



Wayzata Planning Commission

Meeting Agenda

Monday, February 6, 2017

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

- 7:00 p.m.**
- 1. Call to Order & Roll Call**
 - 2. Approval of Agenda**
 - 3. Approval of Minutes**
 - a. January 4, 2017
 - b. January 18, 2017
 - 4. Old Business Items:**
 - a. Wayzata Blu – 259, 269 and 275 Lake St E and 339 Barry Ave Rezoning, PUD Concept Plans
 - 5. Public Hearing Items:**
 - a. Gardner Place – 350 Gardner St E Preliminary Plat Subdivision, Variances
 - b. Telecommunications Tower – 149 Barry Ave N Conditional Use Permit, Variances
 - 6. Other Items:**
 - a. Review of Development Activities
 - b. Next Meeting is February 27, 2017
 - 7. Adjournment**

NOTES:

¹ Members of the Planning Commission and some staff may gather at the Wayzata Bar and Grill immediately after the meeting for a purely social event. All members of the public are welcome.

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JANUARY 4, 2017

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Iverson, Murray, and Flannigan. Absent: Commissioner Buchanan. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Director of Planning and Building Thomson stated the posted agenda had been amended prior to the meeting to include the election of a Chair and a Vice Chair for 2017, as new agenda item 6b.

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the January 4, 2017 meeting agenda as amended. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) None.

AGENDA ITEM 4. Old Business Items:

- a.) **Blue Water Theatre Company – 605 Rice Street E**
i. **Conditional Use Permit**

Director of Planning and Building Thomson reviewed the application of Blue Water Theatre Company and Unitarian Universalist Church of Minnetonka to change the use of the existing church building at 605 Rice Street E. Blue Water, a non-profit theater organization, has an agreement with the church to purchase the property and Blue Water would use the existing building and site as a community theater. Mr. Thomson stated that the proposal requires a Conditional Use Permit. The Planning Commission reviewed the development application and held a public hearing at its meeting on December 19, 2016. After the hearing and discussion, the Planning Commission directed staff to prepare a draft Planning Commission Report and Recommendation of approval of the development application with certain conditions. The Planning Commission also requested additional information regarding how the traffic pattern for pick-up and drop-off would be managed, and how on-street parking would be regulated to mitigate adverse impacts on surrounding properties and public streets. Mr. Thomson updated the Commission that the applicant has stated that they would use the side door along Walker Avenue

1 as the main entrance to the building, and would like to have the pick-up and drop-off area along
2 the east side of Walker Avenue. City staff has reviewed the existing on-street parking
3 regulations and the proposed use. Staff is recommending that the east side of Walker Avenue
4 from Wayzata Boulevard to Rice Street be posted for no parking. This would allow for on-street
5 parking only along the west side of Walker Avenue, and would maintain two driving lanes for
6 through traffic. Staff thinks that the pick-up and drop-off can then occur on the east side of
7 Walker Avenue, adjacent to the subject property, while minimizing impacts to traffic and access
8 on Walker. The Council will be considering a resolution which would post the east side of
9 Walker Avenue for no parking at the same time that they review the Blue Water development
10 application. In addition, as a recommended condition of approval, the applicant would be
11 required to submit an event management plan that would be reviewed annually by the City.

12
13 Commissioner Gruber asked if the City had considered posting both sides of Walker Avenue as
14 no parking.

15
16 Mr. Thomson stated staff had reviewed this option, but concluded that this would significantly
17 reduce the amount of on-street parking available for Blue Water and the residences on Walker
18 Avenue. In addition, parking is not currently allowed on Rice Street from Walker to Minnetonka
19 Avenue, and therefore posting Walker Avenue for no parking on both sides would significantly
20 impact adjacent residences.

21
22 Mr. Thomson reviewed the conditions of approval included in the draft Report and
23 Recommendation.

24
25 Commissioner Gonzalez clarified that the noise study included as a condition of approval would
26 only be required if there are valid complaints from the adjacent neighborhoods.

27
28 Mr. Thomson agreed and stated that a noise study would be required after it has been determined
29 by the City that there is a potential violation of the City's noise regulations.

30
31 Commissioner Flannigan suggested changing the condition of approval related to the maximum
32 number of seats to the maximum number of attendees.

33
34 City Attorney Schelzel asked what the maximum occupancy for the building would be under the
35 Fire Code.

36
37 Mr. Thomson stated that the state building code would establish a maximum occupancy for the
38 building, which would be set prior to the time the building is occupied by Blue Water.

39
40 Commissioner Gonzalez stated the City's minimum parking requirements are based on the
41 number of seats available, not the amount of people that could be standing in the facility.

42
43 Mr. Thomson stated for churches, auditoriums, and theaters, the parking is calculated on the
44 number of permanent seats.

1 City Attorney Schelzel stated the number of seats is something that could be easily measured,
2 while the number of attendees and occupants of the building could change with each
3 performance, which could make enforcement more difficult.

4
5 Commissioner Young stated setting a maximum number of seats would tie into the parking
6 requirements that the City has, and the number of attendees would be addressed by the
7 occupancy limit established by the Fire Marshal. He does not believe the City would have to set
8 limits beyond what the building code occupancy limits would be.

9
10 Commissioner Gonzalez suggested changing the condition of approval related to maximum
11 number of seats to a limit of 125 seats based on the approval of the Fire Marshall.

12
13 City Attorney Schelzel stated language requiring Fire Marshall approval of seats would not be
14 necessary.

15
16 Commissioner Flannigan asked if there has been an inventory of the number of on-street parking
17 stalls in the area. Mr. Thomson stated that the City does not have that information, but it was
18 estimated that approximately seven to eight stalls would be impacted by posting the east side of
19 Walker Avenue for no parking.

20
21 Chair Iverson asked if there would be any outdoor events.

22
23 Mr. Charlie Leonard, Blue Water Theatre Company, stated the parcel was not large enough to
24 hold an outdoor event.

25
26 Commissioner Gonzalez made a motion, Seconded by Commissioner Murray, to adopt the
27 Planning Commission Report and Recommendation of Approval of the Conditional Use Permit
28 for Community Youth Theater at 605 Rice Street East as presented, with an amendment to
29 proposed Condition E of the Report that the number of seats is limited to 125. The motion
30 carried; 5-ayes and 1-abstain (Iverson, noting her absence at last meeting).

31
32 **AGENDA ITEM 5. Public Hearing Items:**

33
34 **a.) None**

35
36 **AGENDA ITEM 6. Other Items:**

37
38 **a.) Review of Development Activities**

39
40 Director of Planning and Building Thomson stated the next meeting of the Commission is
41 scheduled to include the Gardner Place subdivision, a PUD concept plan review for Wayzata
42 Blu, and in February the Planning Commission is scheduled to review the City's application for a
43 new telecommunication tower on the middle school property. Mr. Thomson stated that the City
44 Council approved the Meyer Place application at its last meeting.

45
46 **b.) Election of Chair and Vice Chair**

1
2 Director of Planning and Building Thomson explained that the Planning Commission's Bylaws
3 state that the Planning Commission officers are to be elected at the first meeting of the
4 Commission in January or as soon as practical after that date.

5
6 Commissioner Gonzalez stated she would not want to be considered for either position.

7
8 Commissioner Gruber asked if Commissioner Iverson was interested in continuing as Chair.

9
10 Chair Iverson stated she would be interested, and that Commissioner Young is also interested.

11
12 Commissioner Young stated he would also be interested in the Chair position because he wants
13 to serve on the Commission in a greater leadership capacity. He currently has the time, and will
14 not be traveling as much as he has in the past year. The three things that he would like to see the
15 Commission complete in the next year include a tighter link to the strategic intensions of the City
16 Council, streamlining the Commission's processes and procedures, and streamlining meeting
17 management.

18
19 Commissioner Gonzalez stated it is not the Commission's role to make it easy for developers to
20 work within the City. It is the Commission's role to make sure that applications are complete
21 and meet the City's codes and regulations for the City Council.

22
23 Commissioner Young agreed with Commissioner Gonzalez.

24
25 Commissioner Young added that he thought that the Planning Commission should consider using
26 a consent agenda to review and take action on old business items that have been thoroughly
27 discussed by the Commission already.

28
29 Chair Iverson stated the Commission rarely has full attendance, and she does not believe that
30 items could be placed on a consent agenda when there are Commissioners who may not have
31 been present for the initial discussion of the item. She does not want the Commission to not
32 have open discussions on all applications.

33
34 Commissioner Flannigan stated that he thought there should be more discussion by the Planning
35 Commission regarding the process of reviewing and adopting Report and Recommendations that
36 come back to the Commission from staff.

37
38 Commissioner Murray stated that often the same discussions are being done for applications
39 when the Commission first reviews it, and then again when they review and adopt the Report and
40 Recommendation.

41
42 Commissioner Gruber stated there are opportunities to streamline the process.

43
44 Chair Iverson stated that this could be a topic added to the 2017 work plan for the Commission.

1 Commissioner Gonzalez stated the Planning Commission should also be notified when a
2 developer is presenting to the City Council during a workshop.

3
4 Commissioner Flannigan asked if Commissioner Gruber was interested in serving as Vice Chair
5 again.

6
7 Commissioner Gruber stated she was not actively seeking the position but would serve if that's
8 what the Commission wanted.

9
10 Commissioner Gonzalez nominated Commissioner Gruber for Vice Chair.

11
12 Commissioner Gruber declined the nomination.

13
14 Commissioner Gonzalez withdrew the nomination of Commissioner Gruber and nominated
15 Commissioner Flannigan for the Vice Chair position.

16
17 Commissioner Flannigan declined the nomination. He nominated Commissioner Young for the
18 Vice Chair position.

19
20 Commissioner Young accepted the nomination for Vice Chair.

21
22 City Attorney Schelzel suggested voting for the Chair position first, since there are two
23 Commissioners that have expressed interest in serving as Chair.

24
25 Commissioner Gonzalez made a motion, seconded by Commissioner Gruber, to elect
26 Commissioner Iverson to the Chair position for 2017.

27
28 Commissioner Flannigan asked if Commissioner Young would still want to be nominated for
29 Chair.

30
31 Commissioner Young said he would withdraw his interest in the Chair position and instead
32 accept the previous nomination for Vice Chair.

33
34 The motion to elect Commissioner Iverson to the Chair position for 2017 was called for a vote.
35 The motion carried unanimously.

36
37 Commissioner Flannigan made a motion, seconded by Commissioner Murray, to elect
38 Commissioner Young to the Vice Chair position for 2017. The motion passed; 5 ayes and 1 nay
39 (Gonzalez).

40
41 **c.) Next Meeting is January 18, 2017**

42
43 Mr. Thomson stated there would be a workshop meeting before the next Planning Commission
44 meeting for orientation and training of the new Commissioner, and all Commissioners are
45 welcome and encouraged to attend.

1 **AGENDA ITEM 7. Adjournment.**

2
3 Commissioner Flannigan made a motion, seconded by Commissioner Murray, to adjourn the
4 meeting of the Planning Commission. The motion carried unanimously.

5
6 The Planning Commission meeting was adjourned at 7:54 p.m.

7
8 Respectfully submitted,

9
10 Tina Borg

11 *TimeSaver Off Site Secretarial, Inc.*

DRAFT

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JANUARY 18, 2017

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Iverson, Murray and Buchanan. Absent: Commissioner Flannigan. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Young made a motion, Seconded by Commissioner Gruber, to approve the January 18, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of December 19, 2016 Planning Commission Minutes

Commissioner Gonzalez stated on page 8, line 8 of the draft minutes, the word “use” should be changed to “used”, and on line 9 “to see these begin again and for” should be struck. She said that she had stated that if there was a workshop with the City Council that included a future development, then the Planning Commission should be notified so they could attend.

Commissioner Murray made a motion, Seconded by Commissioner Gonzalez, to approve the December 19, 2016 Planning Commission Minutes as amended by Commissioner Gonzalez. The motion carried unanimously.

AGENDA ITEM 4. Old Business Items:

a.) None.

AGENDA ITEM 5. Public Hearing Items:

a.) Wayzata Blu – 259, 269, and 275 Lake St E and 339 Barry Ave S
i. Rezoning, PUD Concept Plans

Director of Planning and Building Thomson stated the applicant, Gatehouse Properties, has submitted a development application to develop the properties located at 259, 269, 275 Lake

1 Street E and 339 Barry Ave S. The project includes demolition of the existing commercial
2 buildings and construction of a 3-story mixed use building consisting of ground level office and
3 17 residential condominiums. As part of the development application, the applicant is requesting
4 approval of rezoning from C-4A to PUD/Planned Unit Development and approval of a PUD
5 Concept Plan of Development. The applicant is requesting PUD concept plan review prior to
6 submitting an application for a PUD general plan of development and design review. The
7 proposed building would include 34 enclosed parking spaces within the first floor, which would
8 be dedicated to the 17 residential units. There is an existing parking easement on the 259 Lake
9 St E property which benefits the Boatworks property by allowing them to use 85 parking stalls
10 for valet and employee parking. The Applicant is proposing to construct a defined parking lot
11 which would include a total of 85 parking stalls. There are nine on-street parking stalls on Barry
12 Avenue. As part of the development agreement, the Applicant is proposing that the nine parking
13 stalls be removed to allow for a continuous 12-foot sidewalk along the west side of Barry
14 Avenue. In conjunction with the removal of the parking stalls, the applicant is requesting that
15 the City terminate the existing easement over the 339 Barry Ave S property. The application
16 includes rezoning to PUD which would allow for a taller building than is permitted in the C-4A
17 zoning district, and the proposed building would contain residential and office uses on the first
18 floor, which would not meet the Lake Street retail and service commercial requirements of the
19 current C-4A zoning district. The proposed PUD would meet the residential area requirements
20 of the R-5 zoning district. If the City approves the PUD concept plans, it does not bind the City
21 to subsequent approval of the general plans.

22
23 Commissioner Gonzalez stated there are wetlands located on two of the properties. She asked if
24 this has been reviewed or delineated because the proposed parking stalls are close to these
25 wetlands.

26
27 Mr. Thomson stated there are wetlands on the back of the property. The wetland area has not
28 been delineated at this time because the delineation has to be done during the growing season.
29 There is data available for the estimated wetland edges but the actual location will be confirmed
30 with the delineation. Based on the delineation, there are setbacks established by the Minnehaha
31 Creek Watershed District. Once the wetlands have been delineated, the City will review the
32 project to ensure it meets the City's setback requirements.

33
34 Commissioner Gonzalez asked where the parking for the office space would be located.

35
36 Mr. Thomson stated they would utilize the parking lot that was part of the easement with the
37 Boat Works property.

38
39 Commissioner Gonzalez stated there could be a shortage of parking if the Boatworks is using
40 these stalls during the day.

41
42 Commissioner Buchanan asked what the height of the building across the street on Barry Ave is
43 compared to the proposed building height.

44
45 Mr. Thomson stated staff would compile and provide this information for the Commission.
46

1 Mr. David Carlson, for the Applicant, Gatehouse Properties Ltd, residing at 2249 Portico Green,
2 Wayzata, stated ESG Architects did the proposed building design. He said has had potential
3 buyers for the condominiums, and office users have looked at the property. Mr. Carlson stated
4 that he has worked to meet the City's setbacks and height requirements.

5
6 Commissioner Gruber asked what the price point would be for the condominiums.

7
8 Mr. Carlson stated they would range from \$589,000 to upper \$800,000.

9
10 Commissioner Gruber asked why the applicant opted for offices rather than retail on the first
11 floor.

12
13 Mr. Carlson stated with the current market, it would have been a business failure to get retail to
14 work in this area of Lake Street. Mr. Carlson stated that he has discussed relocating Candlelight
15 Floral in the first floor of the new building.

16
17 Commissioner Gonzalez stated there is a lot of open office space in the City, and there is a new
18 office building going up on Broadway. She asked what type office space this would be, and
19 what type of tenants he would be marketing to.

20
21 Mr. Carlson stated his company would be occupying 1500 square-feet of the office space, and
22 this would leave 3 private offices with 1300 square-feet total space.

23
24 Commissioner Gonzalez asked if Candlelight Floral would have access from Lake Street, if they
25 were to be located on the first floor.

26
27 Mr. Carlson stated the space Candlelight Floral is considering is the back portion of the office
28 space. People would come through the main entrance and go down a hall to their business.

29
30 Commissioner Gonzalez clarified the City would lose a retail business with street frontage.

31
32 Mr. Carlson stated there would be signage on the street.

33
34 Commissioner Gonzalez stated there are five businesses that have operated in this area, and they
35 would be replaced by a small amount of office space. The Design Standards state that retail
36 space must have access from the street, and there be transparency or glass. She encouraged Mr.
37 Carlson to review the Design Standards. She stated Mr. Carlson's narrative states that the soil
38 conditions are standard, but construction of the building would require some minor soil
39 corrections. She asked what "some minor soil corrections" meant.

40
41 Mr. Carlson stated with the tests they have conducted, the far north of the parking lot has poor
42 soil conditions. The general contractor's excavator has stated pilings would not be needed there,
43 but some excavation, and possibly compaction would be required. There could be some residual
44 soils from the gas station that had been on the site previously, so this material would be removed
45 and new material brought in.

1 Commissioner Gonzalez stated the fill calculations would be helpful when the project comes
2 back to the Planning Commission.

3
4 Chair Iverson asked if remediation would be required because of the gas station.

5
6 Mr. Carlson stated they are reviewing the tests currently, and will provide this information at a
7 future Commission meeting.

8
9 Commissioner Buchanan asked what the response had been to the pre-marketing of the property.

10
11 Mr. Carlson stated the response has been good and several of the respondents would be
12 considered "snowbirds".

13
14 Chair Iverson asked why the applicant's condominiums were priced significantly lower than
15 other similar projects that have been presented to the Commission.

16
17 Mr. Carlson stated he has done a comparison with actual closed numbers, versus the listed
18 numbers for these projects. The average he is proposing is what is average for actual sales in the
19 City.

20
21 Commissioner Gonzalez stated the proposed exterior of the building is interesting, and she would
22 like to see good quality materials used in the building. She thanked him for this exterior interest,
23 and keeping within the height restrictions of the PUD ordinance.

24
25 Chair Iverson opened the public hearing on the application at 7:33 p.m.

26
27 Mr. Brad Hoyt, 253 E Lake St, Wayzata, stated he had talked to the City Council about the
28 property tax appeal case for his property. He stated Mr. Thomson had testified under oath in a
29 court of law that his property was entitled to 38-feet in height and 4-stories. The property
30 valuation has cost him over \$3 million. He stated Mr. Carlson was told not to propose a project
31 over 35-feet in height and 3-stories. He stated he had purchased his property to develop it and
32 has spent over \$1 million in applications to the City. He stated he has spent over \$4 million
33 between the applications and the property taxes based on fallacious values and fraudulent
34 testimony from the City, and his property is not developed. He stated one of the Commissioners
35 had stated on record during his last application 2-years ago, that the City does not need more
36 people to buy things what it needs is things for people to buy. He stated there is a 90% vacancy
37 rate in the Wayzata Bay Center. He said he does not appreciate that the Commission does not
38 take into consideration any specific knowledge from people's experience and knowledge in the
39 commercial realm to know what it takes to make retail thrive in the City. He said the Planning
40 Commission continues to push policies that do not make sense. He said the City approved too
41 many restaurants in the City without the required amount of parking and this is causing a
42 problem in the City. He stated he had come to the Commission with a residential project, and the
43 Commission had denied it based on height even though Mr. Thomson testified that he was
44 entitled to that height. He said he does not care if the Commission approves the project
45 presented. He said that when he had included stacked parking, he was told that this was not

1 allowed in the City and that retail was required in his project. He stated the Commission should
2 either require retail west of Barry Avenue or not, but it cannot be both ways.

3
4 Ms. Terri Huml, owner Gianni's Steakhouse at 635 Lake Street, Wayzata, stated the project has
5 merit but retail does need to be taken into account in a different manner. She said that outside of
6 the corporate retail locations, 80% of the retail shops in Wayzata are owned by women. She
7 related that based on purchase price, build out, and taxes, it is economically unfeasible to have
8 retail in new projects. She said the Planning Commission and the City's Comprehensive Plan
9 need to outline the long-term and short-term outlook for retail in the City. She stated that 93% of
10 the tenants at the Regatta are not Minnesota residents. She said the City needs to look at what
11 the long-term effects of brick and mortar retail are for the City. She said that requiring
12 developers to include retail in their projects is not feasible, and that retail should not be a
13 requirement. She said the Planning Commission and City need to also consider how many more
14 restaurants and liquor licenses they will allow.

15
16 There being no one further wishing to speak on the application, Chair Iverson closed the public
17 hearing at 7:46 p.m.

18
19 Commissioner Gruber asked if retail was a requirement for properties west of Barry.

20
21 City Attorney Schelzel stated it was his understanding that the dividing line for where
22 commercial is required and where it is suggested under the Comprehensive Plan is Barry Ave.
23 Those properties west of Barry are encouraged under the Comprehensive Plan to have a
24 commercial component, but they are not required.

25
26 Mr. Thomson stated that is correct, but further noted that there is a difference in the C-4A zoning
27 and the PUD zoning. The current C-4A zoning does require commercial and service retail on the
28 first floor for at least 50% of the building frontage. The PUD is the tool that allows the
29 flexibility in the application of the zoning requirements, with the consideration of the
30 Comprehensive Plan and the ordinances.

31
32 Commissioner Gonzalez expressed concerns about the number of snowbirds in the City, and that
33 this project is expecting to bring more. The local businesses suffer because there is no support
34 because residents are gone for half of the year. The retail requirement would be a policy
35 question for the City Council. She would like to see younger families that live in the community
36 year-round come to Wayzata. She stated she is also concerned about expanding office space
37 because there is a lot of empty office space in the City. If there were a retail business that would
38 be located in the proposed project, she would prefer to see this located along Lake Street.

39
40 Commissioner Young suggested the applicant consider alternative configurations if Candlelight
41 were to relocate on this property. He stated he did not like the idea of another condominium
42 project this close to the Central Business District. The concerns brought up about the retail
43 environment are real, and the City needs to be realistic about retail and the future. Considering
44 the alternatives for this parcel, this is a good design but there are issues with the retail
45 requirement.

1 Commissioner Gruber stated Ms. Huml made some dramatic comments. The Comprehensive
2 Plan will be rewritten, and this will acknowledge what is changing in the community. She stated
3 that with thoughtful planning, however, the City could still have some retail. She would like to
4 see more thought in terms of a lower price point for the residential component of the proposed
5 project. Wayzata needs to become a more diverse place. The Planning Commission and City
6 Council need to think about alternatives, and ask developers to think of other people and other
7 needs in the community.

8
9 Commissioner Murray stated retail is optional for this area, and the project does include retail for
10 one of the current retail tenants. There are open retail spaces in the City for the other two retailer
11 locations that would be displaced with this project. He asked who would lose if the project
12 moved forward. This is high priced real estate, and a desirable place to live.

13
14 Commissioner Buchanan stated he liked the project, and it would fit in with the other projects in
15 the community. Wayzata is an affluent community and it is unlikely this will change.
16 Architecturally, this would improve the location and community.

17
18 Chair Iverson stated she is not sure if the City is being short-sighted by not requiring some kind
19 of retail in the developments that are coming forward. She is concerned that if this end of town
20 continues to develop condos, and the other end continues to get busier and busier because that is
21 where everything is, the town will become unbalanced. She would like to challenge the
22 developer to be creative and find a solution that will work for him and the future of Wayzata.
23 She does not know what this would look like, but there should be more conversations. There are
24 certain services that will never go out of business, so she is not ready to say no to having retail
25 included in the development. The retailers she talked to on the corner would love to stay on that
26 corner, and this corner has over 100-years of retail history. The history of Wayzata is being lost.

27
28 Commissioner Gonzalez stated she would like to see additional information, including the
29 wetland delineation, wetland protection plan, and the fill calculations. She asked how many
30 condominiums could be built in this narrow area without creating a burden on City services such
31 as sewer and water. She would also like to see a storm water run-off plan.

32
33 Chair Iverson asked if the developer would be required to have a common space.

34
35 Mr. Thomson stated the developer would be required to have common space, and this would be
36 reviewed during the next phase of design.

37
38 Commissioner Gonzalez stated she would like to see people come to the community that will be
39 there year-round and support the community businesses. She suggested the developer market the
40 property to a younger crowd.

41
42 Chair Iverson stated the City has been working on the Lake Effect, and the City needs to have
43 reasons for people to come and support the community beyond going for a walk on the
44 boardwalk. We want people to be eating and shopping in the community.

1 Commissioner Gruber stated the developer should think about the diversity of people they want
2 to attract to the City. She believes that there could be retail on the main floor, and a broader
3 price point. She asked the developer to consider having affordable retail, and a broader price in
4 the condos. Things cannot always be about money.

5
6 Chair Iverson asked if fire trucks would need access to the back parking lot, and if this had been
7 reviewed.

8
9 Mr. Thomson stated a fire lane needs to be 20-feet wide and a drive aisle would be sufficient.

10
11 Commissioner Young made a motion, Seconded by Commissioner Gruber, to direct staff to
12 prepare a Planning Commission Report and Recommendation that recommends approval of the
13 PUD rezoning and PUD Concept Plan request, with additional direction to the developer to
14 engage in additional consideration of retail, including the location of retail on the main floor on
15 the site plan, as the application proceeds to the general plan phase. The motion carried; ayes-5,
16 nays-1 (Iverson).

17
18 The Planning Commission recessed at 8:17 p.m.

19
20 The Planning Commission reconvened at 8:24 p.m.

