduled for Thursday January 15. The Planning Commission would not meet on January 19 due to Martin Luther King Day but would meet on January 26. The next Planning Commission meeting would include the election of Chair and Vice-Chair.

c. Other Items

Chair Gonzalez asked if there would be a training session and refresher course for the Planning Commissioners.

City Planner Gadow stated the new Commissioners have been provided with the City's guiding documents and there would be something similar to what has been done in the past scheduled in February.

Commissioner Ramy reviewed the City Council meeting and actions taken by the Council including discussions from the telecommunications regarding screening and the Lake Street project was presented. The project was denied by the City Council. He suggested the Commission continue looking at the ordinances regarding telecommunications.

AGENDA ITEM 4. Adjournment.

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

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.



WAYZATA PLANNING COMMISSION

January 5, 2015

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

SUMMARY OF RECOMMENDATIONS

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

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

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

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

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

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

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

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

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

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

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

Section 2. STANDARDS

2.1 Planned Unit Development – General Standards – 801.33.1

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

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

2.2 Planned Unit Development – General Standards – 801.33.2

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

be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

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

2.3 Residential and Non-Residential PUD Standards – Section 801.33.3 and 4.
Sections 801.33.3 and 4 set forth lot area, minimum frontage, municipal water and

sewer availability, roadway and parking standards for PUDs which have a residential and non-residential components. In addition to the standards set forth in these sections, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

2.4 PUD Procedure.

- A. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of an application for a PUD. Concept Plan approval in no way binds the City to subsequent approval of a General Plan of Development or other approvals that may be required. Section 801.33.5.B.
- B. Application Contents. An application for approval of a Concept Plan of development for a PUD project must contain the information and materials listed in Section 801.33.5.C.
- C. Planning Commission Review and Recommendation. Within sixty (60) days following the public hearing on any an application, the Planning Commission shall forward a report on the application to the City Council, and it shall recommend (i) approval of the application as submitted, (ii) approval of the application subject to certain modifications or conditions therein, or (iii) disapproval of the application. Section 801.33.5.C.13.

2.5 Standards for Rezoning. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.

- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- 2.6 Zoning Ordinance Variance Standards. Section 801.05.1.C of the Zoning Ordinance provides the criteria for reviewing variances from the standards of the Zoning Ordinance. The criteria are as follows:
- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
 - B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - C. "Practical difficulties" as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with the Zoning Ordinance.
 - F. The City Council shall not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zoning district where the affected person's land is located, except the City Council may permit as a variance the temporary use of a one family dwelling as a two family dwelling.
 - G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
 - H. An application for a variance shall set forth reasons that the variance is justified under the applicable criteria of the Zoning Ordinance in order to make reasonable use of the land, structure or building.
- 2.7 Subdivision / Preliminary and Final Plats.

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

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

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

B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.

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

2.8 Concurrent Preliminary/Final Plat.

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

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

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

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

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

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

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

In addition to the above conditions, the provisions of Section 801.04.2.F must be considered and satisfactorily met. Section 801.04.2.F requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's compatibility with present and future uses of the area.
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.11 Site Plan.

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

Section 3. FINDINGS

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

3.1 Proposed PUD.

- A. Intent and Purpose of PUDs. The Proposed PUD conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. General Standards. The Proposed PUD satisfies all of the fourteen general standards listed in Section 801. 33.2.A and in Section 2.2 of this Resolution.
 1. Health Safety and Welfare; Intent and Purpose of PUDs. The Proposed PUD would have not have a negative effect on the health, safety and welfare of residents of the community and the surrounding area. The Proposed PUD conforms with the overall intent and purpose of Section 33 of the PUD Ordinance.

2. Ownership. The Applicant owns, or at the time of final approval will own, all of the property to be included in the Proposed PUD.
3. Comprehensive Plan Consistency. The Proposed PUD is consistent with the City's Comprehensive Plan as the Property is guided for Mixed Use Commercial use.
4. Sanitary Sewer Plan Consistency. The Proposed PUD is consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. Proposed PUD will provide common public open space in the northeast corner of the Property. As a condition of approval, provisions shall be in place to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. As a condition of approval, the PUD plan for the Proposed PUD must contain provisions to assure the continued operation and maintenance of open space and service facilities to a predetermined reasonable standard, and the common private or public open space and service facilities within the Proposed PUD must be placed under the ownership of a Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD. The Project is not proposed as a staged development, but rather will be constructed in one stage.
8. Density. The Proposed PUD meets the density standards for the current zoning and is consistent with the Comprehensive Plan. The proposed Project density is ten (10) dwelling units, which is less than the twelve (12) dwelling units allowed under the R-5 Average Density Multiple Family District standards for mixed use projects.
9. Utilities. Under the General Plan for the Proposed PUD, all utilities associated with Proposed PUD shall be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. Under the General Plan for the Proposed PUD, all utilities associated with proposed PUD meet the utility connection requirements of Section 801.33.2.A.10.

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

- G. Existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity should be sufficient for the proposed mixed retail and residential use.

3.3 Proposed Subdivision (Lot Combination).

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

building is addressed in a separate design review under Section 801.09, as noted elsewhere in this Report.

9. The proposed lot layout and Proposed Building Pad of the Proposed Subdivision would conform will relevant performance standards, with setback and height variance requests noted elsewhere in this Report.
10. The Proposed Subdivision is not likely to tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
11. The Proposed Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

3.4 Shoreland CUP.

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

3.5 Mechanical CUP.

- A. The Applicant requests a Conditional Use Permit under Section 801.19.2.B for an elevator penthouse and stairs above forty (40) ft. The proposed elevator penthouse would not exceed 53.1 ft to the top of the penthouse.
- B. The Applicant has complied with applicable requirements and regulations for a Conditional Use Permit under Section 801.04 of the Zoning Ordinance.
- C. As a recommended condition of approval, the Applicant shall continue to work on reducing the height of the proposed elevator penthouse if practically feasible.

3.6 Project Design.

- A. The Project Design as proposed in the Application meets the criteria of the applicable Design Standards, with the exception of the following Design deviations noted in the Design Critique:

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

- B. The negative impact of such deviations is outweighed by the positive effect the Project will have on the area in which it is proposed due to the use of high quality materials and the inclusion of retail use within the building.

3.7 Building Height and Setback Variances.

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

- 3.8 Site Plan. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance, with exceptions noted elsewhere in this Report. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

Section 4. RECOMMENDATION

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

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

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

Voting In Favor: Gonzalez, Gruber, Ramy, Vanderheyden

Voting Against: Iverson

Abstaining: None

Absent: Gnos, Young

Chair, Planning Commission

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DRAFT RESOLUTION NO. 07-2015

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

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

Section 1. BACKGROUND

- 1.1 Project. John Adams, representing John Kraemer & Sons, and Haglund's Corner LLC (collectively, the "Applicant") has submitted an application (the "Application") for approval of a Concurrent Concept and General Plan Planned Unit Development (PUD) (the "Proposed PUD"), a concurrent preliminary and final plat for a lot combination of commercial property (the "Plat" or "Proposed Subdivision"), a Shoreland Conditional Use Permit (CUP) (the "Shoreland CUP"), a variance for building height above thirty five (35) ft in a PUD District (the "Building Height Variance"), , a conditional use permit for elevator penthouse above forty (40) ft (the "Mechanical CUP") , building and site setback variances (collectively, the "Setback Variance"), approval of Project Design ("Project Design") and approval of a site plan ("Site Plan") to redevelop the properties at 236 Minnetonka Ave S, 240 Minnetonka Ave S, and 519 Indian Mound (collectively, the "Property").

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

- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:
- A. Concurrent Concept and General Plan Planned Unit Development (PUD) under Section 801.33.
 - B. Rezoning to PUD District.
 - C. Concurrent Preliminary and Final Plat Subdivision to combine lot lines under Chapter 805.
 - D. Shoreland Conditional Use Permit for Impervious Surface coverage above twenty five percent (25%) under Section 801.91.
 - E. Variance for Building Height above thirty five (35) ft and three (3) stories under Section 801.33.2.A.14.
 - F. Variance from Section 801.75.6 for ten (10) ft Building Setback to allow zero (0) ft setbacks on west and south building facades.

- G. Variance from Section 801.20.9.C to allow less than a ten (10) ft parking area setback.
- H. Variance from Section 801.20.9.E.8 to allow less than a ten (10) ft curb cut spacing from the side yard lot line.
- I. Conditional Use Permit (CUP) under Section 801.19.2.B for stairs and elevator penthouse taller than five (5) ft to a height of ten (10) and fifteen (15) ft, respectively.
- J. Project Design Review for a commercial structure under Section 801.09.
- K. Site Plan Review under Section 801.22.
- L. City Council approval of City Right of Way encroachment for outdoor patio area.

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

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

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

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

- 1.6 Planning Commission Action. Planning Commission Action Summary.
The Planning Commission reviewed the Application and held a Public Hearing on December 15, 2014. Four (4) individuals spoke on the Application during the Public Hearing. The Planning Commission directed staff to develop a draft *Planning Commission Report and Recommendation* recommending approval of the Application on a vote of four (4) in favor and three (3) opposed. The Planning Commission adopted the Planning Commission Report and Recommendation recommending approval of the Application on January 5, 2015 on a vote of four (4) in favor and one (1) opposed, with those who had previously voted no on the Application, restating their reasons for voting no on the record, but voting to adopt the Planning Commission Report and Recommendation only to facilitate moving the Application onto City Council for review.

Section 2. STANDARDS**2.1 Planned Unit Development – General Standards – 801.33.1**

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

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

2.2 Planned Unit Development – General Standards – 801.33.2

- A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:

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

the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

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

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

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

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

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

- H. An application for a variance shall set forth reasons that the variance is justified under the applicable criteria of the Zoning Ordinance in order to make reasonable use of the land, structure or building.

2.7 Subdivision / Preliminary and Final Plats.

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

- A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:
1. Preserve and enhance Wayzata’s “small town” character (Comprehensive Plan).
 2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
 3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
 4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).
- B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:
- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.

- B. 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.
- C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. The proposed lot layout and building pads shall conform to all performance standards contained herein.
- K. 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.

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

2.8 Concurrent Preliminary/Final Plat.

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

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

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

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

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

- A. The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.
- B. Storm water treatment measures including, but not limited to, sediment basins (debris basins), desilting basins or silt traps, installation of debris guards and microsilt basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and the Minnehaha Creek Watershed District on projects where applicable.

- C. Projects shall be analyzed in terms of provisions for maintenance and enhancement of landscape features, and change in the natural condition of the soil, trees, grade courses and marshes. The vegetative planting plan shall contain trees, when fully mature, that will exceed the building height. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting of trees which are proposed to be removed.
- D. Projects shall be analyzed in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.
- E. Building heights shall be analyzed to determine the impact on surrounding structures and views from the lake surface or other shores. Structures shall not be allowed to exceed a height beyond that is allowed by the base zoning district or cannot be screened by landscaping or other design measures.
- F. Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning district for which the project is proposed. For higher density residential development and planned unit developments, the density shall not be allowed to exceed the density standards as specified in the R-5 District of this Ordinance.
- G. Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.
- H. Overall residential densities in the shoreland area shall not exceed the surplus development capacity for residential density, as calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
- I. Overall lot coverage in the shoreland area shall not exceed the surplus development capacity for impervious surface coverage calculated for Lake Minnetonka, Gleason and Peavey Lakes, as specified in the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.
- J. All projects shall be in conformance with the Stormwater Management Plan for the City of Wayzata, May 1988, as may be amended and/or approved by the City Engineer.
- K. All projects shall be in conformance with the Wayzata Comprehensive Plan/Shoreland Management Plan, as may be amended.

- L. All projects shall be subject to the review of the Minnehaha Creek Watershed District.

In addition to the above conditions, the provisions of Section 801.04.2.F must be considered and satisfactorily met. Section 801.04.2.F requires City Council to consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future 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 values in the area in which it is developed.
- F. Traffic generated by the proposed use is 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.

2.11 Site Plan.

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

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes 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 Proposed PUD.

