Wayzata Planning Commission

Meeting Agenda

Monday, June 5, 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. May 1, 2017 Planning Commission Meeting

4. Public Hearing Items:
a. None

5. Old Business Items:
a. Nolan Properties – 1330 Wayzata Blvd E
Design review, conditional use permits, variances

6. Other Items:
a. Review of development activities
b. Next meeting is June 19, 2017
c. July 3, 2017 meeting rescheduled to June 26, 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
MAY 1, 2017

AGENDA ITEM 1. Call to Order and Roll Call

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

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

AGENDA ITEM 2. Approval of Agenda

Commissioner Murray made a motion, Seconded by Commissioner Flannigan, to approve the May 1, 2017 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) April 17, 2017

Commissioner Gruber made a motion, Seconded by Commissioner Murray, to approve the April 17, 2017 meeting minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Tree Ordinance Amendment

Director of Planning and Building Thomson stated in 2016, the City Council amended two parts of the City Code related to trees. The ordinances include a new section of the zoning ordinance pertaining to tree preservation and an amendment to the existing City Code as it relates to the City Forester and safety of trees on public and private property. After the City Council adopted the new ordinances, the Planning Commission expressed concerns about how the ordinance would apply to existing properties. The new ordinance would not restrict a property owner from removing trees on their property if they are not proposing any type of development, construction, or grading. The Planning Commission was concerned that a developer could purchase a property, remove trees prior to submitting a development application, and subsequently apply for a development application when the tree removal had already been completed. In this case, the trees already removed would not be subject to the tree preservation and replacement requirements. The Planning Commission passed a motion asking the City Council to address this situation. The City Council held a workshop to discuss the Planning Commission comments and directed staff to prepare an amendment to the ordinance which would add a look-back clause

to the tree preservation ordinance so that any trees removed within a certain time period prior to a development application would be counted with any trees removed as part of the development application. Proposed changes to Section 801.36 include: 1. the addition of a two year look back clause for subdivision applications, construction or maintenance of public infrastructure, and construction of single-family homes; 2. The addition a one year look back clause for expansions to single family homes, land disturbance permits, and applications for design review; and 3. Changes that are intended to clarify the regulations to make it easier for the City to administer the ordinance. Changes to Chapter 710 of the City Code include adding a tree removal permit requirement for the removal of any tree on public or private property to help track when trees are removed from private property, and changes that clarify the regulations but do not change the intent, purpose, or policies of the regulations in the existing ordinance.

Commissioner Buchanan asked why there were two different look back periods in the ordinances.

Mr. Thomson stated one time frame could be provided for all projects. The two different look back periods proposed are based on the types of project and address the concerns of tree removal done to circumvent the tree ordinance versus tree removal that is done but not to accommodate future development.

Commissioner Gruber asked for clarification on land disturbance permits.

Mr. Thomson stated land disturbances would be anytime grading activity occurs on a property beyond the set threshold of 5,000 square feet of area disturbance or 50 cubic yards of total volume disturbance. These disturbances cannot be in a wetland or affect the floodplain.

City Attorney Schelzel asked Mr. Thomson to explain how the ordinances would apply to multi-family and institutional uses.

Mr. Thomson stated those projects all require design review. Single-family homes and twin homes are exempted from design standards. The design review projects were included in the one year look clause back because these groupings already exist in how the ordinance applies today.

Commissioner Gruber asked if the Commission could provide additional language or changes outside of the changes being presented.

Mr. Thomson stated the Commission could recommend changes.

Commissioner Gonzalez asked if there was a charge for private homeowners to get a tree removal permit.

Mr. Thomson stated there has been a fee in the City's Fee Schedule, and the Council can change this fee when they adopt the fee schedule every year.

Commissioner Gonzalez stated previously the City had a waiver for the fee if it were removed for safety reasons.

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Mr. Thomson stated this would still apply.

Commissioner Gonzalez asked what types of penalties were in place with this ordinance.

City Attorney Schelzel stated there are two parts of the tree ordinance; one in the Zoning Code and the other in the City Code. Both of these have penalty provisions as part of the larger code.

Commissioner Flannigan asked why the tree permit requirement had been removed from the Ordinance by the City Council.

Mr. Thomson stated the City Council had felt at the time that a homeowner should not have to get a permit to remove a tree from their property. The recommended change of adding the permit requirement back in was to provide a mechanism for the City to administer the look back clause in the proposed ordinance changes, which would require a record of when trees are removed from private property.

Vice Chair Young opened the public hearing at 7:27 p.m.

Robert Dachelet, 263 Bushaway Road, Wayzata, stated their property had a lot of invasive red maple surface roots when they purchased it, and he had cut down several 1-inch and smaller trees. He stated he had understood the City requirement to have 3" trees planted as replacements but the proposed ordinance shows 2 ½" trees.

Mr. Thomson stated this minimum of 2 ½" replacement trees has not changed.

Mr. Dachelet stated a tree mitigation plan, a site plan and a tree replacement plan had been approved for the Church at 2030 Wayzata Boulevard. The approved plans do not include enough inches to replace what was removed according to the ordinance. He stated it would not be possible to plant the required caliper inches on this particular property. He stated the Church would be planting all of the trees that are included in the approved site plan.