21
22 **AGENDA ITEM 6. Other Items:**

23
24 **a.) Review of Development Activities**

25
26 Director of Planning and Building Thomson stated the February 6 agenda was scheduled to
27 include review of the Gardner Street subdivision, and the CUP application for the City's
28 proposed telecommunications tower. He noted the last City Council workshop included a
29 presentation by a group of residents to do an Honors Plaza to honor "9/11", public service, and
30 military personnel. They presented a concept sketch for the corner of Lake Street and Superior
31 Blvd. The City Council had directed staff to look at this and other locations where this concept
32 would fit, and a detailed analysis of alternative sites. There may be a Steering Committee
33 formed to discuss site locations, and it would likely include a Planning Commission
34 representative.

35
36 Commissioner Murray stated he would be interested in being involved with this Committee.

37
38 Commissioner Gonzalez stated at the last City Council meeting, the Chamber of Commerce
39 presented the Outstanding Services Award to Wayzata Home Laundry, the Chilly Open
40 scheduled for February 10-11 was highlighted, and the Blue Water Theater project was approved
41 as recommended by the Commission. The Council also recognized Commissioners and Board
42 Members who had served on Commissioner and Boards in the City.

43
44 **b.) Next Meeting is February 6, 2017**

1 **AGENDA ITEM 7. Adjournment.**

2
3 Commissioner Young made a motion, seconded by Commissioner Murray, to adjourn the
4 meeting. The motion carried unanimously.

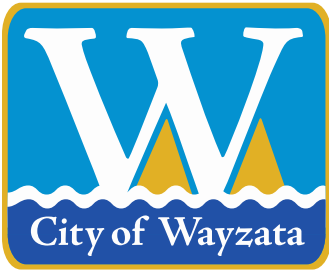
5
6 The Planning Commission meeting was adjourned at 8:33 p.m.

7
8 Respectfully submitted,

9
10 Tina Borg

11 *TimeSaver Off Site Secretarial, Inc.*

DRAFT



City of Wayzata

600 Rice Street
Wayzata, MN 55391-1734

Mayor:

Ken Willcox

City Council:

Dan Koch
Johanna McCarthy
Alex Plechash
Steven Tyacke

City Manager:

Jeffrey Dahl

Date: February 2, 2017

To: Planning Commission

From: Jeff Thomson, Director of Planning and Building

Subject: Wayzata Blu

Application Information

The applicant, Gatehouse Properties, has submitted a development application to develop the properties located at 259, 269 and 275 Lake St E and 339 Barry Ave S. The project includes demolition of the existing commercial buildings and construction of a three story mixed use building consisting of ground level office and 17 residential condominiums. The development application includes rezoning from C-4A to PUD/Planned Unit Development and PUD concept plans.

Planning Commission Review

The Planning Commission reviewed the development application and held a public hearing at its meeting on January 18, 2017. After discussing the application, the Planning Commission directed staff to prepare a Planning Commission Report and Recommendation for approval of the development application.

Additional Information

The applicant has submitted an email which states that he misspoke at the Planning Commission meeting regarding the proposed sale prices of the condominiums. The meeting minutes indicate that the applicant stated the condo prices would range from \$589,000 to upper \$800,000. However, the applicant was referring to the cost per square foot, not the total sale price. The applicant's email indicates that the condo prices would range from \$589,000 to \$2.8 million.

In addition, the applicant is open to including flexibility in the PUD to allow retail uses on the ground floor of the building. The proposed plans continue to include office and residential uses on the ground floor, but the PUD could allow for retail uses in the near or long term. This would include ensuring the building is constructed to allow for retail uses on the first floor, and also ensuring that any private covenants, such as a homeowners association, would allow for retail in the ground floor.

Planning Commission Action

City staff has drafted the attached Planning Commission Report and Recommendation, which recommends approval of the development application.

Attachments

Email from applicant

Draft Planning Commission Report and Recommendation

Jeff Thomson

From: Dvlper@aol.com
Sent: Wednesday, February 01, 2017 4:15 PM
To: Jeff Thomson
Subject: Wayzata Blu Project

Jeff....I would like to explore the possibility of having the option to allow for the ground floor units at Wayzata Blu to be pre approved for either residential, office, or retail.

This option would provide for changes in market conditions in the future when perhaps the demand for retail will make a comeback in Wayzata.

I would provide for the option in the HOA documents and anticipate any requirements in the building code during construction.

Also,I embarrassed myself at the planning commission meeting the other night with my response to the question on what the price range was for the project. I responded by using the Sale price for the low end (\$595,000) and the Price per Sq Ft (\$900) for the high end. My wife was at the meeting and brought the blunder to my attention. Please let the Planning Commissioners know that I'm sorry I confused them..... after working daily on my pro forma in terms of cost and price per Sq Ft I simply lost my train of thought.

Best,

David



DAVID CARLSON

612.275.8255

2249 PORTICO GREEN

WAYZATA, MN 55391

DAVID@GATEHOUSEPROPERTIESLTD.COM

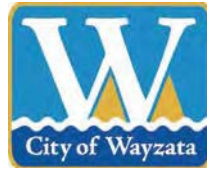
Projected Prices

Subject to change without notice

<u>Unit #</u>	<u>Base Price</u>	<u>Appr. Sq Ft</u>	<u>Est. HOA Fees</u>
102	1,449,000	2,096	600
103	1,899,000	2,696	782
201	1,798,000	2,349	681
202	1,789,000	2,381	690
203	1,889,000	2,522	731
204	2,100,000	2,550	740
205	1,450,000	2,476	718
206	998,000	2,044	593
207	589,000	1,187	344
208	899,000	1,781	516
209	1,299,000	2,234	648
301	2,499,000	3,191	925
302	2,499,000	3,163	917
303	2,795,000	2,967	860
304	2,399,000	3,250	943
305	1,199,000	2,199	638
306	1,599,000	2,576	747

2/2/2017

David Carlson
Gatehouse Properties Ltd
612-275-8255
David@GateHousePropertiesLtd.com



WAYZATA PLANNING COMMISSION

February 6, 2017

REPORT AND RECOMMENDATION OF APPROVAL OF PUD REZONING AND PUD CONCEPT PLAN OF DEVELOPMENT FOR NEW THREE STORY MIXED USE DEVELOPMENT AT 259, 269 AND 275 LAKE ST E AND 339 BARRY AVE S

DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval** of Rezoning from C-4A to PUD/Planned Unit District for new mixed residential/office condominium development
2. **Approval** of PUD Concept for new mixed residential/office condominium development

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** The applicant, Gatehouse Properties, Ltd., (the “Applicant”) has submitted a development application (the “Application”) to develop the properties located at 259, 269 and 275 Lake St E and 339 Barry Ave S (collectively, the “Property”). The development involves the demolition of the existing commercial buildings on the Property, and construction of a three story mixed use building, consisting of ground level office and 17 residential condominiums (the “Project”).
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of the following land use requests:
 - A. **Rezoning from C-4A to PUD/Planned Unit Development:** The Property is currently zoned C-4A, and the Applicant is requesting a rezoning to PUD (the “Rezoning” or “Zoning Amendment”).
 - B. **PUD Concept Plan of Development:** A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concept plan as part of the Application (“PUD Concept Plan”).

- 1.3 Property. The address, property identification number and owners of the parcels comprising the subject property (the "Property") are:

Address	PID	Owner
259 Lake St E	06-117-22-23-0005	Flagship Financial Group, Inc.
259 Lake St E	06-117-22-32-0006	Theodore T Asao et al Trustees
259 Lake St E	06-117-22-32-0005	Theodore T Asao et al Trustees
259 Lake St E	06-117-22-32-0004	Theodore T Asao et al Trustees

- 1.4 Land Use Designations. The Property falls within the following land use districts:

Current zoning:	C-4A/Limited Central Business District
Comp plan designation:	Central Business District

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on January 5, 2017. A copy of the notice was mailed to all property owners located with 350 feet of the Property on January 6, 2017. The required public hearing was held at the January 13, 2017 Planning Commission meeting.

Section 2. STANDARDS

2.1 Zoning Ordinance Amendments / Rezoning.

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 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 in the Zoning Ordinance (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.

2.2 Planned Unit Developments (PUDs).

A. Intent and Purpose of PUDs. 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:

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.

B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:

1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations

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

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

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

D. PUD Procedure.

1. Concept Plan Approval Non-Binding. Concept Plan approval is the first step in a multi-stage process of City review and approval of 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.
2. 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.

Section 3. FINDINGS

Based on the Application materials, additional materials submitted by the Applicant, staff reports, public comment and information presented at the public hearing, and the standards of the Wayzata Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

- 3.1 Zoning Ordinance Amendments / Rezoning. The proposed use associated with the Project (the "Proposed Use") would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:
- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan for the Central Business District (CBD), which call for a mix of commercial, office, and residential uses in the area; high quality development; design and architecture that compliments the area; ease of vehicular and pedestrian traffic; improvements to sidewalks, walkways and street furniture; enhanced street trees and landscaping elements; orderly transition between commercial/office areas of the CBD and adjacent residential neighborhoods; upper story housing with third floor setbacks; and redevelopment of property in need of redevelopment.
 - B. The Proposed Use is consistent with current and future land uses in the area.
 - C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance.
 - D. The Proposed Use would not adversely impact surrounding properties.
 - E. The Proposed Use would not negatively impact property values in the area.

- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

3.2 PUD. The PUD Concept Plan meets the purpose and intent of the PUD Ordinance.

- A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- B. The PUD meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
- C. The PUD creates a more desirable and creative environment than would be possible under the existing C-4A/Limited Central Business District.

3.3 PUD General Standards. The Application meets all of the PUD general standards listed in Section 801.33.2.A and in Section 2.2.B of this Report and Recommendation. The Application includes review of the Concept Plan of development. If the City Council approves the Concept Plan, the PUD would require subsequent review of the General Plans, which would be reviewed for compliance with the PUD general standards.

3.4 PUD Procedure. The Application contains the information and materials listed in Section 801.33.5.C.

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 following land use requests in the Application:

1. Rezoning from C-4A to PUD/Planned Unit District for new residential condominium development, effective only upon approval of the PUD General Plan of Development.
2. PUD Concept of Development for a three story mixed use building which includes up to 15 residential dwelling units on the upper two levels, and office, residential, and/or retail uses on the street level of the building. The following plans, submitted by the Applicant and included with the Application, constitute the Concept Plans of Development:

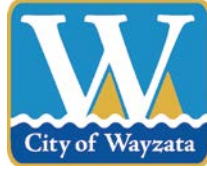
- a. Conceptual Rendering dated December 19, 2016
- b. Street Level Plan dated December 19, 2016
- c. Street Level Floor Plan dated December 20, 2016
- d. Upper Level Plans dated December 19, 2016
- e. Setback Diagram and Section dated December 19, 2016
- f. Schematic Utility Plan dated December 16, 2016

4.2 Recommended Conditions of Approval. The Planning Commission recommends the above approvals be conditioned upon the following:

1. The Applicant must submit a development application for General Plan of Development within six months of the City Council approval of the Concept Plans, or the PUD Concept Plan and Rezoning expires.
2. All expenses of the City of Wayzata related to processing the Application, including consultant, expert, legal, and planning fees incurred, must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 6th day of February, 2017.

Voting In Favor:
Voting Against:
Abstaining:
Absent:



**Planning Report
Wayzata Planning Commission
February 6, 2017**

Project Name: Gardner Place
Applicant Bohland Homes, Inc.
Addresses of Request: 350 Gardner Street E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: March 10, 2017

Development Application

Introduction

The applicant, Bohland Homes, has submitted a development application to subdivide the property at 350 Gardner St E into three single-family residential lots. The existing house would be demolished, and three new homes would be constructed with access from a private street.

Property Information

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

Address	PID	Owner
350 Gardner St E	06-117-22-21-0027	Bohland Homes, Inc.

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

Current zoning:	R-3A/Single and Two Family Residential District
Comp plan designation:	Low Density Single Family
Total site area:	29,974 sq. ft. (0.69 acres)

Project Location

The property is located on Gardner Street E, east of Barry Avenue.

Map 1: Project Location



Application Requests

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

- A. Preliminary plat subdivision: The proposed requires preliminary plat review to subdivide the one existing lot into three lots. (City Code Section 805.14)
- B. Variance from the subdivision ordinance to allow use of a private roadway: The subdivision ordinance states that private streets, except in the case of planned unit developments, are prohibited. In addition, any subdivision that adjoins an existing private street, the private street is required to be dedicated for public use and scheduled for improvement to public street standards. The applicant is proposing to provide access to the two new lots by improving the existing private street. The private street would not be public and would not be built to public street specifications, which requires a variance. (City Code Section 805.27.K)
- C. Impervious Surface Variance: The R-3A zoning district establishes a maximum impervious surface coverage of 35% for each individual lot. The proposed lots would have impervious surface coverage ranging from 38.2 to 41.1%, which requires a variance.

Adjacent Land Uses.

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
East	Single-family home	R-3A/Single and Two Family Residential District	Low Density Single Family
South	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
West	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on January 26, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on January 13, 2017.

Planning Commission Review

The Planning Commission held a public hearing and previously reviewed the development application at its meeting on July 6, 2016. At that meeting, the Planning Commission requested the following additional information from the applicant:

- Updated tree inventory that includes trees located on adjacent properties and trees located in the Gardner Street right of way
- Amount of fill associated with the proposed grading plan
- Lot coverage and impervious surface information
- Tree preservation plan
- Stormwater management plan

The applicant has submitted revised plans for the project which include the additional information requested by the Planning Commission.

Analysis of Application

Lot Requirements

The proposed lots would meet the minimum lot requirements for the R-3A zoning district:

	Lot area (sq. ft.)	Lot width	Lot depth
R-3A Requirements	9,000 (min.)	60 ft. (min.)	100 ft. (min.)
Lot 1	9,900 sq. ft.	60 ft.	165 ft.
Lot 2	9,900 sq. ft.	60 ft.	165 ft.
Lot 3	9,900 sq. ft.	60 ft.	165 ft.

Surrounding Lot Sizes

The following summarizes the lot areas of the R-3A lots located immediately adjacent to the subject property:

Address	Lot area
344 Gardner St E	19,983 sq. ft.
402 Gardner St E	27,554 sq. ft.
345 Gardner St E	37,965 sq. ft.
343 Park St E	10,007 sq. ft.
353 Park St E	10,007 sq. ft.
359 Park St E	10,007 sq. ft.

Proposed Houses:

The applicant has submitted preliminary plans for the new houses that would be constructed on each of the lots. The proposed homes would be two stories in height. The proposed homes on Lots 1 and 2 would include a full basement, and the new house on Lot 3 would have a tuck-under garage at basement level. The proposed house locations would meet all setback requirements.

Access and Private Street

The property currently has a private driveway from the end of Gardner Street that is shared with the adjacent property at 344 Gardner Street East. The subdivision definition of a private street is a street serving as vehicular access to *two or more* parcels of land that is not dedicated to the public and is owned by one or more private parties. The existing shared driveway is considered a private street. The applicant is proposing to extend the private driveway to serve the three lots, which requires a variance from the City's subdivision ordinance.

Each of the new homes would need to meet the fire code access requirements. The fire code typically requires a 20-foot wide fire access lane. The applicant has stated that each of the new homes would have a fire sprinkler system. Based on this, the City's fire marshal has determined that the private street serving the new homes would need to be a minimum of 16 feet in width and provide a turnaround at the end. The applicant is proposing to widen the existing private street to 16 feet in width in order to meet this requirement. The proposed plans also include a 50-foot turnaround between Lots 2 and 3 that would be constructed of a TrueGrid paver system. The fire marshal has stated that the turnaround would need to be paved.

Grading and Drainage

The site currently slopes from the high point at the southeast corner of the lot to the north and west towards the Gardner Street right of way. The proposed garage elevations of the houses on Lots 1 and 2 would be set similar to the existing grade. The house on Lot 3 would be cut into the existing hill, with a retaining wall constructed along the side and back of the house. Drainage from the rear of the site would be directed to a storm sewer catch basin on the back of Lots 1 and 2. Drainage from the front of the homes, individual driveways, and shared driveway would be directed to a catch basin

within the shared driveway and directed to the Gardner Street right of way, below the retaining wall.

In order to widen the private street, a retaining wall would need to be constructed on the north side of the driveway. The proposed wall would be partially located within the City's right of way, and would extend from the end of Gardner Street to the east property line of the development, where it would be extended along the east property line to accommodate the grading for the new house on Lot 3. The proposed retaining wall would range from four to six feet in height along the front of the property, and two to four feet in height along the east property line. The proposed site plan does not show how the existing driveway at 344 Gardener would be tied into the new driveway. This would need to be worked out with the adjacent property owner along with the plan and responsibilities for maintaining the shared driveway.

The proposed grading plan includes 650 cubic yards of total cut and 1,223 cubic yards of total fill, for a net of 573 cubic yards of fill. This results in an average change in grade of 1.3 feet for Lot 1, 2.0 feet for Lot 2, and 2.0 feet for Lot 3. Modifications which serve to alter the average natural grade of an individual lot more than two feet shall require approval of the City Council.

Utilities

The existing house on the lot is served by public sewer and water services from the end of Gardner Street. The applicant is proposing to extend the water and sewer to provide three new services to the new lots. The proposed sanitary sewer extension would be a force main which would be located underneath the proposed driveway. The proposed water main extension would be located south of the sanitary sewer line. The City engineer recommends that the water main extension be public, and the applicant would need to dedicate the necessary easements to the City. The City engineer recommends that the sanitary sewer force main be private with an agreement between the three lots for maintenance.

Tree Preservation

There are 14 trees located on the property with a total size of 227 inches. Of the 14 trees on the property, 13 are classified as significant trees by the City's tree ordinance and 1 tree is a heritage tree. The plans include removal of 9 trees on the property for the proposed homes, driveways, private street, and associated grading. All of the removed trees are significant trees. The tree ordinance allows the removal of up to 25 percent of the inches of significant trees before mitigation is required on an inch for inch basis. The proposed plans result in the removal of 66 percent of the inches of significant trees. Based on the tree ordinance requirements, the applicant would be required to plant 93 inches of trees as mitigation.

In addition to the trees located on the site, the applicant has included the trees within the Gardner Street right of way in the updated tree inventory. The plans indicate that two healthy trees would be removed within the Gardner Street right of way. However, several of the other healthy trees that are identified for preservation are located within or

at the grading limits for the street and retaining wall construction. In addition, the proposed plans include the removal of many trees that are identified by the applicant as being dead or in very poor condition. The condition of these trees still need to be reviewed by the City forester to confirm that they meet the ordinance definition of a dead, disease, dying, or hazard tree.

Public Comments

The City has received one letter regarding the project since the last Planning Commission meeting in July. All of the public comments received to date are included in the attachments.

Action Steps

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

Attachments

Applicant's Narrative
Proposed Plans
July 6, 2016 Planning Commission Meeting Minutes
Public Comments

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E): The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

1. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
2. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
3. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize 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 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.

Subdivision Variance Criteria (805.60): The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Zoning Variance Standards (Section 801.05.1C): The conditions governing considerations of variance requests:

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

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

**City of Wayzata
Planning Commission**

February 2, 2017

Gardner Place – 350 Gardner Street East

Legal Description: Lots 2, 3 and 4, “Wayzata Park Addition”, Hennepin County.

BohLand Homes

Application Narrative:

Request to Re-Plat into two additional lots.

350 Gardner Street East currently has one single family home set on the most westerly 60’ portion of the property that was previously three 60’ individually platted lots. The Legal Description for the property is Lots 2, 3 and 4, “Wayzata Park Addition”, Hennepin County. We are not sure when the lots were joined, however, we can only assume it was when the current homes was built in 1955 (according to Hennepin County Property Records). The original intent for this property was for (3) 60’ wide lots similar to almost all other lots within a 7 block area.

The existing home has structural defects and the property currently has a non-conforming “private street” access which does not have the necessary easements for utility uses for both this and an adjoining property. Our intent is to “re-subdivide” this property to three 60’ wide lots resulting in two additional single family lots. Simultaneously, we will put in place the necessary easements for the utilities etc. Due to its condition, we will remove the existing building and rebuild a new home on that lot. We are adding only 2 additional lots similar to most other properties surrounding this property.

Due to the northerly slope primarily in the City ROW (beginning on the north edge of our property) we have an improved solution compared to creating a street within the City ROW. This will avoid any significant tree removal, and substantial clearing and grading to install a larger retaining wall and turn-about within the City ROW. We are requesting that the road and utilities move farther south onto our property and outside of the ROW resulting in a better use of the land and less disruption of the slope and soils.

Our proposal has been reviewed and approved to meet required fire safety concerns and we have reviewed this with staff regarding sewer/water and storm sewer improvements. The street width and design was prepared to meet necessary standards.

Notes from the Planning Commission meeting July 6, 2016.

I believe we captured all of the comments from the Planning Commission meeting based on our notes, the meeting minutes, and follow-up conversation with staff. If not, we are happy to address any further comments or questions.

Thank you for the information and comments we received at the Planning Commission Meeting July 6, 2016. We requested an extension to our submission and now have additional information in response to your comments for your consideration.

In addition to the original application, we heard the following questions and requests. We have tried to respond based on your comments and will do our best to further answer any questions at the public hearing. They are numbered for reference, but not necessarily in the order they were brought up.

1. Comment:

Perform a tree inventory for those trees within the City ROW and the impact of the tree buffer and the significant trees currently on our site.

Response:

This has been completed and attached for reference.

BohLand Project Manager Andrew Volkenant conducted a site visit with City Staff Member Kurt Klapprich.

We also hired Steve Nicholson, a Certified Arborist, to review the trees and provide his professional opinion as to the condition of the trees. This is included in our submission.

The city ROW contains a variety of tree species which show signs of a challenging growing conditions. Many of the trees that seem to be in good health have had to compromise their growth patterns due to the dominance of larger older unhealthy trees.

There are several large boxelder trees that are the most distressed from their age. The base of these trees have been rotted out giving uncertainty to their future existence. They also have shown signs of disease and decay from the base to the canopy, which most of the canopies on the boxelders have been removed due to broken branches caused by poor health.

A few elm trees are present in the ROW but have been forced to grow at extreme angles due to the boxelders broken limbs and dominance.

Many of the Boxelders show high levels of distress within their canopies above 20' and do not provide any screening from the freeway. Early leaf drop exposes their uncertain health and vulnerability to storm damage and decay.

The large ash tree is beginning to show signs of distress but has very little competition for sun light as it creates the upper most canopy above 30'.

A majority of the visual screening come from the mass of underbrush which contains a large amount of buck thorn.

Enhancing the ROW with a mix of coniferous trees and fast growing deciduous trees will help maintain a long lasting sound and visual screening for all of the residence to the south and to the west of the property.

Currently there is a significant degradation of poor and unhealthy trees that will be replaced with hardwoods and coniferous trees, screening vegetation, and more attractive landscaping than the current conditions. We have additional tree photos, however, we encourage you to visit the site to fully understand their conditions.

2. Comment:

What impact would the grading have on the new building pads and house placement. What is the height of the retaining wall on the east side of the home on lot 3?

Response:

We have adjusted the wall height and grading plan to reduce the impact of the cut and the retaining wall on the east side of the home (see plan). Our revised grading plan is within the current City requirements of less than 2%.

Comment:

What is the impact of sound transmission for the proposed removal of the trees?

Response:

The construction of three new homes should certainly offer a better sound barrier than the existing conditions. This site is obviously impacted by Hwy 12 noise and there is little that can be done to change this. Nothing can be done to the north of these properties that will improve

this condition beyond what is naturally occurring. The best possibility is found in our landscape plan that installs a denser vegetative buffer. We believe that the only significant change that can be made is to create a sound barrier with the construction of the new homes that may improve the sound quality to the adjoining neighbors to the south. Once the leaves drop for the winter, the homes and conifers will continue to create a sound as well as a visual barrier to HWY 12.

3. Comment:

Prepare a landscape plan.

Response:

We have included with this submission a landscape plan considering the concerns for the entrance into the property and any removal of trees in that location. Due to the old growth and poor growth and damaged trees, we believe the replacement and keeping of the larger old growth healthy trees will enhance the aesthetics to these properties and benefit the views driving east down the street.

This change is in the City ROW and only “visually” effects one property (Madson’s) in addition to our property, and our intent is to improve the current situation for their property and our new residents.

The landscaping (except for immediately surrounding the homes during construction) will be completed as soon as the overall site work is completed. As soon as the driveway retaining wall is completed we will re-install the landscaping.

4. Comment:

Reference the Applicable Code Provisions for Review and the Preliminary Plat Criteria Section 80-5.1.E.

Response:

[We have responded below in blue.](#)

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E: The Planning Commission shall consider possible adverse effects of the preliminary plat. Its judgment shall be based upon, but not limited to, the following factors:

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

We believe this conforms to the neighborhood characteristics and 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. We believe that the only impact we will have is removing some trees and our landscape plan will provide a better long term solution. No other impact will occur to lakes, streams, wetlands, or wildlife habitat.

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.

We have adjusted our proposed grading plan and the foundation for the home on lot 3 to minimize excavation. Lots 1 and 2 will have minimal grading to accommodate surface storm water runoff.

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.

For the most part, the overall site has few trees inside the property lines and we will remove only what is necessary for the new homes to be built. Unfortunately, most of the trees to be removed and replaced are on the City ROW and our plan is to remove the trees in poor health and replace with an improved long term landscape plan.

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.

Our plan is consistent with the neighborhood use and size of lots. This is proven by all the adjoining properties within blocks of this property and the fact that the lots were initially platted as three lots. The new homes built we be proportionate to the size and scale of property and other new homes built in the area.

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.

Same as above.

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.

Same as above.

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.

Same as above.

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.

Same as above.

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

We meet the standards for lot size and setbacks.

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.

Building three new homes and the accompanying landscape plan will improve values to the neighborhood. The current structure of the existing home has deficiencies and should be replaced.

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.