- A. Intent and Purpose of PUDs. The Proposed PUD conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance.
- B. General Standards. The Proposed PUD satisfies all of the fourteen general standards listed in Section 801. 33.2.A and in Section 2.2 of this Resolution.
 1. Health Safety and Welfare; Intent and Purpose of PUDs. The Proposed PUD would not have a negative effect on the health, safety and welfare of residents of the community and the surrounding area. The Proposed PUD conforms with the overall intent and purpose of Section 33 of the PUD Ordinance.
 2. Ownership. The Applicant owns, or at the time of final approval will own, all of the property to be included in the Proposed PUD.
 3. Comprehensive Plan Consistency. The Proposed PUD is consistent with the City's Comprehensive Plan as the Property is guided for Mixed Use Commercial use.
 4. Sanitary Sewer Plan Consistency. The Proposed PUD is consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. Proposed PUD will provide common public open space in the northeast corner of the Property. As a condition of approval, provisions shall be in place to assure the continued operation and maintenance of such.
 6. Operating and Maintenance Requirements. As a condition of approval, the PUD plan for the Proposed PUD must contain provisions to assure the continued operation and maintenance of open space and service facilities to a predetermined reasonable standard, and the common private or public open space and service facilities within the Proposed PUD must be placed under the ownership of a Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD. The Project is not proposed as a staged development, but rather will be constructed in one stage.
 8. Density. The Proposed PUD meets the density standards for the current zoning and is consistent with the Comprehensive Plan. The proposed Project density is ten (10) dwelling units, which is less than the twelve (12) dwelling units allowed under the R-5 Average Density Multiple Family District standards for mixed use projects.
 9. Utilities. Under the General Plan for the Proposed PUD, all utilities associated with Proposed PUD shall be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
 10. Utility Connections. Under the General Plan for the Proposed PUD, all utilities associated with proposed PUD meet the utility connection requirements of Section 801.33.2.A.10.
 11. Roadways. There are no new roadways associated with the PUD.
 12. Landscaping. All landscaping associated with the Proposed PUD will be according to a detailed plan and take into account the natural features of Property, the architectural characteristics of the proposed residences and the overall scheme of the PUD plan.
 13. Setbacks. The front, rear and side yard restrictions on the periphery of the Proposed PUD meet the applicable setback requirements in the C-1 District, except where setback variances are requested for the Project, as noted elsewhere in this Report.
 14. Height. The proposed building height within the Proposed PUD is more than allowed under the PUD District Standards. The Applicant has included a Building Height Variance request, as noted elsewhere in this Report.
- C. Residential Area PUD Standards. The Proposed PUD meets the standards of Section 801.33.3 for PUDs with a residential component, as except as noted above.

3.2 Zoning Amendment. The Planning Commission has considered the possible adverse effects of the Zoning Amendment and finds as follows:

- A. The Zoning Amendment does not contravene the specific policies and provisions of the official City Comprehensive Plan as they apply to the Property.
- B. The proposed mixed retail and residential use for the Property is in conformity with present and future land uses of the area.
- C. The proposed mixed retail and residential use of the Property is in conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.), except as noted elsewhere in this Report.
- D. The proposed mixed retail and residential use's effect on the area in which it is proposed would be generally compatible with the neighborhood and surrounding uses.
- E. The proposed mixed retail and residential use is not likely to have a negative impact upon property value in the area in which it is proposed.
- F. The capabilities of the streets serving the Property should be sufficient for the traffic generated by the proposed mixed retail and residential use.
- G. Existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity should be sufficient for the proposed mixed retail and residential use.

3.3 Proposed Subdivision (Lot Combination).

- A. Goals. The Proposed Subdivision is consistent with the goals of the Subdivision Ordinance, including a recognition of adjacent existing neighborhoods and commercial areas; providing additional housing supply for the mix of available housing in the City; and supporting a pedestrian environment at a human, not automotive scale, with the incorporation of below grade retail with outdoor areas.
- B. Criteria for Approval.
 - 1. The Project associated with the Proposed Subdivision is consistent with the Wayzata Comprehensive Plan. The proposed Subdivision conforms with the Mixed Use Commercial guidance of the Comprehensive Plan for this area.

2. The building pad associated with the Project ("Proposed Building Pad") would not negatively impact any sensitive areas.
3. The Proposed Building Pad has been selected and located with respect to natural topography to minimize filling or grading.
4. Existing significant trees would be retained where possible on the Property. As part of the Project, there would be additional trees and screening planted as part of the landscape plan.
5. The Proposed Subdivision would not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas as it would be consistent with the surrounding area.
6. The design of the lots, the proposed building pad, and the site layout of the Proposed Subdivision responds to and is reflective of the surrounding lots and neighborhood and commercial character.
7. The lot that results from the Proposed Subdivision lot combination would not be dissimilar from adjacent commercial lots. The proposed lot conform with and exceed the C-1 Office and Limited Commercial District.
8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the commercial building is addressed in a separate design review under Section 801.09, as noted elsewhere in this Report.
9. The proposed lot layout and Proposed Building Pad of the Proposed Subdivision would conform will relevant performance standards, with setback and height variance requests noted elsewhere in this Report.
10. The Proposed Subdivision is not likely to tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.
11. The Proposed Subdivision would be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.

3.4 Shoreland CUP.

- A. The Applicant has complied with applicable requirements and regulations for a Shoreland CUP under Section 801.91.19 of the Zoning Ordinance.

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

3.5 Mechanical CUP.

- A. The Applicant requests a Conditional Use Permit under Section 801.19.2.B for an elevator penthouse and stairs above forty (40) ft. The proposed elevator penthouse would not exceed 53.1 ft to the top of the penthouse.
- B. The Applicant has complied with applicable requirements and regulations for a Conditional Use Permit under Section 801.04 of the Zoning Ordinance.
- C. As a recommended condition of approval, the Applicant shall continue to work on reducing the height of the proposed elevator penthouse if practically feasible.

3.6 Project Design.

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

3.7 Building Height and Setback Variances.

- A. The Property is guided for Mixed Use Commercial use. The Application does not alter the usage of the Property, and instead proposes a new retail and ten (10) unit residential building. The Variance requests are due to the City's stated desire to incorporate retail uses along the Minnetonka Avenue corridor.

- B. The Applicant has established that a practical difficulty exists in complying with certain requirements of the Zoning Ordinance due to the City's stated desire to incorporate retail uses along the Minnetonka Avenue corridor. The plight of the landowner is due to these unique circumstances related to the desired use of the Property. The requested Building Height Variance is the minimum amount necessary to facilitate both below grade retail and upper level residential uses within the proposed new building. The Variances, if granted, will not alter the essential character of the locality.
 - C. The Applicant has proposed to use the Property in a reasonable manner under the Zoning Ordinance. The Property is currently zoned for Mixed Use Commercial use, and the Applicant desires to construct a new mixed retail and residential building on the Property.
 - D. Economic considerations are not the sole reason for the Variance requests. The City's stated desire for retail activity along the Minnetonka Avenue Corridor is the determinative factor for the Variance requests. The Project could meet the City's Zoning Ordinance standards with a residential-only building.
 - E. The Applicant's narrative has articulated the reasons for the Variance requests due to the location and elevation of the Property.
- 3.8 Site Plan. The current Site Plan conforms with the applicable requirements of the Wayzata Zoning Ordinance, with exceptions noted elsewhere in this Report. As a condition of approval, prior to the issuance of any building permits for the Property, the final Site Plan shall be reviewed and approved by Staff to ensure conformance with the approved PUD Plan.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the Findings in Section 3 of this Resolution, the requests for approval of the (1) the Proposed PUD; (2) Proposed Subdivision; (3) Zoning Amendment; (4) Shoreland CUP; (5) Mechanical CUP; (6) Building Height Variance; (7) Setback Variances; (8) Project Design; and (9) Site Plan (as depicted in Attachment A), is **APPROVED** subject to all of the following conditions (failure to comply with any one of these conditions shall result in the revocation of the approvals):
- A. The Applicant must enter into a stormwater maintenance agreement with the City that will cover design, installation, maintenance, and inspection of all stormwater management systems approved as part of this Application, which will be recorded against the Property.

- B. The Applicant must amend the stormwater plan to include a roof drain and cistern system as proposed and agreed to by the Applicant.
- C. The Applicant must continue to work on reducing the height of the proposed elevator penthouse, if practically feasible. The Applicant must also include seasonable screening of the rooftop area.
- D. The Applicant must add additional landscaping and screening between the northern parking lot and the adjacent City park.
- E. The Applicant must design and construct the elevator penthouse and stair enclosures with the same building materials as the overall building.
- F. The Applicant must consider the following design suggestions from the Planning Commission:
 - I Incorporating architectural elements and planter boxes to the north façade of the building facing the parking lot.
 - ii. Heating the sidewalk and below grade patio area along the western building façade.
- F. The Applicant must maintain a sidewalk width of no less than five (5) ft and must meet applicable ADA standards.
- G. The Applicant and/or the Property Owners' Association must enter into an agreement with the City for maintenance of the common open area in the northeast corner of the Property, as depicted on the Site Plan.
- H. All comments of City Staff outlined in the Planning Report on the Application dated December 15, 2014 shall be incorporated into the PUD as specified in such comments and further directed by such staff.
- I. The Applicant must secure all necessary building permits for construction, and all laws and regulations applicable to the Project.
- J. All expenses of the City of Wayzata, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.
- K. The Applicant must record the Final Plat document with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7, and provide a recorded copy to the City.
- L. The Applicant must enter into a Right of Way (ROW) Encroachment agreement with the City for the sidewalk and associated patio area on City ROW, and provide the City with a hold harmless agreement.

Adopted by the Wayzata City Council this _____ day of _____, 2015.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

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 _____, 2015.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Application Submittals



Planning Report

Wayzata Planning Commission Tuesday, January 20, 2015

File Case No: PR 2014-7

Applicant: Boatworks II LLC & Wayzata Brew Works LLC

Address of Request: 294 Grove Lane

Prepared By: Bryan Gadow, City Planner

Request(s): Amendment to PUD
Conditional Use Permit for Microbrewery and Distillery Operations
Site Plan Review

Project Summary: The proposed project is for an amendment to an existing Planned Unit Development Agreement and a approval of a CUP for the Boatworks Building to allow a micro-brewery/taproom and distillery facility to operate within the building (the "Project").

Section 1: Introduction

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

The zoning approvals requested above is the first step in a two step review process. A separate application for liquor licenses pertaining to operating the microbrewery/taproom and distillery within the Micro-production Facility will be reviewed by the City Council at a later date.

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

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

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

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

1.1 Property Background

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

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

The Property is zoned C-3 and is subject to a Development Agreement and Planned Unit Development/Conditional Use Permit (the “PUD CUP”) which was approved in 1997, amended in 2002, and amended again in 2005. The PUD CUP allowed for continuation of the marina and restaurant uses, as well as approval to renovate the existing building and construct related improvements. The Boat Works Development Company (the Property owner in 1997) and the City also agreed to enter into a private/public partnership and jointly pay for the construction of various parking, landscaping, beach and marina improvements in order to improve the overall function and aesthetics of the beach and marina areas. A Grant of Easement is also recorded against the Property, which establishes a pedestrian easement along the lakeshore of the Boatworks Property, which connects Shaver Park and the Beach to the Boatworks building.

Map 1: Existing Property Aerial



Map 2: Existing Site Layout



1.2 Application Requests.

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

- A. Amendment to existing PUD under Section 801.33.9 to allow a Micro-production Facility at 294 Grove Lane (the “PUD Amendment”)
- B. Conditional Use Permit under Section 801.77.5 to allow micro-brewery, taproom, distillery and tasting room operations (collectively, the “Micro-production Facility CUP”)
- C. Site Plan approval under Section 801.22 (the “Site Plan”)

1.3 Property Description

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

294 Grove Lane East	06-117-22-32-0023	Boatworks II LLC
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1.4 Relevant Property Information

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

1.5 Public Noticing Requirements

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

1.6 Planning Commission Review Summary

The Planning Commission reviewed the Application and held a Public Hearing on January 5, 2015. The Commission was supportive of the Application and recommended approval to the City Council with conditions on a vote of five (5) in favor and zero (0) opposed. A draft resolution for approval of the Application is included as Attachment G.

