



Wayzata Planning Commission

Meeting Agenda

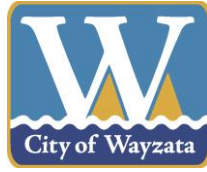
Monday, December 4, 2017

Community Room
600 Rice Street East
Wayzata, Minnesota 55391

- 7:00 p.m.**
- 1. Call to Order & Roll Call**
 - 2. Approval of Agenda**
 - 3. Consent Agenda**
 - a. None
 - 4. Old Business Items**
 - a. None
 - 5. Public Hearing Items**
 - a. Kiser Subdivision – 227 Walker Ave N, 521 and 529 Park St E
Preliminary and Final Plat Subdivision
 - b. Gardner Place – 350 Gardner St E
Rezoning, PUD Concept and General Plan, Preliminary Plat
Subdivision
 - c. Whittington Garage – 126 Circle A Dr S
Variances
 - d. Otten Addition – 908 Shady La E
Variance
 - 6. Other Items:**
 - a. Review of development activities
 - b. Next meeting is December 18, 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.



**Staff Report
December 4, 2017**

Project Name: Kiser Subdivision
Applicant Joseph and Mary Kiser
Addresses of Request: 227 Walker Ave N, 521 and 529 Park St E
Prepared by: Jeff Thomson, Director of Planning and Building

Development Application

Introduction

The property owners, Joseph and Mary Kiser, have submitted a development application to combine the two lots at 227 Walker Ave N, 529 Park St E, and a portion of 521 Park St E into one lot. The development application requests approval of preliminary and final plat subdivision.

Property Information

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

Address	PID	Owner
227 Walker Ave N	06-117-22-24-0081	J C Kiser II & M E Graziano
521 Park St E	06-117-22-24-0082	Mary E Kiser
529 Park St E	06-117-22-24-0080	Joseph C Kiser & Mary E Kiser

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

Current zoning:	R-3A/Single and Two Family Residential District
Comp plan designation:	Low Density Single Family
Overlay districts:	None

Project Location

The properties are located on the northwest corner of the Walker Ave N and Park St E intersection:

Map 1: Project Location



Application Requests

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

- A. Concurrent Preliminary and Final Plat Subdivision: The proposal requires preliminary and final plat review to subdivide the three existing lots into two lots.

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	Walker Ave N	N/A	N/A
	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
South	Park St E	N/A	N/A
	Single-family homes	R-3A/Single and Two Family Residential District	Low Density Single Family
West	City cemetery	R-3A/Single and Two Family Residential District	Institutional/Public

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on November 23, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on November 22, 2017.

Analysis of Application

Background Information

In January 2015, the same property owners applied for, and the City Council approved, a preliminary and final plat to combine the 227 Walker Ave N and 529 Park St E lots into one lot. A condition of the plat approval required the applicants to record the final plat within 120 days to complete the lot combination, which is consistent with the City's subdivision requirements. The plat was never filed with Hennepin County, and the 2015 approval has therefore expired. The 2015 plat application did not include the 521 Park St E lot.

Proposed Subdivision

The subject properties are comprised of three separate lots – 521 Park St E, 529 Park St E, and 227 Walker Ave N. There is currently only one house on the properties, which is located on the 227 Walker Ave N lot. The previous house located on 521 Park St E was torn down in 2016. The applicant is proposing to combine the two lots at 227 Walker Ave N, 529 Park St E, and a portion of 521 Park St E into one lot. The subdivision would result in the division of the three existing lots into two lots. The current plat application varies from the 2015 approved subdivision because it also includes a portion of the 521 Park St E lot.

Currently, the 521 Park St E property meets all of the R-3A lot requirements. The 529 Park St E property and 227 Walker Ave N properties do not meet the R-3A requirements, as they have non-conforming lot areas, lot width, and lot depth. With the proposed lot combination and lot line adjustment, both of the new lots would meet all of the R-3A lot requirements, and the resulting lots could not be subdivided in the future to meet the R-3A lot requirements.

The following tables outlines the R-3A lot requirements, the existing lot information, and proposed lot information:

Existing Lot Information

	R-3A Requirements	521 Park St E	529 Park St E	227 Walker Ave N
Lot Area	9,000 sq. ft.	12,650 sq. ft.	5,500 sq. ft.*	7,260 sq. ft.*
Lot Width	60 ft.	82 ft.	50 ft.*	110 ft.
Lot Depth	100 ft.	110 ft.	110 ft.	66 ft.*

*existing non-conformity

Proposed Lot Information

	R-3A Requirements	521 Park St E	227 Walker Ave N
Lot Area	9,000 sq. ft.	10,890 sq. ft.	14,520 sq. ft.
Lot Width	60 ft.	66 ft.	110 ft.
Lot Depth	100 ft.	165 ft.	132 ft.