The new utilities on the site will be improved in accordance with City standards and non-conforming use of a current private street will be resolved with accurate easements and property descriptions. The extension of the private street will be maintained by the homeowners and still have access for utilities. Trash and snow removal on-site will be the responsibility of the owners through deed restrictions and requirements.

5. Comment:

Would the large tree on the eastern edge of the property be removed?

Response:

No, based on our revised grading plan we will do our best to save the tree. We cannot guarantee the life of the tree, but we will carefully grade around the tree and do our best to protect it during construction. See plan.

6. Comment:

The impact of the grade from the easterly adjoin property to the home on lot 3.

Response:

We adjusted the grade on the east side of the home to reduce the slope and size of retaining wall. The retaining wall height is limited to 4' and this does not require any code related fencing or landscape barriers.

7. Comment:

How many truck loads will there be. Cubic yard calculation.

Response:

In order to correct the soil conditions we will need to balance the soils with about 500 cubic yards depending on amount of export due to poor soil conditions. This means that we will have approximately 35-50 truckloads over a 2-3 day period weather permitting. Trucks can serve dual purpose and export any poor or contaminated soils while importing new fill. Larger trucks may be used if needed to reduce number of trips.

If we do not have to correct existing soils there may be considerably fewer truckloads.

We modified our plans to limit the grading to under the allowed 2% required City standard to reduce the import and export of the site.

8. Comment:

Storm water management

Response:

See Plan.

This has been reviewed and our proposal provides a better solution than the current run off from the existing use and driveways.

9. Comment:

What is the appropriate approval for a Private Street Variance?

Response:

We will rely on recommendations from Wayzata Planning Staff.

Options:

- Private Street as variance.
- PUD
- Public Street in the ROW.

Subdivision Variance Requirements

805.60: Variances, City Council Approval, Standards:

A. Findings. The City Council may approve a variance from the minimum standards of this Chapter (not procedural provisions) when, in its opinion, undue hardship may result from strict compliance. In approving any variance, the City Council shall prescribe any conditions that it deems necessary to or desirable for the public interest. In making its approval, the City Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. A variance shall only be approved when the City Council finds:

1. That there are special circumstances or highly unique conditions affecting the property such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land.
2. That the granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property in the territory in which property is situated.
3. That the variance is to correct inequities resulting from an extreme physical hardship such as topography.
4. Hardship relating to economic difficulties shall not be considered for the purpose of granting a variance.
5. That the hardship is not a result of an action or actions by the owner, applicant, developer or any agent thereof.

Response:

We believe we meet every condition in the Variance Standards above that allows for subdivision of the property. This is certainly the case due to the geographic challenges within the City ROW and our proposal for a better solution to preserve natural characteristics and adhering to the intent of the three lots for this property. Another alternative would be to resubmit the application as a PUD, however, allowing a variance meets the standards and may be the best solution for the property.

10. Comment:

Could the property line be moved farther south to avoid the row and removal of trees?

Response:

It is our opinion that our proposed plan best utilizes the property to conform to lot size, efficient grading, and placement of the homes on the lots.

11. Comment:

Madson neighbor concerns.

Response:

We understand the Madson's concern for two new lots adjoining theirs and this is not uncommon when there is a change to a property. It is, however, conforming to most all other properties in this neighborhood. This will be a significant improvement and was initially intended for this property. Our intent is to improve the landscaping within the City ROW to benefit our three properties and the entrance to the Madson's driveway. There are currently inconsistent property access and boundary issues due to the current private street use and history of the properties. These will be corrected with this revised plat and recorded along with the appropriate easements.

Based on our survey and historical information, it is not uncommon that there is a property line dispute and our intent is to clean up any issues when we record a new plat. This includes a fence along the property line and sidewalk/decking. In addition, the current property lines for both properties are inconsistent with current standards relative to the current "private drive" access. We anticipate that the Madson's will participate in this effort and our other option is to acquire a portion of their property through an Adverse Possession claim allowed under State Law.

We understand that there has not been a coordinated effort at the end of Gardner Street for snow removal, trash removal, mail delivery etc. Our plan is to coordinate with our property

owners and make it a part of their condition in owning a lot to have; trash in front of their individual garages with a singular vendor for pick up and have the same snow removal contractor handle snow removal in front of their homes to the end of the new street. This can be done through a recorded document perpetual with the deed.

We received a letter from Madson's attorney outlining their concerns and also demanding the "repaving of the Madson's entire driveway". I believe we can address most of the concerns, but will not engage in financial leveraging and demands.

I hope that the Madson's have an interest in participating in a cooperative effort to resolve the property line dispute, public utility easements and practical use issues that benefit both properties and the City of Wayzata.

Comment:

A concern for three lots.

Response:

This re-plat adds two lots. It is very clear that this conforms to almost all properties within a 7 block radius of this property and the original property plat was clearly identified to be three lots.

12. Comment:

Are there similar retaining walls of this type in Wayzata?

Response:

Referring to the retaining wall for the driveway, there is a very similar retaining wall at the property at 110 Grand Ave installed within the last few years. This had a very similar situation to create a workable driveway and to protect a wetland and trees. The retaining wall for the home on lot 3 is not uncommon to create placement of a home on a lot with similar grades.

13. Comment:

Make sure we flag removed trees.

Response:

The significant trees are flagged.

14. Comment:

Hardcover and impervious surfaces calculations

Response:

We have included the hardcover calculations and they comply with building requirements for house and driveway only. With the addition of the Private Street moved southerly onto the properties we still meet set back requirements, however, with the addition of the street in the calculations we exceed the hard surface coverage with the addition of the street added below:

Total Site:

29,974 SF Total Site

Each Lot is approximately (60x 166)

Lot 1 9,885

Lot 2 2,891

Lot 3 9,897

The allowable structural hardcover (house only) is 30% and total lot coverage is 35% for each lot.

Lot 1:

House	2,568	(26%)	
Drive, sidewalk and retaining	861		
Total	3,429	(34.7%)	- .03%
Include Private Street	633		
Total	4,062	(41.1%)	+6.10%

Lot 2:

House	2,224	(22.5%)	
Drive, sidewalk and retaining	670		
Total	2,894	(29.3%)	- .07%
Include Private Street	970		
Total	3,864	(39.1%)	+4.1%

Lot 3:

House	2,181	(22%)	
Drive, sidewalk and retaining	823		
Total	3,004	(30.4%)	-4.6%
Include Private Street	778		
Total	3,782	(38.2%)	+3.2%

Based on our efforts to stay outside of the City ROW due to the hardships of grades, significant tree removal, and other impractical issues, we have designed a plan that brings the road onto our property. This meets all other requirements, but due to the interest of saving trees and additional grading, we are seeking a variance for the hardcover calculations that are impacted by the road onto the lots.

Comment:

Have the proposed buildings staked on the property.

Response:

We have staked the four corners of each proposed home building pad.

Summary:

Based on the original intent for this property, and our ability to correct some non-conforming issues related to the historical use of utilities and landscaping issues in the City ROW, we believe that adding two more homes in this area meets the intent for land use in Wayzata.

We thoroughly understand that there is a benefit to the tree and vegetative buffer for the adjoining neighbor and equally important to our new homeowners. By removing the unhealthy and decaying trees and keeping the larger old growth healthy trees with a more attractive long term landscaping solution makes common sense and a long term benefit for the these properties.

Due to primarily topographical issues we have provided a practical and reasonable solution to a unique situation that still adheres to what is typically built in the surrounding neighborhood.



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REVISIONS		
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1	06/16/16	3d Illustrations
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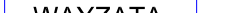
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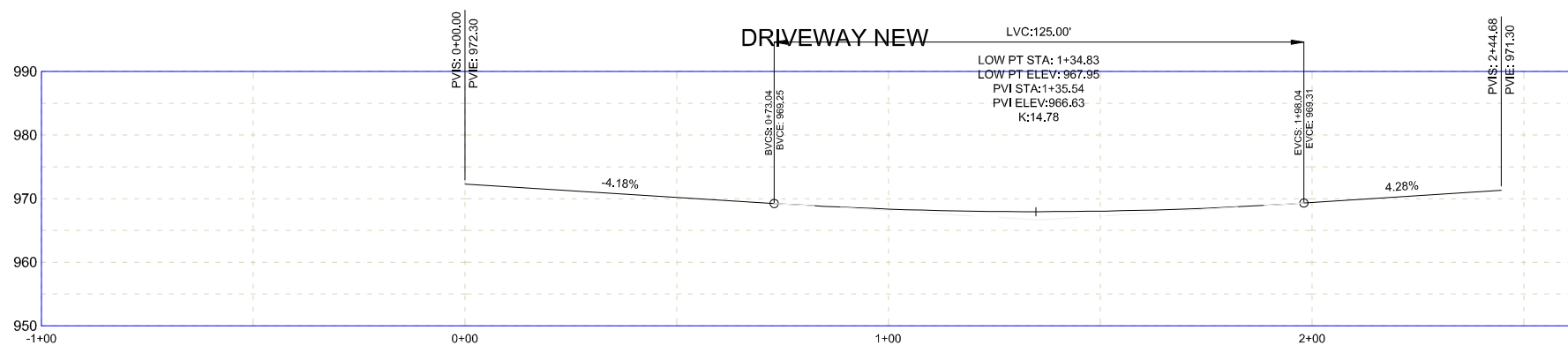
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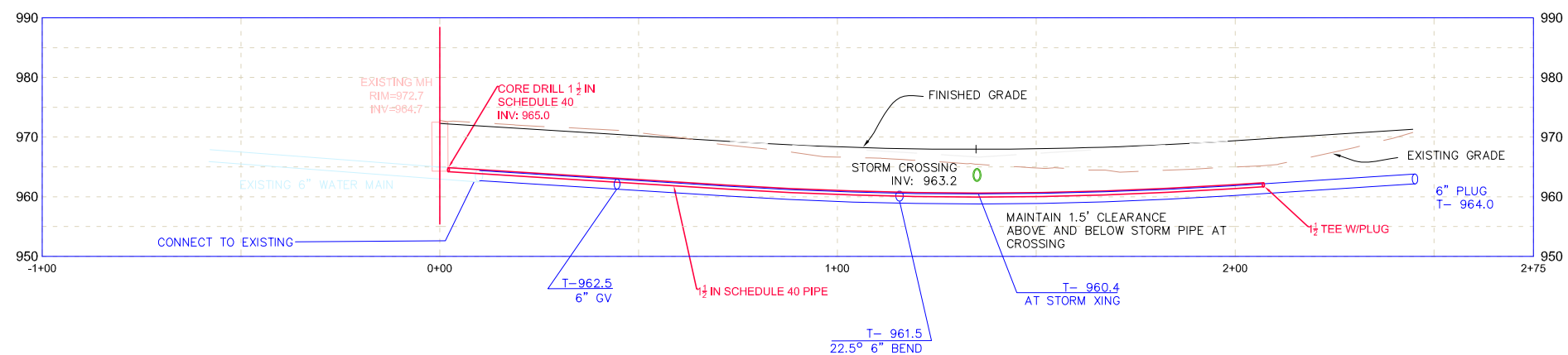
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BASE								--		7806-041
DRAWN BY								WAYZATA, MINNESOTA	GARDNER PLACE PC 2/6/2017 BOHLAND HOMES, LLC Page 51 of 121	1 7

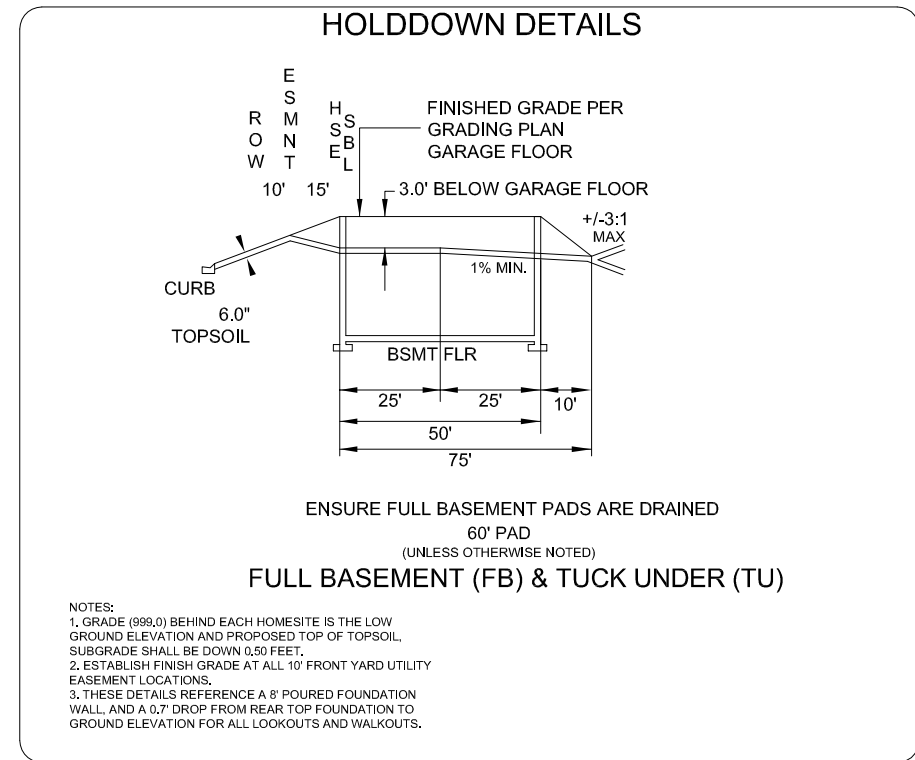


PROPOSED STREET SECTION
1.5" WEAR COURSE
2.0" BASE COURSE
8" CLASS 5
12" SELECT GRANULAR BORROW - CHECK WITH
CITY TO SEE IF EXISTING SOILS ARE ACCEPTABLE

[illegible]

1. UNITS TO BE SERVICED FOR SANITARY SEWER BY GRINDER PUMPS AND 1 $\frac{1}{4}$ IN SCHEDULE 40 SERVICE. SEE DETAILS PROVIDED BY GRINDER PUMP MANUFACTURER.

[illegible]



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BASE							--	FINAL GRADING PLAN		7806-041
DRAWN BY							WAYZATA, MINNESOTA	GARDNER PLACE PC 2/6/2017	5	
MDM								BOHLAND HOMES, LLC Page 55 of 121	7	
CHECKED BY										
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DATE										
04/29/16										



Tree #	Species	DBH (Sig)	DBH(Poor)	Condition	Stems	Heritage Tree	Removed w/Variance	Removed w/o Variance	Notes
1	Ash, green	15.0		Good	1	No		15.0	
2	Ash, green	8.0		Fair	1	No		8.0	
3	Elm, red	17.5		Fair	1	No		17.5	
4	Basswood	21.5		Good	1	No		21.5	
5	Basswood	56.0		Fair	4	No		56.0	
6	Boxelder	9.5		Fair	1	No	9.5		
7	Boxelder	11.5		Fair	2	No	11.5		
8	Oak, red	19.0		Good	1	No		19.0	
9	Ash, green	11.0		Fair	1	No		11.0	
10	Ash, green	24.0		Good	1	No		24.0	
11	Elm, American	14.0		Fair	1	No		14.0	
12	Boxelder	24.0		Fair	1	No		24.0	
13	Hackberry	17.0		Good	1	No		17.0	
14	Ash, green	7.0		Good	1	No	7.0		
15	Elm, American	16.5		Good	1	No		16.5	
16	Ash, green	6.5		Fair	1	No		6.5	
17	Ash, green	8.0		Good	1	No		8.0	
18	Ash, green	8.0		Fair	1	No			
19	Ash, green	8.5		Fair	1	No		8.5	
20	Hackberry	16.5		Good	1	No		16.5	
21	Ash, green	7.0		Fair	1	No			
22	Boxelder	14.0		Fair	1	No	14.0		
23	Boxelder	12.5		Fair	1	No		12.5	
24	Maple, silver	24.5		Good	1	No	24.5		
25	Oak, red	32.0		Good	1	Yes		32.0	
26	Maple, sugar	22.0		Good	1	No		22.0	
27	Boxelder	13.5		Fair	1	No		13.5	
28	Maple, sugar	21.5		Good	1	No	21.5		
29	Maple, sugar	18.0		Good	1	No	18.0		
30	Oak, red	24.5		Good	1	No		24.5	
31	Oak, red	28.0		Good	1	Yes		28.0	
32	Maple, sugar	22.0		Good	1	No	22.0		
33	Maple, sugar	22.0		Good	1	No	22.0		
34	Ironwood	7.0		Good	1	No			
272	Maple, sugar		17.0	Poor	1	No	N/A	N/A	large cavity/hollow
273	Boxelder		12.0	Dead	1	No	N/A	N/A	dead & damaged
274	Boxelder		22.0	Very Poor	1	No	N/A	N/A	decay
275	Boxelder		17.0	Very Poor	1	No	N/A	N/A	decay/hollow
276	Hackberry		8.0	Very Poor	1	No	N/A	N/A	top missing
277	Boxelder		10.0	Very Poor	1	No	N/A	N/A	hollow, cracked
278	Boxelder		16.5	Very Poor	1	No	N/A	N/A	nearly dead & extensive decay
279	Boxelder		14.5	Very Poor	1	No	N/A	N/A	decay/hollow
280	Boxelder		10.0	Very Poor	1	No	N/A	N/A	dead top
281	Boxelder		13.0	Very Poor	1	No	N/A	N/A	decay/top missing
282	Boxelder		36.0	Poor	3	No	N/A	N/A	tops missing from all stems
Total Caliper Inches		587.50	147.00				150.00	437.00	
Number of Trees									
Number of Trees Removed w/variace								9.0	
Number of Trees Removed w/o variace								23.0	
% Removed w/Variance								26.5%	
%Removed w/o Variance								67.6%	
Caliper Inches									
Caliper Inches removed w/variace								150.0	
Caliper inches removed w/o variace								437.0	
% Removed w/Variance								25.5%	
%Removed w/o Variance								74.4%	

LEGEND

TREES REMOVED

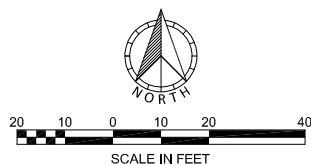
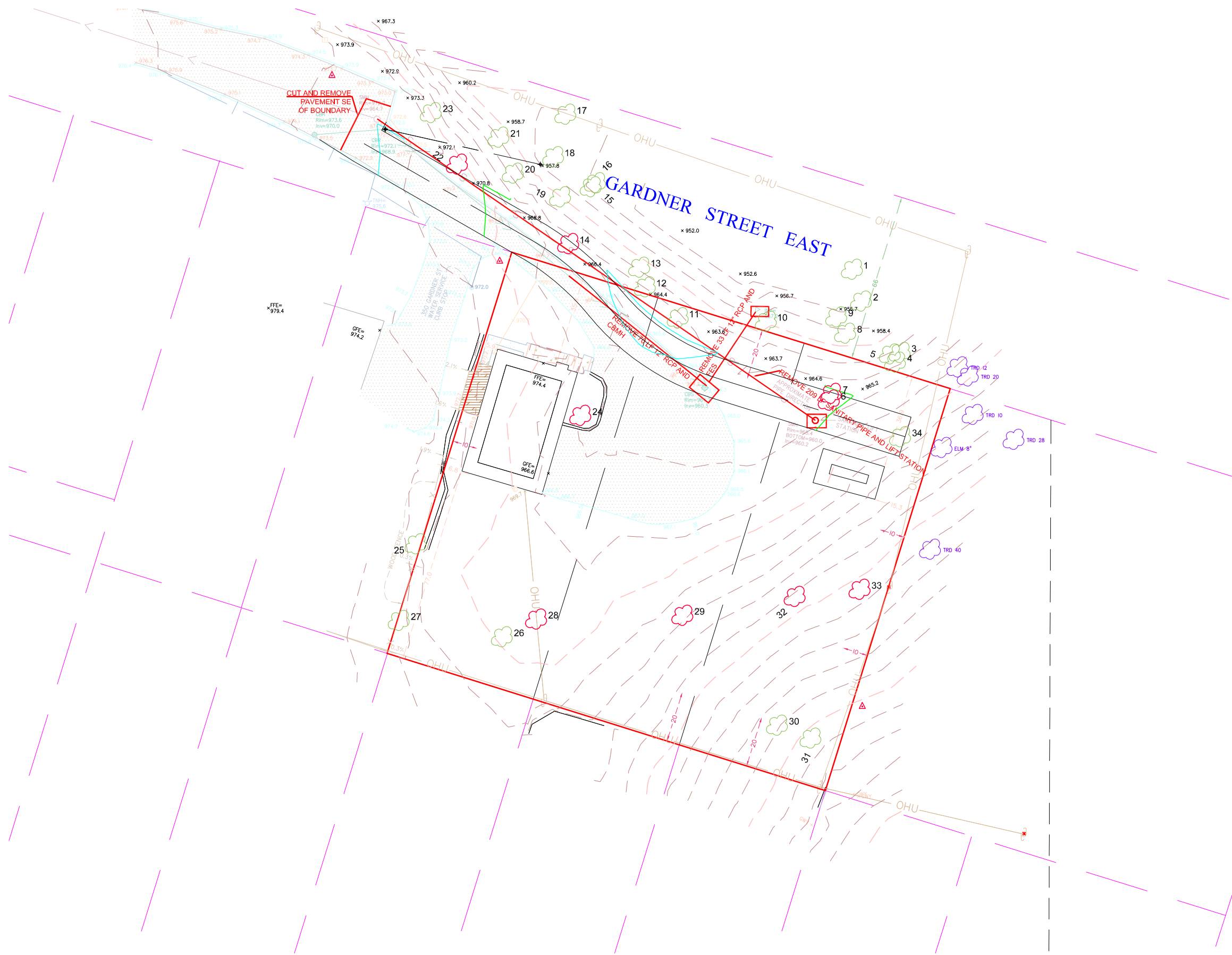
TREES EXEMPT

TREES SAVED

NORTH

201002040

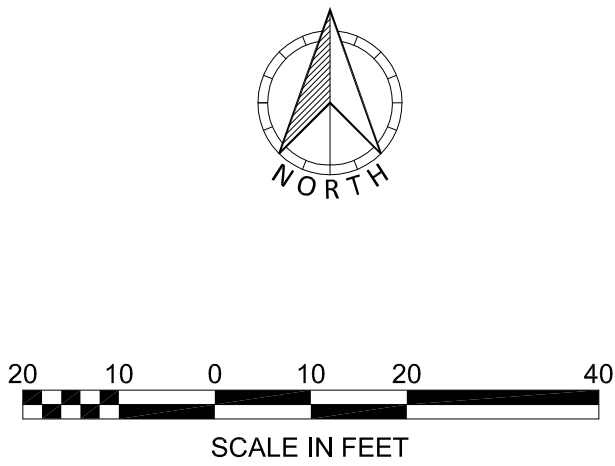
SCALE IN FEET

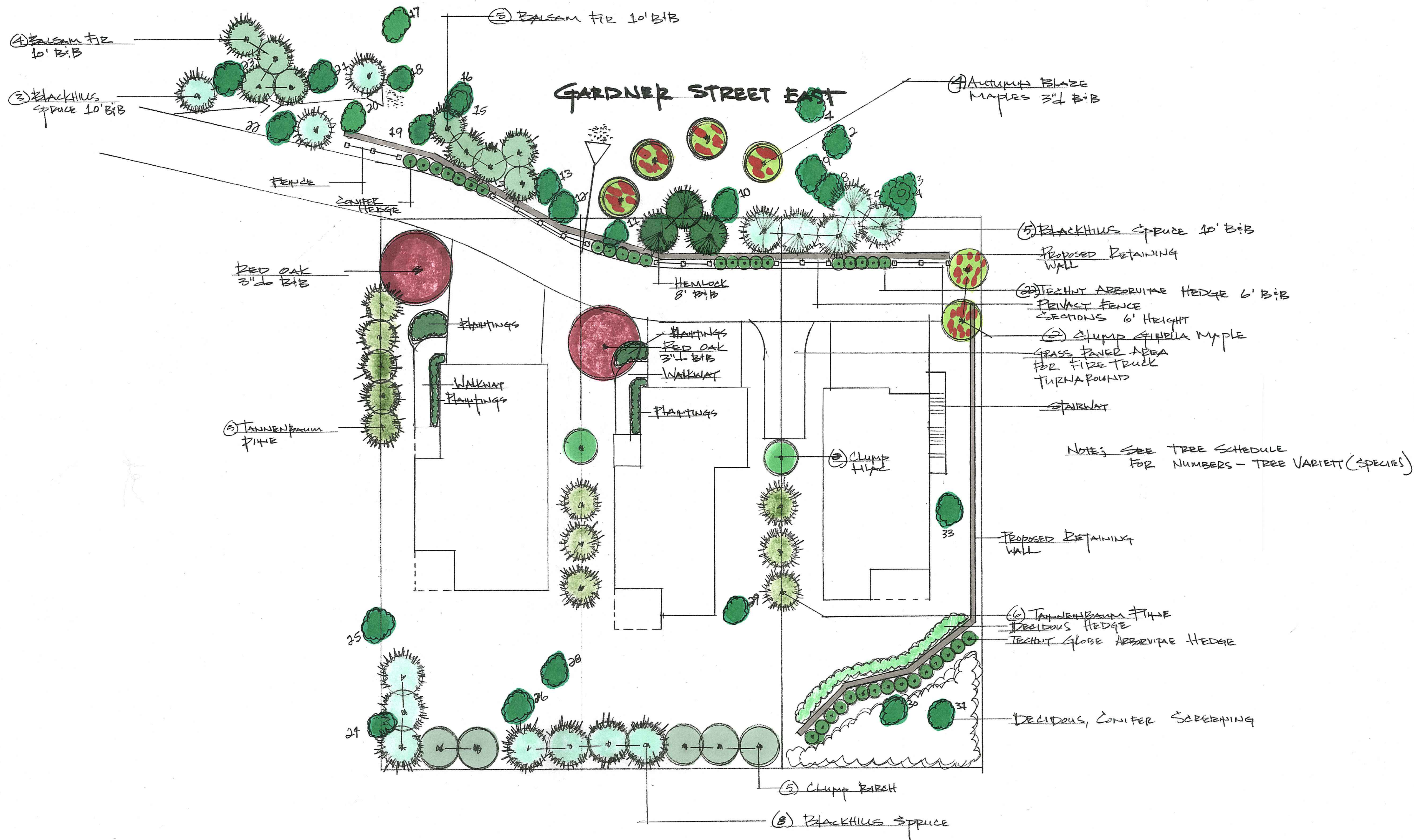


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BASE											
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04/29/16											