Section 2: Summary of Issues

2.1 Surrounding Uses

A summary of land uses for the immediate area:

Direction	Land Use
North	Office
South	Lake Minnetonka
East	City Park
West	City Park and Single Family Residential

2.2 Zoning History for the Property and PUD Amendment.

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

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

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

A. Background.

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

The Planning Commission and the City Council both reviewed the requests in July and August of 2014, and ultimately approved the requests to allow the operation and amend the City's ordinances. The minutes from the Planning Commission's July 2014 and January 5, 2015 review of the Application are included as Attachments D and E. The ordinance

amending the Zoning Ordinance to establish conditions associated with the microbrewery and distillery operations is attached for reference (Ordinance 746, Attachment F).

2.4 Operations.

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

A. *Trash.*

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

B. *Hours of Operation.*

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

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

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

C. *Special Events.*

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

Other communities that allow micro-breweries and taprooms have allowed special events by incorporating it into the CUP for the operation. Some cities require the brewery operation to secure a special event permit from

the City that outlines the details on the event (hours, seating, traffic controls, etc) and sets a limit on the number of special events per year.

D. *Brewing Operations.*

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

2.5 Parking.

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

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

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

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

the south side of Lake Street). The Applicant has prepared a parking study of the area with the proposed uses, which is included as Attachment A-2.

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

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

2.6 Design.

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

The proposed modifications are as follows:

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

2.7 Comprehensive Plan.

The commercial portion of the Property is currently guided for Central Business District land use in the 2030 Comprehensive Plan. The Central Business District (CBD) is defined as follows: “The Central Business District provides a wide range of uses such as retail and service commercial, office, residential, and public uses

along and in relative proximity to Lake Street”. The following are applicable Central Business District Policies from the Comprehensive Plan:

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

Section 3. Applicable Code Provisions for Review

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

801.33.6. The affirmative majority vote (3 of 5) of the City Council shall be required for approval of an amendment of a PUD permit.

3.3 Planned Unit Development – General Standards – 801.33.2

A. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. The applicable standards for review of this Application are:

1. Health Safety and Welfare. The Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
2. Intent and Purpose of PUDs. The Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
3. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project.
4. Comprehensive Plan. The proposed PUD must be consistent with the City's Comprehensive Plan.
5. Sanitary Sewer Plan. The proposed PUD must be consistent with the City's Sanitary Sewer Plan and not create a discharge which is in excess of the City's assigned regional limitations.
6. Utilities. All utilities associated with proposed PUD must be installed underground.
7. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
8. Roadways. All roadways associated with the proposed PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
9. Landscaping. All landscaping associated with the proposed PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

10. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
11. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

3.4 Micro-production Facility Conditional Use Permit

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

3. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
4. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
5. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
6. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.
7. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
8. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
9. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in

compliance with any applicable Minnesota Pollution Control Standards.

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

Section 4: Department Comments

Utility Superintendent

- Flow analysis for sewer discharge must be completed to verify that sewer lift station #5, located on Grove Lane, is designed to handle additional sewage flows from brewery, as well as restaurant. [Note: *the Applicant is in the process of completing a flow analysis for the lift station, which is included as part of Attachment A.*]
- Each pump of which there are two (2) in #5 sewer lift station on Grove Lane are designed to deliver a maximum of 130 gallons per minute (gpm) @ 20' total dynamic head (TDH). The design is such that if one pump fails, the second pump is able to handle flow while the other pump is pulled for maintenance, replacement etc. to prevent sewerage backup into buildings. The projected flows

exceed the existing pumps maximum rated capacity. Your [the Project] projected flows have been sent over to an Engineering firm for review to determine what size pumps, mechanical plumbing and Electric panel upgrades would be needed to handle additional sewerage flow. When I receive that information, I will contact a sewer lift station supplier to get cost estimates to upgrade equipment in sewer lift station. I will send cost estimates to you when I receive.

Section 5: Action Steps

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

1. Adopt the draft approval Resolution No. 08-2015 included as Attachment G of this Report.
2. If the Council wishes to significantly modify the Resolution for approval, the Council should direct staff to prepare a revised Resolution for review and adoption at the next Council meeting.
3. If the Council wishes to pursue a denial motion, the Council should direct staff to prepare a revised Resolution reflecting the denial motion for review and adoption at the next Council meeting.

Attachments:

Attachment A-1: Updated Project Narrative

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

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

Attachment B: Updated Project Plan Set

Attachment C: Additional Parking Map

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

Attachment E: Planning Commission Meeting Minutes, January 5, 2015

Attachment F: Ordinance 746 – Micro-Production Facilities

Attachment G: Resolution 08-2015 – Boatworks PUD Amendment

Attachment A-1: Project Narrative

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

Overview of Request:

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

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

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

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

Small brewer license or Growler Law

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

Attachment A-1: Project Narrative

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

Proposed exterior changes:

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

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

Hours of Operation and compatibility with other building uses:

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

Parking:

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

Attachment A-1: Project Narrative

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

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

Special Events:

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

CUP Criteria:

Consistency with Wayzata Comprehensive Plan

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

Compatibility with existing and future uses in the area

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

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

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

Attachment A-1: Project Narrative

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

Effect upon adjacent uses in the area

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

Effect upon property values in the area

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

Existing and anticipated traffic concerns

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

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

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

Attachment A-2: June 2014 Submittals

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

Overview of Request:

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

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

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

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

Small brewer license or Growler Law

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

Attachment A-2: June 2014 Submittals

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

Proposed exterior changes:

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

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

Hours of Operation and compatibility with other building uses:

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

Parking:

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

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

Attachment A-2: June 2014 Submittals

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

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

Special Events:

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

CUP Criteria:

Consistency with Wayzata Comprehensive Plan

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

Compatibility with existing and future uses in the area

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

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

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

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

Attachment A-2: June 2014 Submittals

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

Effect upon adjacent uses in the area

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

Effect upon property values in the area

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

Existing and anticipated traffic concerns

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

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

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

Wayzata Brew Works, LLC

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

March 20, 2014

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

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

Dear Heidi,

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

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

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

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

Sincerely,

Wayzata Brew Works, LLC

Robert Klick

Cc Ken Wilcox, Mayor



Wayzata Brew Works, LLC

Frequently Asked Questions (FAQ's)

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

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

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

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

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

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

4) How will you handle food?

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

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

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



Wayzata Brew Works, LLC

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

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

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

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

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

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

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

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

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



Wayzata Brew Works, LLC

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

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

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

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

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

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

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

13) How will the Brew Works benefit the Muni?

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

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

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



Wayzata Brew Works, LLC

Notable industry quotes:

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

Minnesota Growler Law

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

Attachment A-2: June 2014 Submittals



Wayzata Brew Works, LLC

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

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

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

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

Ranking	Name of City	Type of Store	Foot- notes	Population	Sales	Gross Profit		Percent of Sales	Operating		Nonoperating		Net Profit/(Loss)		Transfers To/(From) Other Funds
						Cost of Sales	Amount		Expenses	Income/(Loss)	Revenues	Expenses	Amount	Percent of Sales	
1	Lakeville	Off-Sale Only	----	56,534	\$14,373,261	\$10,826,384	\$3,546,877	24.7%	\$2,196,758	\$1,350,119	\$56,924	\$181,335	\$1,225,708	8.5%	\$1,134,131
2	Edina	Off-Sale Only	----	48,262	13,172,484	9,648,160	3,524,324	26.8%	2,078,946	1,445,378	----	----	1,445,378	11.0%	1,255,100
3	Eden Prairie	Off-Sale Only	----	61,151	11,676,390	8,656,149	3,020,241	25.9%	2,118,675	901,566	51,817	6,812	946,571	8.1%	1,000,000
4	Richfield	Off-Sale Only	----	35,376	11,198,404	8,358,937	2,839,467	25.4%	1,932,217	907,250	18,387	----	925,637	8.3%	693,870
5	Apple Valley	Off-Sale Only	----	49,801	9,005,660	6,448,087	2,557,573	28.4%	1,601,269	956,304	89,325	128,323	917,306	10.2%	525,000
6	Columbia Heights	Off-Sale Only	----	19,619	8,494,962	6,413,886	2,081,076	24.5%	1,459,656	621,420	1,500	237,147	385,773	4.5%	98,955
7	Saint Anthony	Off-Sale Only	----	8,333	6,995,923	5,341,718	1,654,205	23.6%	1,162,894	491,311	3,661	32,659	462,313	6.6%	417,200
8	Elk River	Off-Sale Only	----	23,101	6,145,692	4,385,452	1,760,240	28.6%	947,692	812,548	45,444	33,827	824,165	13.4%	3,115,592
9	Brooklyn Center	Off-Sale Only	----	30,204	5,789,346	4,175,906	1,613,440	27.9%	1,214,496	398,944	19,431	----	418,375	7.2%	147,488
10	Fergus Falls	Off-Sale Only	----	13,103	5,244,209	3,821,399	1,422,810	27.1%	852,925	569,885	56,738	46,340	580,283	11.1%	340,811
11	Detroit Lakes	Off-Sale Only	----	8,716	5,202,486	3,934,467	1,268,019	24.4%	359,660	908,359	48,798	69,600	887,557	17.1%	747,876
12	Hutchinson	Off-Sale Only	----	14,148	5,099,629	3,946,363	1,153,266	22.6%	651,933	501,333	4,503	43,308	462,528	9.1%	451,030
13	Bemidji	Off-Sale Only	----	13,528	4,990,978	3,643,412	1,347,566	27.0%	719,913	627,653	4,645	16,871	615,427	12.3%	547,395
14	Fridley	Off-Sale Only	----	27,515	4,893,436	3,681,988	1,211,448	24.8%	886,294	325,154	761	----	325,915	6.7%	350,000
15	Savage	Off-Sale Only	----	27,147	4,657,014	3,463,507	1,193,507	25.6%	943,648	249,859	----	65,681	184,178	4.0%	----
16	Monticello	Off-Sale Only	----	12,840	4,653,476	3,502,213	1,151,263	24.7%	658,999	492,264	202,961	----	695,225	14.9%	250,000
17	Alexandria	Off-Sale Only	----	12,920	4,609,760	3,613,420	996,340	21.6%	745,137	251,203	1,786	15,190	237,799	5.2%	200,000
18	Wayzata	Off-Sale Only	----	3,720	4,391,203	2,294,347	2,096,856	47.8%	1,837,321	259,535	35,236	92,629	202,142	4.6%	20,000
19	Cambridge	Off-Sale Only	----	8,194	4,355,132	3,338,052	1,017,080	23.4%	658,571	358,509	10,216	5,654	363,071	8.3%	----
20	Thief River Falls	Off-Sale Only	----	8,587	4,216,698	3,229,473	987,225	23.4%	589,665	397,560	13,759	----	411,319	9.8%	362,835
21	Faribault	Off-Sale Only	----	21,360	4,100,344	3,151,870	1,048,474	24.0%	638,007	100,508	----	1,705	107,803	2.6%	on nm



WAYZATA BREW WORKS, LLC

The Science of Craft Beer, in Nine Easy Steps

Tuesday, September 21, 2010, by Christian DeBenedetti

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

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



Barley Malt

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



The Grain Mill

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



The Mash Tun

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

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



Hops

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



The Kettle/Whirlpool

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



Stainless Steel Tanks for Fermentation

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



The Filter

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



The Brite Beer Tank

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



½ Barrel Kegs; each holds 15.5 gallons

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



Wayzata Boat Works

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



The Tap Room

Sample the Beer

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

TRAFFIC IMPACT STUDY
Minnetonka Boatworks

Wayzata, Minnesota
July 2, 2014



Prepared For:

BOATWORKS II LLC
294 Grove Lane East
Wayzata, MN 55391

Prepared By:



Westwood

TRAFFIC IMPACT STUDY

MINNETONKA BOATWORKS

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Prepared By:



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Westwood Project No. 0004064.00

TRAFFIC IMPACT STUDY

MINNETONKA BOATWORKS

294 Grove Lane East
Wayzata, Minnesota



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

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

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

Date: _____ July 2, 2014

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I. INTRODUCTION

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

Figure 1 – Vicinity Map



Source: Google Maps, 2014.