There being no other person wishing to speak, Vice Chair Young closed the public hearing at 7:33 p.m.

Commissioner Buchanan expressed concerns about homeowners having to get a permit to remove any tree on their property.

Commissioner Gruber asked if there had been a minimum size tree that would require a permit to be removed.

Mr. Thomson stated the ordinance does state any tree. The Commission could consider changing this to requiring a permit for the removal of trees that are 6" in diameter or greater.

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Commissioner Gruber stated she would like to see people providing the City with explanations on why they are cutting down trees because this may stop people from cutting down all of their trees.

Commissioner Flannigan asked Mr. Thomson to provide Mr. Dachelet with an answer to his questions concerning the number of trees they are planting as part of an approved project.

City Attorney Schelzel stated staff would discuss the particulars of that project with the land owner but the proposed ordinance changes are not retroactive to those projects that have already been approved.

Commissioner Murray stated he would recommend the fee to remove a tree from a private property should be minimal. He asked if there would be any credit for trees that a homeowner may plant on their property.

Mr. Thomson stated the Commission could add a provision that states any replacement that has occurred during the same time period as the removal can count towards the mitigation.

City Attorney Schelzel stated the permit requirement was added back into the ordinance because without this, the City does not have a means of knowing when trees are removed from a property, and this record would be necessary when administering the look back period.

Commissioner Flannigan stated the intent of the look back clause had been to protect significant and heritage trees. He suggested the permit requirement for significant and heritage trees, and only once the City Forester has determined that a permit is required.

Commissioner Gonzalez stated when she had a large tree removed from her property the permit had been handled by the licensed tree removal company that she had hired for the project. She asked if the ordinance could contain language that expanded who homeowners could hire for tree removal. Currently the City only allows those companies that are licensed by the City. She suggested expanding the language to include state licensed companies.

City Attorney Schelzel stated the fee and licensing requirements would be a policy question for the City Council to discuss.

Commissioner Gruber stated requiring a permit for the removal of any tree is too broad. She would support changing this requiring a permit for the removal of any significant or heritage tree or any tree over an established size. She suggested including the following language in Section 801.36.1.A: “and preserve the environmental positives trees provide, including filtering out the air pollution, shade, and civility of soil.”

Mr. Thomson stated these items are included in Section 801.36.1.B.

Vice Chair Young stated he is not in support of including a look back clause in the ordinance. In order to administer this clause, the City would have to require permitting for tree removal, and this would create a burden on homeowners and developers. Larger developments already

capture tree removal through other means. The added burden on residents, developers, and staff is too great. He does not believe a permitting process is warranted.

Commissioner Buchanan agreed with Vice Chair Young. He stated the solution is creating more problems than the loophole problem it seeks to address, and the loophole may not in fact present any problems.

Commissioner Murray stated it would be more challenging or onerous to enforce the look back clause than the potential damage that could occur.

Commissioner Gonzalez asked if Commissioner Young objected to a look back clause for those properties that may be single family properties now but then decide to subdivide the property after they have clear cut it, or if he was objecting to requiring a homeowner obtaining a permit to remove a tree on their property.

Vice Chair Young stated these are valid concerns but to address these concerns there would be a permitting process required, and he does not feel that the burden on all property owners in the City of putting a permitting process in place is justified to address those concerns.

Commissioner Murray stated he would agree with Vice Chair Young. Requiring a permit for residents to remove a tree from their property would create more of a burden than the potential for the few properties that remain in the City that can be subdivided to clear cut all the trees on the property.

Commissioner Gonzalez stated the job of the City is to protect the residents, and clear cutting properties would not in the best interest of the residents. The permitting process would not be onerous, and she would support including a look back clause in the ordinances with a reasonable minimum tree size.

Commissioner Flannigan stated the look back clause should be scaled back to include a specific minimum size tree.

Commissioner Murray asked how the City would know if there were trees removed because of damage.

Commissioner Gonzalez stated there would be a permit required to remove the damaged tree, but the fee for the permit would be waived.

Vice Chair Young asked if the Commission had any concerns about the proposed “clean up” language in the draft ordinances.

Commissioner Gonzalez stated the only concern she would have is the City requiring a City licensed business to do work in the City. She suggested the Commission have a joint meeting with the City Council to discuss the ordinances.

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Mr. Thomson stated the City Council had provided clear direction to staff originally when they removed the permitting process for homeowners, but they also asked staff to work with the Commission on establishing a process to address the Commission's concerns about properties being clear cut. Putting the permitting process back into the ordinance was staff's way of being able to administer the look back clause.

Commission Gonzalez made a motion, seconded by Commissioner Gruber, to direct Staff to prepare a Planning Commission Report and Recommendation recommending approval of the Ordinance Amending Section 36 of the Wayzata Zoning Ordinance (Tree Preservation) and Amending Wayzata City Code Chapter 710 (Planting, Maintenance, and Removal of Trees) as presented, with the addition of language to the permit requirements for individual homeowners to apply to the removal of trees 6 caliper inches or larger. The motion failed. 3 Ayes and 3 Nays (Young, Murray, Buchanan).

Vice Chair Young asked it the consensus of the Commission was support for the "clean up" language presented in the draft Report and Recommendation.

Commissioner Gonzalez suggested bringing this back when all Commissioners were present.