Surrounding Lot Sizes

The following summarizes the lot areas of the single family lots in the area:

Address	Lot area
535 Wayzata Blvd E	13,512 sq. ft.
117 Walker Ave N	7,291 sq. ft.
120 Walker Ave N	7,317 sq. ft.
123 Walker Ave N	7,291 sq. ft.
131 Walker Ave N	7,291 sq. ft.
134 Walker Ave N	10,976 sq. ft.
135 Walker Ave N	7,291 sq. ft.
214 Walker Ave N	7,506 sq. ft.
224 Walker Ave N	7,295 sq. ft.
230 Walker Ave N	7,295 sq. ft.
233 Walker Ave N	7,310 sq. ft.
236 Walker Ave N	7,295 sq. ft.
239 Walker Ave N	7,310 sq. ft.
245 Walker Ave N	7,310 sq. ft.
534 Gardener St E	7,310 sq. ft.
524 Park St E	10,938 sq. ft.
605 Park St E	8,910 sq. ft.
616 Park St E	10,976 sq. ft.
617 Park St E	16,410 sq. ft.
624 Park St E	10,953 sq. ft.
627 Park St E	10,937 sq. ft.
633 Park St E	10,935 sq. ft.
634 Park St E	10,937 sq. ft.
640 Park St E	10,921 sq. ft.
641 Park St E	10,932 sq. ft.
649 Park St E	10,930 sq. ft.

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

Proposed Subdivision
City Council Resolution Approving 2015 Subdivision

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.

HARDCOVER

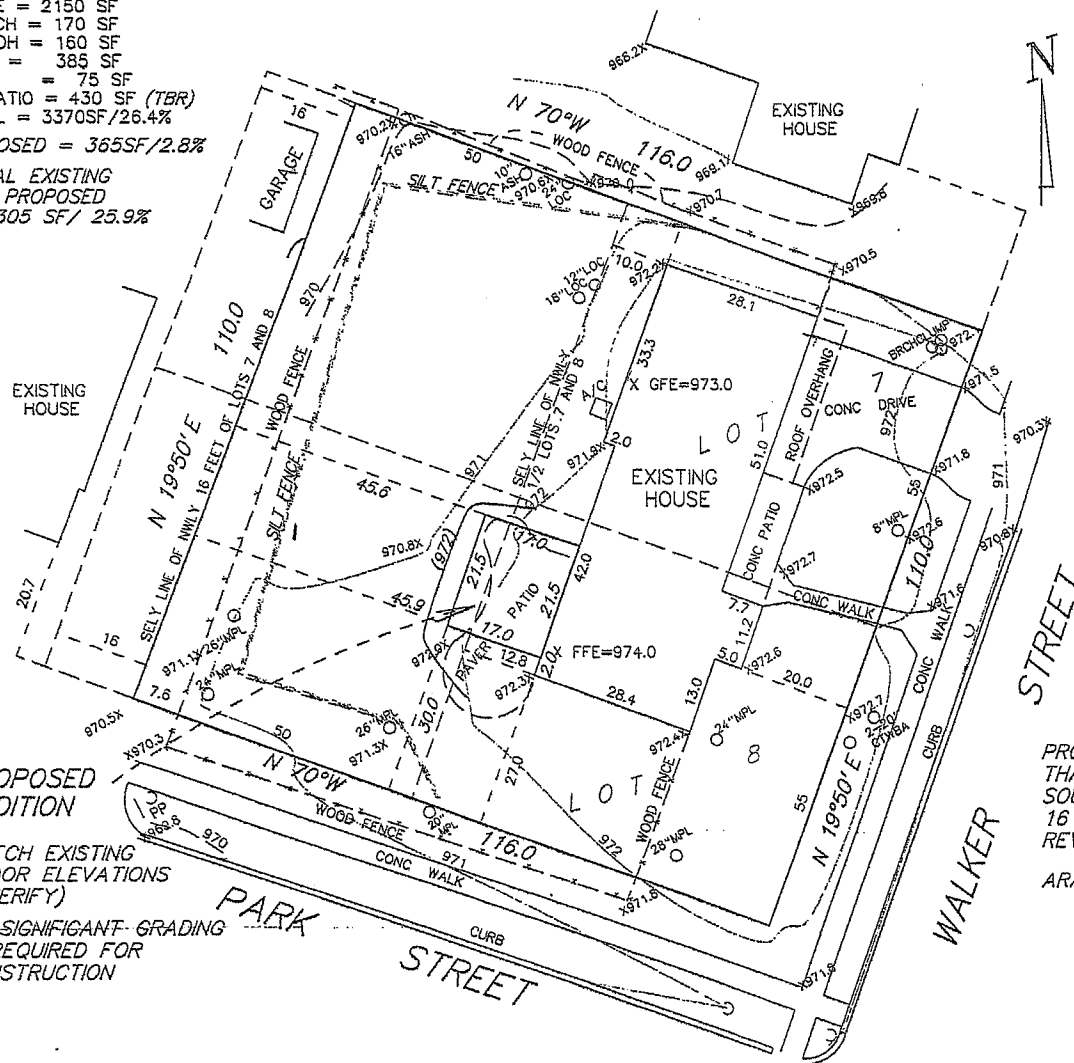
EXISTING

HOUSE = 2150 SF
 PORCH = 170 SF
 ROOFCH = 160 SF
 DRIVE = 385 SF
 WALK = 75 SF

PVRATIO = 430 SF (TBR)
 TOTAL = 3370SF/26.4%

PROPOSED = 365SF/2.8%

**TOTAL EXISTING
 AND PROPOSED
 = 3305 SF/ 25.9%**



0 20 40 60

SCALE IN FEET

X(998.0) = EXISTING SPOT ELEVATION.