This traffic study will:

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

II. EXISTING CONDITIONS

A. Existing Land Uses

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

Table 1 shows the current usage of the Boatworks building.

TABLE 1 – EXISTING USES, BOATWORKS BUILDING

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

Source: Project Developers, Inc.

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

B. Vehicular Traffic

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

C. Rail Traffic

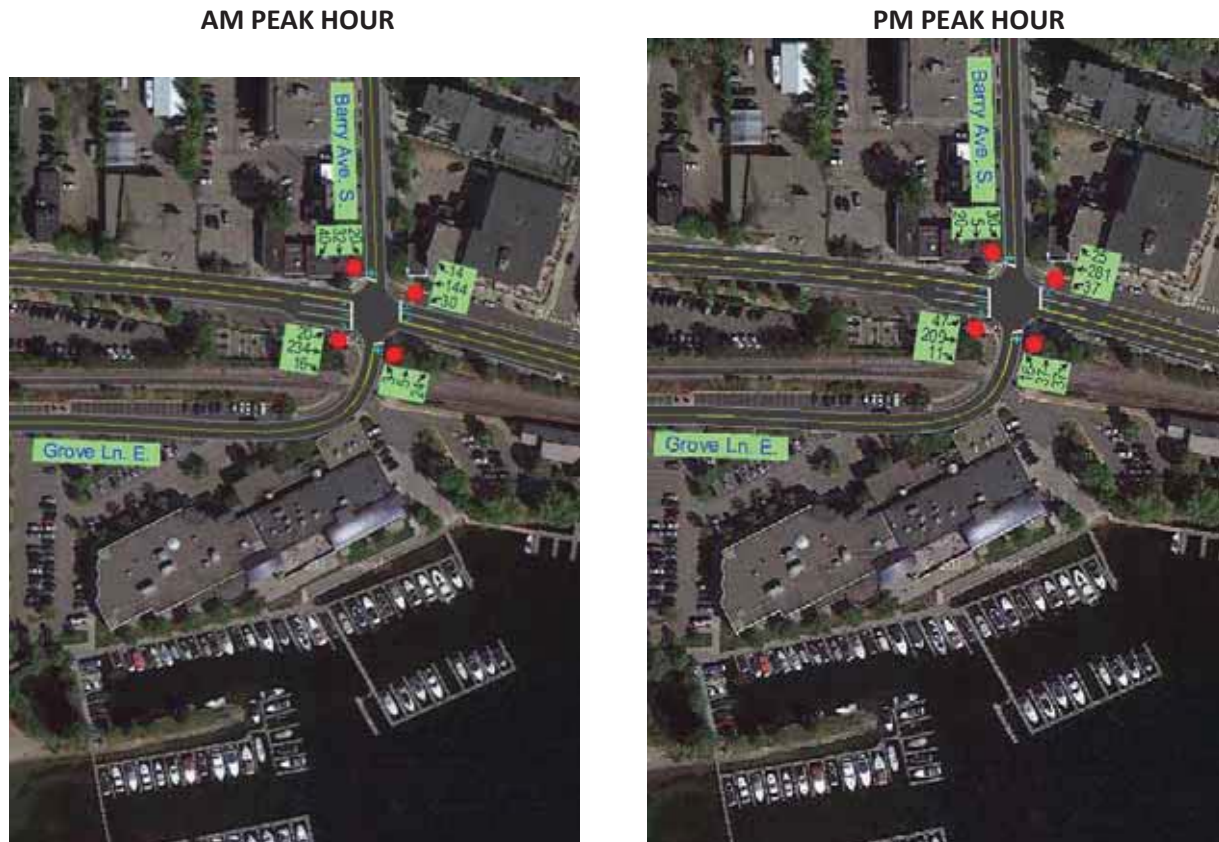
A railroad track lies between the intersection of Lake Street East & Grove Lane East/Barry Avenue South and the Minnetonka Boatworks building. According to the Minnesota Freight Railroad Map (May 2013), these tracks are primarily operated by BNSF, and carry approximately 17 trains per day.

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

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

Figure 2 – Existing Traffic Counts



Source: Westwood Professional Services, June 2014.

D. Pedestrian/Bicycle Traffic

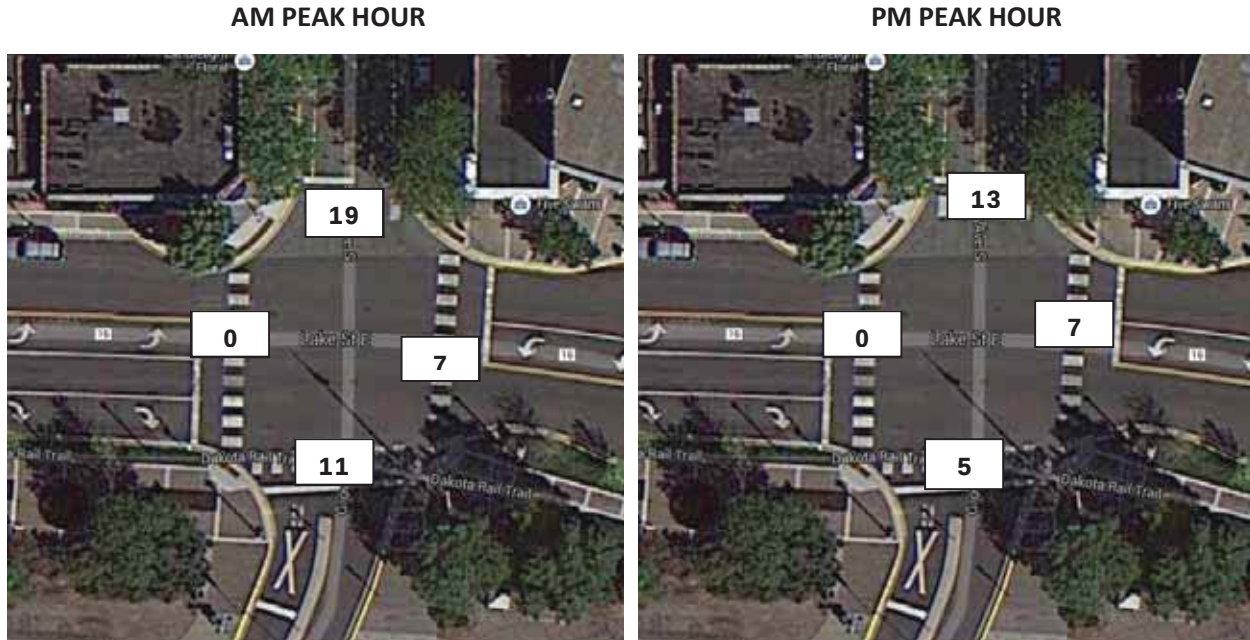
Figure 3 shows the pedestrian/bicycle activity recorded at the intersection of Lake Street East and Grove Lane East/Barry Avenue South during the A.M. and P.M. Peak Hours.

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

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

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

Figure 3 – Existing Pedestrian/Bicycle Traffic Counts



Source: Westwood Professional Services, June 2014.

E. Boating Traffic

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

F. Existing Parking

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

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

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

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

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

G. Existing Trip Generation

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

TABLE 2 – EXISTING TRIP GENERATION

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

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

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

H. Existing Traffic Operation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹Based on traffic counts conducted by Westwood Professional Services

III. PROPOSED CONDITIONS

A. Proposed Land Uses

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

TABLE 5 – PROPOSED USES, BOATWORKS BUILDING

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

Source: Project Developers, Inc.

B. Proposed Trip Generation

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

TABLE 6 – PROJECTED TRIP GENERATION

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

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

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

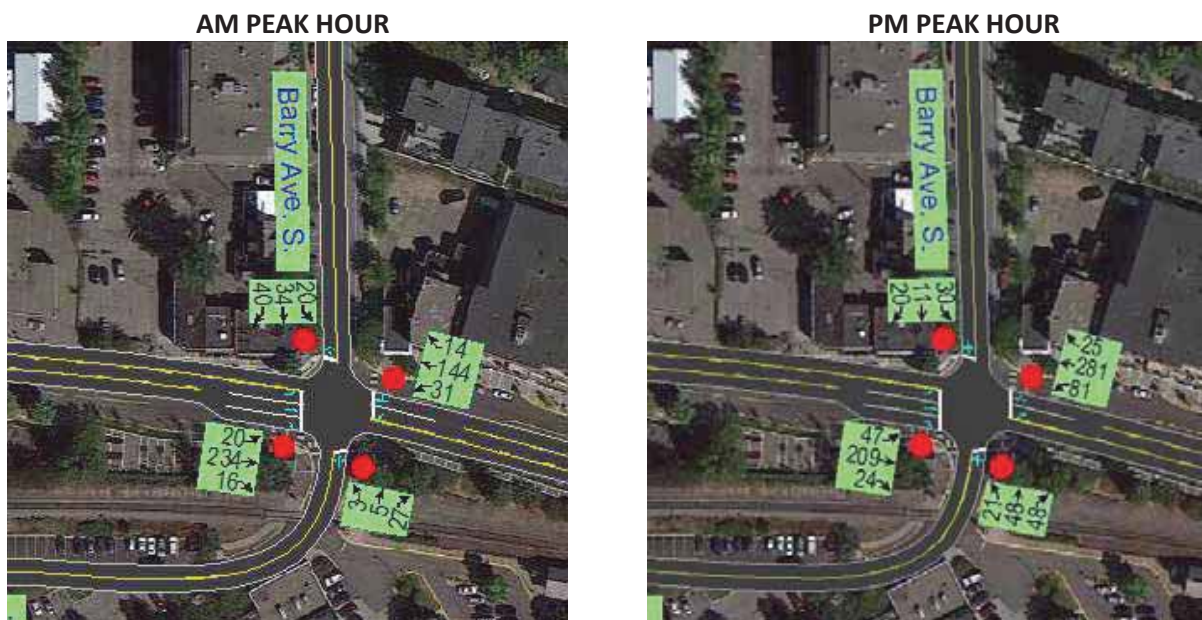
Trip generation data for the microbrewery and taproom uses were quite scarce. Westwood was able to utilize a study from the late 1990's that provided trip generation for microbreweries.² Because the microbrewery trips are primarily generated by the workers, the trips are few in number.

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

C. Projected Traffic Operation

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

Figure 4 – Projected Traffic Counts



Source: Westwood Professional Services, June 2014.