Commissioner Flannigan stated the look back was what the Commission was split on, and the proposed draft should be forwarded to the City Council for their discussion and consideration.

City Attorney Schelzel stated the Commission could vote on the "clean up" language proposed and the record would show that there was a vote on the draft recommendation with the look back clause and permitting process. The City Council could then make the policy decisions on how they would proceed.

Commissioner Murray made a motion, seconded by Commissioner Buchanan, to adopt the draft Planning Commission Report and Recommendation recommending approval of the Ordinance Amending Section 36 of the Wayzata Zoning Ordinance (Tree Preservation) and Amending Wayzata City Code Chapter 710 (Planting, Maintenance, and Removal of Trees) as presented, but striking all language in the amendments pertaining to the look-back clause and permitting process. The motion passed. 4 Ayes and 2 Nays (Gruber and Gonzalez).

AGENDA ITEM 5. Old Business Items:

a.) None

AGENDA ITEM 6. Other Items:

a.) Review of Development Activities

Mr. Thomson stated the agenda for the next City Council meeting includes presentation of the Centennial House Award, a review of the liquor license for the Landing Hotel, and the resolution

on the impervious surface variance at 128 Broadway Avenue. The City held the Strategic Planning retreat and once the Strategic Plan document has been approved, this will be provided to the Commission.

b.) Next Meeting is May 15, 2017

Commissioner Gruber stated she had received a call from a former member of the Heritage Preservation Board, who expressed concerns about the Wayzata Blu project and its impact on historic properties. She stated the City should be presenting the Heritage Preservation award more often.

Commissioner Buchanan stated he was on the Heritage Preservation Board and could be a liaison for the Commission.

AGENDA ITEM 7. Adjournment.

Commissioner Buchanan made a motion, seconded by Commissioner Murray, to adjourn the meeting of the Planning Commission. The motion carried unanimously.

The Planning Commission meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.

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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: June 2, 2017

To: Planning Commission

From: Jeff Thomson, Director of Planning and Building

Subject: Nolan Properties – 1330 Wayzata Blvd E

Application Information
The applicant, Nolan Properties Group, LLC, has submitted a development application for the property at 1330 Wayzata Blvd E. The property currently contains a 2,300 square foot fast food building that is occupied by Kentucky Fried Chicken and was constructed in 1961. The proposal includes demolition of the existing building, parking lot, and other site improvements. The new development would consist of a 4,500 square foot commercial building and 47 on-site parking stalls.

Planning Commission Review
The Planning Commission reviewed the development application and held a public hearing at its meeting on May 15, 2017. After discussing the application, the Planning Commission directed staff to prepare a draft Planning Commission Report and Recommendation for approval of the development application.

Planning Commission Action
City staff has drafted the attached Planning Commission Report and Recommendation, which recommends approval of the development application subject to several conditions of approval.

Attachments
Draft Planning Commission Report and Recommendation

Phone: 952-404-5300 Fax: 952-404-5318 e-mail: city@wayzata.org home page: www.wayzata.org

WAYZATA PLANNING COMMISSION

June 5, 2017

REPORT AND RECOMMENDATION OF APPROVAL OF PROJECT DESIGN, CONDINTIONAL USE PERMITS, AND VARIANCES FOR A NEW COMMERCIAL DEVELOPMENT AT 1330 WAYZATA BLVD E

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SUMMARY OF RECOMMENDATIONS*

1. **Approval** of Project Design
2. **Approval** of Conditional Use Permit for Bank Drive-in Facilities
3. **Approval** of Conditional Use Permit for Restaurant
4. **Approval** of Conditional Use Permit for Convenience Food Restaurant
5. **Approval** of Variance from the Minimum Parking Lot Setback
6. **Approval** of Variance from the Minimum Landscaped Area
7. **Approval** of Variance from Minimum Parking Stalls Requirement

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

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Nolan Properties Group, LLC on behalf of property owner Delarias Kitchen, Inc. (the "Applicant") has submitted a development application for the property at 1330 Wayzata Blvd E (the "Property") requesting design approval, multiple CUPs and multiple variances (the "Application") for a new 4,500 square foot commercial building with 47 on-site parking stalls, a new 9-foot public sidewalk, new landscaping, and other site improvements (the "Project").

1.2 Application Requests. Approvals of the following are requested in the Application:

A. Design: Design of the new building and other site improvements as depicted in the plans listed in the Design Critique attached as Attachment A that are part of the Project ("Project Design"), including two deviations from the

Wayzata Design Standards for use of zinc metal panels as a primary exterior building material and mortar-less brick shingles. (the "Deviations")

B. Conditional Use Permit for Drive-in Facilities: A CUP for drive-in facilities for a bank or savings and loans association on the Property. ("Drive In CUP")

C. Conditional Use Permit for Restaurant: A CUP for a restaurant on the Property. ("Restaurant CUP")

D. Conditional Use Permit for Convenience Food Restaurant: A CUP for a convenience food restaurant. ("Convenience Food CUP")

E. Variance from the Minimum Parking Lot Setback: A variance from the 10 foot minimum parking lot setback to allow for a 5 foot setback from the west and east property lines. ("Parking Lot Setback Variance")

F. Variance from the Minimum Landscaped Area: A variance from the requirement that a minimum of 20 percent of a total lot be landscaped to allow for a 16.4 percent landscaped area on the Property. ("Landscaping Variance")

G. Variance from the Minimum Parking Stalls Requirement for Possible Uses: A variance from the 58 parking stalls requirement for a potential tenant combination of a 2,300 square foot coffee shop and a 2,200 square foot restaurant/convenience food restaurant to allow for only 47 parking stalls on the Property if such combination of uses were to occur on the Property. ("Parking Stall Variance")

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

1330 Wayzata Blvd E	05-117-22-31-0008	Delarias Kitchen, Inc.

1.4 Land Use. The Property is zoned C-3/Service District and guided Mixed Use Commercial under the Wayzata Comprehensive Plan.