X(998.0) = PROPOSED SPOT ELEVATION

= DIRECTION SURFACE DRAINAGE

COH = CANTILEVERED OVERHANG

OHL = OVERHEAD UTILITY LINE

GFE = GARAGE FLOOR ELEVATION

TFE = TOP OF FOUNDATION ELEVATION

LFE = LOWEST FLOOR ELEVATION

EXISTING PROPERTY'S

ADDRESS -- 227 WALKER STREET

PID NO 06-117-22-24-0081

EXISTING LEGAL DESCRIPTION:

THE SOUTHEASTERLY 1/2 OF LOT 7
 AND 8, BLOCK 21, WAYZATA REVISED,
 HENNEPIN CO., MN.

AREA = 7260 SF

ADDRESS -- 529 PARK STREET

PID NO 06-117-22-24-0080

EXISTING LEGAL DESCRIPTION:

THE SOUTHEASTERLY 50 FEET OF THE
 NORTHWESTERLY 1/2 OF LOT 7 AND 8,
 BLOCK 21, WAYZATA REVISED,
 HENNEPIN CO., MN.

AREA = 5500 SF

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

ARAE = 12760 SF / 0.293 AC

Lead

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

BUILDING PERMIT SURVEY
227 WALKER STREET

for **KISER RESIDENCE**
REVISION MN LLC

PROJECT NO.	BOOK	DATE	AUG 18, 2014
REVISIONS	PAGE	1/23/15	PROPOSED
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.			
FRANK R. CARDARELLI (REG. NO. 8506)			

RESOLUTION NO. 06-2015

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

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

Section 1. BACKGROUND

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

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

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

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

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

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

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

1.6 Planning Commission Action Summary.

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

Section 2. STANDARDS

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

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

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

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

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

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

12. The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.
- C. Concurrent Preliminary/Final Plat. Section 805.15 of the Subdivision Ordinance allows the City to review the preliminary and final plat simultaneously.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the Concurrent Preliminary and Final Plat requested in the Application meet the applicable requirements of Wayzata's Subdivision Ordinances, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 Proposed Subdivision.

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

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

Section 4. CITY COUNCIL ACTION

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

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

Adopted by the Wayzata City Council this 20th day of January, 2015.

ATTEST:



City Manager Heidi Nelson



Mayor Ken Willcox

ACTION ON THIS RESOLUTION:

Motion for adoption: Mullin

Seconded by: Anderson

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

Voted against: None

Abstained: None

Absent: None

Resolution: Adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on January 20, 2015.

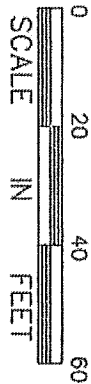
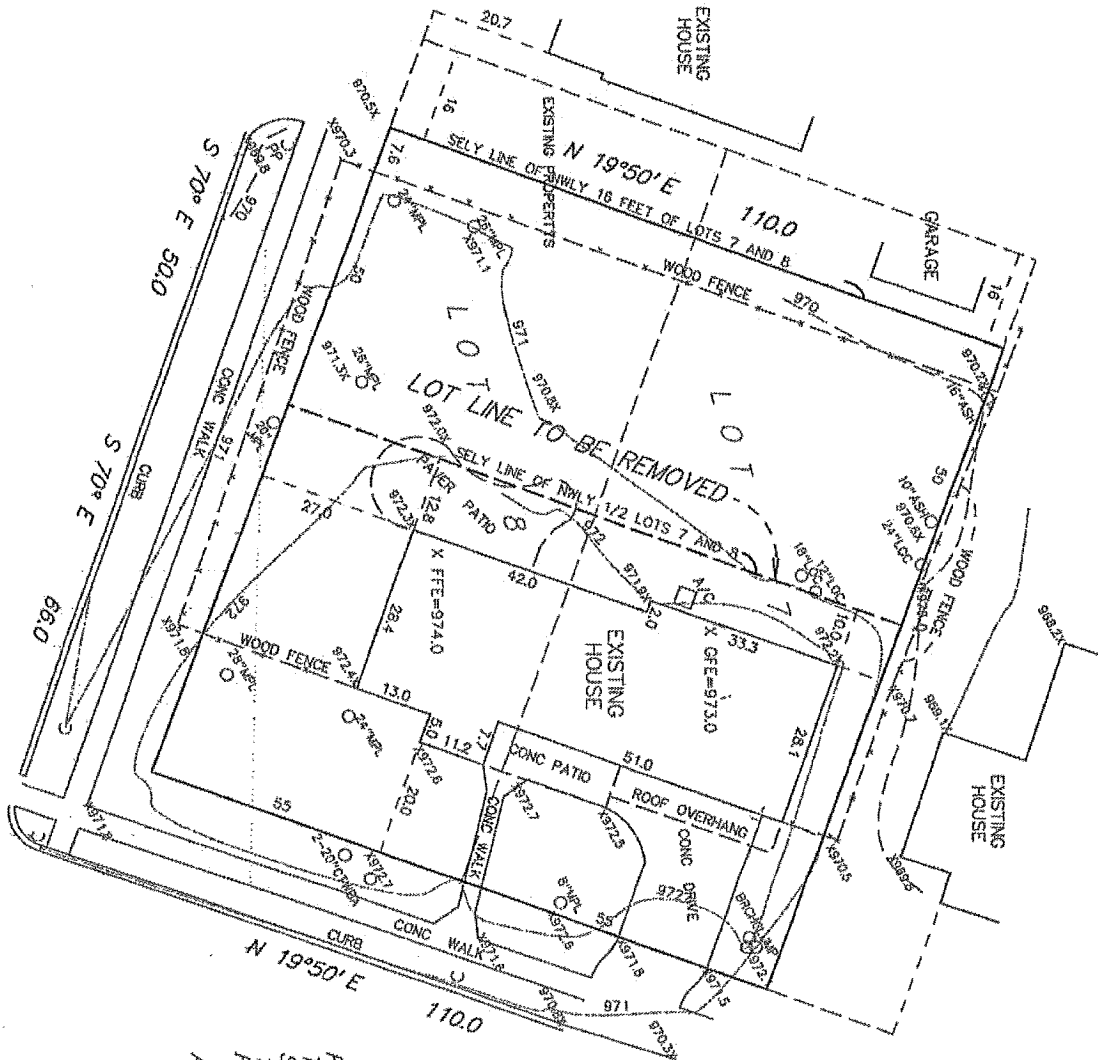
A handwritten signature in cursive script that reads "Becky Malone". The signature is written in black ink and is positioned above a horizontal line.