HARDCOVER CALCULATION WORKSHEET						
CLIENT:		Bohland Homes, LLC, JOB # 7806-014				
DATE:		2/2/2017				
PROPOSED HARDCOVER IN LOT 1						
Hardcover Item		AREA		COMMENTS		
LOT AREA		=	9,885.53	S.F.		
HOUSE		=	2,568.00	S.F.		
RET. WALL			109.00	S.F.		
SIDEWALK			113.00	S.F.		
ROADWAY		=	633.50	S.F.		
DRIVEWAY		=	635.00	S.F.		
Total Existing Hardcover					4,058.50	S.F.
Total Coverage					41.1%	
PROPOSED HARDCOVER IN LOT 2						
Hardcover Item		AREA		COMMENTS		
LOT AREA		=	9,891.24	S.F.		
HOUSE		=	2,224.00	S.F.		
RET. WALL			62.00	S.F.		
SIDEWALK			86.00	S.F.		
ROADWAY		=	970.05	S.F.		
DRIVEWAY		=	522.00	S.F.		
Total Existing Hardcover					3,864.05	S.F.
Total Coverage					39.1%	
PROPOSED HARDCOVER IN LOT 3						
Hardcover Item		AREA		COMMENTS		
LOT AREA		=	9,897.01	S.F.		
HOUSE		=	2,181.42	S.F.		
RET. WALL			241.00	S.F.		
ROADWAY		=	778.83	S.F.		
DRIVEWAY		=	582.00	S.F.		
Total Existing Hardcover					3,783.25	S.F.
Total Coverage					38.2%	





Tree #	Species	DBH	Condition	Stems
1	Ash, green	15.0	Good	1
2	Ash, green	8.0	Fair	1
3	Elm, red	17.5	Fair	1
4	Basswood	21.5	Good	1
5	Basswood	56.0	Fair	4
6	Boxelder	9.5	Fair	1
7	Boxelder	11.5	Fair	2
8	Oak, red	19.0	Good	1
9	Ash, green	11.0	Fair	1
10	Ash, green	24.0	Good	1
11	Elm, American	14.0	Fair	1
12	Boxelder	24.0	Fair	1
13	Hackberry	17.0	Good	1
14	Ash, green	7.0	Good	1
15	Elm, American	16.5	Good	1
16	Ash, green	6.5	Fair	1
17	Ash, green	8.0	Good	1
18	Ash, green	8.0	Fair	1
19	Ash, green	8.5	Fair	1
20	Hackberry	16.5	Good	1
21	Ash, green	7.0	Fair	1
22	Boxelder	14.0	Fair	1
23	Boxelder	12.5	Fair	1
24	Maple, silver	24.5	Good	1
25	Oak, red	32.0	Good	1
26	Maple, sugar	22.0	Good	1
27	Boxelder	13.5	Fair	1
28	Maple, sugar	21.5	Good	1
29	Maple, sugar	18.0	Good	1
30	Oak, red	24.5	Good	1
31	Oak, red	28.0	Good	1
32	Maple, sugar	22.0	Good	1
33	Maple, sugar	22.0	Good	1
34	Ironwood	7.0	Good	1

TREE INSTALLATION PROPOSAL PLAN DETAIL

Scale: 1/4" = 1'-0"
 Date: 12-22-16
 Drawn By: [Signature]
 Revised: [Signature]
 Contract: [Signature]
 Start Date: [Signature]
 Drawing Number: [Signature]

Issue Date: [Signature]
 BOHLAND HOME, LLC
 PROJECT: GARDNER STREET EAST
 ADDITION
 WATZATA, MN

B. BUTTERFIELD
 LANDSCAPE CO.
 Design & Construction
 3925 Watertown Road
 Orono, MN. 55359
 (952)-473-3712
 (612)-221-8379
 PC 2/6/2017
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1 applicant can provide information on the materials that would be used for the sides and back of
2 the home.

3
4 Commissioner Gonzalez asked if the rear boundary had been established.

5
6 City Attorney Schelzel stated the subdivision and plats have been approved and filed, and the
7 Planning Commission's review at this time is just on the conditions related to the proposed
8 house.

9
10 Mr. Thomson stated if there was a problem with the plat, it would have had to be resolved prior
11 to the plat being recorded, which has been completed.

12
13 Chair Iverson noted that the applicant was not at the meeting, and asked Staff to request the
14 applicant attend the City Council meeting so the City could review the materials for the side and
15 rear of the home.

16
17 Commissioner Gruber made a motion, seconded by Commissioner Gonzalez, to recommend the
18 City Council approve the preliminary house plans for 141 Wooddale Ave, based on the findings
19 that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies
20 the condition of Resolution No. 05-2015. The motion carried unanimously.

21
22 Chair Iverson recommended the applicant provide building material information for the sides and
23 rear of the home for the City Council's review.

24
25
26 **AGENDA ITEM 6. Public Hearing Items:**

27
28 **a.) Gardner Place – 350 Gardner St E**

29 **i. Preliminary and Final Plat Subdivision**

30
31 Mr. Thomson stated the applicant, BohLand Homes, had submitted a development application to
32 subdivide the property at 350 Gardner St. E. into three (3) single family residential lots. The
33 existing house would be demolished and three (3) new homes would be constructed. The
34 proposed lots would meet the minimum lot requirements for the R-3A Zoning District. The
35 applicant submitted preliminary plans for the new houses that would be constructed on each of
36 the lots and the proposed house locations would meet all setback requirements. Additional
37 information would be needed on the proposed lot coverage and impervious surface for the
38 homes. The new homes would be subject to a maximum 30% lot coverage and 35% impervious
39 surface outlined in the R-3A Zoning District. The applicant is proposing to extend an existing
40 private driveway to serve the three (3) lots and this would be widened to 16-feet in order to meet
41 the fire code access requirements. He reviewed the subdivision street standards and the options
42 for the application including a PUD, public street, or a variance to allow for a private street. He
43 reviewed the grading and drainage plans proposed for the project, the proposed retaining walls
44 and the extension of the sanitary sewer line. He reviewed the tree preservation plan and
45 explained Staff has requested a tree inventory of the Gardner Street right-of-way in order to
46 determine the number of trees that would be removed within the City's right-of-way.

1
2 Mr. Thomson explained that the application would need to come back to the Planning
3 Commission, and may be amended based on recommendations of the Planning Commission and
4 changes the applicant would make regarding the private street parameters. There would also
5 need to be a second public hearing for a private street variance request.
6

7 Commissioner Flannigan asked if the property had been used as a public dump previously, and if
8 there had been discussions regarding potential environmental concerns.
9

10 Mr. Thomson stated there was no record of the property being a public dump. The City is not
11 aware of any environmental testing that has been done on the property. The City would only be
12 aware of testing if it was completed by a property owner and submitted to the City. There are
13 preliminary site investigations that can be done, but he is not aware that the applicant has had
14 any environmental studies done on the property.
15

16 Commissioner Flannigan asked if the applicant would provide additional information regarding
17 the trees along the street.
18

19 Mr. Thomson stated the applicant is currently working on a tree inventory for the trees along the
20 street and this would be provided to the Commission at the next meeting on the application.
21

22 Commissioner Gonzalez requested the applicant mark every tree that would be removed, and that
23 the proposed buildings be staked out on the parcels as well as the boundaries for the proposed
24 street.
25

26 Commissioner Gruber stated the amount of fill brought to the site will be a concern. The
27 property is unique and will require a large amount of fill.
28

29 Mr. Thomson stated the applicant has not provided the cut and fill calculation for the property.
30

31 Commissioner Gonzalez asked how far the proposed retaining wall along the east side of the
32 property would be from the property line. There is a large oak tree along the property line, and
33 the root system would be damaged with any excavation in this area.
34

35 Mr. Thomson stated the retaining wall would be within 1-foot of the property line.
36

37 Commissioner Gonzalez stated if the application moves forward, she would recommend a
38 condition that the construction along the east property line be setback 10-feet in order to protect
39 the oak tree.
40

41 Chair Iverson stated a 7-foot retaining wall could be dangerous. She asked if there were
42 retaining walls this high in other areas of the City.
43

44 Mr. Thomson stated he did not know of specific examples. Retaining walls are allowed by the
45 Ordinances and there is not a setback requirement to them.
46

1 Commissioner Gonzalez stated if the application comes back as a PUD, it would be reasonable to
2 add a condition for the retaining wall that would address the health, welfare, and safety of the
3 residents of the adjacent properties.

4
5 Mr. Thomson stated Staff would ask the applicant to inventory the trees immediately adjacent to
6 the property line and show critical root zones and how these relate to the proposed retaining wall
7 location. This would help the Commission in determining any changes to the retaining wall that
8 may be warranted to reduce potential impacts.

9
10 Commissioner Flannigan asked if the retaining wall would be above the grade of the street or if it
11 would be filled in and the retaining wall at grade.

12
13 Mr. Thomson explained the retaining wall is on the north side of the driveway and the top of the
14 retaining wall would be similar to the grade of the proposed driveway. The face of the retaining
15 wall is on the north side as the grade falls off.

16
17 Applicant's representative, Mr. Steve Bohl, 550 Far Hill Road, Wayzata, provided historical
18 background on the property and the proposed development. He stated they had done some
19 testing, and he does not believe there is a sizable dump on the site. He explained they were
20 proposing a private driveway because of the challenges with creating a city street due to the
21 topography and grading of the property. The proposed driveway would be built to the
22 requirements of fire safety. He clarified the three homes presented would be the three homes
23 that would be built on the lots. They are currently working on trying to drop the second home 1
24 to 2 feet in order to drop the height of the retaining wall proposed for 5 to 7 feet to 4 to 5 feet. He
25 acknowledged that the neighbors have expressed concerns, and they are working to ensure the
26 proposal works for the neighborhood. He explained the property currently has a non-conforming
27 private driveway, and they are proposing to make some improvements to this and keep it as a
28 private driveway. They would prefer to have a variance request approved, rather than having the
29 project go through the Planned Unit Development (PUD) process for the private street. This
30 street would not be the responsibility of the City because it would be private and would be
31 managed by an easement between the property owners.

32
33 Commissioner Gruber asked how much fill would need to be brought into the site.

34
35 Mr. Bohl stated the grading plan calculates the import and export amount of fill. They are
36 planning to have the base of the street done, and will be removing all of the poor soil from the
37 existing driveway and all of the calculations include this soil correction. The first home would
38 be at the existing grade, the second home is about 3-feet above grade, and the third home is about
39 the same. The grade at the back of the homes works for the plans proposed. They are proposing
40 to fill the "bowl" of the property about 3-feet.

41
42 Chair Iverson requested a calculation based on the number of truckloads of fill that would be
43 imported and exported from the site.

1 Mr. Bohl stated he would provide this information for the homes and for the street. He is not
2 sure on the street at this time because he does not know how deep they will have to go to correct
3 the soils of the street. Currently they are calculating 20 trucks.

4
5 Commissioner Gonzalez expressed concerns about the vegetation in the right-of-way to the
6 north. This screens the homes to the south. She asked if the applicant had talked with the
7 neighbors about moving the private road further south to avoid having to put the retaining wall
8 and the clear cutting in the right-of-way.

9
10 Mr. Bohl stated he had not talked specifically about moving the road further south. They intend
11 to replace the trees removed with conifers.

12
13 Commissioner Gonzalez asked if the applicant had calculations for lot coverage and impervious
14 surface coverage in order to ensure they are meeting the maximum requirements.

15
16 Mr. Bohl stated the impervious surface coverage would be: Lot 1 is 30.5%, Lot 2 is 27%, and
17 Lot 3 is 28%.

18
19 Commissioner Gonzalez asked how the applicant would justify the granting of a variance for a
20 private street.

21
22 Mr. Bohl stated the property is unique in that it is a dead end on a public right-of-way and the
23 primary reason they are looking a private street is a public street in the City right-of-way would
24 require a large amount of excavating and the removal of more trees. If the homes were pushed
25 30-feet north the impacts would be devastating. The variance request is to have the least amount
26 of impact on the current setting.

27
28 Commissioner Gonzalez stated the Code would require the applicant to have a cul-de-sac and
29 there is not enough land for three (3) homes and a cul-de-sac.

30
31 Mr. Bohl stated he had looked at a hammer head design for fire safety and they could do this
32 with a public street, but this design would disrupt more soils. With the current proposed
33 driveway, the Fire Marshal had requested the proposed homes have fire sprinkler systems
34 installed.

35
36 Commissioner Flannigan asked the applicant to explain what justified changing the aesthetics of
37 the property and the neighborhood. He asked if the Applicant had done any studies on the effect
38 the project would have on the noise levels for the neighborhood. He asked what the reasoning
39 would be to remove all of the trees and put an undue burden on the sight lines and sound quality
40 to the neighborhood to the south.

41
42 Mr. Bohl stated the original platting for this property was for three (3) parcels. Those parcels
43 had been combined into one (1) when the existing home was constructed. All of the trees north
44 of the retaining wall would remain in the proposed project. He stated the proposed removal of
45 six trees would not likely have an impact on noise for the neighborhood. They are proposing to
46 remove dead and damaged boxelder trees and replace these with conifers at the entrance. The

1 proposal meets all of the requirements outlined in the Staff Report with the exception of the
2 private street. Three homes in this area would provide a better sound barrier than the six trees
3 that are being removed. Several of the trees are in the core of the site.

4
5 Chair Iverson stated having the trees tagged on the site would help to answer some of the
6 questions and concerns the Commission has presented.

7
8 Commissioner Murray clarified the current home was approximately 40-feet wide, and noted that
9 the addition of two (2) additional homes the same size would add 80-feet of sound barrier that
10 currently does not exist on the property.

11
12 Commissioner Gonzalez expressed concerns about the preservation of the trees close to the
13 property line to the east. She would like to see a plan on how these trees would be protected.

14
15 Mr. Bohl stated they would talk with the neighbor and work on a preservation plan for those
16 trees.

17
18 Commissioner Gnos requested a landscape plan be included with the application that shows
19 where new trees would be planted and the types of trees that would be planted.

20
21 Chair Iverson opened the public hearing at 8:08 p.m.

22
23 Mr. Joe Madson, 344 Gardner St. E., Wayzata, requested the trees not be marked with spray
24 paint. He requested the information he had given to City staff be included as part of the record
25 of the discussions on this development. He expressed concerns regarding the width and location
26 of the private driveway and the impacts this would have to the trees on his property, which
27 shares the existing private driveway and is adjacent to the proposed development. He stated they
28 are close to the Highway and any removal of trees would impact their experience as a
29 homeowner and their ability to sell their home in the future. He expressed concerns about the
30 water main placement. The water main would be on the corner of his property, and there is not
31 an easement in place at this time. He asked what rights or responsibility he would have as a
32 property owner since it would be serving three (3) additional homes instead of one (1). He also
33 expressed concerns regarding the access for maintenance for this water main. The driveway
34 repair and replacement is more than he had expected and this is a shared driveway. He does not
35 want the existing bushes near the home that will be demolished to be impacted. He asked the
36 Commission to consider the tree removal and the storm water runoff and the impacts these would
37 have on his property and neighboring properties. He expressed concerns with the private
38 driveway and having to share a driveway with three (3) additional homes.

39
40 Ms. Elissa Madson, 344 Gardner St. E., Wayzata, stated she lives on the property that shares the
41 driveway with the applicant's property, and the properties currently have access to the street
42 through an easement in their front yard. She stated the biggest concern is the project location
43 and the shared driveway. There will be a significant number of drivers using this road and the
44 maintenance of this road would increase and have a greater impact on them. Garbage is
45 currently collected in her front yard for the two existing homes and she expressed concerns that
46 there would be eight garbage cans in her front yard on garbage days. She stated all homes in the

1 north platted neighborhood of Wayzata have access to a public street. There are four (4) other
2 shared driveways in the north neighborhoods. Anywhere there is a shared driveway in this area
3 it serves two (2) homes only. She expressed concerns about who would be responsible for
4 maintaining the driveway and for snow removal, where the trash and recycling pickup would
5 occur for these new homes, and if her home would be expected to be a part of the new
6 homeowners' association. She stated the project location was in conflict with the preliminary
7 plat criteria of the City's Subdivision Ordinance in that: the creation of a lot or lots shall not
8 adversely impact the scale, pattern, or character of the City, neighborhoods, or its commercial
9 areas; the design of a lot, the building pad, and the site layout shall respond to and be reflective
10 of the surrounding lots and neighborhood character; the lot size that results from a subdivision or
11 lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding
12 neighborhood or commercial area; and the proposed subdivision or lot combination shall be
13 accommodated with existing public services, primarily related to transportation and utility
14 systems, and will not overburden the City's service capacity. She stated there are no other
15 locations in Wayzata where four (4) homes share a driveway, the parcels in this area are larger
16 due to the topography, and a significant character of Wayzata is the large heritage trees and
17 removal of these would impact the neighborhood. The City right-of-way has several large trees
18 that provide a significant site and sound barrier for the neighborhood and these are owned by the
19 City, not the applicant, and this is in conflict with the criteria that: building pads that result from
20 a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands,
21 wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community
22 assets; existing stand of significant trees shall be retained where possible. Building pads that
23 result from a subdivision or lot combination shall be sensitively integrated into existing trees;
24 and the proposed subdivision or lot combination shall not tend to or actually depreciate the
25 values of neighboring properties in the area in which the subdivision or lot combination is
26 proposed. She stated the proposed plan would drastically change the topography of the land.
27 The ground level would be raised up to 5-feet and require significant retaining walls and this is
28 in conflict of the criteria that the building pads that result from subdivisions or lot combinations
29 shall be selected and located with respect to natural topography to minimize filing or grading.
30 She expressed concerns about safety because there would be a large number of trucks going to
31 and from the property and there are several children under the age of 10 in this area.

32
33 Ms. Lucy Brunschen, 402 Gardner Street, stated her property shares a significant tree with the
34 Applicant's property and has other features that buffer her property. The property has remained
35 largely unchanged, and provides character and privacy for the neighborhood. The proposed
36 development would change the topography. She stated subdividing the property would be
37 insensitive to the natural topography, requires the removal of several significant trees, and
38 requires a massive 4 to 7-foot retaining wall. She asked about the storm water management that
39 would be included on the site. She stated there are too many homes expected to share a
40 driveway, and this is a safety concern.

41
42 Ms. Marilee Babcock, 337 Reno Street, Wayzata, expressed concerns about the community trees
43 that would be impacted, and that there was not a tree survey included in the proposal. She asked
44 who would be paying to remove these trees and build the retaining wall.

1 Mr. Thomson stated the cost for the removal of trees and the construction of retaining walls
2 would be the obligation of the applicant.

3
4 Ms. Babcock asked where the applicant would place the conifer trees proposed because the top
5 of the hill would be hardcover. The trees in this area clean the pollutants coming from the
6 highway as well as serve as a sound barrier for the neighborhood. She would like to see a tree
7 survey of the public right-of-way reflecting the caliper inches that would be removed.

8
9 Ms. Linda Linden, 345 Gardner St. E., Wayzata, stated she would like to know if it is normal
10 practice to advertise for something that has not been approved yet.

11
12 Mr. Thomson stated the City's role in any subdivision application is the review and approval of
13 the Planning Commission and City Council. The City manages the public process for review of
14 these applications in terms of noticing the neighborhood, putting it in the newspaper, and sending
15 notices to the neighborhoods about the public hearing. Nothing is approved for the property until
16 the City Council has taken action to approve it, and staff has issued permits for the project.
17 However, there is nothing that restricts a developer from marketing a project that may not have
18 gone through this whole review and approval process. He noted that it is not unusual for
19 developers to market a project, and there are no restrictions in the City's Ordinances.

20
21 City Attorney Schelzel further clarified in this case there are also several issues related to the
22 Application that would need to be worked out with the neighbors, and these are not all City
23 issues. The City can only address those things that pertain to the applicable criteria of the City's
24 Code, and not issues between neighbors. Based on the public comments, there are issues that the
25 neighbors will have to work out or this project will not move forward as presented.

26
27 Chair Iverson closed the public hearing at 8:40 p.m.

28
29 Commissioner Gruber stated this project does not fit the topography of the site. She expressed
30 concerns about the private street, the tree removal, the storm water management has not been
31 discussed, the details of the water main need to be worked out and there are safety concerns with
32 adding additional homes in this area. This application is not ready to be forwarded to the City
33 Council. She stated the project does not meet several of the Preliminary Plat Criteria in the
34 Subdivision Ordinance.

35
36 Commissioner Gonzalez stated the Comprehensive Plan discusses protecting neighborhoods
37 from encroachment or intrusion by incompatible uses or higher densities. This project has too
38 many homes for the size of the site in comparison to what is already there. The applicant has the
39 right to develop the site with one building and this would not require much action from the
40 Planning Commission. She stated the property may be able to have two (2) buildings but she
41 would not support having three (3) new homes on this property as presented, especially the clear
42 cutting of the trees in the City's right-of-way. She stated the possible variance request is being
43 economically driven and she would not support the request. The project is too intrusive for the
44 neighborhood.

1 Commissioner Gnos stated he would like to see a landscape plan, tree inventory, and fill
2 calculations.

3
4 Commissioner Flannigan stated the applicant purchased the property to build three (3) homes.
5 Just because three (3) homes will mathematically fit on the property does not mean that there
6 should be three (3) homes there. Mr. Bohl was not able to demonstrate how the plan he
7 presented addressed the Preliminary Plat Criteria of the Subdivision Ordinance. He would not
8 support a variance because it would be due to economic reasons. There are also impacts to the
9 neighborhood that have not been looked into.

10
11 Commissioner Murray stated the property is unique, and that the project is not the right one for
12 this parcel.

13
14 Chair Iverson stated she would agree with the concerns brought up with the project. The project
15 does not meet the Preliminary Plat Criteria. She expressed concerns that the topography of the
16 property will be changed, and there would be significant removal of trees. The applicant could
17 have worked more with the neighborhood to work out some of the concerns prior to the project
18 coming to the Commission. She stated density, traffic, and snow removal are concerns. She
19 does not believe the turnaround proposed is adequate for fire trucks to turn around. She stated
20 she would not support a variance request.

21
22 Commissioner Gonzalez stated what is presented does not meet the Code because they are
23 proposing a private street and this is not allowed in the City. She stated there is not a variance
24 requested presented at this time, and when a properly prepared variance is proposed she would
25 give due consider at that time.

26
27 Mr. Thomson stated staff would work with the applicant on addressing the Preliminary Plat
28 Criteria and the private street issues. He again noted that the Subdivision Ordinance states that
29 in a subdivision, private streets are prohibited. The intent of this regulation is to construct public
30 streets to serve a subdivision or development. He stated the three options for this project would
31 be a PUD, a variance, or a public street. The applicant has looked at the public street option.
32 Staff can review this information as compared to the private street proposed. A public street
33 would be larger and potentially have more impacts on the natural resources of the site.

34
35 City Attorney Schelzel stated based on the statements of the Commissioners, the Commission
36 could direct staff to prepare a Report and Recommendation recommending denial of the
37 application, or they could continue the application to future meeting to review additional
38 information from the applicant.

39
40 Mr. Bohl stated the Commission had not discussed several specifics of the application. He
41 clarified the private street would be managed similar to public streets in Wayzata, but the
42 responsibilities will be on the three (3) home owners.

43
44 Commissioner Gonzalez stated some of the concerns raised are private matters and should be
45 negotiated and settled between neighbors. The Commission is looking at the application to
46 determine if it meets the City's Code. As presented the application does not meet the code

1 because they are proposing a private street and this is not allowed under the Subdivision
2 Ordinance.

3
4 Mr. Bohl asked what specific information the Planning Commission was looking for. He noted
5 that some of the information requested is in the application, but the Commission has not
6 discussed it yet. He stated they would prepare a landscape plan for the City.

7
8 Chair Iverson recommended the applicant walk through the Preliminary Plat Criteria of the
9 Subdivision Ordinance, and provide information on each of the criteria points on how the
10 application meets the criteria.

11
12 Mr. Bohl stated he was prepared to answer the questions and concerns brought up.

13
14 Commissioner Gruber stated the Commission has stated the plan is too dense for the area. A
15 plan with fewer homes would not have the same issues as the one presented.

16
17 Mr. Bohl stated having one (1) home on the property would have the same number of trees
18 removed with the exception of the driveway.

19
20 Mr. Thomson summarized the additional information the Planning Commission is requesting be
21 included as part of the application: provide a tree inventory for the public right-of-way; flag the
22 trees that would be removed with red flags; stake out the homes and other site improvements to
23 provide reference for site investigation; submit the amount of site disturbance and fill including
24 the number of trucks; update the tree inventory to include the trees on the adjacent properties
25 with the critical root zone and look at the retaining wall based on this; provide the tree
26 replacement plan; provide information on the impervious surface requirements.

27
28 Commissioner Gonzalez requested a storm water runoff plan.

29
30 Chair Iverson requested information on the impact the project would have on the existing trees
31 and retaining wall at 344 Gardner Street E.

32
33 Mr. Thomson stated the applicant will need to determine what option for the street and driveway
34 they would like to pursue, and noted that there is a significant amount of private negotiations that
35 would need to be worked out. It is the applicant's responsibility to respond to the concerns and
36 comments.