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Lakeshore Weekly News* on May 4, 2017. A copy of the notice was mailed to all property owners located with 350 feet of the Property on May 5, 2017. The public hearing on the Application was held at the May 15, 2017 Planning Commission meeting.

Section 2. STANDARDS

2.1 Design Standards. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance.

(City Code Section 801.09). The Project falls within the Wayzata Blvd Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

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

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

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

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

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

6. A national, state or local historic designation.

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

2.2 Conditional Use Permit for Bank Drive-in Facilities. Within the C-3 zoning district, drive-in facilities for banks or savings and loans associations are a conditional use. (City Code Section 801.77.5.C). Such conditional uses may be approved under the general CUP standards of Sec. 801.04.2.F and compliance with the following use-specific standards:

A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

B. Vehicle Access. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements.

C. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.

D. Drive-through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) must be provided for the service window

2. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

3. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.

4. Noise. The stacking lane, service intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall occur and be measured at property lines and shall satisfy established state regulations.

5. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

6. Green Strip. At any common boundary shared with a residential district, a strip of not less than five (5) feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.

7. General CUP Standards. The provisions of Section 801.04.2.F of the Zoning Ordinance (CUPs) are considered and satisfactorily met. These provisions require City Council to consider possible adverse effects of the proposed conditional use. Council's 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 in the Zoning Ordinance (i.e., parking, loading, noise, etc.).

d. The propose use's effect on the area in which it is proposed.

e. The proposed use's impact upon property values in the area in which it is developed.

f. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.

g. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

2.3 Conditional Use Permit for Restaurant. Within the C-3 zoning district, convenience food restaurants are a conditional use. (City Code Section 801.77.5.F). Such conditional uses may be approved under the general CUP standards of 801.04.2.F and compliance with the following use-specific standards:

A. The use obtains all local, state and federal food and beverage handling licenses and/or permits.

B. There shall be no excessive noise or odors emitted from the use.

C. There shall be no outdoor storage and/or display.

D. The hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

E. The use must be landscaped and screened in accordance with Section 801.18 of this Ordinance.

F. The provisions of Section 801.04.2.F of the Zoning Ordinance (CUPs) are considered and satisfactorily met.

2.4 Conditional Use Permit for Convenience Food Restaurant. Within the C-3 zoning district, convenience food restaurants are a conditional use. (City Code Section 801.77.5.G). Such conditional uses may be approved under the general CUP standards of Sec. 801.04.2.F and compliance with the following use-specific standards:

A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site shall not be dissimilar to the existing nearby commercial buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

B. Green Strip. At any common boundary shared with a residential district, a strip of not less than five (5) feet shall be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.

C. Lighting. Each light standard base island and all islands in the parking lot landscaped or covered. The light source is hooded to prevent glare onto adjoining property and the public right-of-way.

D. Curbing. Parking areas and driveways shall be curbed with continuous concrete curbs not less than six (6) inches high above the parking lot or driveway grade.

E. Vehicle Access. Vehicular access points shall be limited and shall create a minimum of conflict with through traffic movements.

F. Drainage. The entire area shall have a drainage system which is subject to the approval of the City Engineer.

G. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the City.

H. Loading Berth. Adequate space shall be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.

I. Refuse Storage. All refuse shall be stored in containers as specified by City Code. Said containers are to be screened and enclosed by a fence or similar structure.

J. Litter Control. The operation shall be responsible for litter control within five hundred (500) feet of the property line and is to occur on a daily basis.

K. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane must be provided for the service window.

2. Traffic Control. The stacking lane and its access must be designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

3. Use of Street. No part of the public street or boulevard may be used for stacking of automobiles.

4. Noise. The stacking lane, order board intercom, and service window shall be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality shall be measured at property lines and shall satisfy established state regulations.

5. Hours. Hours of operation shall be limited as necessary to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

L. The provisions of Section 801.04.2.F of the Zoning Ordinance are considered and satisfactorily met.

2.5. Minimum Parking Lot Setback. The Zoning Ordinance requires a minimum parking lot setback of 10 feet from all property lines. (City Code Section 801.20.5.D)

2.6 Minimum Landscaped Area. The C-3 zoning district requires a minimum of 20 percent of the lot to be landscaped and maintained. (City Code Section 801.77.6.F)

2.7 Minimum Parking Stall Requirement. The Project's possible building tenant mix of a coffee shop and restaurant/convenience food restaurant would require 58 parking stalls. (City Code Section 801.20.11 and 801.20.13.B)

2.8 Variances. The applicable criteria for granting a variance from the standards of the Zoning Ordinance under Sec. 801.05.1.C. are:

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

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

C. "Practical difficulties," as used in connection with the granting of a variance, means that:
(i) the property owner's proposal for the property is reasonable but not permitted by the Zoning Ordinance;
(ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
(iii) the variance, if granted, will not alter the essential character of the locality.