Becky Malone, Deputy City Clerk
SEAL

Attachment A

Preliminary/Final Plat Documentation

Attachment A



- SCALE IN FEET
- 0 20 40 60
- EXISTING SPOT ELEVATION
- PROPOSED SPOT ELEVATION
- DIRECTION SURFACE DRAINAGE
- CANTILEVERED OVERHANG
- OVERHEAD UTILITY LINE
- GARAGE FLOOR ELEVATION
- TOP OF FOUNDATION ELEVATION
- LOWEST FLOOR ELEVATION

EXISTING PROPERTIES

ADDRESS - 227 WALKER STREET
PID NO 06-117-22-24-0081

EXISTING LEGAL DESCRIPTION:
THE SOUTHEASTERLY 1/2 OF LOT 7
AND 8, BLOCK 21, WAYZATA REVISED,
HENNEPIN CO., MN.

AREA = 7260 SF

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

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

AREA = 12760 SF / 0.293 AC

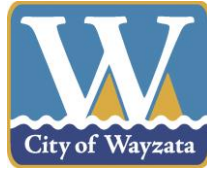
PROJECT NO.	BOOK
DATE AUG 18, 2014	PAGE
REVISIONS	
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. FRANK R. CARDARELLE REG. NO. 0598	

LOT CONSOLIDATION SURVEY

for KISER RESIDENCE
227 WALKER AVENUE



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



**Staff Report
December 4, 2017**

Project Name: Gardner Place
Applicant Bohland Homes
Addresses of Request: 350 Gardner St E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: December 26, 2017

Development Application

Introduction

The applicant, Bohland Homes, has submitted a development application to subdivide the property at 350 Gardner St E into two single-family residential lots. The existing house would be demolished, and two new homes would be constructed with access from a private driveway. The development application requests approval of rezoning from R-3A to PUD/Planned Unit Development, PUD concept and general plan, and preliminary plat subdivision.

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
Overlay districts:	None

Project Location

The property is located on the south side of Gardner St E, east of Barry Ave N:

Map 1: Project Location



Application Requests

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

- A. Rezoning from R-3A/Single and Two Family Residential District to PUD/Planned Unit Development: The property is currently zoned R-3A, and the applicant is requesting a rezoning to PUD.
- B. PUD Concept and General Plan of Development: A rezoning to PUD requires both concept and general plan of development review. (City Code Section 801.33.5 and 801.33.6)
- C. Preliminary plat subdivision: The proposal requires preliminary plat review to subdivide the one existing lot into three lots. (City Code Section 805.14)

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 November 23, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on November 22, 2017.

Background Information

Earlier in 2017, the Planning Commission and City Council reviewed a three lot subdivision of the property. The previous development application retained the existing R-3A zoning, and requested approval of a subdivision variance to allow for a private street, and an impervious surface zoning variance. The previous plans included a 16-foot wide private street with fire turnaround at the end, which required a large retaining wall, substantial grading, and significant tree removal within the City's right of way. The City Council denied the subdivision application due to concerns about number of homes, small lot sizes, tree removal, private street, amount of grading and fill, and impacts on adjacent properties.

Analysis of Application

Proposed Houses:

The existing house on the property would be removed, and new homes would be constructed on each of the new lots. The proposed plans include preliminary house pads for each of the new homes. The proposed house pads would comply with all requirements of the R-3A zoning district, including setbacks, lot coverage, and impervious surface. The proposed plans do not include preliminary plans for the new houses that would be constructed.

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. Although the driveway would be commonly referred to as a shared driveway, the subdivision ordinance includes a broad definition of a private street. The definition includes a drive that serves 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. Therefore, the existing shared driveway is considered a private street. The City's subdivision ordinance states that private streets are prohibited, except in the case of planned unit developments. The applicant is proposing to widen the private street to 14 feet, and extend it to provide access to the two new homes, which is the reason for the request to rezone the property to PUD.