37
38 Commissioner Flannigan stated he would like to see less impact to the trees on the south portion
39 of the property.

40
41 Mr. Bohl asked for a clarification on the extent of the grading plan for the tree inventory for the
42 right-of-way.

43
44 Chair Iverson stated staff would provide a boundary for Mr. Bohl to inventory.

1 Commissioner Gonzalez requested the applicant consider plans that would avoid or reduce the
2 need to build the large retaining walls.

3
4 Mr. Bohl explained they would look into this and provide additional information to the
5 Commission. He stated he would work with the neighbor to come to agreement on their
6 concerns.

7
8 Chair Iverson stated the existing water main is on private property. She asked how this
9 connection would work.

10
11 Mr. Bohl stated he would provide an alternative plan to what is included in the application.

12
13 Commissioner Gonzalez made a motion, seconded by Commissioner Flannigan, to continue the
14 application to a future Commission meeting to provide the applicant and Staff an opportunity to
15 explore other possibilities and to address the concerns that were expressed by the Commission
16 and the public. The motion carried unanimously.

17
18 The Planning Commission recessed at 9:10 p.m.

19
20 The Planning Commission reconvened at 9:15 p.m.

21
22 **b.) Frenchwood Third Addition – 250 and 270 Bushaway Rd**

23 **i. Preliminary and Final Plat Subdivision with Variances**

24
25 Mr. Thomson stated the applicant submitted a development application to subdivide the
26 properties at 250 and 270 Bushaway Road. The applicant is proposing to subdivide the two (2)
27 existing lots into four (4) single-family residential lots. The two (2) existing homes would
28 remain and two (2) new homes would be built. The applicant is requesting approval of a
29 concurrent Preliminary and Final Plat review and lot width variance. The R-1 Zoning District
30 requires a minimum lot width of 150-feet for each lot. Three (3) of the four (4) lots would have
31 lot widths that are less than 150-feet, which requires a variance for each of the lots. The
32 proposed plans include a tree inventory for Lots 1, 2, and 3, but a tree inventory has not been
33 completed for Lot 4 since the applicant is not proposing any construction on the existing 270
34 Bushaway property. The existing 270 Bushaway Road property is encumbered by a private
35 driveway, which serves both the 250 and 270 Bushaway Road properties, the vacant property
36 adjacent to the east, and the six lots within the Enchanted Woods development. The proposed
37 plans would not change the driveway access for the two (2) existing homes, and the two (2) new
38 homes on Lots 2 and 3 would have a driveway access from the existing shared driveway. The
39 Street Design Standards state if a subdivision of parcels adjoins an existing private street, the
40 private street must be dedicated to the public and scheduled for improvement to public street
41 standards. The applicant thus has the option of moving forward with a PUD, a public street, or a
42 variance for this street, which would require an amendment to the application. The applicant
43 could put driveways that would connect with a public street but this may involve additional
44 grading impacts and would result in additional access points on Bushaway Road. He stated there
45 are no home designs at this time. If this moves forward the Commission may want to consider

February 2, 2017

To Whom it May Concern:

As the residents of Gardner Street East, Barry Avenue North, and Park Street East, we are concerned about the most recent subdivision proposal submitted for 350 Gardner Street. Most specifically, we are concerned about the tree removal that is proposed to occur in the public property of the city-owned right-of-way along the north side of the private driveway. As residents of this neighborhood, we rely on that mature natural buffer to provide both a sight and sound barrier, as well as natural pollution control, from the nearly 60,000 cars that pass daily through the 6-lane Highway 12 corridor at the speed of 65 mph.

Please consider our desire to maintain that natural tree buffer to our neighborhood, located on public property, and how it impacts our quality of life given our proximity to Highway 12.

Thank you.

Sincerely,

Joe Madson (344 Gardner Street East)
Elissa Madson (344 Gardner Street East)
Joel Hjelmeland (339 Gardner Street East)
Cheryl Abelson-Hjelmeland (339 Gardner Street East)
Michelle Langevin (330 Gardner Street East)
Linda Linden (345 Gardner Street East)
William Linden (345 Gardner Street East)
Lucy Bruntjen (402 Gardner Street East)
Shane Cullinan (216 Barry Avenue North)
Katie Cullinan (216 Barry Avenue North)
Suzanne Flannigan (331 Park Street East)
Matt Brinza (315 Park Street East)
Deanna Brinza (315 Park Street East)
Ken Luby (343 Park Street East)

JEFFREY S. JOHNSON
RUSSELL H. CROWDER
MICHAEL F. HURLEY
DOUGLAS G. SAUTER
HERMAN L. TALLE
CHARLES M. SEYKORA
DANIEL D. GANTER, JR.
BEVERLY K. DODGE
JAMES D. HOEFT
*JOAN M. QUADE
*JOHN T. BUCHMAN
SCOTT M. LEPAK
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OF COUNSEL
JON P. ERICKSON
STEVEN G. THORSON
W. JAMES VOGL, JR.
*JAMES H. WILLS

Writer's Direct Line: (763) 783-5120
E-Mail Address: jjohnson@bgs.com

July 6, 2016

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

In re: Gardner Place – 350 Gardner Street East

Dear Mr. Thomson,

Please be advised that our office represents Joseph and Elissa Madson, who reside at 344 Gardner Street East, in the City of Wayzata. We request that this letter be made part of the public record of the Wayzata Planning Commission meeting dated July 6, 2016, regarding the above-captioned matter.

This letter is in regards to the single-family home development (the “**Development**”) proposed by Bohland Homes, LLC, known as Gardner Place, and situated immediately to the east of the Madsons’ property. By this letter we seek to inform the City of Wayzata (“**City**”) of various real property and development related concerns that will have an impact on the Madsons’ property in relation to the Development. We request that all of the below concerns be incorporated as developer covenants and conditions into any development agreement entered into between the City and the developer (“**Development Agreement**”).

Our concerns are as follows:

- Liability: Protection against any liability for any work/persons/machinery that takes place on our property serving this development site
- Private Drive: A privately maintained drive is located to the north of the Madsons’ property, beginning at the midway point of the northern edge of their property (the “**Drive**”). The Drive is situated partly within the right-of-way of Gardner Street East and partly on private property. As part of the Development, the asphalt on the Drive would be removed and significant infrastructure installed in the roadway for the Development, causing access issues for the Madsons’ resulting from poor road quality and construction traffic and activity. Any

impact to the accessibility of the Madson property by vehicle must be compensated for lack of access to the home/driveway during the construction process.

- Water Main Replacement: The Development proposes replacement of a water main that is partially located on the Madsons' property, running across the area where the Madsons enter their property off of Gardner Street/the Drive. If there is no existing easement for the water main across Madsons' property, an easement needs to be acquired from the Madsons on terms and conditions, and for consideration deemed acceptable to the Madsons. The Development Agreement and any easement agreement relating to access over the Madsons' property must contemplate access concerns during the water main construction, including coordination of construction activity on no less than 48-hour notice to the Madsons. The Development Agreement and easement agreement must also include repair and replacement provisions relating to the Madsons' property.
- Driveway Repair / Replacement: Due to the impact related to the reconstruction of the private shared Drive and the impact of the Water Main Replacement, the Madsons specifically request that the Development Agreement and easement agreement require repaving of the Madsons' entire driveway, at the cost of the developer, following completion of all construction activities. The Development Agreement and easement agreement must also contain typical indemnification and hold harmless provisions relating to construction activities on the Madsons' property.
- Removal of Existing Residential Structure. The residential structure currently located at 350 Gardner Street East is encroaching on the Madsons' property. The Development Agreement and any temporary construction easement agreement related to the removal of the structure must include indemnification and hold harmless provisions relating to removal activities on the Madsons' property. They must also include full repair and replacement provisions and an agreed upon driveway and landscaping plan for those areas of the Madsons' property affected by the removal of the structure to an equal or better than predevelopment nature.
- Tree Removal: The current tree removal plan is not sufficient to maintain an adequate sound and sight barrier from the significant traffic on US Highway 12, a short distance to the north of the property. The Development plans do not address tree removal or maintenance within the sixty-six foot wide right-of-way for Gardner Street East that is directly to the north of the proposed Development. The proposed plans include construction of a retaining wall to be located within the City right-of-way, indicating that trees will be removed from that area, but tree inventory and removal plans are only detailed with respect to the private property in the Development. A tree plan for the City right-of-way needs to be completed by a third party and specifically incorporated into the Development Agreement. The tree plan needs to preserve a sufficient number of trees and natural vegetation so as to not adversely impact the desirability of the Madsons' property, and to maintain the sound/sight barrier to Highway 12. This would include holding the developer responsible for sound and visual mitigation measures from Highway 12 to restore the stc (sound transmission coefficient) rating associated to the loss of any trees and associated vegetation to equal or better than predevelopment levels.
- Storm Water Impact: Any Development plans should refer specifically to the Madsons property in terms of silt fences, repair of turf, and general storm water runoff during the

construction process. The Final Grading Plan should include elevations of the Madsons' property so the City can determine whether the Final Grading Plan is appropriate not only for the Development, but also for the Madsons' property.

- Pre- and Post-Construction Surveys: Pre- and Post-Construction Surveys of the Madsons' structures and improvements should be completed both prior to and following construction, at the expense of the developer, to ensure that there have been no adverse impacts on the Madsons' structures or improvements during the construction period. Any adverse impacts identified must be remedied at the expense of the developer.
- Post-Construction Private Drive Issues: The Madsons property is the westernmost property that is served by the Drive. Increasing the number of parcels served by the Drive will result in greater traffic on the drive, in terms of residential vehicular traffic, delivery vehicles, service vehicles, trash hauling, mail service and guest traffic / parking. The Development as proposed would result in up to eight waste removal bins being placed in front of the Madson property on trash removal days. This results in a unsafe and unsightly atmosphere at the Madsons' property. Additionally, the Planning Report for this project makes reference to the need for a fifty foot truck turnaround between Lots 2 and 3, but the submitted plans indicate that the turnaround is only a temporary truck turnaround. The Development must formally arrange for services to be provided in such a fashion that the Madsons' property is not negatively impacted by: (i) truck turnaround or extensive parking of service and delivery trucks as well as guest parking in front of the Madson property, (ii) mail delivery to the Development, (iii) trash and recycling pickup from the Development, (iv) failure to promptly remove snow from the Drive, and (v) failure to adequately maintain, repair and replace the Drive.

Our clients request that their above concerns be considered and addressed in the review process of the City's Planning Commission and City Council. They specifically request that the Development Agreement and any easement agreements affecting their property be delivered as soon as reasonably possible so they can keep our office engaged in maintaining the existing condition of their property. They further request that all legal fees they incur in such maintenance of the condition of their property be paid by the developer of the Development.

Please feel free to contact me or the Madsons about any of the above.

Sincerely,

BARNA, GUZY & STEFFEN, LTD.



By: Jeffrey S. Johnson

Jeff Thomson

From: Laurent Frecon <laurent.frecon@gmail.com>
Sent: Wednesday, July 06, 2016 3:58 PM
To: Jeff Thomson
Cc: Madeline Frecon
Subject: 350 Gardner St E Proposal

Hi Jeffrey,

My wife and I are the owners and residents of 238 Barry Ave N, which is on the corner of Gardner and Barry. We would like to voice our concern of traffic over the proposed subdivision at the end of our side street. Barry Ave already sees very heavy traffic during the school year from parents coming down the street and turning around, and during the summer people parking on the street for access to the tennis courts and baseball field. Furthermore, Gardner, which is a smaller/narrower dead-end street than Barry, already has amplified traffic due to the small group home located at 323 Gardner. This traffic includes transportation, caregivers and parents at all times of the day. Adding the traffic created by the simultaneous construction of three new homes would be very disruptive and potentially dangerous to residents of this area.

We urge the city to consider this impact to our small street and hopefully there is a way to somehow mitigate this issue by staggering construction or any other means the city may decide on.

Sincerely,

Laurent & Madeline Frecon

238 Barry Ave N.

Wayzata, MN

Gustafson

1040 East Circle Drive
Wayzata, MN 55391

Wayzata Planning Commission
600 Rice Street
Wayzata, MN 55391

Chair Iverson and Commissioners,

In speaking with our good friends Joe and Elissa Madson, they have expressed concerns about a number of topics concerning the subdivision next door including but not limited to the safety of their children during the project and the removal of trees.

My wife Elisha and I have dealt firsthand with a significant threat to the health and safety of our children caused by the developer proposing this subdivision during the construction of the Landing. The response was less than satisfactory from our point of view.

Additionally there were significant inconsistencies when comparing proposed vs actual tree removal on the Landing project; moreover the developer did not appear at a required East Neighborhood meeting where the proposed tree removal plan was presented.

While we do support strongly property rights and the ability of an owner to subdivide when and where appropriate, these property rights carry with them significant responsibilities to the community. As such, we ask the Planning Commission to act in whatever capacity they see fit to protect and safeguard the health, safety and welfare of the Madson children while concurrently keeping a watchful eye on any tree removal plans and happenings to verify accuracy.

Best,



Dan & Elisha Gustafson

Preliminary questions about the proposed development of Gardner Place at
350 Gardner Street East... From Robert and Linda Linden @ 345 Gardner Street East

Proposed retaining wall on north side of property development

How will the power company access main lines when repair is needed?

Would, giving permission to build a retaining wall **partially on city right of way**... mean that you do not plan to complete the road that would connect the 2 Gardners. Also how would it affect street parking, mailbox locations and future access to our property, if we ever need to change our driveway entrance at 345 Gardner?

The proposed retaining wall on city right of way and on the north side of 350 Gardner property development.... would be facing our property. We would like to know what governs it's appearance to us. If they decide to include a fence for privacy or noise abatement. We would appreciate thoughtful consideration of material selection before a variance is issued, since some materials might reflect the highway sound back to us?

Tree line

On page 6... the tree plan. There is no mention of any trees being protected on city right of way OR the north retaining wall side of development. There are many trees in that location that provide privacy, erosion control on the steep slope and air purification. **How will that tree line be protected during construction of the retaining wall.** It also helps to muffle the noise pollution from Highway 394. What is the law pertaining to this?

Drainage Issues

Why is moving the storm drain necessary? It is presently close to the low wet area of our yard and not visually intrusive.

Will changing the grade of the property and adding more homes cause excess water to drain into our yard?

Access to our property during demolition and development of property

What rights do we have....and what is their obligation to the neighborhood?

What is the logistics plan for all the trucks, equipment and workers that will be coming to our narrow street. And what days and times are they allowed to disrupt the neighborhood.

Miscellaneous

Location of trash and recycle bins on collection day...in front of their homes or their neighbors?

To avoid parking problems...How many parking spots are allotted per home for family and guest?

Final thoughts for now

Why advertise in the Lakeshore Weekly News dated June 28, 2016 that 3 exclusive homesites are starting construction June 2017before having approval to build them? That seems quite presumptuous. Why waste our time being heard on the matter, if it's a done deal? We would like to think our city cares about **all** of it's residents. Thank you for your time.

Linda J. Linden 7-5-16
Robert R. Linden
PC 2/7/2017
Page 76 of 121 7-5-2016

OPENING SUMMER 2017

Two-Story Restaurant | Outdoor Veranda Seating | Full Day Service
Scandinavian Influenced Spa | Community & Family Meeting Facilities
Stunning Events Space For Weddings & Special Events
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LANDINGWAYZATA.com
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Revolution supports the Our

Jeff Thomson

From: Katie Cullinan <kkarkela@comcast.net>
Sent: Thursday, June 30, 2016 9:17 AM
To: Jeff Thomson
Cc: Shane Cullinan; Katie Cullinan
Subject: City Concerns / Upcoming City Meeting / Current Wayzata Resident

Importance: High

To whom it may concern:

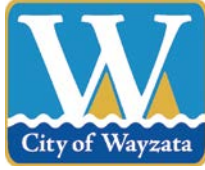
I am writing on behalf of my husband and neighbors to express my deep concern with two major issues pertaining to the city of Wayzata and proposals.

The first issue we have is regarding the property at 350 Gardner Street East. We are very concerned about the significant heritage tree removal and effect that will have on the screen of trees and highway view and sound. Those trees and the landscape give large scale privacy and is part of the wonderful history of Wayzata. Additionally, we have concerns that there will be massive amounts of construction trucks traveling our small city roads to do such a large scale development. Our roads are already so busy with school traffic and traffic into downtown Wayzata that this would negatively impact our daily lives.

The second and equally upsetting issue is the moving of the cell tower to the newly proposed site (Wayzata West Middle School Fields) only yards away from it's original site. This is not only a complete and utter waste of money and time but, since work has started, they have cleared so much of the tree lining and this has opened up major sound problems for us and our neighbors and has impacted the appeal of the wooded area and changed the landscape forever.

Please consider the opinions of the residents and neighbors in the area before considering these proposals, they will significantly impact our home and neighborhood in the future.

Shane & Katie Cullinan
Kkarkela@comcast.net
216 Barry Ave North
Wayzata, MN 55391



**Staff Report
Wayzata Planning Commission
February 6, 2017**

Project Name: Telecommunications Tower
Applicant Short Elliot Henrickson (SEH), City of Wayzata
Addresses of Request: 149 Barry Ave N
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: April 15, 2017

Development Application

Introduction

SEH, on behalf of the City of Wayzata, has submitted a development application to construct a commercial telecommunications tower on the Wayzata West Middle School property at 149 Barry Ave N. The proposal requires a conditional use permit and variances.

Property Information

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

Address	PID	Owner
149 Barry Ave N	06-117-22-22-0008	School District No. 284

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

Current zoning:	INS/Institutional
Comp Plan designation:	Institutional/Public
Overlay districts:	None

Project Location

The property is the Wayzata West Middle School located on northwest corner of the Wayzata Blvd and Barry Ave S intersection:

Map 1: Project Location



Adjacent Land Uses.

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

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Highway 12 Single-family homes	N/A R-2/Medium Density Single Family Residential District	N/A Low Density Single Family
East	Barry Ave N Single-family homes	N/A R-3A/Single and Two Family Residential District	N/A Low Density Single Family
South	Wayzata Blvd Single-family homes	N/A R-3/ Single and Two Family Residential District	N/A Low Density Single Family
West	Wayzata Community Church	PUD/Planned Unit Development	Institutional/Public

Application Requests

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

- A. Conditional Use Permit: New telecommunications towers require a conditional use permit by City Code Section 801.31.4.B.

- B. Setback Variance: The ordinance states that a telecommunications tower must be set back from all residential properties at least one foot for each foot in height, but not less than 100 feet. Based on the proposed height, the tower is required to be at least 195 feet from the adjacent residential properties to the east. The proposed tower would be set back approximately 150 feet from the residential properties, which requires a variance.
- B. Accessory Building Variance: The ordinance states that no more than one equipment shelter or accessory building is permitted for each tower. The proposed plans include the construction of a secured area for installation of ground-mounted equipment. However each cellular provider would provide separate equipment shelters for its individual facilities. The multiple equipment shelters require a variance.

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on January 26, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on January 27, 2017.

Project Overview

The City is proposing to construct a new commercial telecommunications tower on the Wayzata West Middle School Property. The City currently has leases with four cellular providers that are located on the City's water tower at Klapprich Park. The City Council's strategic plan includes a strategic priority of relocating the telecommunications equipment from the water tower to another location. Over the past several years, the City has been reviewing options for relocating the cellular providers to a dedicated tower that the City would construct. The priority site for the tower is the Wayzata West Middle School, based on analysis from SEH and feedback from the cellular providers. The City has an agreement with the Wayzata School District to construct the proposed tower behind the tennis courts on the northeast portion of the school property.

The project includes construction of a 195-foot tall telecommunications tower, perimeter fencing to screen and secure the ground equipment, new underground utility connections, and an access drive. Access to the tower and ground equipment for both construction and ongoing maintenance would be via Wayzata Blvd through the school's existing parking lot. The scope of the City's project includes construction of the tower. The future tenants of the tower would be responsible for construction of the ground equipment within an accessory building and the adding antennas and associated equipment on the tower.

Telecommunications Ordinance

In 2015, the Planning Commission reviewed and the City Council adopted a new section of the zoning ordinance which pertains to all commercial telecommunications facilities in the City. In summary, the City's ordinance allows new telecommunications towers on only two properties in the City – the Wayzata West Middle School and

Wayzata Public Works facility on Wayzata Blvd. All other telecommunications equipment may only be located on existing buildings or structures, with priority given to buildings located within 300 feet of Wayzata Blvd. In addition, the ordinance allows for “micro cell” sites to be located on existing utility structures within the City’s right-of-way. The micro sites are “repeater” locations that support the capacity and coverage of larger existing telecommunications facilities located on nearby buildings or towers.

Tower Height

The telecommunications ordinance states that telecommunications tower shall not exceed 150 feet in height. The ordinance states that the City Council may increase this height up to 190 feet if the Council finds the increase in height would not have a significant visual impact, would not have a negative property value impact on surrounding properties because of proximity, topography, or screening by trees or buildings, or would accommodate two or more uses. In addition, the City Council may waive this height limitation for a telecommunications tower if used wholly or partially for essential public services, such as public safety.

The applicant is requesting the tower height be increased to 195 feet based on the public safety services provided by the cellular providers that would be located on the tower. The carrier’s federal license requires that the carrier provide E-911 service, which is used by local public safety agencies. The additional height would allow for up to five antenna locations, which would allow for additional cellular carriers and public service antenna.

Stealth Design

The ordinance states that a telecommunications tower must use as many stealth design techniques as reasonably possible. Economic considerations or hardship shall not be the sole justification for failing to provide stealth design techniques. Stealth design means state-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public; minimizing the size and appearance of the telecommunications facilities; and designing towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

Action Steps

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

Attachments

Applicant's Letter

Feasibility Study Report

Proposed Plans

Applicable Code Provisions for Review

Conditional Use Permits (801.04.2.F): The Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:

- 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.

General Standards for Telecommunication Facilities (801.31.5) All Telecommunications Facilities must comply with the following standards (although nothing in this Section 5 shall be read to allow the City to prohibit a Telecommunication Facilities Permit based solely upon a request by the owner/operator for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station and is otherwise an "eligible facilities request" under 47 U.S.C. Section 1455 (a) and 47 C.F.R. Section 1.40001 (c), as the same may be amended.) :

- A. **Vertical projection on Antenna support structures.** Antennas mounted on an existing Antenna Support Structure shall not extend more than 15 feet above the height of the structure to which they are attached. Wall or façade-mounted Antennas shall not extend above the cornice line and shall be constructed of a material or color that matches the exterior of the building.
- B. **Horizontal projection.** Antennas shall not project out from the side of the existing Antenna Support Structure, Telecommunications Tower, or wall or facade by more than three feet.
- C. **Fall Zone Analysis.** The Applicant must submit a fall zone analysis report completed by a qualified and licensed engineer that shows the

Telecommunications Facilities do not pose a threat to general health, safety and welfare of the City.

- D. **Setbacks.** Telecommunications Facilities shall meet the building setback that is established for the zoning district where it is to be located, and the following additional standards:

1. A Telecommunications Tower shall be set back from all residential property lines at least one (1) foot for each foot in height, but shall have a minimum setback of at least one hundred (100) feet. The Tower setbacks may be increased by the City Council dependent on the results of the engineered fall zone analysis report submitted by the Applicant as part of the permit application.
2. Towers and Telecommunications Equipment shall not encroach upon any easements unless written permission is obtained from the underlying property owner burdened by the easement and the beneficiary of the easement.
3. The required setbacks may be reduced or the location in relation to a public street modified, at the sole discretion of the City Council, when the Telecommunications Equipment is integrated into an existing or proposed structure such as a building, light or utility pole.

- E. **Height.** The height of an Antenna and/or Telecommunications Tower shall be the minimum necessary to meet the Applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. Any new or replacement Tower and Antenna, including attachments other than lightning rods, shall not exceed 150 feet in height, measured from grade. The City Council may, but shall not be required to, increase this height up to 190 feet if the Council finds: (1) the increase in height would not have a significant visual impact, (2) would not have a negative property value impact on surrounding properties because of proximity, topography or screening by trees or buildings or (3) would accommodate two or more users.

- F. **Exterior surfaces.** Towers and Antennas shall be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, green, brown, or silver, or have a galvanized finish to reduce visual impact. Metal Towers shall be constructed of, or treated with, corrosion-resistant material.

- G. **Ground-mounted equipment.** Ground-mounted Accessory Equipment and/or equipment storage facilities shall be architecturally designed to blend in with the surrounding environment, including the principal structure

and/or shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the character of the surrounding neighborhood. No more than one Equipment Shelter or accessory building is permitted for each Tower. Equipment Shelters or accessory buildings shall be designed to accommodate additional space needed for the co-location of additional Antennas at the site. The additional space must either be built within the first shelter/building or that shelter/building must be designed to allow for future expansions and/or additions. Design of the building or equipment cabinet, screening, and landscaping are subject to applicable Design Standards criteria under Section 801.09 of the Wayzata Zoning Ordinance. The Applicant shall be responsible for maintaining the structure in a high-quality condition. If the Applicant abandons or vacates the structure, it shall be forfeited to the City or torn down by the Applicant at their expense, at the discretion of the City Council.