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

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

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

Section 3. FINDINGS

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

3.1 Project Design. Except for the Deviations, the Project meets the applicable provisions of the Design Standards, as detailed in the Design Critique attached to this Report as Attachment A. There are several advantages and positive impacts of the proposed exterior zinc and brick material associated with the Deviations. Any negative impacts of the Deviations are outweighed by one or more of the following factors:

1. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, including (i) allowing for a broader range of commercial uses that provide daily goods and services; (ii) increasing walkability of eastern Wayzata Blvd; (iii) placing more parking behind the building; (iii) reducing franchise architecture; (iv) better screening of commercial and service areas from adjacent residential neighborhoods with new landscaping and site design; (v) giving attention in commercial and services areas to building design and scale, street trees and extensive use of landscaping.

2. The extent to which the Deviations permit greater conformity with other standards, policies behind the standards, and with other Zoning Ordinance standards, including use of materials that are innovative, attractive, more sustainable, more cost effective, an integral part of a high quality design, and appropriate for the site and proposed building.

3. The positive effect of the Project on the area in which the Project is proposed, as noted elsewhere in this Report.

3.2 Conditional Use Permit for Bank Drive-in Facilities. The potential bank drive in facilities associated with the Drive In CUP ("Drive In Facilities") (assuming compliance with the conditions recommended in Section 4 of this Report) meet the requirements of City Code Section 801.77.5.C, as detailed below.

A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site associated with the Project will not be dissimilar in any negative way to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or constitute a blighting influence within a reasonable distance of the site.

B. Vehicle Access. Vehicular access points for the Project will be limited, and create a minimum of conflict with through traffic movements.

C. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings will be surfaced with a material which will control dust and drainage that has been approved by the City.

D. Drive-through Windows. The following additional criteria for service windows are satisfied and/or will be satisfied prior to any use of the Drive In Facilities:

1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) is provided for the service window.

2. Traffic Control. The stacking lane and its access are designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

3. Use of Street. No part of the public street or boulevard will be used for stacking of automobiles.

4. Noise. The stacking lane, service intercom, and service window are be designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality must continue to meet state regulations.

5. Hours. As a condition of approval, hours of operation should be limited to _____ to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

6. Green Strip. The common boundary shared with a residential district, contains a strip of not less than five (5) feet, and will be landscaped

and screened so as to create an effective visual and sound buffer and separation of uses.

7. General CUP Standards. The provisions of Section 801.04.2.F of the Zoning Ordinance are met, and the possible adverse effects of the proposed conditional use have been considered. The Drive In CUP should be issued based on the following factors:

   a. The Drive In Facilities do not contravene any specific policies or provisions of the official City Comprehensive Plan.

   b. The Drive In Facilities are compatible with present and future uses of the area, in which there are similar uses.

   c. The Drive In Facilities conform with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).

   d. The Drive In Facilities will not have a negative effect on the area in which they are proposed.

   e. The Drive In Facilities will not have a negative impact upon property values in the area.

   f. Traffic generated by the Drive In Facilities will able to be served by the capabilities of the streets serving the Property.

   g. The Drive In Facilities will not have a negative impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.3 Conditional Use Permit for Restaurant. The potential restaurant associated with the Restaurant CUP ("Restaurant") (assuming compliance with the conditions recommended in Section 4 of this Report) meets the requirements of City Code Section 801.77.5.F, as detailed below.

A. As a condition of approval and continued validity of the Restaurant CUP, the Restaurant must obtain and maintain all local, state and federal food and beverage handling licenses and/or permits.

B. As a condition of approval and continued validity of the Restaurant CUP, there must be no excessive noise or odors emitted from the Restaurant use.

C. As a condition of approval and continued validity of the Restaurant CUP, there must be no outdoor storage and/or display associated with the Restaurant.

D. As a condition of approval, hours of operation should be limited to _____ to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

E. The Project will be landscaped and screened in accordance with Section 801.18 of the Zoning Ordinance.

F. The provisions of Section 801.04.2.F of the Zoning Ordinance are met, and the possible adverse effects of the Restaurant have been considered. The Restaurant CUP should be issued based on the following factors, and assuming compliance with the conditions noted above:

1. The Restaurant does not contravene any specific policies or provisions of the official City Comprehensive Plan.

2. The Restaurant is compatible with present and future uses of the area, in which there are similar uses.

3. The Restaurant conforms with all performance standards contained herein (i.e., parking, loading, noise, etc.).

4. The Restaurant will not have a negative effect on the area in which it is proposed.

5. The Restaurant will not have a negative impact upon property values in the area.

6. Traffic generated by the Restaurant will able to be served by the capabilities of the streets serving the Property.

7. The Restaurant will not have a negative impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.4 Conditional Use Permit for Convenience Food Restaurant. The potential convenience restaurant associated with the Convenience Food CUP ("Convenience Food Restaurant") (assuming compliance with the conditions recommended in Section 4 of this Report) meets the requirements of City Code Section 801.77.5.G, as detailed below.