Lot Requirements

The following table outlines the R-3A and PUD lot requirements:

	Lot area (sq. ft.)	Lot width	Lot depth
R-3A Standards	9,000 (min.)	60 ft. (min.)	100 ft. (min.)
PUD Standards	None	None	None
Lot 1	13,151 sq. ft.	80 ft.	165 ft.
Lot 2	16,522 sq. ft.	100 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
350 Gardner St E (subject property)	29,974 sq. ft.
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.

Fire Access

Each of the new homes would need to meet the fire code access requirements. The fire code typically requires a structure be within 150 feet of a fire access lane that must be at least 20 feet in width with a turn-around. The City's fire marshal has reviewed the plans, and provided two options to provide fire access. Since the proposed houses would be more than 150 feet from the end of Gardner Street, the first option is to extend a code-compliant fire access lane. The second option is for the homes to include a fire sprinkler system, in which case the fire access lane would not be needed. Given the grading, tree removal, and impervious surface impacts of a code-compliant fire access lane, City staff would recommend that the homes be required to have fire sprinklers as a condition of approval.

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 two 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 two lots for maintenance.

Tree Preservation

There are 13 trees located on the property with a total size of 249 inches. Of the 13 trees, 11 are classified as significant trees by the City's tree ordinance, and two trees are heritage trees. The proposed plans include removal of six trees on the property for the proposed homes, driveways, private street, and associated grading. The six trees that would be removed are significant trees. Both of the heritage trees would be preserved.

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 54 percent of the inches of significant trees. Based on the tree ordinance requirements, the applicant would be required to plant 54 inches of trees as mitigation.

In addition to the trees located on the property, the tree inventory includes the trees within the Gardner Street right of way. The tree removal plan shows that two healthy trees would be removed within the right of way for construction of storm sewer at the end of Gardner Street. The City may require the mitigation of the two healthy significant trees in the right of way, or the City Council may waive the tree replacement for public infrastructure projects if the City finds that the tree replacement would create undue financial or other burden on the project, and the public benefit of the public infrastructure outweighs the benefits of the tree replacement.

The proposed plans may also include the removal of additional trees within the City's right of way that are dead or in poor condition. The City's arborist has reviewed the tree inventory and agrees that the trees within the right of way that are identified as dead, diseased, dying, or hazardous are accurate, and that these trees would be excluded from the mitigation requirements by the City's tree preservation ordinance.

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

Applicable Code Provisions for Review

Amendments to Zoning Ordinance (Section 801.03.2.F): City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Section 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by petition of affected property owners. Minn. Stat. Section 462.357, Subd. 4. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission and City Council shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.
- E. The proposed use's impact upon property value in the area in which it is proposed.
- F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

PUD Purpose (Section 801.33.1): This Section is established to provide comprehensive procedures and standards designed to all 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 this Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

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

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

PUD General Standards (Section 801.33.2.A):

1. In its review of any application under this Section, the City Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations of the Design Review Board 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 this Section. 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 this Section, it may approve a PUD permit, although it shall not be required to do so.
2. Ownership. An application for a PUD District or conditional use permit approval must be filed by the land owner or jointly by all land owners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approved Final Plan shall be binding on all owners.
3. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Plan.

4. Sanitary Sewer Plan Consistency. The proposed PUD shall be consistent with the City Comprehensive Sewer Plan and shall not create a discharge which is in excess of the City's assigned regional limitations.
5. Common Open Space. Common private or public open space and facilities at least sufficient to meet the minimum requirements established in the Comprehensive Plan and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD development.
6. Operating and Maintenance Requirements for PUD Common Open Space Facilities. Whenever common private or public open space or service facilities are provided within the PUD, the PUD plan shall 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 may be placed under the ownership of one or more of the following, as approved by the City Council: (a) dedicated to public, where a community-wide use is anticipated and the City Council agrees to accept the dedication; (b) landlord control, where only use by tenants is anticipated; or (c) Property Owners Association, provided all of 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.
 - a. The maximum allowable density in a PUD District shall be determined by standards negotiated and agreed upon between the applicant and the City. In all cases, the negotiated standards shall be consistent with the development policies as contained in the Wayzata Comprehensive Plan. Whenever any PUD is to be developed in stages, no such stage shall, when averaged with all previously completed stages, have a residential density that exceeds one hundred twenty-five (125) percent of the proposed residential density of the entire PUD.
 - b. There shall be no density variation from the standards applied in an applicable zoning district for PUD conditional use permits.

9. Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.
10. Utility Connections.
 - a. Water Connections. Where more than one property is served from the same service line, individual unit shut off valves shall be provided as required by the City Engineer.
 - b. Sewer Connections. Where more than one (1) unit is served by a sanitary sewer lateral which exceeds three hundred (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.
11. Roadways. All streets shall conform to the design standards contained in the Wayzata Subdivision Regulations unless otherwise approved by the City Council.
12. Landscaping. In any PUD, landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the Final Plan. In assessing the landscaping 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.
 - a. 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 condition use permit, or the previous zoning district, if a PUD District.
 - b. 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.
 - c. No building within the project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings.
 - d. In PUD Districts that were zoned commercial prior to PUD and exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
14. Height.