- H. **Construction.** Telecommunications Facilities shall be in compliance with all buildings and electrical code requirements. All applicable federal, state and local agency licenses and/or permits shall be obtained. A Telecommunications Tower shall be designed and certified by a licensed structural engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the Telecommunications Facilities shall be in compliance with the manufacturer's specifications. If, upon inspection, the City concludes that a Tower or other portion of a Telecommunications Facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the Telecommunication Facility or Tower, the owner shall have thirty (30) days to bring such Tower or Telecommunication Facility into compliance with such standards. Failure to bring such Tower or Telecommunication Facility into compliance with such thirty-day period shall constitute grounds for the removal of the Tower or Telecommunication Facility at the owner's expense.
- I. **Interference with Public Safety Telecommunications.** No Telecommunications Tower or Telecommunications Facility shall interfere with public safety Telecommunications. All Towers and Telecommunication Facilities shall comply with FCC regulations and licensing requirements.
- J. **Security Fencing and Screening.** Telecommunication Facilities and Towers shall be enclosed by security fencing not less than the height of the equipment located therein and shall also be equipped with an appropriate anti-climbing device. Fencing within one hundred (100) feet of a residential or parking property shall be constructed of a well-designed fence of wood or other environmentally sound material, and be compatible

with the surrounding character of the area. The Telecommunication Facilities and Towers shall also include a landscape screen, at least six (6) in height, around the perimeter of equipment area, as approved by the City Council.

- K. **Other Protections.** The City may require shields to protect from ice falling from Towers, anti-climbing devices to prevent unauthorized persons from climbing Towers, or other appurtenances necessary to protect life and property.
- L. **Noise.** If the proposed Telecommunications Facility includes equipment that causes significant sound levels, sound buffers may be required including but not limited to, baffling, barriers, enclosures, walls and plantings. The Applicant shall submit an acoustical analysis (measured to the property line) and report prepared by a licensed and/or accredited sound engineer certifying that the noise to be generated from the proposed Telecommunication Facility shall not impact adjacent properties. Said report shall include, without limitation, a written description of all noise generated by the Facility, including retractable monopole motors, Antenna rotators, power generation, heating or air conditioning, and related equipment, and shall include the estimated times, frequency, duration and decibel levels of the noise. All equipment shall conform to Minnesota Pollution Control Agency decibel standards.
- M. **Sensitive Habitats.** No Telecommunication Facility shall be located in environmentally sensitive habitats, including but not limited to wetlands, shorelines, established animal habitats, conservation districts, and significant tree groups, unless mitigation measures can be adopted which would reduce potential impacts to levels of non-significance.
- N. **Radio Frequency Emissions.** Telecommunications Facilities shall comply with Federal Communication Commission standards for radio frequency emissions and interference.
- O. **Interference.** No Telecommunication Facility shall be permitted that causes interference with commercial or private use and enjoyment of other legally operating telecommunications devices including, but not limited to, radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices in violation of any Federal Communication Commission standards relating to radio frequency interference. Unless otherwise prohibited by Federal Communication Commission standards, an Applicant shall furnish a state registered engineer's certification that no such interference shall occur, or identify what interference may occur and how the Applicant shall mitigate any potential interference that may occur.

- P. **Risk of Danger.** Telecommunications Facilities and Towers shall not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive or hazardous materials. Telecommunication Facilities, Towers, Antennas, and Accessory Equipment shall be subject to state and federal regulations pertaining to non-ionizing radiation and other health hazards related to such Facilities. If new, more restrictive standards are adopted, the Facilities shall be made to comply or continued operations may be restricted by the City Council. The cost of verification of compliance shall be borne by the Applicant.
- Q. **Maintenance.** All Telecommunication Facilities and Towers shall at all times (i) be kept and maintained in good condition, order and repair so that the same shall not menace or endanger the life or property of any person, and (ii) allow sufficient access for service vehicles and personnel. Maintenance of equipment shall be scheduled for between 7:00am-6:00pm, Monday through Friday, unless in case of emergency or otherwise agreed to by the City. Service vehicles for equipment maintenance shall be parked on city streets, unless paved and screened off-street is available at the site. In the case of maintenance of Telecommunication Facilities on the City Water Tower, service vehicles shall park on the service entrance of the City Water Treatment Plant, whenever possible.
- R. **Co-location opportunity.** The Applicant, the Tower owner, the landowner, and their successors and assigns shall allow the shared use of the Tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, shall submit a dispute over the potential terms and conditions to binding arbitration, and shall sign the Conditional Use Permit agreeing to these requirements. The City Council may waive these co-location requirements if necessary to implement stealth design.
1. All Telecommunications Facility providers shall cooperate with each other in co-locating Telecommunication Facilities and shall exercise good faith in co-locating with other licensed carriers and in the sharing of sites, including the sharing of technical information necessary to evaluate the feasibility of collocation. In the event a dispute arises as to a co-location issue, the City may require a third-party technical study to evaluate the feasibility of co-locating at the expense of each wireless telecommunications providers involved in the third-party study;
 2. All proposed new Telecommunications Towers shall be designed to accommodate both the Applicant's Antennas and Antennas for as many other licensed carriers as can be technically located thereon, but not less than one additional;

3. All new Telecommunications Facilities and Towers owned by a telecommunications provider shall be made available for use by the owner or initial user thereof, together with as many other licensed carriers as can be technically located thereon, but not less than one additional;
 4. All proposed new Telecommunications Towers shall be designed to allow for future rearrangement of Antennas or Tower modifications, and to accept Antennas mounted at varying heights unless the City otherwise agrees in order to accommodate Stealth Design techniques;
- S. **Successors and Assigns.** Any Permit or lease for a Telecommunications Facility shall run with the Property, and shall be binding upon and inure to the benefit of the parties, their respective successors, personal representatives, and assigns.
- T. **External messages.** No advertising message or identification signs, other than warning or equipment information signs as legally required, shall be affixed to the Telecommunications Facilities.
- U. **Lighting.** Telecommunications Facilities or Towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment. Any lighting or artificial illumination utilized shall be shielded and not cast glare onto adjacent properties. All lighting shall be measured to the property line.
- V. **On-site employees.** There shall be no employees on the site at a Telecommunications Facility on a permanent basis. Occasional or temporary repair and service activities are allowed.
- W. **Advances in Stealth Technology.** Whenever an applicant proposes to install and/or replace antennas or other telecommunications equipment, the Applicant shall submit a report describing all available technology for installation or replacement. The report shall include the purpose of equipment to be installed (expand coverage, expand capacity, expand bandwidth, etc.) and the performance specifications and physical dimensions of the equipment. The report conclusions must provide an analysis of performance versus visual impacts and/or stealth technology. The City retains the right to evaluate the reports analysis and perform a third party technical review at the applicants cost. The City shall have the ability to require the stealth or lower visual profile equipment based on the third party technical recommendation.

- X. **Removal.** After one hundred twenty (120) days' notice from the City to the Permit Holder all Telecommunications Facilities, Antennas, or Towers shall be required to be removed at the Permit Holder's expense, if such improvement is found to be in violation of any portion of this Ordinance by the City and such violation is not cured within such thirty day time period. Obsolete or unused Telecommunications Facilities and all related equipment shall be removed within six (6) months after cessation of their use at the site, unless an exemption is granted by the City Council. Telecommunications Facilities and related equipment that have become hazardous shall be removed or made not hazardous within 30 days after written notice to the current Permit Holder and to any separate landowner, unless an exemption is granted by the City Council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Hennepin County tax records. Telecommunications Facilities and all related equipment that are not removed within this time are declared to be public nuisances and may be removed by the City. The City may assess its costs of removal against the Property.
- Y. **No Recourse Against the City.** Every permit shall provide that, without limiting such immunities as the City or other persons may have under applicable law, an Applicant/Permit Holder shall have no monetary recourse whatsoever against the City or its elected officials, boards, commissions, agents, employees or volunteers for any loss, costs, expense or damage arising out of any provision or requirement of this Ordinance or because of the enforcement or lack of enforcement of this Ordinance or the City's exercise of its authority pursuant to this Ordinance, a permit, a lease, or other applicable law, unless the same shall be caused by criminal acts or by willful gross negligence. Nothing herein shall be construed as a waiver of sovereign immunity.

Variance Standards (Section 801.05.1C): The conditions governing considerations of variance requests:

1. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of this Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
2. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
3. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by this Ordinance;

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



December 9, 2016

RE: City of Wayzata, Minnesota
Telecommunications Tower at Wayzata
West Middle School
SEH No. WAYZA 139566 14.00

Mr. Dave Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

In accordance with requirements of the City of Wayzata's Conditional Use Permitting under Section 31 paragraph 6 – Applications for Telecommunications Facilities, item 3.g, Short Elliott Hendrickson Inc. (SEH) is submitting this letter specific to the tower design criteria.

In development of the construction documents for the above referenced project, SEH will follow standard TIA/EIA-222-G (Class II) for the design, fabrication and installation of this tower (or latest revision at the time of contract).

The loading criteria will be based on the installation of five carriers (Tenants), with one identified as future, as directed by the City. Carrier as-builts from their latest installation (Gardner water tower) will be used for the minimum baseline loading capacity for the tower. (Reference attached)

Should further clarification and or information be required please contact Dale Romsos at 612.325.9995.

Sincerely,

Michael Hemstad, PE
Minnesota License number 19165

dmk
Attachment
c: Dale Romsos – SEH Saint Paul
Daniel J. Zienty – SEH Saint Paul

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Building a Better World
for All of Us®

January 11, 2017

RE: City of Wayzata, Minnesota
Telecommunications Tower at Wayzata
West Middle School
SEH No. WAYZA 139566 14.00

Mr. Dave Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

SEH is requesting council to allow the increase in height for 190 to 195 based on carrier needs to provide cellular coverage and E-911 service. The request is based on criteria with in the City ordinance that allows for consideration based on public safety needs. The communication tower is being designed to accommodate multiple wireless telecommunication carriers that have federally regulated licenses. Part of these license requirements require the carrier to have E-911 service technology. This service becomes a local public safety service. The additional height will also allow for more vertical room on the tower for additional carriers and public service antenna.

Should further clarification and or information be required please contact Dale Romsos at 612.325.9995.

Sincerely,

Dale Romsos
Project Manager

dmk

Attachment

c: Dale Romsos – SEH Saint Paul
Daniel J. Zienty – SEH Saint Paul

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Feasibility Study Report

Wayzata Middle School Communication Tower

City of Wayzata, Minnesota

SEH No. WAYZA 134285 4.00

October 4, 2016



Building a Better World
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Engineers | Architects | Planners | Scientists

PC 2/6/2017

Page 94 of 121



Building a Better World
for All of Us®

October 4, 2016

RE: Wayzata Middle School Communication Tower
Feasibility Study Report
City of Wayzata, Minnesota
SEH No. WAYZA 134285

Mr. David Dudinsky
Director of Public Service
City of Wayzata
299 Wayzata Blvd. West
Wayzata, MN 55391

Dear Dave:

We are pleased to present to you the Wayzata Middle School Feasibility Study for the City of Wayzata. This report is intended to provide a detailed summation of investigation and preliminary activities in support of the development of this location for the construction of a new communication tower. The purpose of which is to provide a continuance of wireless communication services to the City of Wayzata.

Its origins are based on the longstanding desire of the City, and more specifically, area residence of Bell Courts with unobstructed use of the facilities. As indicated by the City, concerned over time has risen over Tenant access, noise and general aesthetics with both the site and the Gardner Street water tower. However, communication services provided at this site are necessary for the betterment and continued growth of the community at large.

This report is in part a culmination of investigative work as directed by the City of Wayzata following extensive staff and Tenant input regarding telecommunications infrastructure to meet the future needs of the City and the present tower occupants. This work included assessment of the present facility, followed by engagement with City staff, Wayzata School District, and commercial Tenants to assess present and future needs. This resulted in the investigation into the recommended site at the Wayzata Middle School.

As a result of the work completed, we have developed a recommendation for City consideration of the above site for construction of the new monopole facility. This recommendation serves to improve and update existing telecommunications system operations and efficiency. Cost estimates to aid in the consideration of the presented recommendation are also presented in this report.

We appreciate the assistance we received from Wayzata City staff in sharing their perspectives related to the further development of the proposed project. We further appreciate the assistance provided by the present facility Tenants. The input, knowledge, and experience with respect to the study was invaluable toward the development of its construction parameters.

It is our pleasure to assist the City of Wayzata with this project, and we look forward to discussing the contents of this report with you and or presenting it to Council. If you have any questions regarding this report, please contact me at 612.325.9995.

Sincerely,

Principal | Project Manager

dmk

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Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196

SEH is 100% employee-owned | sehinc.com | 651.490.2000 | 800.325.2055 | 888.908.8166 fax

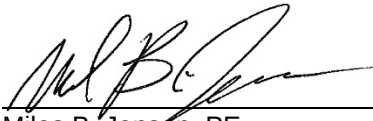
PC 2/6/2017
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Wayzata Middle School Communication Tower
Feasibility Study Report
City of Wayzata, Minnesota

SEH No. WAYZA 134285

October 4, 2016

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.



Miles B. Jensen, PE
Regional Practice Center Leader

Date: October 4, 2016

Lic. No.: 19869

Reviewed By: Dale Romsos

Date: October 4, 2016

Short Elliott Hendrickson Inc.
3535 Vadnais Center Drive
St. Paul, MN 55110-5196
651.490.2000

Executive Summary

Wayzata Middle School Communications Tower

The City of Wayzata currently provides wireless communications service coverage for the downtown area via the Gardner Street Water Tower located at 403 Gardner Street. Supporting Tenant ground equipment is housed within the confines of the Telecommunications compound located in Gardner Park. In recent years this site has been at issue with residents concerned with its location in a general use park, continuous access by the tenants for equipment maintenance and upgrades, and aesthetics. These concerns have led to previous studies by Short Elliott Hendrickson Inc. (SEH®), centering on both equipment site upgraders and complete facility relocation, with initial discussions beginning during the design of the new Water Treatment plant in 2008.

Since then the City with SEH has worked with the residing Tenants in re-designing their installations to the water tower during recent technology upgrades. This has included the removal of the AT&T lattice towers at the catwalk, installing attachment brackets for cable routing along the inside face of the support columns and requiring the use of manufactured white coaxial cables, and installing a new roof handrail system to better distribute the placement of mounted equipment. All for the purpose of providing better aesthetics. However, the above improvements did nothing to address resident concerns regarding Tenant site access, aesthetic regarding the equipment compound, or noise related to compressor operation (equipment cooling). At this time many of the Tenant leases are up for renewal which presented an opportunity for a more serious discussion regarding Tenant relocation.

As stated above, the Gardner Street Water Tower serves the City of Wayzata, in part, as a communication transmission tower for commercial Tenants, as well as the City of Wayzata Public Works specific to its SCADA system. Current revenues generated by the City of Wayzata from commercial Tenants are over \$300,000 annually, based on current lease information provided by the City, thus representing a relevant revenue stream.

On March 31, 2015, the City of Wayzata authorized SEH to provide an aerial assessment of multiple City sites for their consideration as future sites for telecommunications. Consideration for the tower site selection was based on a set criteria provided by the City with an emphasis on aesthetics. Other determining criteria was the need to maintain an equivalency in customer service that would equate equally to the coverage presently provided at the existing Gardner Street site. Further, the new facility would need to allow for future expansion and upgrades in Tenant technology. Sites under initial consideration were:

- Public Works Facility (299 Wayzata Blvd. West)
- Wayzata Middle School (149 Barry Avenue N)
- South Frontage Road (Lift Station #21)

These sites were assessed by an Unmanned Aerial Vehicle (UAV), or drone, with the purpose of simulating actual conditions in real-time as it relates to Tenant line-of-site as associated with radio frequency (RF) propagation used to determine signal coverage. The resulting information was then presented in a meeting to the Tenants by the City (April 24, 2015) for their input in determining the final location. Based on the review of information provided by the City of Wayzata and follow up responses from the represented Tenants, those being: AT&T, Sprint, T-Mobile, and Verizon, the Wayzata Middle School was selected. As directed by the City, SEH proceeded with the investigation into the feasibility of constructing a new communication tower.

Executive Summary (Continued)

As there are a number of design variations for tower construction; which include Lattice, guyed, monopoles, and specialty (Architecturally design), based on cost and aesthetics the City requested that the direction of the study center on a monopole. In addition to aforementioned criteria, this design has a smaller footprint and would accommodate the existing carriers as well as expansion and or consideration of technology upgrades. Initial costs for construction are estimated at \$827,000.

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Feasibility Study Report

Wayzata Middle School Communication Tower

Prepared for City of Wayzata

1.0 Introduction

1.1 Project Background

Since the beginning of pager and cellular service, water storage facilities have been sought out by the communications industry as a choice location for siting its equipment. This is due in part to their elevation, and in many cases, proximity to user density. They can reduce the overall site construction costs for the tenant. In turn this has benefited cities with good service and a new source of revenue. Over time City Telecommunication ordinances were developed to prioritize the location of Tenants onto City properties for the purpose of developing a basis for additional revenue, but just as important, reduce/control what was being seen as a blight of self-supporting towers. This too would create facility issues as water storage towers, already questionable aesthetically with neighborhood residents, were becoming more obtrusive with the addition of attached Tenant equipment and associated ground equipment.

Over the years each of these issues has been accentuated for the City of Wayzata, and most specifically residents directly adjacent to Bell Courts. The addition of further Tenants and Tenant upgrades, due to changes in both technology and use, had translated into a greater and more frequent need for site access. The need for access and the visual changes to the tower would have the greatest effect on residences along Gardner Street East and Minnetonka Avenue North. Of additional concern to area residents was the noise generated from the cycling of the air conditioning compressor units used to reduce heat generation from equipment operation.

Initial discussions between area residents and the City centered on modifications to the ground equipment compound, beginning during design of the new water treatment plant in 2008. A study was requested by the City and completed by SEH, but was not moved forward due to estimated project costs on the options presented and construction of the treatment plant. Options presented were as follows:

Table 1
Telecommunications Site Improvements

Option	Description	Estimated Cost	Time Line to Completion	Final Compound Removal Date
1	Removal of the existing fence, adding a berm and vegetation	\$61,500	Spring of 2015	
2A	Create inset compound and make temporary improvements to the existing compound	\$176,400	Summer of 2017	2021
2B	2B – Construct a walled compound and make temporary improvements to the existing compound	\$242,600	Summer of 2017	2021
2C	Construct an underground compound and temporarily improve the existing compound	\$478,800	Summer of 2017	2021

Please see Appendix A.

The issue was brought forward again in 2012, and a Telecommunications Rehabilitation Options Report was presented to Council by SEH. This time consideration focus was on site relocation and estimated associated costs.

Since then the City and SEH have worked collectively to confront, as best as possible, issues directly related to Tenant installations on the tower. As upgrades were brought forward, SEH worked with their engineers to address equipment clutter by creating a roof handrail system and relocating AT&T from their lattice towers. Coaxial cables were replaced by fiber hybrid cables and routed onto new bracketing attached to the inside face of the support columns. Cables were installed with manufactured white jacketing (as required by the City), or white tape. Though this may have helped aesthetically, it was not enough, and could not alleviate continuing issues such as site access, compressor noise, and overall compound visibility.

In 2015, siting the renewal period for a number of its leases, the City determined that the timing was right to entertain discussions with its Tenants the question of relocation. The discussions were preempted by the completion of a siting study, the purpose of which was to provide an aerial assessment of multiple City sites for their consideration as future sites. These sites included:

- Public Works Facility (299 Wayzata Blvd. West)
- Wayzata Middle School (149 Barry Avenue North)
- South Frontage Road (Lift Station #21)

These sites were assessed to simulate actual conditions as related to Tenant requirements for line-of-site as associated with radio frequency (RF) propagation used to determine signal coverage. The results of the assessment were presented to the Tenants at a meeting held April 24, 2015. At the conclusion of the meeting, Tenants, including AT&T, Sprint, T-Mobile, and Verizon, were requested to independently review the report and provide their own assessment of the proposed sites to determine which would provide coverage similar to the existing Gardner Street water tower. The consensus of the Tenants was the Wayzata Middle

School. The results of the survey and input from City staff were supported by City Council. At their direction SEH was contracted to proceed with the investigation into the feasibility of constructing a new communication tower at the site.

2.0 Tower Selection

Consideration for the tower selection was based on a set criteria with an emphasis on aesthetics as a driving factor for the project. Other determining criteria related to the towers need to maintain an equivalency in customer service that would equate to equal coverage by the current carriers as compared to the existing Gardner Street site. Furthermore, the new facility would need to consider expansion or upgrades in technology that may be required by each carrier from time to time.

It was determined early in the project through meetings with City staff that the design criteria should be reduced to consideration of a monopole in lieu of a lattice, or guyed style tower. A monopole would provide the least obtrusive design, require the smallest footprint, and could be the most cost-effective option for construction.

In a previous phase of the project, SEH investigated three sites as identified by the City for consideration. These sites included the following:

- Public Works Facility (299 Wayzata Blvd. West)
- Wayzata Middle School (149 Barry Avenue N)
- South Frontage Road (Lift Station #21)

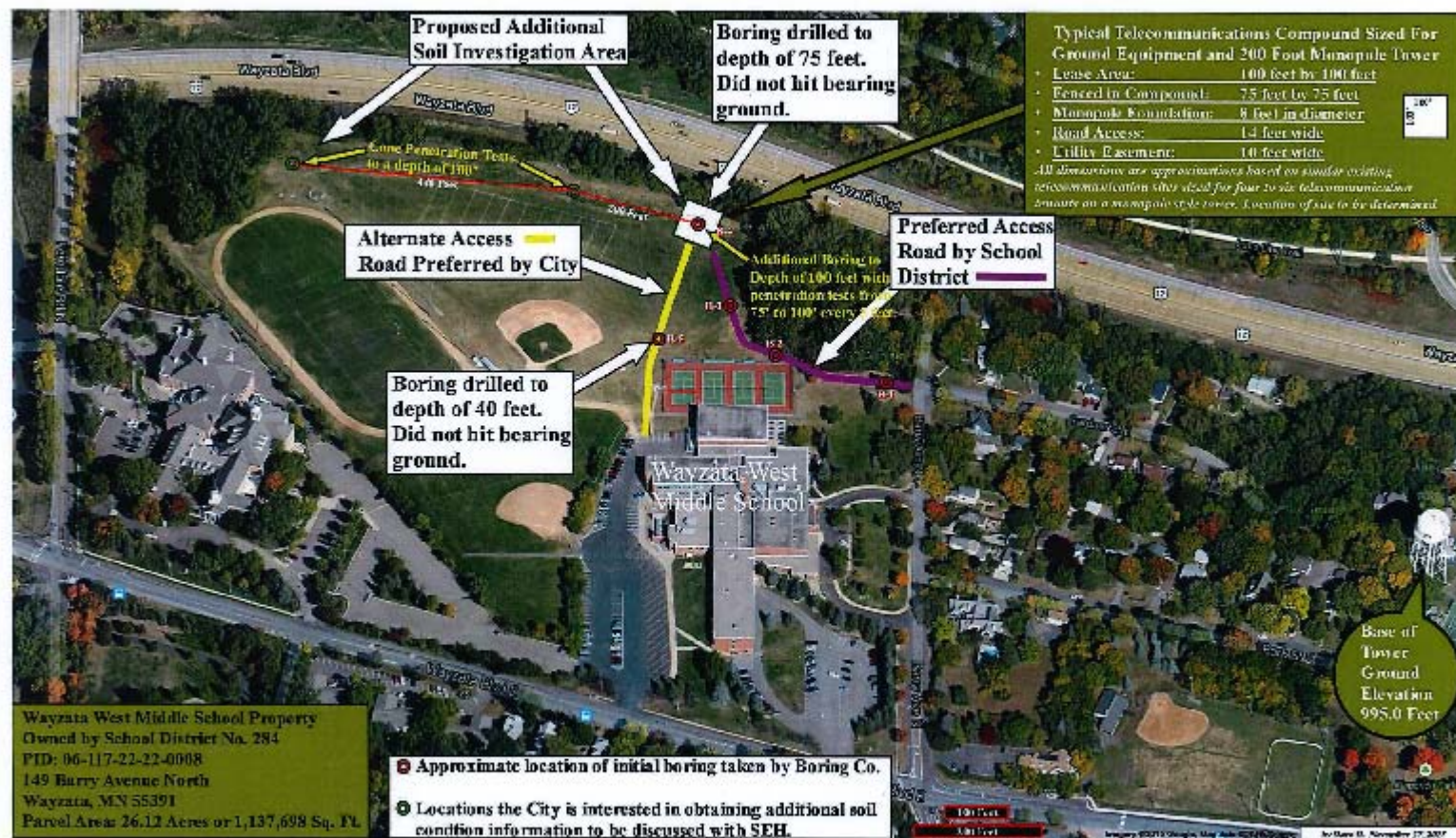
On March 31, 2015, SEH was contracted for performance of a video fly-over using an Unmanned Aerial Vehicle (UAV), or drone, at each of the sites. The purpose of which was to simulate actual conditions in real-time of vertical elevations at 10 ft. intervals to identify line-of-site issues associated with radio frequency (RF) propagation. RF propagation studies would be used by the carriers in determining signal coverage. It further simulated the current radiation or RAD centers of the carriers. The findings from this report were shared at a joint meeting commenced on April 24, 2015, attended by the City, SEH representatives, and current Tenant representatives. As identified in the SEH memorandum presented to the City of Wayzata dated June 17, 2015, based on review of the information provided inclusive of the City of Wayzata, the Tenant (carrier) meeting and follow up responses, it was the opinion of SEH that the Middle School site be considered as the site for construction of a new tower and future relocation of carrier equipment. (Please see Appendix B)

Initiation of the feasibility study began with a meeting between the City, SEH and representatives of the Wayzata School District No.284. The purpose of the meeting was to provide the school with a proposed project overview. This included discussion of the Following:

- Tower structure and compound
- Proposed location and footprint on its property
- Proposed points of access
- School site safety concerns
- Lines of communication and means of access (study related)

Specific to the tower, discussion focused on the approximate height, lease area requirements, fenced in compound and points of access. Identified were locations off Wayzata Blvd. E, through the schools parking lot, and Barry Avenue N.