A. Compatibility. The architectural appearance, scale, construction materials, and functional plan of the building and site associated with the Project will not be dissimilar in any negative way to the existing nearby commercial and residential buildings, and shall not cause impairment in property values, or

constitute a blighting influence within a reasonable distance of the site, as noted elsewhere in this Report.

B. Green Strip. The common boundary shared with a residential district, contains a strip of not less than five (5) feet, and will be landscaped and screened so as to create an effective visual and sound buffer and separation of uses.

C. Lighting. Each light standard base island and all islands in the parking lot will be landscaped or covered, and the light source will be hooded to prevent glare onto adjoining property and the public right-of-way.

D. Curbing. Parking areas and driveways for the Project will be curbed with continuous concrete curbs not less than six (6) inches high above the parking lot or driveway grade.

E. Vehicle Access. Vehicular access points for the Project will be limited, and create a minimum of conflict with through traffic movements.

F. Drainage. The entire area will have a drainage system which has been approved by the City Engineer.

G. Surfacing. The entire area other than that portion occupied by buildings or structures or plantings will be surfaced with a material which will control dust and drainage that has been approved by the City.

H. Loading Berth. Adequate space will be provided on the site for a loading berth to accommodate the parking and maneuvering of semi-tractor trailers.

I. Refuse Storage. All refuse will be stored in containers as specified by City Code. Said containers will be screened and enclosed by a fence or similar structure.

J. Litter Control. The operation will be responsible for litter control within five hundred (500) feet of the property line and will ensure that such control will occur on a daily basis.

K. Drive-Through Windows. Service windows shall be allowed if the following additional criteria are satisfied:

1. Stacking. Not less than one hundred eighty (180) feet of segregated automobile stacking lane(s) is provided for the service window.

2. Traffic Control. The stacking lane and its access are designed to control traffic in a manner to protect the pedestrians, buildings and green area on the site.

3. Use of Street. No part of the public street or boulevard will be used for stacking of automobiles.

4. Noise. The stacking lane, service intercom, and service window are designed and located in such a manner as to minimize automobile and communication noises, emissions, and headlight glare upon adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site. Levels of noise, light, and air quality must continue to meet state regulations.

5. Hours. As a condition of approval, hours of operation should be limited to _____ to minimize the effect of nuisance factors such as traffic, noise and glare upon any existing neighboring residential uses.

L. The provisions of Section 801.04.2.F of the Zoning Ordinance are met, and the possible adverse effects of the Convenience Food Restaurant have been considered. The Convenience Food CUP should be issued based on the factors noted above for a potential Restaurant, and assuming compliance with the conditions noted above.

3.5. Minimum Parking Lot Setback Variance.

A. The Parking Lot Setback Variance and associated Project is:
(i) in harmony with the general purposes and intent of the Zoning Ordinance for the C-3 Service District; and
(ii) consistent with the Comprehensive Plan guidance for the area.

B. The Applicant, in its application and public testimony, has established that there are practical difficulties in complying with the Zoning Ordinance as they relate to parking lot setback requirements.

C. With respect to such practical difficulties:
(i) the Project and its proposed parking lot setbacks are reasonable but not permitted by the Zoning Ordinance;
(ii) the plight of the Applicant is due to circumstances unique to the Property, namely the narrow configuration of the lot relative to its east and west side boundaries, and its steep drop in elevation from front to back, and not created by the Applicant; and
(iii) the variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone do not constitute practical difficulties in this case.

E. The Parking Lot Setback Variance is not a use variance.

F. The Application sets forth reasons that the Parking Lot Setback Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the Property.

3.6 Minimum Landscaped Area Variance.

A. The Landscaping Variance and associated Project is:
(i) in harmony with the general purposes and intent of the Zoning Ordinance for the C-3 Service District; and
(ii) consistent with the Comprehensive Plan guidance for the area.

B. The Applicant, in its application and public testimony, has established that there are practical difficulties in complying with the Zoning Ordinance as they relate to minimum landscaped area requirements.

C. With respect to such practical difficulties:
(i) the Project and its proposed landscaped areas are reasonable but not permitted by the Zoning Ordinance;
(ii) the plight of the Applicant is due to circumstances unique to the Property, namely the narrow configuration of the lot relative to its east and west side boundaries, and its steep drop in elevation from front to back, and not created by the Applicant; and
(iii) the variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone do not constitute practical difficulties in this case.

E. The Landscaping Variance is not a use variance.

F. The Application sets forth reasons that the Landscaping Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the Property.

3.7 Minimum Parking Stall Requirements Variance.

A. The Parking Stall Variance and associated Project is:
(i) in harmony with the general purposes and intent of the Zoning Ordinance for the C-3 Service District; and
(ii) consistent with the Comprehensive Plan guidance for the area.

B. The Applicant, in its application and public testimony, has established that there are practical difficulties in complying with the Zoning Ordinance as they relate to parking stall requirements.

C. With respect to such practical difficulties:
(i) the Project and its proposed parking stalls are reasonable in light of hours of operations for the respective tenant businesses, but not permitted by the Zoning Ordinance;
(ii) the plight of the Applicant is due to circumstances unique to the Property, namely the narrow configuration of the lot relative to its east and west side boundaries, and its steep drop in elevation from front to back, and not created by the Applicant; and
(iii) the variance, if granted, will not alter the essential character of the locality.