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

PUD Residential Area Standards (Section 801.33.3): Purpose. The purpose of this Section is to establish standards for single family, multiple family, institutional and other residential PUD District and conditional use permit projects, in addition to those standards contained elsewhere in this Ordinance for all PUD projects. All residential PUD projects shall be developed in accordance with the following residential area standards:

- 1. Minimum Lot Area. There shall be no minimum lot or area size required for a tract of land for which a PUD District project is proposed. There shall be no minimum lot or area size imposed for a PUD conditional project except for standards applicable within the zoning district in which it is utilized.
- 2. Minimum Frontage. There shall be no minimum frontage on a public street required for a tract of land for which a PUD project is proposed.
- 3. The tract of land for which a PUD project is proposed shall have municipal water and sewer available to it.
- 4. It is the City's policy to discourage private roadways within a residential PUD project. Regardless if roads are private or dedicated to the public, they shall be designed to right-of-way widths and constructed to standards imposed by the Wayzata Subdivision Regulations.
- 5. For single family residential PUD District projects, the normal standards of either the R-1A, R-1, R-2, or R-3 zoning districts shall apply to each project, excepting usage standards, as determined by the City Council and as provided above in Section 801.33.2, Subd. 3.
- 6. For multiple family residential PUD District projects, the normal standards of either the R-4 or R-5 Zoning Districts shall apply to each project, excepting usage standards, as determined by the City Council and as provided above in Section 801.33.2, Subd. 1.
- 7. In addition to the above standards, the City Council may impose such other standards for a residential 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.

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.

**City of Wayzata
Planning Commission**

October 27, 2017

Gardner Place – 350 Gardner Street East

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

BohLand Homes

Application Narrative:

Planned Unit Development - Request to Re-Plat into one additional lot.

350 Gardner Street East currently has one single family home set on the most westerly 60' portion of 180' 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. 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 is too difficult to remodel to repair the defects.

We previously submitted an application for a three lot split that was denied. I believe that we have addressed almost all of the concerns by proposing only one additional home.

The primary issues for denial were due to the variance requests for hard surface coverage, the impact of three homes on the property that pushed the most easterly property into the slope, the impact of the grading and tree removal from the street design to meet subdivision standards and the uncertainty of the definition of a private street.

We are adding only 1 additional lot similar to most other properties surrounding this property, but with a much wider lot widths than most other properties in the area.

This revised application accomplishes the following:

1. Virtually minimal impact to any trees other than for the house pad and landscaping.
2. No trees will be removed along the driveway.
3. There are no hard surface coverage variances required.

4. Grading is significantly less and there will be limited correction to the current driveway except for the installation of new water and sanitary sewer lines for the two individual homes. We will re-pave the driveway upon completion of the two homes.
5. Significant less impact to the adjoining neighbor. Only one new property.
6. Simpler design, simpler project.
7. The current defective home will be rebuilt into a nice new home.
8. Little impact to the easterly slope.
9. Meets the intent of the Comp Plan (see below).
10. Minimalized retaining walls and minimal impact to slopes.
11. Wider lots than adjoining neighborhoods. Meets scale of neighborhood and even larger lot widths.
12. More flexibility with landscape plans.
13. Simplified access.
14. Improve values for the neighborhood.
15. Maintain most of the predominate trees that were previously impacted.
16. Significant reduction to import and export of materials due to utilizing current driveway.
17. Minimal impact of storm water runoff in comparison to existing hard surface runoff.
May actually be improved from existing conditions.
18. Only adding living services to one more home. Trash, mail etc.
19. Allow for corrected utility and other easements to be filed. New plat filing would eliminate current and future property line disputes.
20. Addresses and eliminates almost all concerns from the previous application submission.
21. Other similar properties all over Wayzata with the same topography, narrow streets, character in building sites.
22. PUD application allows for the approval of the driveway conditions.

Fire and safety. There is a fire hydrant within 150' to the farthest building and is much shorter than a typical length in most homes in Wayzata. We believe that the one additional home and the proximity to the fire hydrant is similar or even better than many other homes and a turn around and additional hydrant are excessive and not consistent with similar conditions.

We have reviewed this with staff regarding sewer/water and storm sewer improvements. By utilizing the current driveway width, it has significantly less impact on the property. There are properties all around Wayzata that have more impact on grading and trees and have more complex and non-conforming street and driveway access and widths.

Summary:

Based on the comments from the previous application, we have eliminated all primary concerns and believe this meets the intent of Wayzata's interest in maintaining more single family home opportunities that fit perfectly into existing neighborhoods with little impact.