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

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

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

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

¹Based on traffic counts conducted by Westwood Professional Services

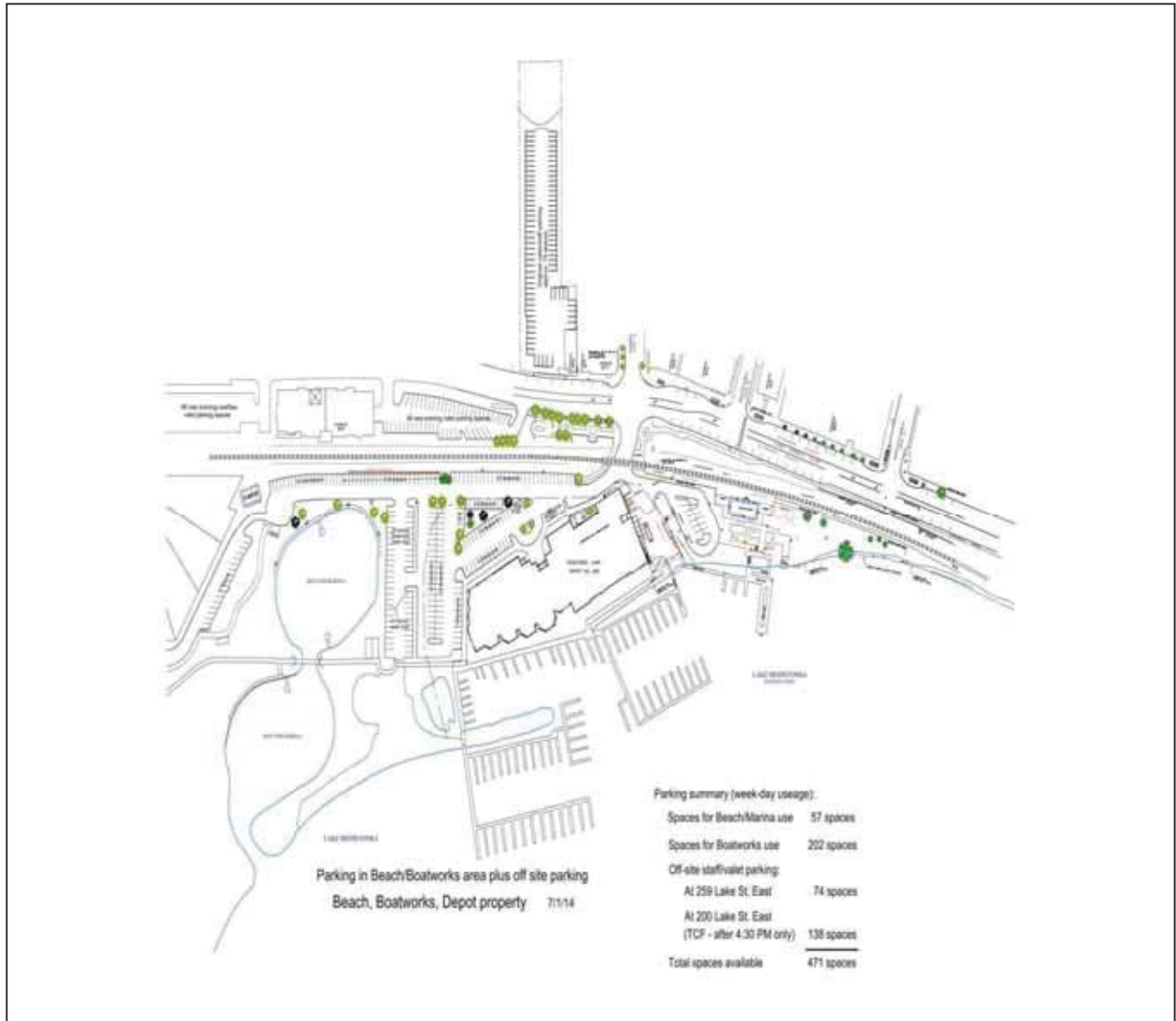
This analysis indicates that all existing and projected uses could enter and exit the site via the site intersection and not impact the Level of Service. The operation is currently LOS-A and will remain such with the new uses functioning.

D. Projected Parking

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

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

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

FIGURE 5 – EXISTING AND PROPOSED PARKING – MINNETONKA BOATWORKS¹

¹Source: Project Developers, Inc., 2014.

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

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

TABLE 8 – OFF-STREET PARKING REQUIREMENTS¹

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

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

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

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

E. Shared Parking

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

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

Attachment A-2: June 2014 Submittals

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

TABLE 9 – SHARED PARKING CALCULATIONS¹

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

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

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

TABLE 10 – TIME-OF-DAY PARKING REDUCTIONS

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

*Percentages based on assumed utilization

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

F. Valet Parking

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

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

For this development, three valet areas have been established:

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

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

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

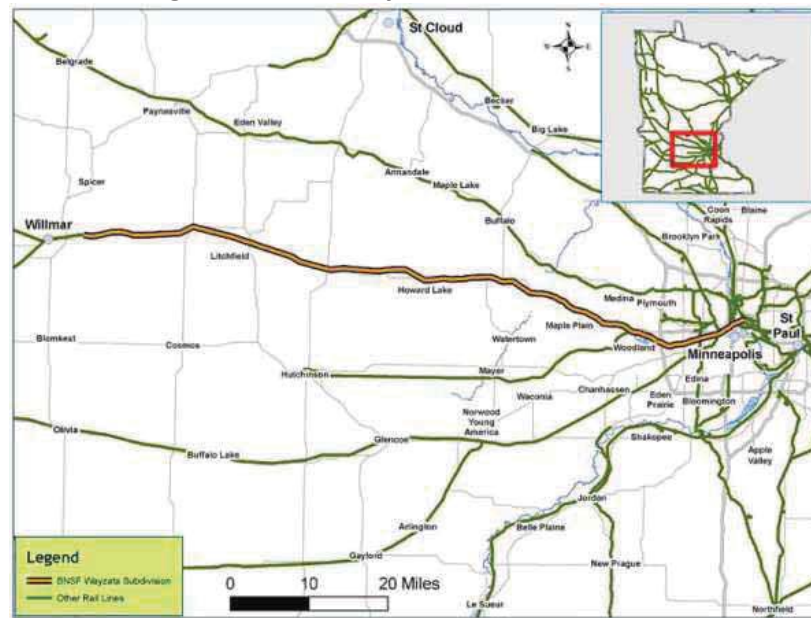
Therefore, with the application of the adjustment factors, the available plus added parking supply will exceed the projected parking demand.

IV. SEASONAL IMPACTS

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

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

Figure 6 – BNSF Wayzata Subdivision Tracks¹



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

V. SUMMARY AND CONCLUSIONS

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

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

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

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

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

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

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

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

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

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

Attachment A-2: June 2014 Submittals

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

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

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

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

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

APPENDIX

Synchro/SimTraffic Output for the following periods:

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

Attachment A-2: June 2014 Submittals

AM Peak

Minnetonka Boatworks - Wayzata, MN

6/23/2014

Existing

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

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

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

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

Total Network Performance

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

Attachment A-2: June 2014 SubmittalsAM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

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

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

Network Summary

Network wide Queuing Penalty: 1

Attachment A-2: June 2014 SubmittalsPM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

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

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

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

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

Total Network Performance

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

Attachment A-2: June 2014 SubmittalsPM Peak
Existing

Minnetonka Boatworks - Wayzata, MN

6/23/2014

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

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

Network Summary

Network wide Queuing Penalty: 4

Attachment A-2: June 2014 SubmittalsAM Peak
Projected

Minnetonka Boatworks - Wayzata, MN

6/24/2014

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

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

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

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

Total Network Performance

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

Attachment A-2: June 2014 SubmittalsAM Peak
Projected

Minnetonka Boatworks - Wayzata, MN

6/24/2014

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

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

Network Summary

Network wide Queuing Penalty: 1

Attachment A-2: June 2014 SubmittalsPM Peak
PROJECTED

Minnetonka Boatworks - Wayzata, MN

6/24/2014

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

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

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

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

Total Network Performance

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

Attachment A-2: June 2014 SubmittalsPM Peak
PROJECTED

Minnetonka Boatworks - Wayzata, MN

6/24/2014

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

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

Network Summary

Network wide Queuing Penalty: 10



Date: July 23rd, 2014

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

Re: Peak Water Usage GPM of Boatworks Building

Terry,

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

Sincerely,

Dustin Rasmussen
Legend Mechanical

Attachment A-2: June 2014 Submittals

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

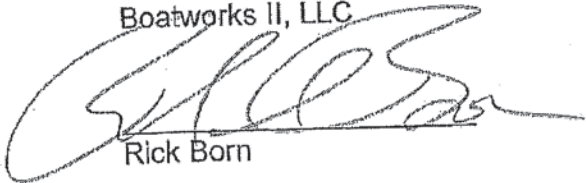
This Letter of Understanding between TCF National Bank (TCF) and Boatworks II, LLC (Boatworks) is to confirm the understanding between both parties and the usage of the TCF parking spaces at 200 Lake Street East for overflow valet parking of 6 Smith Restaurant and the proposed Wayzata Brew Works located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

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

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

The above is agreed to by:

Boatworks II, LLC

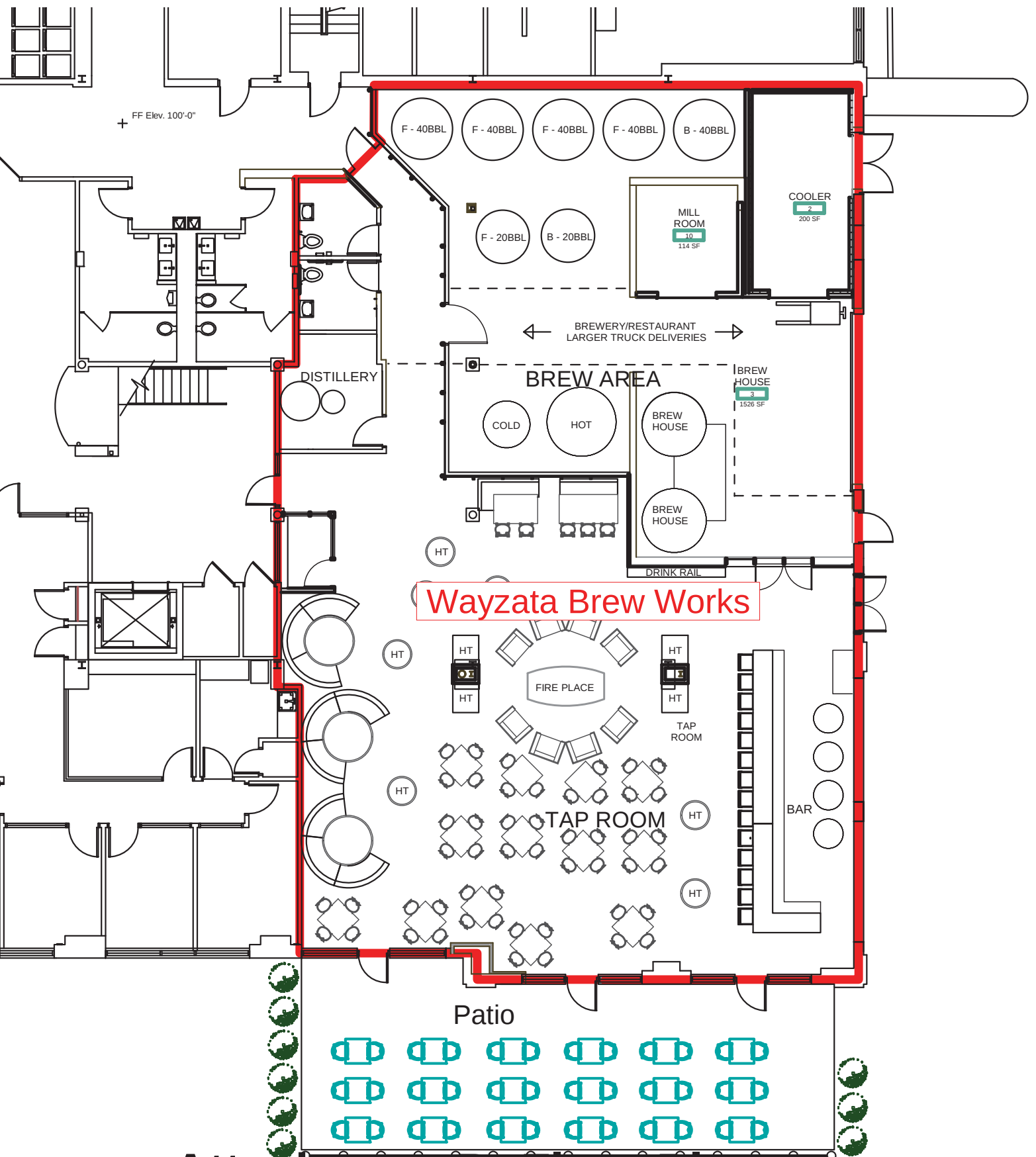

Rick Born

Date: 7/21/2014

TCF National Bank


Earl Stratton

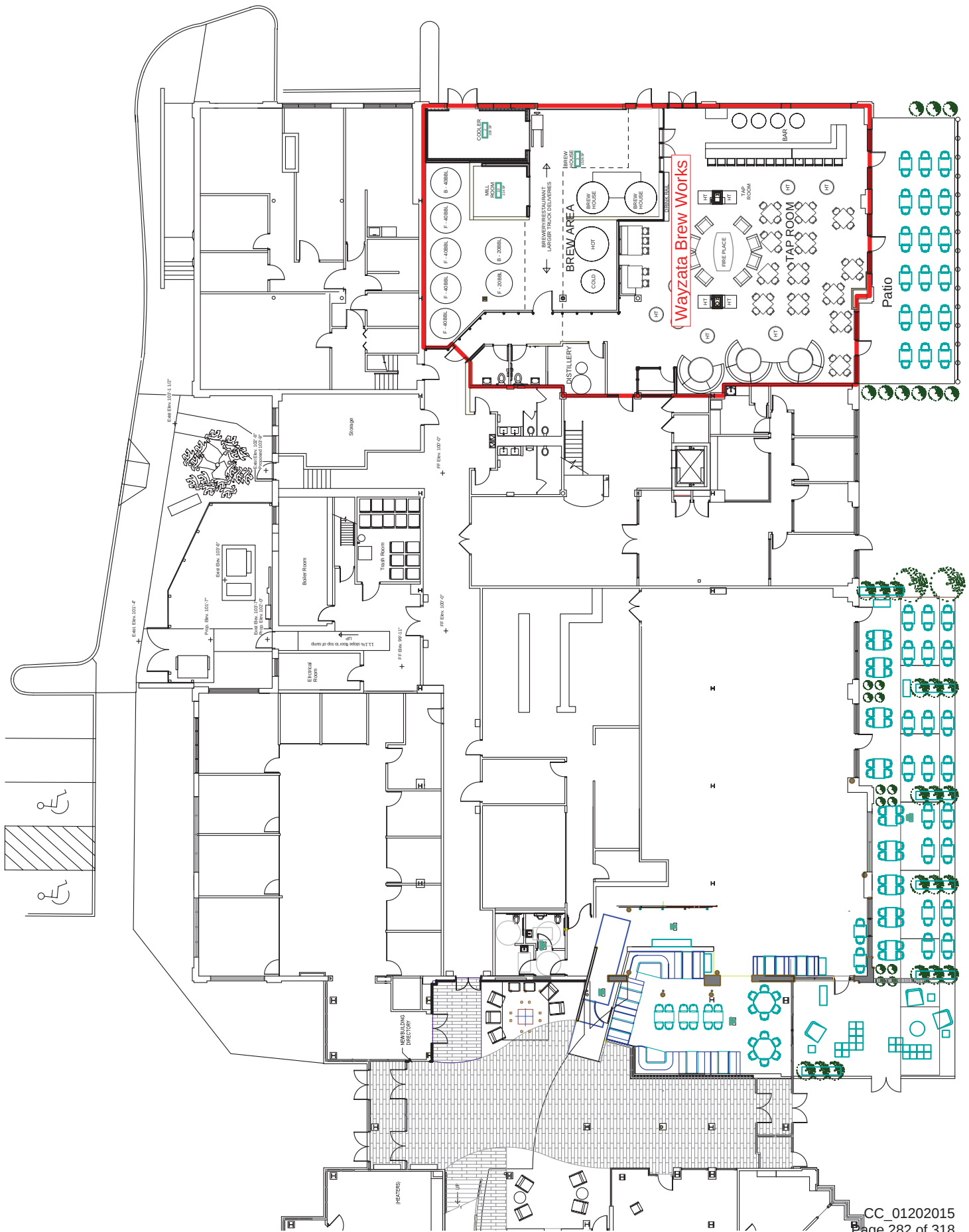
Date: 7/30/14



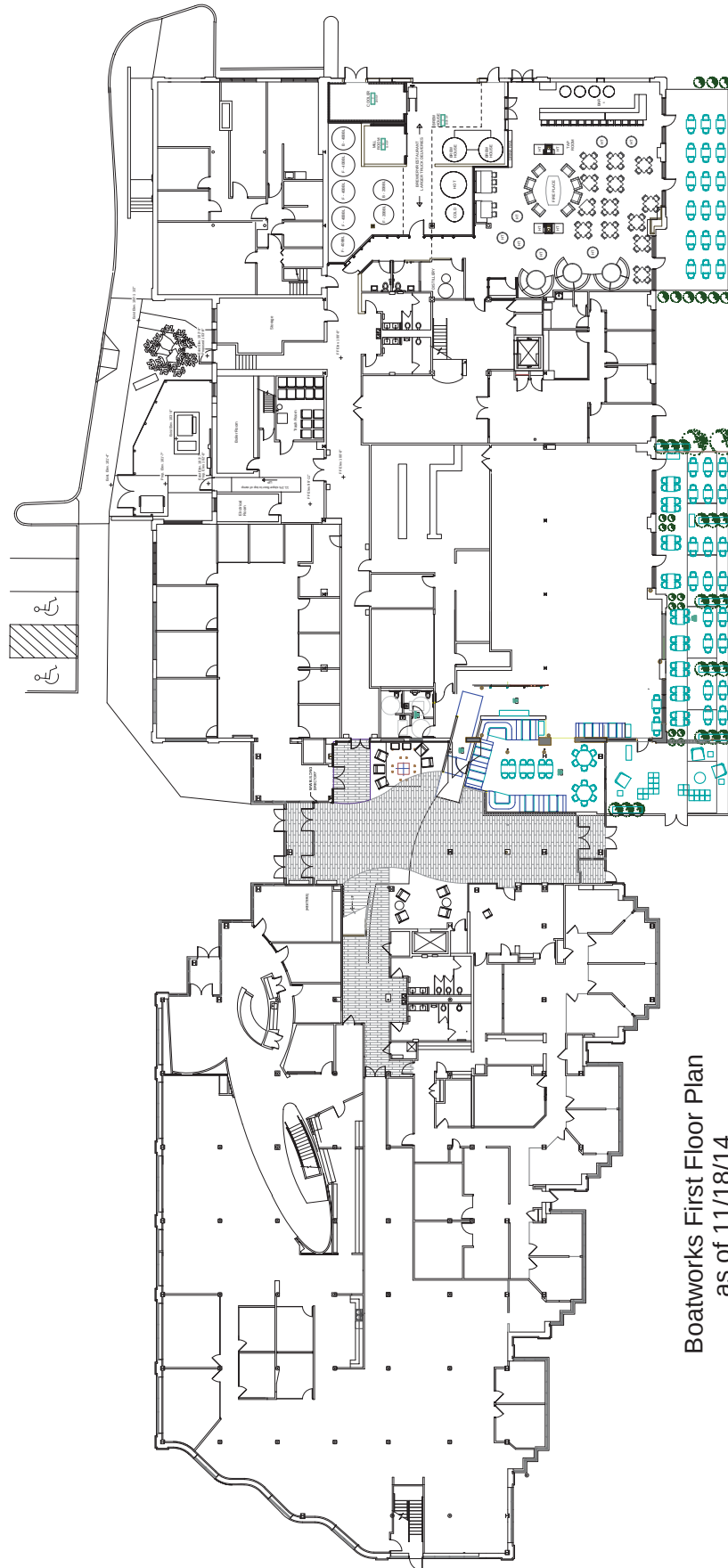
Attachment B: Floor Plans

Wayzata Brew Works

11/24/14



Boatworks East Wing - Wayzata Brew Works 11/24/14
Attachment B: Floor Plans



Boatworks First Floor Plan
as of 11/18/14

The site plan map illustrates various parking zones and facilities. Key features include:

- Parking Areas:** Labeled as "Original waterfront parking approx. 55 spaces", "AB new expanded lot for 60 cars", "90 new existing covered valet parking spaces", and "PARKING LOT".
- Boatworks and Depot:** The "BOATWORKS DEPOT" area is highlighted in red.
- Marina:** Includes "MARINA" and "BAY FOR MARINA" sections.
- Other Landmarks:** "LAKE MINNETONKA WATERSHED" is labeled at the top right. A "REGISTERED LAND SURVEY NO. 89" is also indicated.

A scale bar shows distances from 0 to 100 feet. A north arrow points towards the upper left corner of the map.

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

Parking in Beach/Boatworks area plus off site parking
Beach, Boatworks, Depot property 11/25/14

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
January 5, 2015

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

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

Present at roll call were Commissioners: Gonzalez, Ramy, Vanderheyden, Iverson and Gruber (7:02 p.m.). Commissioners absent and excused: Young, and Gnos. City Planner Gadow and City Attorney David Schelzel were also present.

Chair Gonzalez stated the minutes to be reviewed are from the December 15, 2014 meeting.

Commissioner Vanderheyden stated on page 8, line 23, "Grows" should be changed to "Grose," line 28 "Dollan" should be changed to "Dolan," and on page 15, line 28 should be clarified because he was asking a question regarding the options the Planning Commission had not making a recommendation.

Commissioner Vanderheyden made a motion, Seconded by Commissioner Ramy, to approve the December 15, 2014 meeting minutes as amended. The motion carried unanimously.

Chair Gonzalez welcomed new Planning Commission Member Commissioner Gruber.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

- a. **294 Grove Lane – Wayzata Brew Works LLC and Boatworks II LLC**
 - i. **Amendment to PUD/CUP to allow microbrewery and distillery operation.**
 - ii. **Conditional Use Permit to allow microbrewery and distillery operation.**

City Planner Gadow stated Boatworks II LLC and Wayzata Brew Works LLC have submitted an application for approval of an Amendment to an existing Planned Unit Development (PUD) Conditional Use Permit (CUP) and a new Conditional Use Permit to allow the operation of a microbrewery/distillery facility at 294 Grove Lane. The Applicant received approval for a similar application in August of 2014 and is requesting the same approvals for this application as previously granted. He reviewed the Staff reports and outlined the proposal including the site plan, elevations, and parking plan based on the new Ordinances.

Commissioner Ramy asked if the planning Commission would have to consider the potential future development at 259 Lake Street.

City Planner Gadow stated the proposed future development at 259 Lake Street would have to provide allowances for the Boatworks facility to have access to 85 parking spaces as part of a parking easement.

Commissioner Ramy asked for clarification regarding trash removal.

1
2 Mr. Robert Klick, Wayzata Brew Works LLC, 294 Grove Lane, Wayzata, explained the trash
3 would be located inside the facility and there would be a new pick up zone towards the front of
4 the building. They would bring the trash out for pickup on the designated days.

5
6 Mr. Terry Schneider, Project Developers, 15333 Boulder Creek Drive, Minnetonka, stated the
7 bulk of the trash is from 6Smith and in order to accommodate the trash containers they will be
8 stored in a small room located inside. The recycling would be handled similarly.

9
10 Commissioner Gruber asked if there were plans to produce anything beyond beer at this time.

11
12 Mr. Klick stated they had plans to do distilling for hard cider. They cannot sell distilled products
13 on site. They can only sell distilled products through a distributor. They chose to sell beer and
14 produce other products.

15
16 Commissioner Iverson asked what the plans were for employee parking.

17
18 Mr. Klick stated employee parking would be in front of the garage door and servers would have
19 to find parking were available.

20
21 Commissioner Iverson asked if there were concerns about the amount of bike parking currently
22 being used or if there has been discussion regarding designation of parking for each business.

23
24 City Planner Gadow stated they had talked with Three Rivers Park District to see if there would
25 be an opportunity to enhance some of the parking. They may have funds available to help
26 augment some of the parking but it would be more challenging to designate parking. There are
27 a few spaces designated for Three Rivers. The City would continue to monitor the parking and
28 work on finding ways to allow people to utilize the bike trails without impacting the parking for
29 the businesses.

30
31 Commissioner Gruber asked if safety would be a concern during the summer months because
32 there is heavy boat activity in the area where employees would be parking.

33
34 Mr. Klick stated this is a private slip that is owned by the Boatworks and they have been
35 working with them. The hours of operation for this are not the same as the hours proposed for
36 the Brew Works facility.

37
38 Commissioner Vanderheyden asked for clarification on the number of parking spaces in the
39 parking easement for 259 Lake Street.

40
41 City Planner Gadow clarified the number of spaces in this easement is 85.

42
43 Commissioner Vanderheyden clarified the City Council would render the decision regarding
44 special events.

1 City Planner Gadow stated the Planning Commission does not have to take action regarding
2 special events but is welcome to provide input for the City Council to consider.