Figure 1 – Wayzata Middle School Site Map



Initiation of the field investigation commenced with staking to identify the proposed locations for soil borings to be used to confirm the feasibility of the middle school location for both the tower and the access road. Utility locates were coordinated by SEH. This information would be further used to determine the availability/proximity with respect to the proposed compound location.

Figure 2 – Wayzata Middle School Boring Log

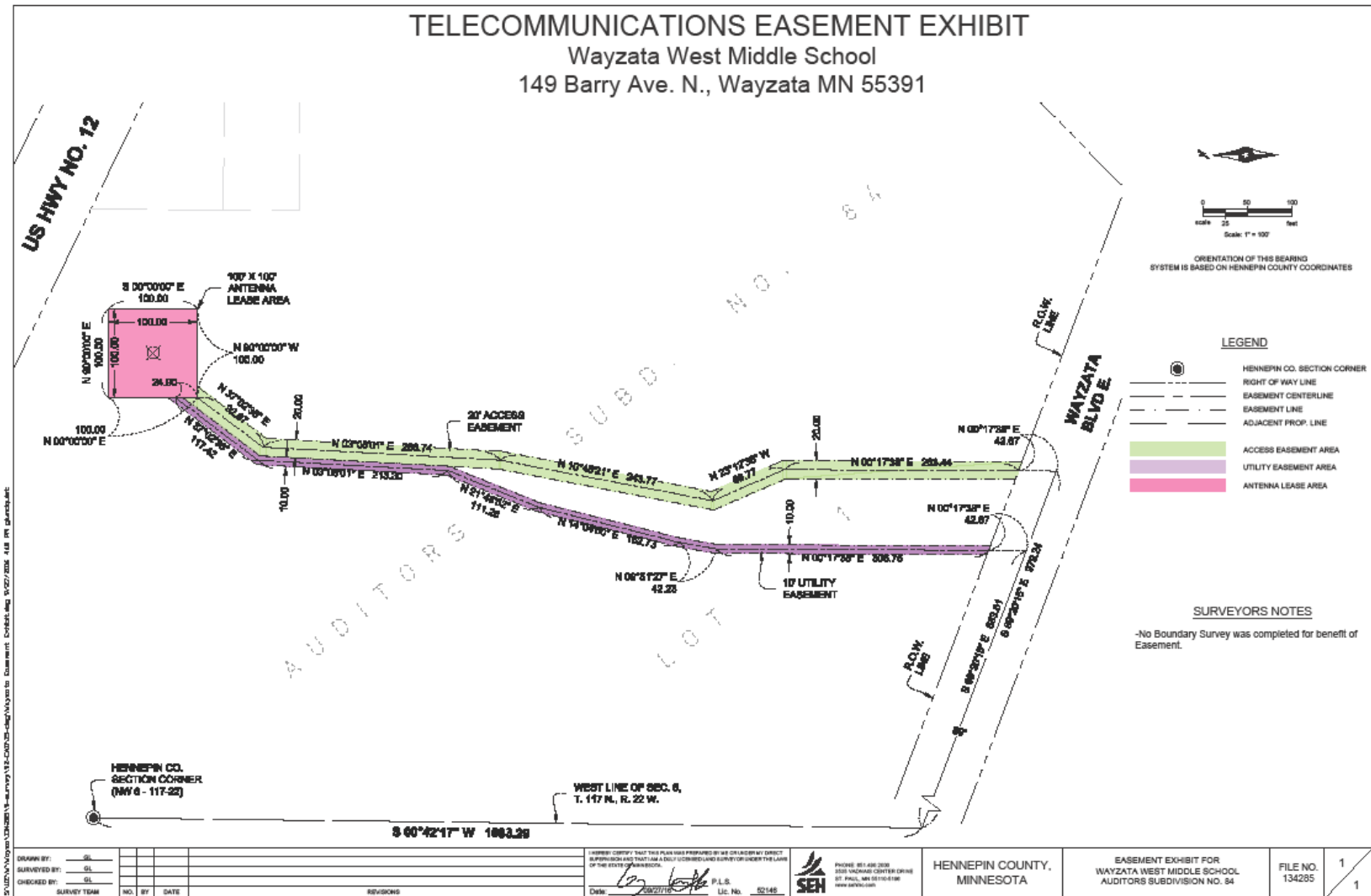


Soil boring locations, as identified in the SEH survey discussion above, were completed by Braun Intertec on October 16, 2015. The results included in that report dated February 4, 2016, identified near surface existence of peat and silty sand, and groundwater at depths between 5 ft. and 12.5 ft. Hard, sandy-lean clay was encountered at approximately 70 feet, with poorly graded sand identified at the bottom of the boring.

On December 4, 2016, additional testing was performed due to poorer than expected soil conditions. This included the investigation of two more sites using SPT borings and cone penetrometer testing (CPT). The results, inclusive of the additional testing as outlined in the report, and stated in the SEH memorandum dated December 15, 2015, state that competent soils were located at boring B-4, and appear to be most favorable for foundation construction. The summation of the report confirms the feasibility of the proposed tower at the selected Wayzata Middle School location. (Please see Appendix C)

Next was consideration of site access. Two routes were initially considered to the tower, the first along the tree line in the northeast corner of the school property and accessible from Barry Street. The second proposed access was from the school parking lot and cutting through the school grounds. Though soils were identified per the soils report as questionable, area residents had expressed that the City consider the second proposed access point through the school to minimize any additional traffic on Barry Street; which is the recommendation of this report.

Figure 3 – Barry Avenue Easement Exhibit



A complete site survey and legal description was completed by SEH following confirmation of recommendations for the site, as provided in the soils report, site regulatory clearance, and completion of a property agreement between the Wayzata School District and the City of Wayzata. (Please see Appendix D) Additionally, a property report was requested by SEH on behalf of the City of Wayzata from Land Title. The applicant being Independent School District No.284 for the property identified as 149 Barry Avenue North, Wayzata, Minnesota 55391. (Please see Appendix E)

3.0 Campus Safety Concerns

Safety issues relating to the proposed selected site evolved around access and radio frequency (RF).

Based on the request for proposed access through the school parking lot, school concerns focused on timing as related to both daily project work and work in general. Limitation to driveway access includes 45 minutes prior to the start of school and 30 minutes after dismissal to allow for busses dropping off and picking up students. Additionally, the school expressed a preference for major work to take place while school is in session, while staff is available to better monitor site access and work progress. Specific to notification, the school had requested the following:

- 48 hour notification – General work
- 24 hour notification – Emergency access

During the meeting between school officials, the City, and SEH, the question was brought up about maintaining safety while activities are occurring at the adjacent fields. The consensus was that field activities were far enough away from the proposed site. Site safety would be maintained by incorporating permanent fencing around the perimeter of carrier equipment in the project design. Temporary fencing would be required and installed to segregate the work zone during periods of construction and or upgrading.

Specific to concerns regarding RF, the following recommendations were made at the above referenced meeting:

- A radio frequency meter would be purchased by the City as part of the project, and kept at the Middle school to be made available to parents/residents upon request
- As an enhancement for the purpose of providing basic information regarding RF safety to the general public, educational materials incorporating FCC regulatory requirements could be developed and provided for the school and distributed on a per requested basis.

4.0 Regulatory Due Diligence

With consideration by the City in constructing a new communications tower, it was the responsibility of the City to complete regulatory due diligence associated with the property under consideration. Should the City move forward with the project; the information obtained will be required by each carrier as part of their documentation package as they proceed in the relocation of their equipment to the new facility. As per the project scope, SEH has completed the following:

The 1A Certification was completed directly by SEH and included a survey identifying the proposed horizontal coordinates for the center of the tower, both Latitude (NAD 83) 44 degrees 58 minutes 37.06 seconds North, and Longitude (NAD 83) 93 degrees 31 minutes

07.06 seconds West. Vertical data was based on an assumed tower height of 199 ft. above ground level (AGL). (Please see Appendix F)

Based on an air space analysis performed on 10/5/16, the coordinates for the proposed tower as outlined in the 1A Survey proved to be out of tolerance in the FAA Notice Criteria Tool. The FAA requested that this structure be filed. SEH initiated the FAA filing on 10/04/16, and forecast completion within ninety (90) days. (Please see Appendix F)

Both the Phase 1 Environmental Site Assessment (ESA) and National Environmental Policy Act (NEPA) were completed by Impact 7G, Inc. of Johnston, Iowa.

We have provided a spreadsheet (See Table 2 below) identifying the results on each of these regulatory segments. As stated in the attachment specific to the Environmental Site Assessment and within their Executive Summary, based on the data gathered, there is no further investigation warranted for the property at this time. Though two non-scope ASTM considerations were included, due to the absence of structures on the property, the risk of Asbestos Containing Materials (ACM) and Lead-Based Paint (LBP) exposure is minimal. (Please see Appendix G)

Table 2
Project Summary

Report Component	Sec.	REC ¹	CREC ²	HREC ³	De Min ⁴	Non-ASTM	Further Action	Comments
Current Property Use	1.0						NO	
Adjacent Properties	3.3						NO	
Historical Review	5.3						NO	
Previous Reports	4.7						NO	
User Provided Information	4.0						NO	
Regulatory Database Review	5.0						NO	
Site Reconnaissance:	6.0						NO	
• Hazardous Materials							NO	
• Petroleum Materials							NO	
Vapor Encroachment Screen	7.0						NO	
Interviews	8.0						NO	
ASTM Non-Scope:	13.0						NO	
• Lead Based Paint						X	NO	
• Asbestos						X	NO	

¹ Recognized Environmental Condition – See Definition in Executive Summary

² Controlled Recognized Environmental Condition – See Definition in Executive Summary

³ Historical Recognized Environmental Condition – See Definition in Executive Summary

⁴ De Minimis Condition – See Definition in Executive Summary

The NEPA investigation was finalized upon the completion of the Tower Construction Notification System (TCNS), as provided with the aforementioned spreadsheet. To date one (1) tribe (Crow Creek Sioux) has granted conditional approval based on the requirement of having their own monitor on the site during construction at the City's expense. Upon project approval by the City and confirmation of an approved construction schedule, SEH will

communicate with the tribe to coordinate site monitoring and determine estimated fees, which are anticipated to be a few thousand dollars.

**Table 3
NEPA Checklist**

Site #: N/A	Site Name: Wayzata Middle School	Site Address: Wayzata, MN 55391		
FCC Category	Fed/State Agencies	Summary of Negative Impacts	Check Box	
			Yes	No
1. Will the facility be located in an officially designated wilderness area?	National Park Service, Bureau of Land Management, National Wilderness Preservation System			X
2. Will the facility be located in an officially designated wildlife preserve?	U.S. Dept of Interior – Fish & Wildlife (USFWS)			X
3. Will the facility affect listed or proposed threatened or endangered species or designated critical habitat?	USFWS			X
4. Will the facility affect districts, sites, buildings, structures or objects listed, or eligible for listing on the National Register of Historic Places?	State Historic Preservation Office			X
5. Will the facility affect Indian Religious sites:	U.S. Dept of Interior – National Park Service	See Tribal Summary Table in Appendix D		X*
6. Will the facility be located in a Flood Plain?	Federal Emergency Management Agency			X
7. Will the facility construction involve significant change in surface features?	National Wetlands Inventory – US Fish and Wildlife Services			X
8. Will the antenna towers and/or supporting structure be equipped with High Intensity White Lights	Federal Aviation Administration	Client responsibility		X
9. Will the facility result in human exposure to radiation in excess of the applicable safety standards?	Federal Communications Commission	Client responsibility		X

**The Crow Creek Sioux Tribe requests a Tribal Monitor to be present during construction at this site.*

4.1 Conclusion

In conclusion, the proposed project facility does not appear to significantly affect any of the FCC Special Interest items; therefore, no further investigation is warranted at this time.

Figure 4 – TCNS Log

Tribe Name	1st Notification Completion	2nd Notification Completion	3rd Notification Completion	4th Notification Forecast	Tribal Survey Completion	Ethnographic Report Completion	Tribal Response/ Approval Forecast	Tribal Response/ Approval Received	Tribal Comments
Crow Creek Sioux	3/18/2016				6/15/2016			7/6/2016	Approved, but Tribal Monitor required to be onsite during construction at City's expense. Fees Assessed
Fort Peck	3/18/2016					6/2/2016		7/6/2016	Fees Assessed
Northern Arapaho	3/18/2016					6/2/2016		7/5/2016	Fees Assessed
Omaha	3/18/2016	5/22/2016	6/22/2016					6/29/2016	Fees Assessed
Wyandotte	3/18/2016	5/22/2016	6/22/2016	7/22/2016			8/5/2016		
Yankton	3/18/2016				6/15/2016		8/5/2016		
Chippewa Cree	3/18/2016							5/27/2016	Fees Assessed
Crow Tribe	3/18/2016							5/27/2016	Fees Assessed
Fort Belknap Indian Community	3/18/2016							5/27/2016	Fees Assessed
Keweenaw Bay Indian Community	3/18/2016							5/27/2016	Fees Assessed
Lac du Flambeau	3/18/2016							5/27/2016	Fees Assessed
Lac Vieux Desert Band of Lk Superior Chippewa	3/18/2016							5/27/2016	Fees Assessed
Lower Sioux Community of Minnesota	3/18/2016							5/27/2016	Fees Assessed
Menominee	3/18/2016							5/27/2016	Fees Assessed
Northern Cheyenne	3/18/2016							5/27/2016	Fees Assessed
Ottawa	3/18/2016							5/27/2016	Fees Assessed
Ponka	3/18/2016							5/27/2016	Fees Assessed
Red Cliff	3/18/2016							5/27/2016	Fees Assessed
Santee Sioux	3/18/2016							5/27/2016	Fees Assessed
Sisseton- Wahpeton Oyate	3/18/2016							5/27/2016	Fees Assessed
Spirit Lake Nation	3/18/2016							5/27/2016	Fees Assessed
Turtle Mountain Band	3/18/2016							5/27/2016	Fees Assessed
Upper Sioux Community of Minnesota	3/18/2016							5/27/2016	Fees Assessed

5.0 Financial Cost Assessment

As discussed above, recommendations for the new tower have been narrowed to a monopole design for reasons of aesthetics, functionality, and cost. As part of the study scope, SEH has reached out to two qualified area contractors for estimated project costs based on the proposed project parameters. (Please see Appendix H) The Estimated costs are shown in Table 3 below:

Table 4
Estimated Costs

Contractor	Estimated Construction Cost
Vertical Limit Construction, LLC	\$624,177.46
Vinco Inc.	\$451,200.00

A breakdown of these costs was provided in the February 15, 2016, letter provided by SEH and is provided as an attachment to this report. (Please see Appendix H) A revised project estimate was requested to be inclusive of associated costs for the decommissioning of the Gardner Street site, information that was not part of the original contractor estimates, but is included in Table 4 below:

Table 5
Telecommunications Tower Feasibility Study Relocation Cost Estimate

Item #	Description	Wayzata Middle School Monopole
1.0	PREPARE NEW SITE	
1.1	Detailed Bid Specifications & Construction Documents	\$ 30,000
1.2	Clear and Grade Compound and Tower Locations	\$ 55,000
1.3	Access Drive	\$ 30,000
1.4	Utility Right of Way Improvements	\$ 46,000
1.5	Tower Structure w/Foundation (installed)	\$ 350,000
1.6	Ice Bridge to Compound w/Spurs to Tenants	\$ 15,000
1.7	Equipment Shelter Compound: Aggregate, Gate, Fence.	\$ 65,000
1.8	Site Grounding System	\$ 15,000
1.9	New Electrical Service	\$ 78,000
1.10	City Project Mgmt (Admin, Legal & Coordination)/Inspection	\$ 35,015
1.11	Subtotal	\$ 719,015
1.12	Contingency 15% construction cost	\$ 107,852
1.13	New Site – Estimated Project Cost:	\$ 826,867
2.0	RELOCATE / ADD TENANTS (at Tenant Expense)	
2.1	City related PM / Coordination / Legal	\$ 15,000
3.0	DECOMMISSION AND CLEAN UP @ GARDNER SITE	
3.1	Remove Chain Link Fence	\$ 2,000
3.2	Remove Cables and Ice Bridges	\$ 3,000
3.3	Remove all Brush and Aggregate	\$ 3,000

3.4	Grade and Sod site	\$ 5,000
3.5	Project PM and Construction Admin.	\$ 2,000
3.6	Subtotal	\$ 15,000
3.7	Contingency	\$ 1000
3.8	Gardner Site Clean Up – Estimated Project Cost (City Expense)	\$ 16,000

Assumptions/Qualifications

1. Tower material pricing assumptions listed below:
 - a. 195' monopole
 - b. 5 antenna platforms with handrail kit, 12'face, no antenna pipes
 - c. Loading:
 - 5 carriers each with (12) antennas and (12) 1-5/8 coax lines
 - Structure Class II, Exposure Category C, Topography Category 1
2. Tower foundation pricing based on 9' diameter by 57'-6" depth caisson.
 - a. 9' diameter, 57'-6" length
 - b. Slurry water disposed of on site
 - c. Spoils removed from site
3. Soils information from geotechnical report furnished by SEH Engineer.
4. Access road – 12' wide, 690' long, ground stabilization fabric, 6" aggregate surfacing
5. Tower compound – 75' by 75', ground stabilization fabric, 6" aggregate surfacing
6. Fencing – 6' standard chain link, driven posts (no concrete)
7. Electric – 6-gang multi-meter fed with (6) 500 MCM conductors. Utility transformer located within 10' of metering equipment.
8. Fiber/Telco – not included.
9. Grounding – standard system, #2 solid, tinned conductor and 5/8" by 10' long ground rods.
10. Pricing does not include any carrier work.
11. All work completed in "no frost" conditions.

With respect to engineering, SEH proposes a fee of \$65,015 inclusive of design and specification development, bidding, construction administration, and construction observation. Upon completion of the feasibility study, SEH will provide the City of Wayzata with a final estimate based on the City's review and any final changes to the overall project scope. Our submission will include a comprehensive breakdown of tasks associated with our scope of work and corresponding fee.

6.0 Project Schedule

The table below outlines a tentative project schedule that gives consideration to forthcoming lease renewals by the carriers and the request by Wayzata Middle Schools to complete construction prior to the start of the 2017 -2018 school year.

Table 6
Project Schedule

Activity	Date
Engineering Phase	
Engineering Awarded	November 1, 2016
Project Initiation Meeting	Week of November 1, 2016
Development – Plans/Specifications	November 2, 2016
Tenant Meeting	December 8, 2016
Review by City Staff	December 15, 2016
Final Plans/Specifications	January 9, 2017
Bid Phase	
Project Approval by Council	January 17, 2017
Ad for Bid	January 23, 2016 - Depending on Publishing Date Req.
Pre Bid Meeting	February 9, 2017
Contractor Qualification Assessment	February 16, 2017
Bid Opening	February 23, 2017
Council Award	March 7, 2017
Contracts to Contractor	March 14, 2017
Construction Phase	
Submittal Review	April 7, 2017
Preconstruction Meeting	May 30, 2017
Site Mobilization/ Foundation Development	June 6, 2017
Tower Erection/Site Utilities/Tenant Ground Equipment	July 6, 2017
Access Road Development and Final Landscaping	August 5, 2017
Begin - Tenant Monopole Installations	September 4, 2017
Substantial Completion - Tenant Monopole Installations	October 6, 2017

Note: The above represents estimated dates

It has been identified by the City that due to the project type the City will need to go through the conditional use permitting (CUP) process, taking approximately 60 days to complete. It is our understanding that it is the City's intent to proceed with this process in tandem with other activities as outlined in the above schedule, with completion prior to contractor award.

7.0 Feasibility and Recommendation

As discussed in the introduction, water storage facilities have been utilized by Tenants for their height and location from the beginning. However, over the years the sheer number of Tenants and their equipment necessary to provide needed services for voice, data and streaming would ultimately create facility issues. The City of Wayzata neighborhood residence have become increasingly disturbed by equipment noise, continuous Tenant access, and the obtrusiveness of both the equipment compound and the Gardner Street water tower itself.

The City views telecommunication services as an important asset to the existing and future growth of the City. Based on considerations for location design parameters, cost, construction

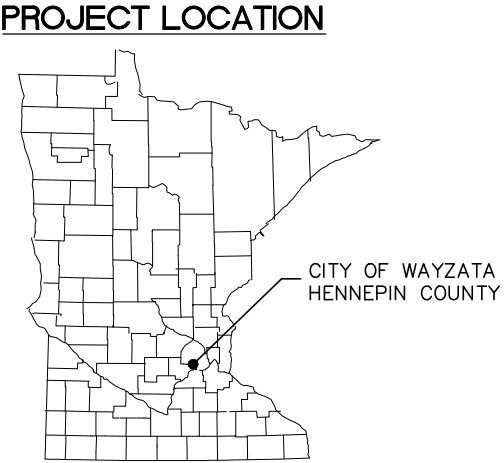
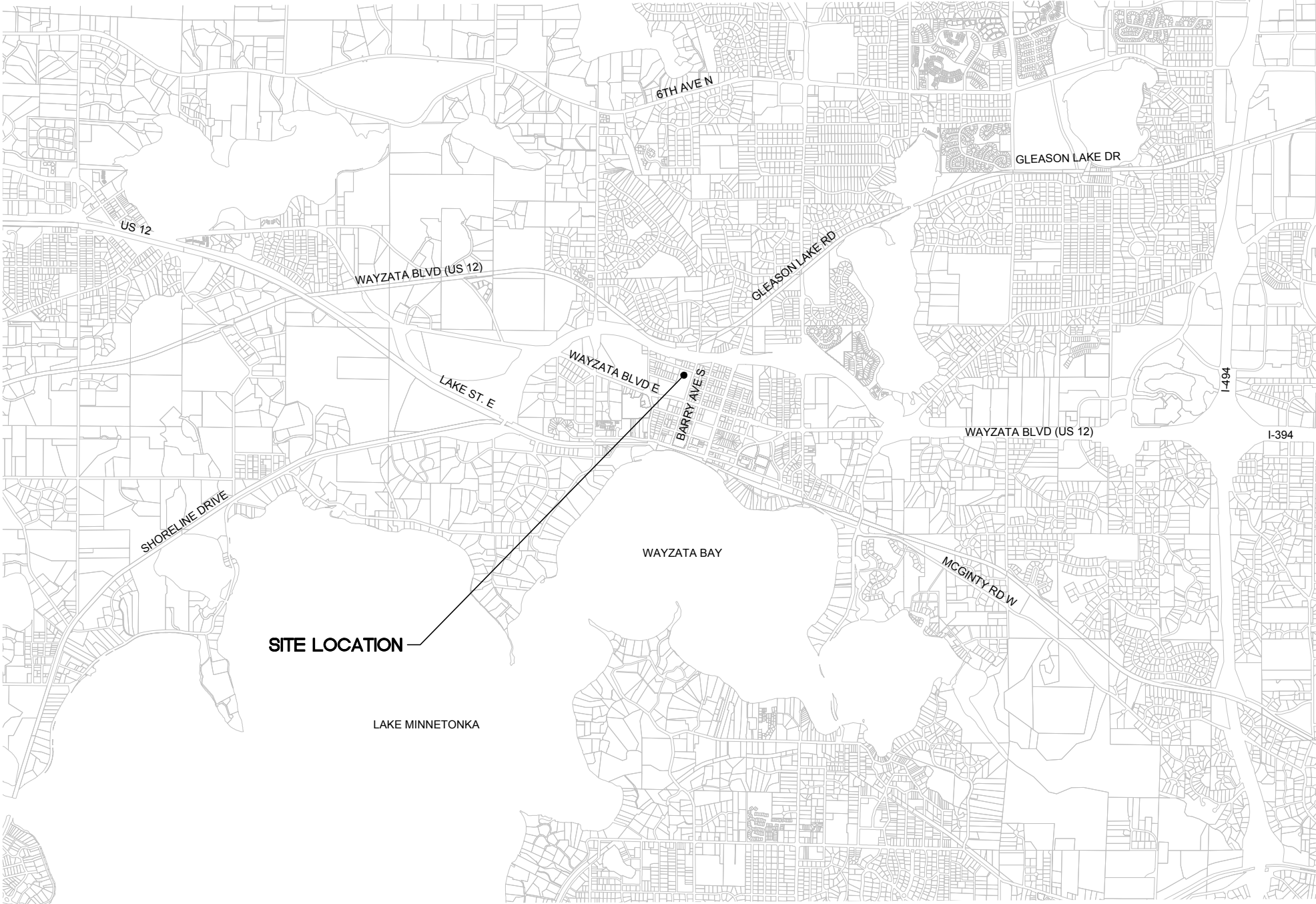
scheduling, Tenant disruptions (service) and/or site reestablishment, and overall aesthetics, SEH recommends consideration by the City for new tower construction at the Wayzata Middle School site. We believe it is the option that most completely satisfies the criteria set by the City of Wayzata and that of the Tenants for providing continued telecommunications service today and for the future to the benefit of both area businesses and its residents.

dmk



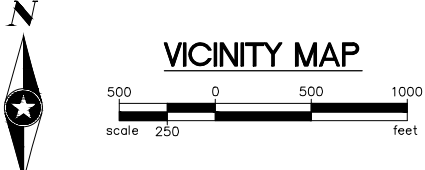
RAD CENTER "A", AT&T, 190'
RAD CENTER "B", FUTURE, 180'
RAD CENTER "C", SPRINT, 160'
RAD CENTER "D", T-MOBILE, 150'
RAD CENTER "A", VERIZON, 140'

WAYZATA MIDDLE SCHOOL TELECOMMUNICATIONS TOWER FOR THE CITY OF WAYZATA, MINNESOTA CITY PROJECT NO. COM-2017-01



INDEX	
SHEET NO.	DESCRIPTION
G1	TITLE SHEET
C1	EXISTING CONDITIONS & REMOVAL PLAN
C2	SITE PLAN & GRADING
C3	FENCING AND MONOPOLE DETAIL

THIS PLAN CONTAINS 4 SHEETS.