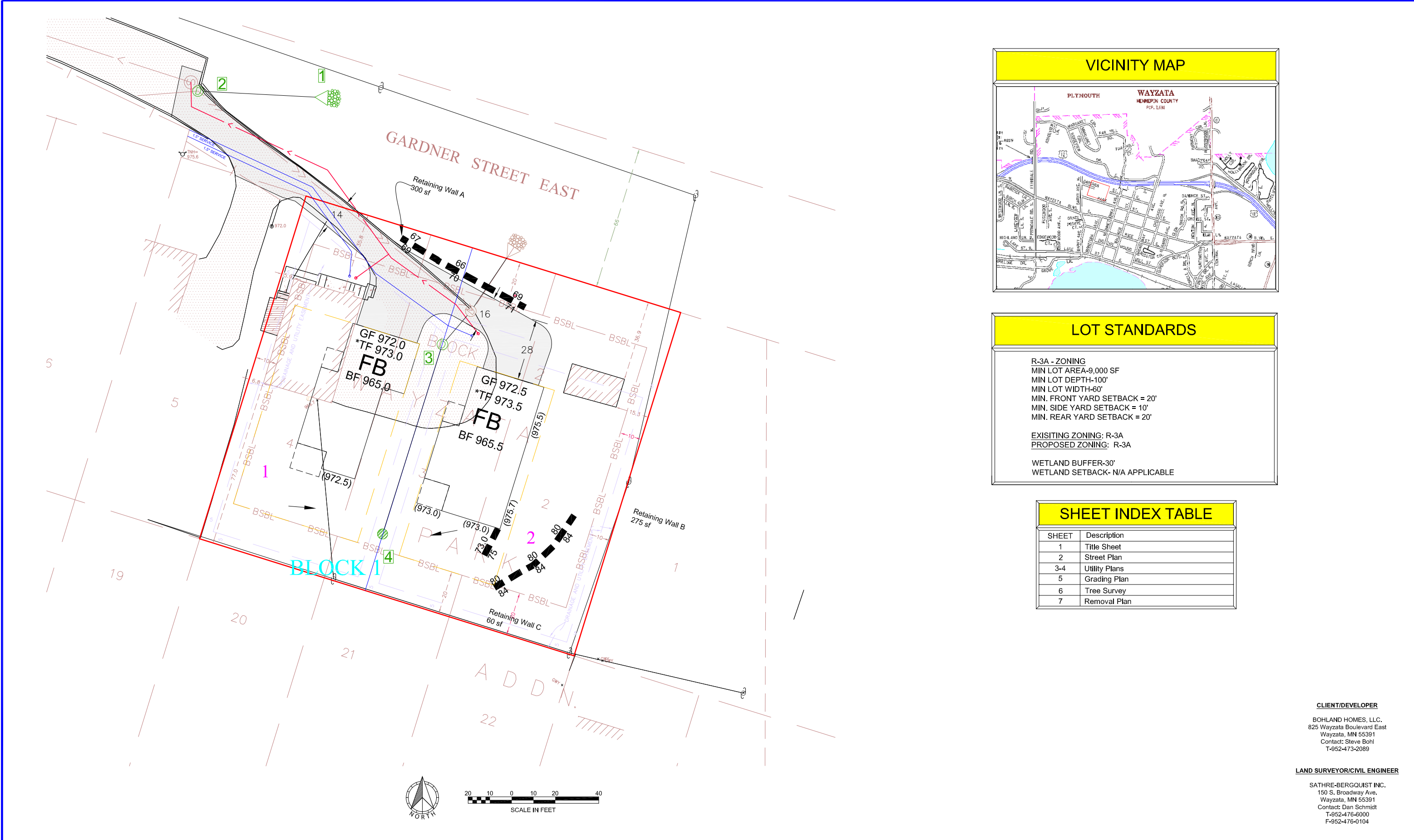
This plan easily accommodates one additional home and provides oversized lots for both homes with little impact to the environment.

Comp Plan Excerpts:

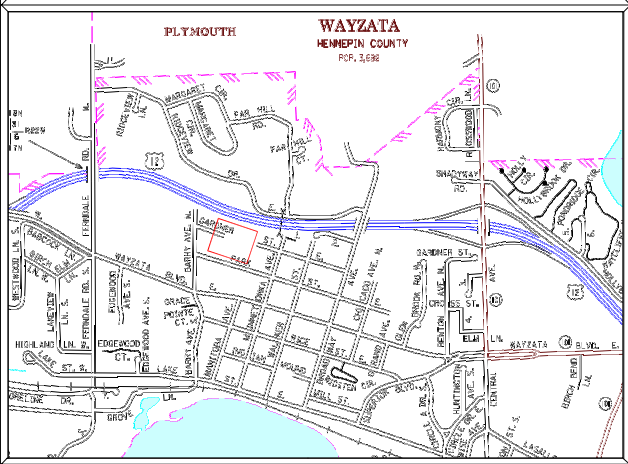
Strengths One of Wayzata's greatest strengths and assets is its unique single-family residential neighborhoods and individual estates, which are a vital component to the community's sense of identity.

Another important strength of the community is its reputation for quality, in both materials and overall design of residential structures. As discussed in the City's Design Standards, design is an important component of Wayzata's sense of place, and the City strives to encourage the highest quality housing stock within the community. The selection of the highest quality building materials is encouraged, as well as the continued maintenance of all residential properties within the city.