3
4 Chair Gonzalez asked if a new license or permit would have to be applied for with each special
5 event.

6
7 City Planner Gadow stated typically the special event permits are on a case-by-case basis. The
8 City Council may request a list of special events they are proposing and approve those under one
9 permit. They have typically been done individually so if there are changes that need to be made
10 they City has that ability.

11
12 Chair Gonzalez asked if there were any landscaping plans for the east side of the facility.

13
14 Mr. Klick stated they would like to do something but they have nothing specific at this time.

15
16 Chair Gonzalez clarified the application does not trigger a design standard review and the
17 Commission is merely providing suggestions to the applicant.

18
19 Chair Gonzalez opened the public hearing at 7:31 p.m.

20
21 There being no public comment Chair Gonzalez closed the public hearing at 7:32 p.m.

22
23 Commissioner Iverson suggested a condition be added that required some sort of exterior
24 containers that provide some landscaping or some type of landscaping that would be year round.

25
26 City Attorney Schelzel suggested the Commission review the previous conditions of approval.

27
28 Chair Gonzalez stated Condition 4.1.B requires the Applicant to provide a flow analysis report
29 for the existing Lift Station. She asked if this condition had been satisfied.

30
31 City Planner Gadow stated the Public Works Department is still working on the flow analysis to
32 determine what it would cost to do the upgrades. The City expects to have an answer for the
33 applicant next week. He stated Condition 4.1.C has been met by the modification in the plan.
34 Condition 4.1.G has been satisfied because the City adopted the Zoning amendment and the
35 Liquor Ordinance amendment.

36
37 City Attorney Schelzel clarified the Planning Commission could proceed based on the findings
38 on record, removing those conditions that have been identified as no longer relevant and adding
39 any conditions. There is enough in the record that the Planning Commission could move
40 forward with a recommendation for adoption at this time.

41
42 Commissioner Gruber made a motion, Seconded by Commissioner Vanderheyden to recommend
43 approval of the application as submitted based on the Staff Report and the Planning Commission
44 Report and Recommendation from August 2014 and City Council Resolution 23-2014 which
45 includes the findings of fact and previous conditions of approval and striking those conditions

1 that have been satisfied and adding a condition that landscaping be added to the east façade of
2 the building. The motion carried unanimously.

3
4 City Planner Gadow stated this would be presented to the City Council at their January 20
5 meeting.

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

8
9 a. **Review and adoption of Planning Commission Report and Recommendation on**
10 **PUD and Associated Approvals for 236 and 240 Minnetonka Avenue and 519 Indian**
11 **Mound.**

12 Chair Gonzalez stated the vote for this application had been 4 to 3 and two of the people that had
13 voted in favor of the application are not at the meeting. She asked if this item should be
14 continued to the next meeting.

15
16 City Attorney Schelzel stated the Commission is not voting on the application at this time. The
17 Commission had acted on the Application during the previous meeting. The vote at this time
18 would be if the report presented reflects the action recommended by the Commission. Specific
19 concerns can be stated for the record.

20
21 Chair Gonzalez reviewed her concerns with the project including the restrictions the residents
22 put on the retail space.

23
24 Commissioner Vanderheyden stated on page 13, Item 5 under Common Open Space would be in
25 the northeast corner not the northwest.

26
27 Commissioner Ramy stated in Section 4.1, Item C should include seasonal screening of this
28 equipment.

29
30 Commissioner Vanderheyden stated the Commission had discussed this and the Applicant had
31 agreed to use similar material to match the exterior of the building.

32
33 City Planner Gadow stated this could be added at this time.

34
35 Commissioner Iverson stated the minutes do not reflect that she had suggested architectural
36 elements be added to the side of the building that faces the parking lot and she would like to be
37 sure the minutes reflect this suggestion. She offered the heated sidewalk as a suggestion not a
38 condition.

39
40 Commissioner Vanderheyden made a motion, Seconded by Chair Gonzalez to adopt the draft
41 Staff Report and Planning Commission Recommendation for approval of: the Concept/General
42 Plan PUD, Rezoning to PUD District, Concurrent Preliminary and Final Plat for Lot
43 Combination, Shoreland Conditional Use Permit, a Variance for Building Height in a PUD
44 District, a Conditional Use Permit for Elevator Penthouse and Stairs, Building Setback
45 Variances, project design review, and site plan review to include the corrections, changes, and
46 suggestions presented for 236 and 240 Minnetonka Avenue and 519 Indian Mound.

**CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 746

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

THE CITY OF WAYZATA ORDAINS:

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

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

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

Taproom (Brewery): An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery. A taproom may also include sale for off-premises consumption of malt liquor produced at the brewery location or adjacent taproom and owned by the brewery for off-premises consumption, packaged subject to Minnesota Statutes 340A.301, subdivision 7(b), or its successor.

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

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

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

Attachment F

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

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

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

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

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

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

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

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

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

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

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

Attachment F

Micro-production facility, provided that:

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

Attachment F

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

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

Adopted this 16th day of September, 2014.

Attachment F

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

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

DRAFT RESOLUTION NO. 08-2015

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

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

Section 1. BACKGROUND

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

The Applicant previously submitted and received approval for a similar application in August of 2014 (via Resolution 23-2014), but requested that the City rescind the approvals to allow the Applicants to make some modifications to their business plan and proposed layout of the space. The Micro-production Facility would utilize approximately 5,080 SF of the east wing of the Boatworks building, with 2,810 SF of brewing space, storage and support space, and 2,270 SF of taproom/bar space. In addition, the Micro-production Facility would also modify an existing lake side patio. The Micro-production Facility proposal would replace 3,183 SF of general office space within the building.

- 1.2 Application Requests. As part of the Application, the Applicant is requesting approval of the following items:
- A. Amendment to existing PUD under Section 801.33.9 to allow a Micro-production Facility at 294 Grove Lane (the “PUD Amendment”)
 - B. Conditional Use Permit under Section 801.77.5 to allow micro-brewery, taproom, distillery and tasting room operations (collectively, the “Micro-production Facility CUP”)
 - C. Site Plan approval under Section 801.22 (the “Site Plan”)
- 1.3 Legal Description. The address, property identification number and owners of the property included in the Application (collectively, the “Property”) are:

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

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

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

- 1.5 PUD Agreement. The Property is encumbered by a PUD Development Agreement that was entered into in 1997 between a previous owner of the Property and the City, which requires an amendment to allow the proposed expansion Project. The 1997 PUD Development Agreement was subsequently amended in 2002 and 2005.
- 1.6 Notice. Notice of a public hearing on the Application at the January 5, 2015 Planning Commission Meeting was published in the *Sun Sailor* on December 25, 2014. A copy of the notice was mailed to all property owners located within 350 feet of the Property on December 18, 2014.
- 1.7 Planning Commission Action. The Planning Commission reviewed the Application and held a Public Hearing on January 5, 2015. The Commission was supportive of the Application and recommended approval to the City Council, with conditions, by a vote of five (5) in favor and zero (0) opposed.

Section 2. STANDARDS

2.1 PUD Amendment.

- A. Application for Amendment. Any deviation or modification from the terms or conditions of an approved PUD permit or any alteration in a project for which a PUD permit has been approved shall require an amendment of the original permit.
- B. Public Hearing; Action by the Planning Commission and City Council. The same public hearing and review procedure by the Planning Commission and City Council shall be followed for an amendment of a PUD permit as is followed with respect to an application for approval of a PUD Concept Plan, as outlined in Section 801.33.5 and 801.33.6 of the Zoning Ordinance. The affirmative majority vote (3 of 5) of the City Council shall be required for approval of an amendment of a PUD permit.
- C. Council Discretion. If the Council determines that the proposed PUD project will not be detrimental to the health, safety and welfare

of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the Zoning Ordinance, it may approve the PUD, although it shall not be required to do so. Section 801.33.2.A.

- D. Intent and Purpose of PUDs. The PUD process, outlined in Section 801.33 of the Zoning Ordinance, allows deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., for the purpose of encouraging:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- E. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:

1. Health Safety and Welfare; Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance.
2. Ownership. Applicant/s must own all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the

total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

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

from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 Conditional Use for Micro-production Facilities. Micro-production Facilities are a conditional use in the C-3 Service Commercial District provided that:

- A. Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); winery license; and/or a distiller's license from the State of Minnesota, according to Minnesota Statutes Section 340A.
- B. Taproom/Tasting Room License. An accessory taproom or tasting room for the on-sale of beer, wine, or spirits produced on-site shall require a taproom/tasting room license from the City of Wayzata, according to City Code Section 524.02.
- C. Off-sale. On-site sale of beer in the form of growlers shall require a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02. On-site sale of wine or spirits, other than samples as governed under Minnesota State Statutes, shall be prohibited.
- D. Production of Beer. Total production of malt liquor shall not exceed 5,000 barrels annually. Micro-production Facilities with a taproom license shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. Any micro-production facility operating as a brewery shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
- E. Production of Wine. Total production of wine shall not exceed 50,000 gallons annually. Any micro-production facility operating as a winery shall annually submit production reports to the City with the request to renew a tasting room or winery license.
- F. Production of Spirits. Total production of spirits shall not exceed 40,000 proof gallons annually. Any micro-production facility operating as a distillery shall annually submit production reports to the City with the request to renew a tasting room or distillery license.

- G. Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public rights of ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- H. Outdoor Storage. No outdoor storage is permitted on the site, with the exception that waste handling (refuse and/or recycling) may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
- I. Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- J. Waste. Waste products shall be disposed of in a timely manner and in such a way to reduce odors.
- K. Exterior Lighting. All exterior lighting shall be designed in such a way as to have no direction source of light visible from adjacent property, and shall comply with the requirements of Section 801.16.6 of the Wayzata Zoning Ordinance.
- L. Parking. Parking supply shall be provided on-site or through off-site arrangement, to avoid street parking on residential streets. Off-site or reduced parking supply shall require separate approval per the requirements of Section 801.20 of the Wayzata Zoning Ordinance, as applicable.
- M. Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited the City Council as part of a Conditional Use Permit.
- N. Other Provisions. A micro-production facility shall meet all other applicable performance standards and design requirements in the Wayzata Zoning Ordinance. The provisions of Section 801.04.2.F of the Wayzata Zoning Ordinance, listed below, pertaining to Conditional Use Permit criteria, are considered and satisfactorily met:

1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
2. The proposed use's compatibility with present and future uses of the area.
3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
4. The proposed use's effect on the area in which it is proposed.
5. The proposed use's impact upon property values in the area in which it is developed.
6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
7. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.3 Site Plan.

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

Section 3. FINDINGS

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

3.1 PUD Amendment.

- A. Health, Safety and Welfare; Intent and Purpose of PUDs. The PUD Amendment (resulting in the “Amended PUD”) conforms with the overall intent and purpose of a PUD as outlined in Section 33 of the Zoning Ordinance. The Planning Commission was generally supportive of the Project, given that it is an innovative use that would add commercial activity to the west end of Lake Street. The main concerns of the Planning Commission with the Amended PUD centered on traffic impacts and public utility systems being appropriately sized to handle the Project. The conditions recommended for approval are intended to address these concerns.
- B. General Standards. The Amended PUD, as presented, satisfies all of the fourteen (14) general standards listed in Section 801.33.2.A and in Section 2.1 of this Resolution. The following standards are met:
1. Application Complete. The Application contains all of the information and materials required by or requested pursuant to Section 801.33.5.C.
 2. Ownership. All of the property to be included in the Amended PUD is owned by Applicant.
 3. Comprehensive Plan. The proposed Amended PUD conforms with the applicable guidance of, and is consistent with the goals of the Comprehensive Plan.
 4. Common Space. The Amended PUD would provide sufficient common private or public open space and facilities.
 5. Landscaping. Landscaping in the Amended PUD would be according to a detailed plan approved by the City Council.
 6. Health, Safety, and Welfare. Provided the recommended conditions of approval are met, the Amended PUD would not have a negative effect on the welfare of residents of the community and the surrounding area.
- C. PUD Agreement. A 1997 PUD Development Agreement (subsequently amended in 2002 and 2005) encumbers the Property. As a condition of approval, the Applicant must receive City Council approval to amend the PUD Agreement in order for the Project to be constructed.