D. Economic considerations alone do not constitute practical difficulties in this case.

E. The Parking Stall Variance is not a use variance.

F. The Application sets forth reasons that the Parking Stall Variance is justified under the criteria of the Zoning Ordinance in order to make reasonable use of the Property.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends the following:

A. Project Design: **APPROVAL** of the Project Design, as set forth in the Application, conditioned on the approval of the Parking Lot Setback Variance and the Landscaping Variance.

B. Conditional Use Permit for Drive-in Facilities: **APPROVAL** of the Drive In CUP for drive-in facilities for a bank or savings and loans association on the Property, conditioned on continuing compliance with the standards of City Code Section 801.77.5.C.

C. Conditional Use Permit for Restaurant: **APPROVAL** of the Restaurant CUP for a restaurant on the Property, conditioned on continuing compliance with the standards of City Code Section 801.77.5.F.

D. Conditional Use Permit for Convenience Food Restaurant: **APPROVAL** of the Convenience Food CUP for a convenience food restaurant on the Property, conditioned on continuing compliance with the standards of City Code Section 801.77.5.G.

E. Variance from the Minimum Parking Lot Setback: **APPROVAL** of the Parking Lot Setback Variance to allow for a 5 foot setback from the west and east property lines.

F. Variance from the Minimum Landscaped Area: **APPROVAL** of the Landscaping Variance to allow for a 16.4 percent landscaped area on the Property.

G. Minimum Parking Stall Requirements Variance: **APPROVAL** of the Parking Stall Variance for only 47 parking stalls on the Property for a potential tenant combination of a 2,200 square foot coffee shop and a 2,300 square foot restaurant/convenience food restaurant.

1. The coffee shop must be limited to the sale and production of coffee products and foods associated with drinking coffee. The coffee shop may not serve foods generally associated with lunch or dinner.

2. The restaurant/convenience food restaurant must meet both of the following conditions: The restaurant/convenience food restaurant must not serve foods generally associated with breakfast, and the hours of service open to the public are restricted to 11:00 a.m. to _____ p.m., daily.

4.2 Additional Conditions:

A. Civil Design. The final Grading, Drainage, and Erosion Control Plan, Utility Plan, Civil Details, Watershed Plan must be reviewed and approved by the City Engineer prior to the City issuing a building permit.

B. Tree Preservation. The final Tree Inventory and Preservation Plan, Landscape Plan, and Landscape Details must be reviewed and approved by the City Forester prior to the City issuing a building permit.

C. Other Approvals. The Applicant must secure all necessary building, construction and other permits for the Project, and comply with all laws and regulations applicable to improvements upon and uses of the Property.

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

Adopted by the Wayzata Planning Commission this 5th day of June 2017.

Voting In Favor:
Voting Against:
Abstaining:
Absent:

Attachment A
(the “Design Critique”)

DRAFT

Design Review Critique
1330 Wayzata Blvd E. – Nolan Properties
May 11, 2017

The Design Review Critique is based on the following plans submitted by the applicant:

1. Site Plan prepared by Studio 55 Architects and dated May 9, 2017
2. Exterior Elevations prepared by Studio 55 Architects and dated May 9, 2017
3. Demolition and Erosion Control Plan prepared by BKBM and dated April 14, 2017
4. Grading, Drainage, and Erosion Control Plan prepared by BKBM and dated April 14, 2017
5. Utility Plan prepared by BKBM and dated April 14, 2017
6. Paving and Geometric Plan prepared by BKBM and dated April 14, 2017
7. Civil Details Sheets prepared by BKBM and dated April 14, 2017
8. Watershed Plan prepared by BKBM and dated April 14, 2017
9. Tree Inventory & Preservation prepared by Calyx Design Group and dated April 14, 2017
10. Landscape Plan prepared by Calyx Design Group and dated April 14, 2017
11. Landscape Details prepared by Calyx Design Group and dated April 14, 2017
12. Exterior lighting plan prepared by TSR Lighting & Controls and dated April 14, 2017

		Comments		Compliance
Building Recesses				
801.09.3.1.A – All Districts Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level		The proposed building is 66 feet in total width and includes a 5-foot building recession along the west side of the front of the building.		Yes
801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The proposed plans include a patio, planters, and landscaping along the front of the building.		Yes

		Comments		Compliance
Building Width				
801.09.4.1 All Districts – New Buildings In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design: 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements		The proposed project incorporates the following items: 1. Variations in roof lines 2. Building setbacks and articulation of the façade 3. Rhythm of elements		Yes

Upper Story Setbacks				
801.09.5.1.A – All Districts – New Buildings Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.		This section is not applicable as the proposed building is one story in height.		Not Applicable
801.09.5.1.B – All Districts – New Buildings The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.		This section is not applicable as the proposed building is one story in height.		Not applicable
801.09.5.1.C – All Districts – New Buildings Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.		The building height of the building is 25 ft to the top of the parapet, and the proposed building meets all building height and setback requirements.		Yes

Roof Design				
801.09.6.1 – All Districts "Green" roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.		The project does not include a green roof.		Not Applicable