NOTE:
THE SUBSURFACE UTILITY QUALITY INFORMATION IN THIS PLAN IS LEVEL D.
THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE
GUIDELINES OF CI/ASCE 38-02 ENTITLED "STANDARD GUIDELINES FOR THE
COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

THE CONTRACTOR SHALL CALL THE GOPHER STATE ONE CALL SYSTEM AT
811 BEFORE COMMENCING EXCAVATION.

PC 2/6/2017
Page 118 of 121

3535 VADNAS CENTER DR
ST PAUL, MN 55110
PHONE: 651.492.2100
FAX: 651.492.2155
WWW.SEHINC.COM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Chad E. Setterholm
CHAD E. SETTERHOLM, P.E.
DATE 12/20/2016 REGISTRATION NO. 40913

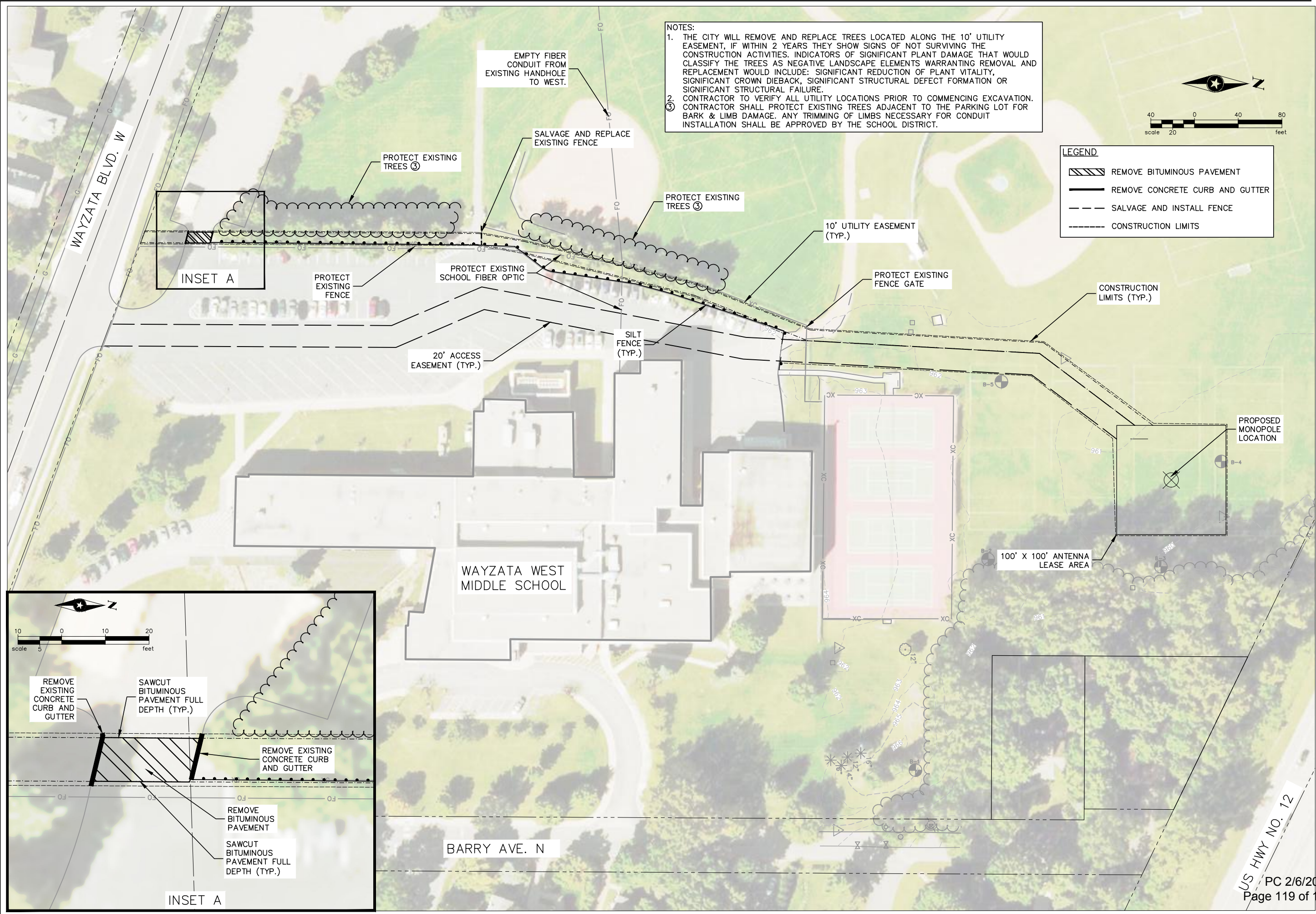
WAYZATA MIDDLE SCHOOL
TELECOMMUNICATION TOWER
CITY OF WAYZATA, MINNESOTA

MARK	DATE	DESCRIPTION	REVISIONS
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SHEET TITLE	SHEET
TITLE SHEET	G1

SEH FILE NO. W-WAYZATA139566
PROJECT NO. 01/23/2017
ISSUE DATE
DESIGNED BY: CES
DRAWN BY: JRB

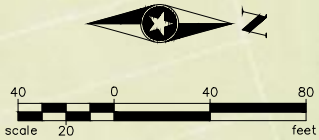
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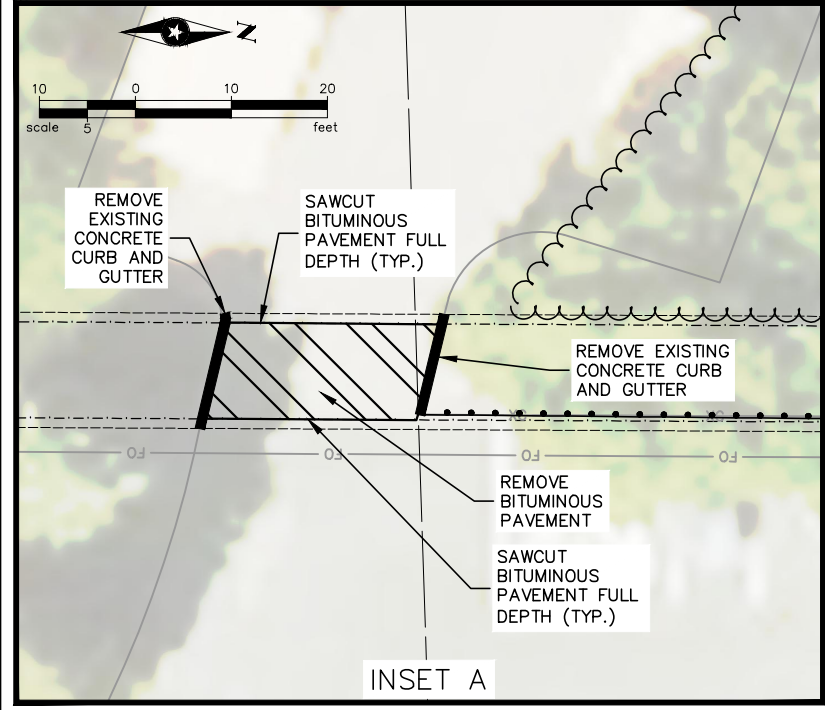
NOTES:

1. THE CITY WILL REMOVE AND REPLACE TREES LOCATED ALONG THE 10' UTILITY EASEMENT, IF WITHIN 2 YEARS THEY SHOW SIGNS OF NOT SURVIVING THE CONSTRUCTION ACTIVITIES. INDICATORS OF SIGNIFICANT PLANT DAMAGE THAT WOULD CLASSIFY THE TREES AS NEGATIVE LANDSCAPE ELEMENTS WARRANTING REMOVAL AND REPLACEMENT WOULD INCLUDE: SIGNIFICANT REDUCTION OF PLANT VITALITY, SIGNIFICANT CROWN DIEBACK, SIGNIFICANT STRUCTURAL DEFECT FORMATION OR SIGNIFICANT STRUCTURAL FAILURE.

2. CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO COMMENCING EXCAVATION. CONTRACTOR SHALL PROTECT EXISTING TREES ADJACENT TO THE PARKING LOT FOR BARK & LIMB DAMAGE. ANY TRIMMING OF LIMBS NECESSARY FOR CONDUIT INSTALLATION SHALL BE APPROVED BY THE SCHOOL DISTRICT.



LEGEND	
	REMOVE BITUMINOUS PAVEMENT
	REMOVE CONCRETE CURB AND GUTTER
	SALVAGE AND INSTALL FENCE
	CONSTRUCTION LIMITS



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Chad E. Setterholm
CHAD E. SETTERHOLM, P.E.
DATE: 12/20/2016 REGISTRATION NO. 40913

WAYZATA MIDDLE SCHOOL
TELECOMMUNICATION TOWER
CITY OF WAYZATA, MINNESOTA

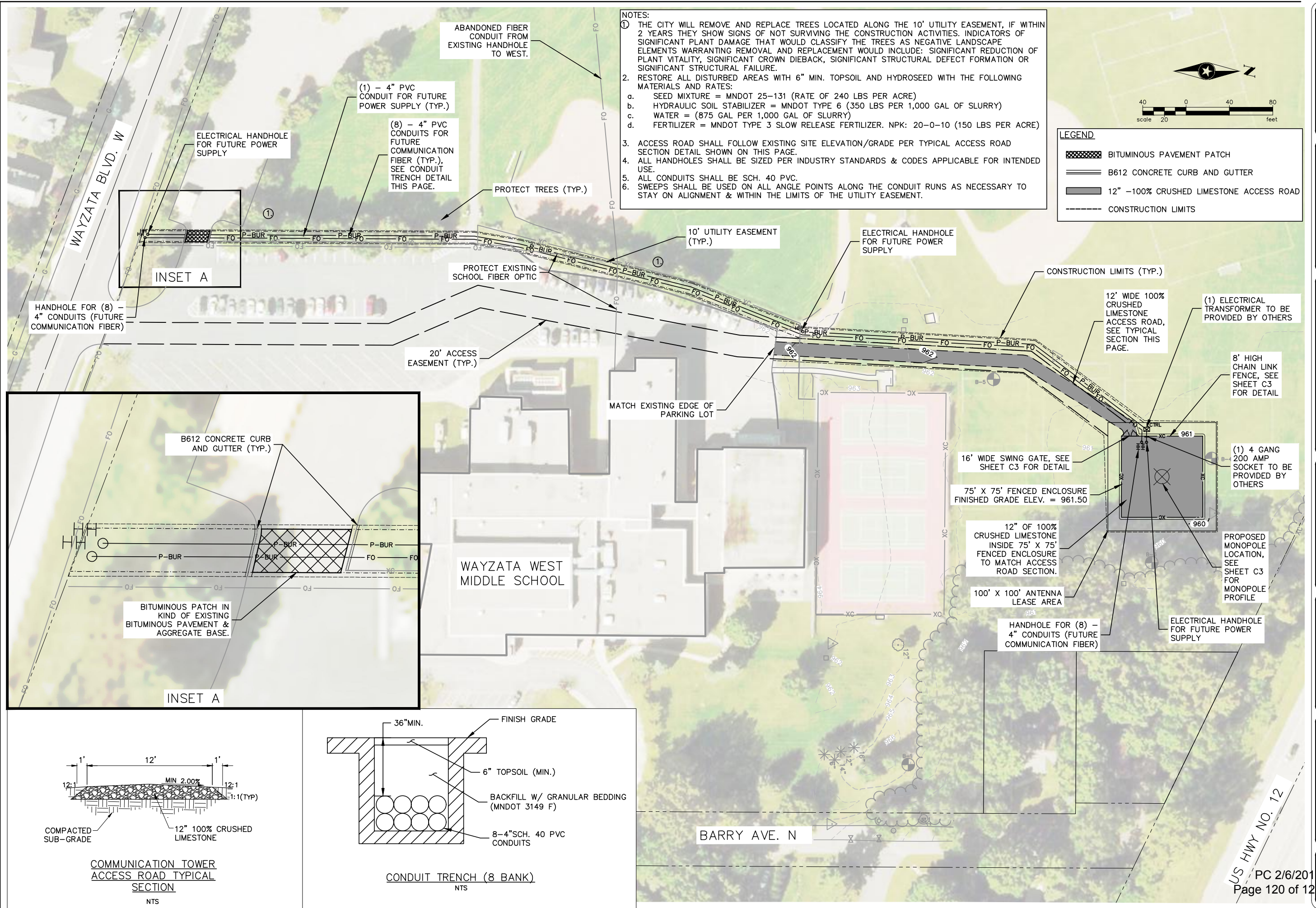
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PROJECT NO. 01/23/2017
ISSUE DATE 01/23/2017
DESIGNED BY: CES
DRAWN BY: JRB

SHEET TITLE
EXISTING CONDITIONS &
REMOVAL PLAN

SHEET
C1

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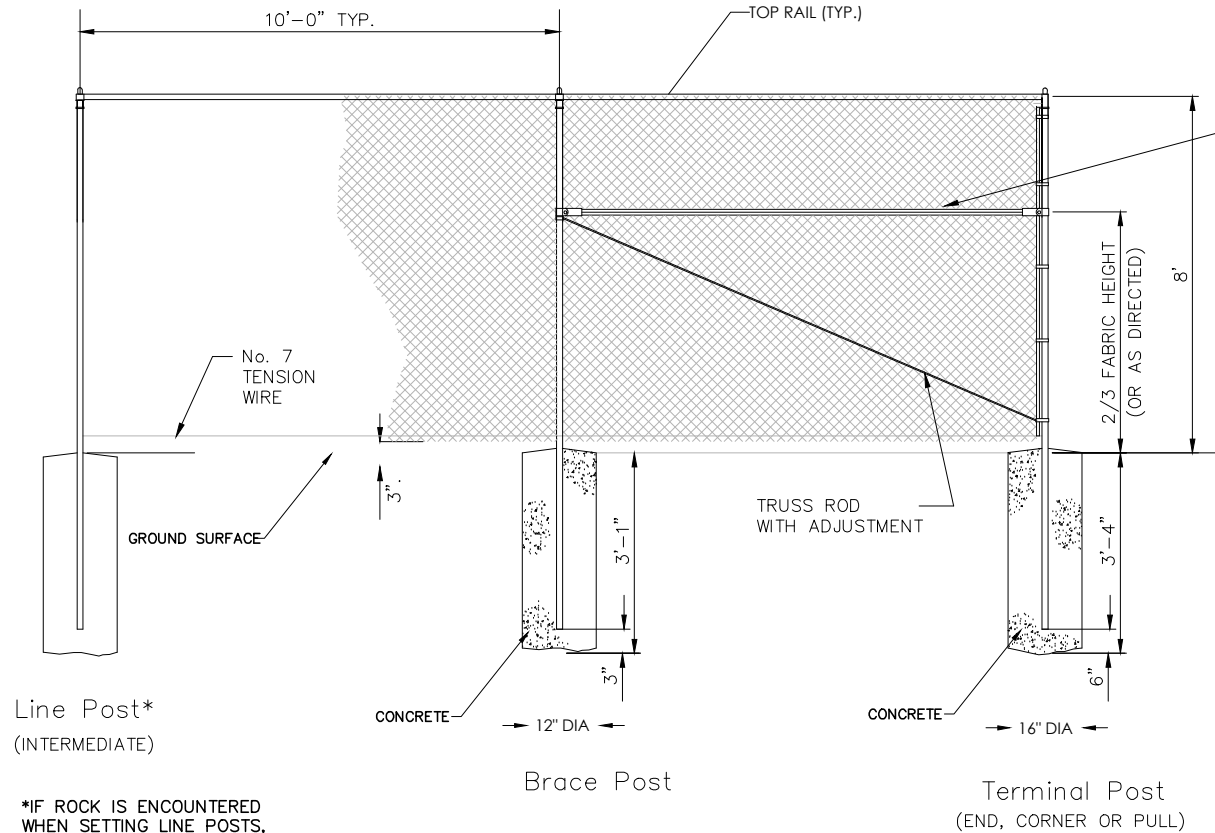
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SITE PLAN & GRADING

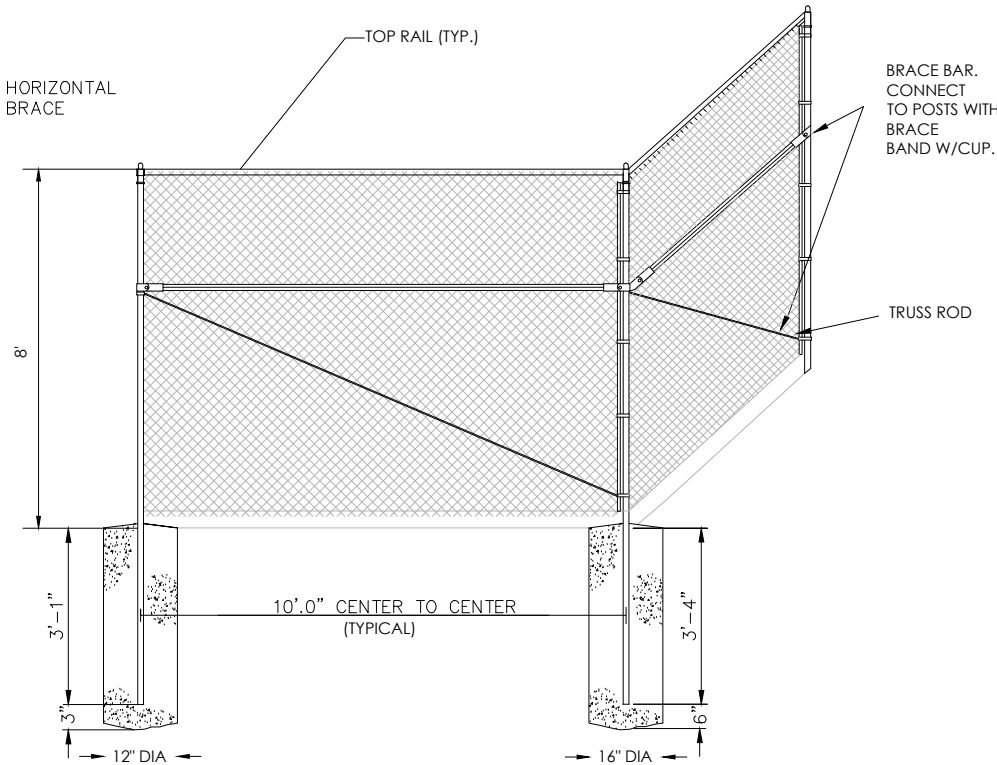
SHEET
C2

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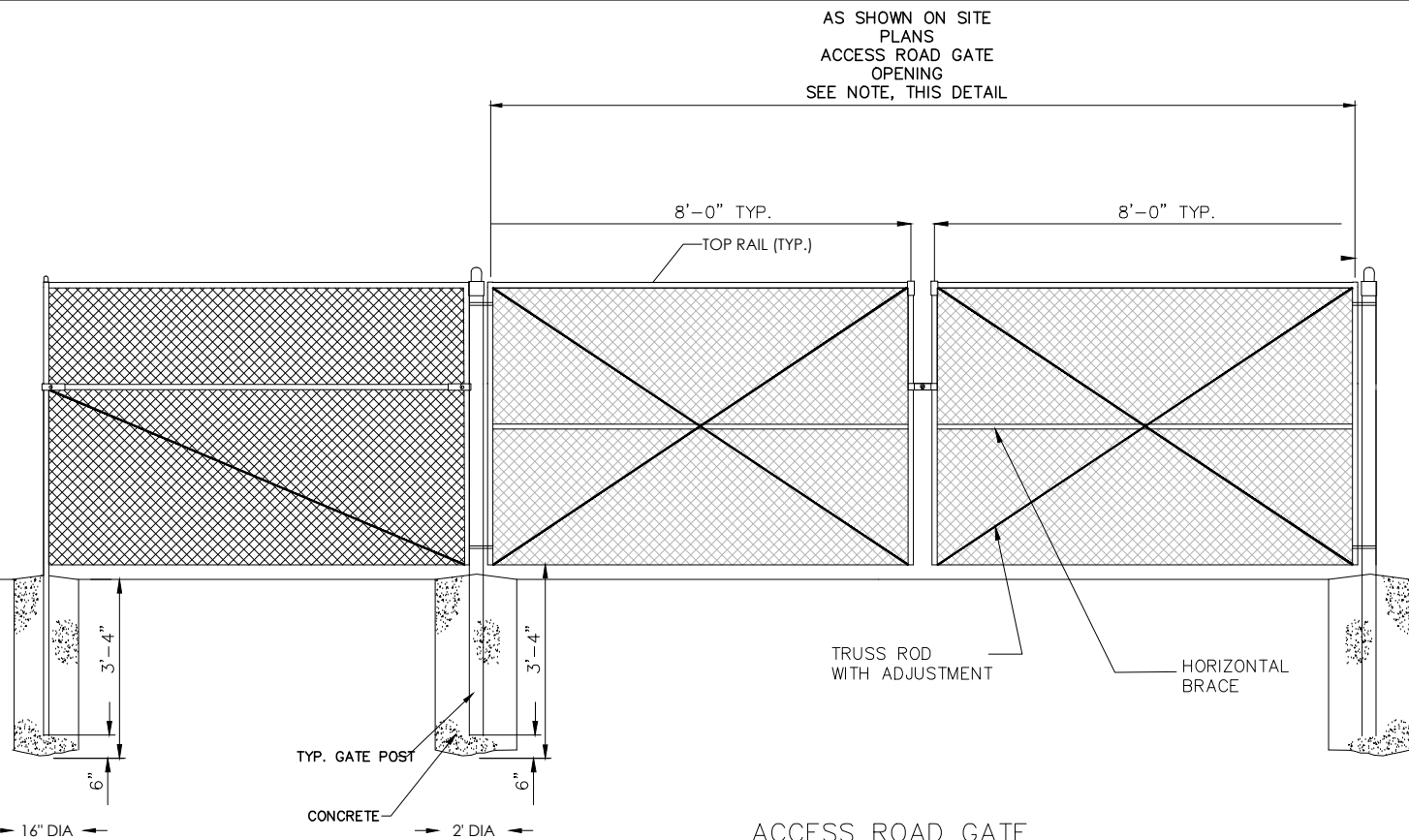


*IF ROCK IS ENCOUNTERED WHEN SETTING LINE POSTS, DRILL HOLES 4 INCHES LARGER IN DIAMETER THAN POSTS AND BACKFILL TO GRADE WITH CLASS "B" CONCRETE

CHAIN LINK FENCE
NTS



PULL, END OR CORNER & ADJACENT LINE POST
NTS



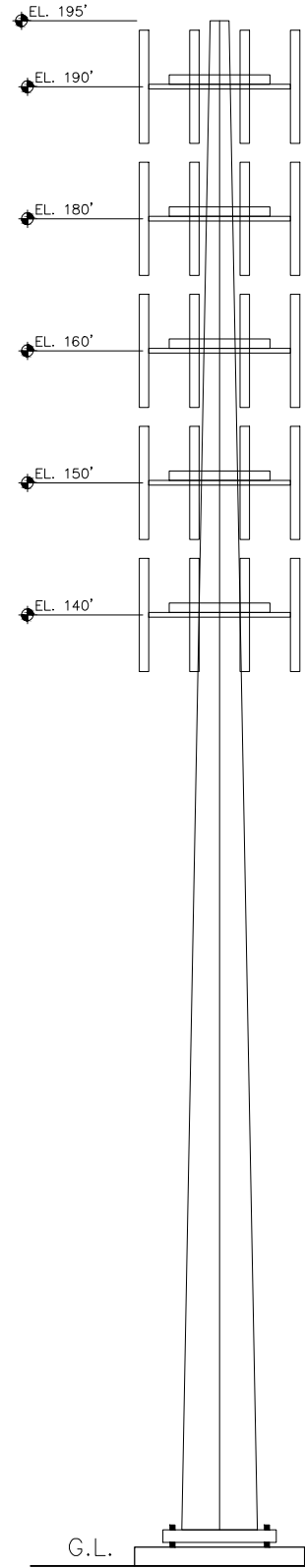
FENCE NOTES:

1. PROVIDE LATCHING DEVICES TO HOLD GATES IN OPEN POSITION.
2. IF ROCK IS ENCOUNTERED WHEN SETTING LINE POSTS, DRILL HOLES 4 INCHES LARGER IN DIAMETER THAN POSTS & BACKFILL TO GRADE WITH CLASS "B" CONCRETE.
3. ARCHITECTURAL GRADE FENCING PER SPECIFICATIONS.
4. TOP RAIL SHALL BE INSTALLED ON ALL FENCING & GATES.

NOTE: PROVIDE LATCHING DEVICES TO HOLD GATES IN OPEN POSITION,

MONOPOLE NOTES:

1. ANTENNA FEED LINES RUN INSIDE POLE.
2. ALL DIMENSIONS ARE ABOVE GROUND LEVEL, UNLESS OTHERWISE SPECIFIED.
3. WEIGHTS SHOWN ARE ESTIMATES. FINAL WEIGHTS MAY VARY.
4. THE MONOPOLE WAS DESIGNED FOR A BASIC WIND SPEED OF 90 MPH WITH 0" OF RADIAL ICE, AND 50 MPH WITH 1" OF RADIAL ICE, IN ACCORDANCE WITH ANSI/TIA-222-G, STRUCTURAL CLASS II, EXPOSURE CATEGORY C, TOPOGRAPHIC CATEGORY 1.
5. FULL HEIGHT STEP BOLTS.



COMMUNICATION MONOPOLE PROFILE
NTS
PC 2/6/2017
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SEH

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WAYZATA MIDDLE SCHOOL
TELECOMMUNICATION TOWER
CITY OF WAYZATA, MINNESOTA

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DESIGNED BY: CES
DRAWN BY: JRB

FENCING AND MONOPOLE DETAIL

SHEET C3