- 3.2 Conditional Use for Micro-production Facilities. The use proposed in the Application conforms with the applicable requirements of the Wayzata Zoning Ordinance for a Micro-production Facility CUP.
- A. Licensing. The Applicant, as a condition of approval, must qualify for, receive, and maintain all federal and state and city licenses necessary for the operation of the Micro-production Facility according to Minnesota Statutes Section 340A.
 - B. Taproom License. The Applicant, as a condition of approval, must qualify for and receive a taproom room license from the City of Wayzata, according to City Code Section 524.02.
 - C. Off-sale. The Applicant, as a condition of approval, must qualify for and receive a Brewery License for Off-Sale of Malt Liquor, according to City Code Section 524.02.
 - D. Production of Beer. As a condition of approval, total production of malt liquor at the Micro-production Facility shall not exceed 3,500 barrels annually, and only 500 barrels may be sold off-sale as growlers. The Applicant, as a condition of approval, shall annually submit production reports to the City with the request to renew a brewery taproom or off-sale malt liquor license.
 - E. Off-street Loading. The Project provides for adequate space for off-street loading and unloading of all trucks greater than twenty two (22) feet in length.
 - F. Outdoor Storage. The Project provides for no outdoor storage on the site, with the exception that recycling handling may occur in an enclosure that is fully screened from adjoining streets and residentially zoned properties.
 - G. Odors. As a condition of approval, no odors from the Micro-production Facility may be perceptible beyond the property line of the Property, and the Micro-production Facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
 - H. Waste. As a condition of approval, waste products must be disposed of in a timely manner and in such a way to reduce odors.
 - I. Exterior Lighting. All exterior lighting for the Project has been designed in such a way as to have no direction source of light

visible from adjacent property, and the lighting complies with the requirements of Section 801.16.6 of the Wayzata Zoning Ordinance.

- J. Parking. Parking supply for the Project shall be provided on-site and through off-site arrangement, to avoid street parking on residential streets.
- K. Hours of Operation. The hours of operation for the Micro-production Facility operation shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.
- L. Other Provisions. The provisions of Section 801.04.2.F of the Wayzata Zoning Ordinance, pertaining to Conditional Use Permit criteria, are have been considered and satisfactorily met by the Applicant.
 - 1. The Project does not contravene the policies and provisions of the Comprehensive Plan.
 - 2. The Project is compatible with the present and future uses of the area.
 - 3. The Project conforms with all required performance standards in the Ordinance.
 - 4. The Project would not have a negative impact on the area.
 - 5. The Project would not have an impact on adjacent property values.
 - 6. The Project would not have a significant negative impact on traffic. The Applicant has provided a traffic study reviewing the anticipated parking impacts and a plan for addressing overflow parking needs.
 - 7. The Project would not impact public services. As a condition of approval, the Applicant will be required to coordinate and contribute financially to any upgrades to the existing Lift Station #5 with the Utility Superintendent.

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

Section 4. CITY COUNCIL ACTION

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

- 4.1 PUD Amendment. The request for approval of the PUD Amendment, as set forth in the Application, is **APPROVED**, subject to the following conditions (failure

to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):

- A. The Applicant agree to an amendment to the existing development agreement, as amended, for the Property and PUD, ("Development Agreement Amendment") binding it and all future owners of the Property, addressing matters related to the Project, in form and content acceptable to City Staff and the City Attorney, as directed by the City Council, setting forth the approvals granted herein and all applicable conditions.
- B. The Applicant shall provide and maintain at its sole expense any infrastructure improvements that City Staff determines are necessary to ensure that the stormwater sewer system for the Property has the capacity to support the Project.
- C. The Applicant records the Development Agreement Amendment with the appropriate officials at Hennepin County and provides the City with a recorded copy thereof.
- D. The Applicant constructs the Project in accordance with the submitted plan set, as described in Attachment A.
- E. All expenses of the City of Wayzata related to the review of the Application and Project, including consultant, expert, legal, and planning fees incurred, be fully reimbursed by the Applicant.

4.2 Micro-production Facility CUP. The request for a conditional use permit for a Micro-production facility, as set forth in the Application, is hereby **APPROVED** subject to the following conditions (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):

- A. The PUD Amendment being approved and effective.
- B. The Applicant and/or future owner/operator must apply for and receive all federal, state licenses necessary for the operation of the Micro-production Facility, according to Minnesota Statutes Section 340A. Prior to commencing operation of the Micro-production Facility, the Applicant and/or future owner/operator must provide the City with copies of such approvals.
- C. Prior to commencing operations, the Applicant and/or future owner/operator must apply for and receive any city licenses necessary for operation of the Micro-production Facility, including those under Chapter 524 of the City Code, and the Applicant and/or future owner/operator must abide by all conditions and requirements established by those licenses.

4.3 Site Plan. The request for approval of the Site Plan, as set forth in the Application, is hereby **APPROVED** subject to the following conditions (failure to comply with any one of the conditions of approval shall result in the revocation of the approval conditioned thereby):

- A. The PUD Amendment being approved and effective.
- B. That prior to the issuance of any building permits for the Property, the approved Site Plan must be reviewed by City Staff to ensure conformance with the approved PUD Plan.
- C. The Applicant must add additional year round landscaping to the exterior of the east façade of the building.

Adopted by the Wayzata City Council this _____ day of January, 2015.

Mayor Ken Willcox

ATTEST:

City Manager Heidi Nelson

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

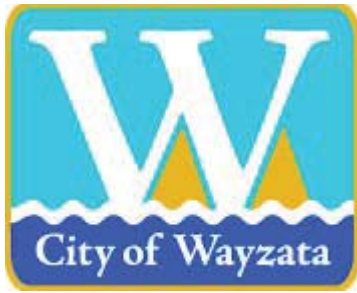
Absent:

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 _____, 2015.

Becky Malone, Deputy City Clerk
SEAL

Attachment A
Applicant Submittals



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

MEMORANDUM

TO: Mayor Willcox and Councilmembers

FROM: Heidi Nelson, City Manager

DATE: January 15, 2015

RE: Consider 2015 Legislative Priorities

Lake Effect. At the end of the 2014 legislative session, the City of Wayzata began discussions with our local legislative representatives regarding funding for the Lake Effect. The funding request focused on improvements at the Central Lakefront, addressing improved access to Lake Minnetonka and safety at the railroad crossings. The legislative request summary is attached for Council review. Staff is seeking direction from the Council with regard to continued discussions with our legislative representatives in pursuing funding. It is likely a request would be considered as part of a 2016 bonding bill process.

Sunday Liquor. The issue of Sunday liquor sales has been a perennial issue at the legislature that seems likely to receive serious consideration this session. Both the MMBA and the MLBA (liquor industry associations) have spoken against the expansion to Sunday sales, primarily focused on the perspective that 6 days of sales will be stretched to 7 days of operating expenses. Given the changes in the liquor industry and increased competitive nature in the metro area, staff feels that this change may be inevitable and is planning for this change in the marketplace. Staff is seeking any feedback the Council may have regarding the issue of Sunday liquor sales.

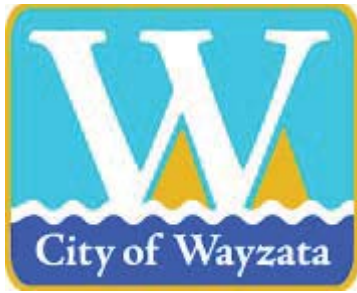
CITY OF WAYZATA BONDING REQUEST -2014

In July of 2012, the City of Wayzata embarked on an 18-month community engagement and design process to create an enhancement plan for the city's beloved lakefront. Building on the work of a City Council-established Lakefront Taskforce, the Wayzata Lake Effect project gathered input from the community to develop a 10-year plan for the lakefront. As a result of that process, on March 18, 2014, the Wayzata City Council adopted the Lake Effect Design Framework. The full report can be viewed at www.wayzatalakeeffect.com

Additionally, the City of Wayzata has been engaged in a community discussion regarding the establishment of a Lake Minnetonka Scenic Byway. The scenic byway designation would provide the opportunity for communities around the lake to highlight their significant natural, historical and cultural amenities and events. The scenic byway would guide visitors around the lake to experience the regional amenity, Lake Minnetonka. Wayzata's lakefront – The Gateway to Lake Minnetonka – represents a significant provision of public space to experience the lakefront and amenities of Wayzata.

One of the most critical components of the Lake Effect Design Framework is improving the safety and accessibility of the connection to the lake across the Burlington Northern Sante Fe Railroad and creating an opportunity for the public to experience Lake Minnetonka at the water's edge. Currently, visitors and residents cross at difficult crossings that raise public safety concerns and often visitors choose to walk on the tracks due to their proximity to the lake. The Lake Effect Design Framework includes cost estimates for these components of the plan, they are:

Broadway Ave Crossing Improvements to Pier and Lake Walk	\$275,000
Barry Avenue Crossing Improvements to Depot	\$275,000
Lake Walk – Broadway Ave to Historical Depot	\$3,675,000
<u>Broadway Pier</u>	<u>\$1,000,000</u>
Total Request	\$5,225,000



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

MEMORANDUM

TO: Mayor Willcox and Councilmembers

FROM: Heidi Nelson, City Manager

DATE: January 15, 2015

RE: 2015 Appointments and Assignments for Council Liaison on Boards and Commissions

At the January 6, 2015 City Council Meeting, the Council agreed to postpone consideration of the appointments of the Council Liaison positions for boards and commissions. A resolution for consideration is attached to this memo.

Council will recall that this past spring, staff brought forward a draft policy to define the role of the Council liaison. The policy was not adopted and is attached for Council information. At that time, staff had also discussed that Council consider moving away from the Council liaison format and create a process for communication between the various board chairs and members and the Council, such as an annual report provided to the Council and/or a joint workshop to discuss the work of the board/commission. Staff continues to support a model of governance that allows for the independent functioning of the board/commission within their scope of duty with a reporting/recommending structure to the Council.

CITY OF WAYZATA

RESOLUTION NO. 05-2015

**A RESOLUTION DESIGNATING
ADDITIONAL CITY APPOINTMENTS AND ASSIGNMENTS FOR 2015
TO INCLUDE COUNCIL LIAISON POSITIONS FOR BOARDS AND COMMISSIONS**

WHEREAS, On January 6, 2015, the City Council adopted Resolution No. 01-2015 designating the City appointments and assignments for 2015; and

WHEREAS, it is the desire of the City Council that City Council members serve as liaisons on some Boards and Commissions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the following appointments are approved for 2015:

	Council Liaison on Communications Board (Term for Anderson to expire on 12/31/2015, other Council member 12/31/2016)
	Council Liaison on Parks and Trails Board (Term expires on _____)
	Council Liaison on Volunteer Committee (Term expires on _____)

Adopted by the City Council of the City of Wayzata this 20th day of January, 2015.

Ken Willcox, Mayor

Attest: _____
Heidi Nelson, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution:

I hereby certify that the foregoing is a true and correct copy of Resolution No. 05-2015 adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 20, 2015.

Becky Malone, Deputy City Clerk

SEAL

CITY OF WAYZATA
POLICY FOR
CITY COUNCIL LIAISON TO A BOARD OR COMMISSION

Purpose: The City of Wayzata recognizes and appreciates the valuable service and contribution Board and Commission members make to the community in advising the city council with regard to redevelopment and land use, park and trail amenities, historical assets, and city communications. In an effort to support and stay apprised of the work of the Boards and Commissions, the City Council may appoint a member of Council to serve as Liaison to the Board or Commission.

Role of Council Liaison: The role of the Council Liaison for regular and special meetings of a Board or Commission shall be that of an observer, with the responsibility to observe and report to the City Council on a regular basis the work of the Board or Commission. The Council liaison may provide an update on the work of the Council pertinent to the work of the Board or Commission as part of the regular agenda of the Board or Commission. Staff direction provided at the Board/Commission meetings shall be provided from the Chair of the Board or Commission to the City Manager or staff representative.