801.09.6.2.A – All Districts – Roof Materials The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors. 801.09.6.2.B – All Districts – Roof Materials The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.		The proposed material for the flat roof would be a black membrane.		Yes

Screening of Rooftop Equipment				
801.09.7.2 – Wayzata Blvd District All mechanical equipment shall be completely screened behind a parapet wall, so as not to be visible from adjacent properties and pedestrian view vantage points from adjacent sidewalks. No enclosure shall be larger than 25% of the roof area. .		The mechanical equipment would be located on the roof deck and screened on all sides by the parapet wall.		Yes

		Comments		Compliance
Facade Transparency				
801.09.8.4 – Wayzata Blvd District No less than fifty percent (50%) of ground level façades for buildings containing commercial or office uses fronting Wayzata Blvd shall be transparent glass.		The front of the proposed building consists of 55% transparent glass.		Yes
Ground Level Expression				
801.09.9.1 – All Districts				
In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels		This section is not applicable as the proposed building is one story in height.		Yes

Entries				
801.09.10.1 – All Districts The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.		The proposed plans include planters and landscaping along the front of the building, and the main entrances to the building are located along the street frontage of the building.		Yes

801.09.11.1.A – Primary Opaque Surfaces – All Districts Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco		The exterior building materials consist of glass, brick, zinc, and wood with the following percentages: Front (north) elevation: Glass: 44% Brick "shingle": 34% Zinc metal panel: 18% Wood sunscreen: 4% Side (east) elevation: Glass: 14% Brick "shingle": 55% Zinc metal panel: 29% Wood sunscreen: 2% Side (west) elevation: Glass: 19% Brick "shingle": 75% Zinc metal panel: 4% Wood sunscreen: 2% Rear (south) elevation: Glass: 0% Brick "shingle": 99% Zinc metal panel: 0.8% Wood sunscreen: 0.2%		No. The applicant is requesting a design deviation.
801.09.11.1.B – Façade Coverage – All Districts The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.		The same materials are used on all four sides of the building.		Yes
801.09.11.1.C – Type of Brick – All Districts On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.		The proposed brick is a mortar-less brick shingle.		No. The applicant is requesting a design deviation.

801.09.11.1.D – Façade Detail – All Districts 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.		The proposed brick meets this design standard.		Yes
801.09.11.1.E – Brick Joints – All Districts 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence		The proposed brick is a mortar-less brick shingle.		Not Applicable
801.09.11.1.F – Stone Joints – All Districts Stone joints shall be no larger than one-fourth (1/4) inch.		The exterior of the proposed building does not include any stone.		Not Applicable

801.09.11.1.G – Accent Materials – All Districts Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade: 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS		The proposed building does not include lintels, sills, or cornices.		Not Applicable
801.09.11.1.H - Parapets, Flashing, Coping – All Districts 1. Only the following materials may be used for parapets, flashing and coping: a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. *2.* Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches.		The proposed building includes pre-finished metal coping, and the parapets would consist of brick and zinc metal panels.		No. The applicant is requesting a design deviation.

801.09.11.1.I – Awnings – All Districts 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.		The proposed building does not include awnings.		Not Applicable
801.09.11.1.J – Balconies – All Districts Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.		The proposed building does not include balconies.		Not Applicable
801.09.11.1.K – Glass – All Districts Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects		The proposed glass would not be mirrored, reflective or darkened.		Yes
801.09.11.1.L – Doors – All Districts Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.		The proposed entry doors would be glass.		Yes

		Comments		Compliance
Franchise Architecture				
801.09.12.1				
A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801. 09.18 by the Planning Commission at the time of Design Standards Review application		The building will not be a franchise.		Not Applicable
Walkways				
801.09.13.2 – Bluff District A. Continuous sidewalks at least five (5) feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible. B. Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.		The proposed plans include the construction of a 9-foot sidewalk along Wayzata Blvd.		Yes

		Comments		Compliance
Landscaping				
801.09.14.1 – All Districts A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level. B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings. C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area. D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		The proposed plans include landscape planters along the front of the building. There are existing boulevard trees located within the Wayzata Blvd boulevard.		Yes
801.09.14.3 – Bluff and Wayzata Blvd Districts Trees with a minimum of three (3) caliper inches shall be planted no more than twenty-six (26) feet apart within a landscaped boulevard.		There are existing boulevard trees located within the Wayzata Blvd boulevard.		Not Applicable

		Comments		Compliance
Parking Lot Landscaping				
801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.		There are existing boulevard trees located within the Wayzata Blvd boulevard which are between the parking area and the street.		Yes
Surface Parking				
801.09.16.1 – All Districts A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.		The proposed parking area is in the interior (rear) and side of the site, away from the public facades on Wayzata Blvd. The side yard parking is less than 60 feet in width, and the parking stalls do not extend in front of the building.		Yes

		Comments		Compliance
801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.		The proposed plans include 4 bicycle parking spaces along Wayzata Blvd.		Yes
Parking Structures				
801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.		The proposed plans do not include a parking ramp.		Not Applicable

		Comments		Compliance
Signs				
801.09.18.1 – All Districts A. Compatibility 1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design. 2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context. 3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties. 4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.		The building proposes two tenant signs on the north elevation which would each be 45 sq. ft., which complies with the City's sign ordinance.		Yes

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