Residents at the City's community visioning exercise expressed strong support for preserving the existing feel and character of the established single family residential neighborhoods within the community



VICINITY MAP



LOT STANDARDS

R-3A - ZONING
MIN LOT AREA-9,000 SF
MIN LOT DEPTH-100'
MIN LOT WIDTH-60'
MIN. FRONT YARD SETBACK = 20'
MIN. SIDE YARD SETBACK = 10'
MIN. REAR YARD SETBACK = 20'

EXISTING ZONING: R-3A
PROPOSED ZONING: R-3A

WETLAND BUFFER-30'
WETLAND SETBACK- N/A APPLICABLE

SHEET INDEX TABLE

SHEET	Description
1	Title Sheet
2	Street Plan
3-4	Utility Plans
5	Grading Plan
6	Tree Survey
7	Removal Plan

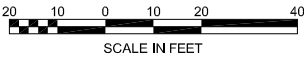
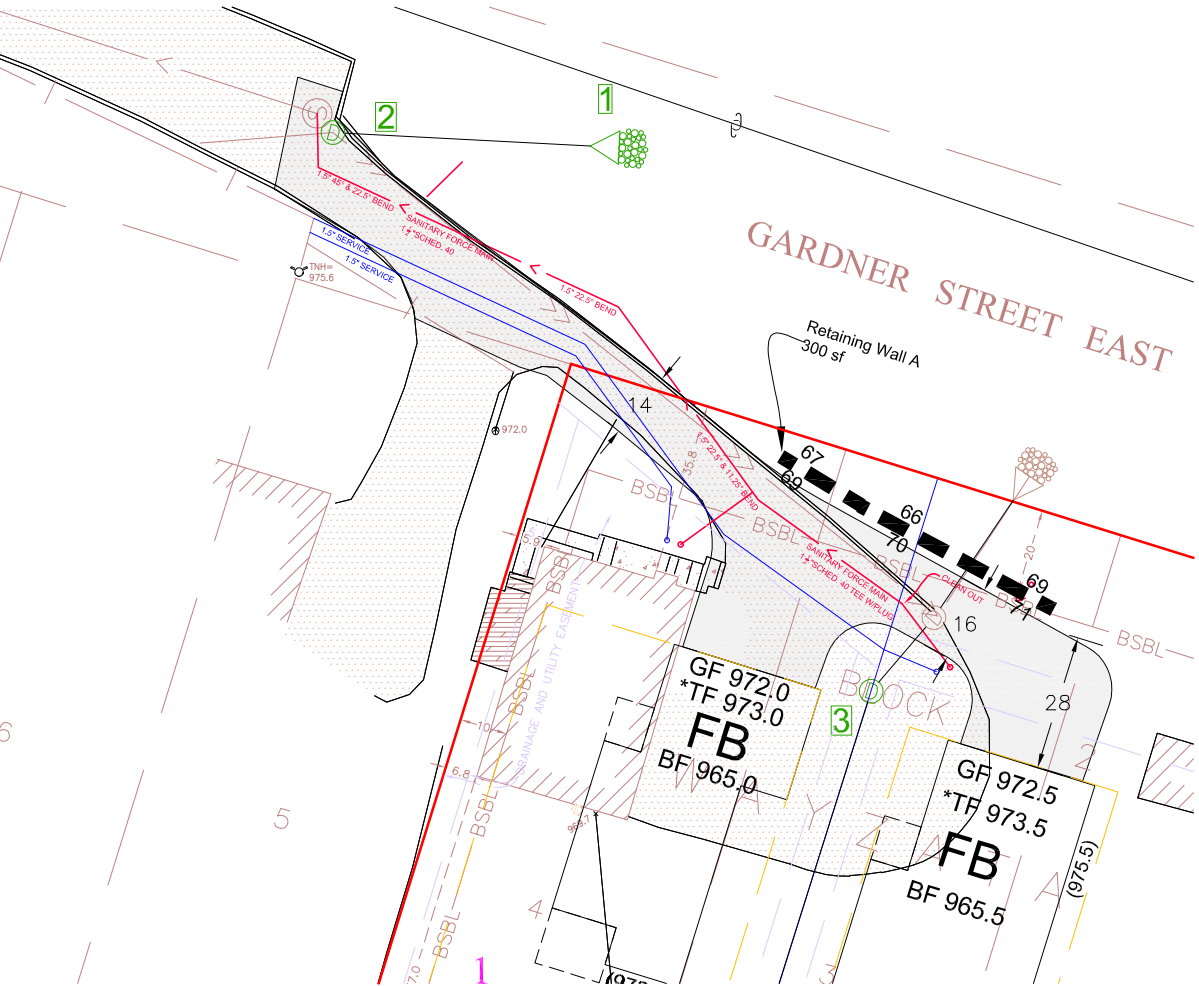
CLIENT/DEVELOPER
BOHLAND HOMES, LLC.
825 Wayzata Boulevard East
Wayzata, MN 55391
Contact: Steve Bohl
T-952-473-2089

LAND SURVEYOR/CIVIL ENGINEER
SATHRE-BERGQUIST INC.
150 S. Broadway Ave.
Wayzata, MN 55391
Contact: Dan Schmidt
T-952-476-6000
F-952-476-0104

DRAWING NAME	NO.	BY	DATE	REVISIONS	USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.	I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. <i>Daniel J. Schmidt</i> Name, P.E. Date: 09-15-2017 Lic. No. 26147	ENGINEERS SURVEYORS DESIGNERS PLANNERS	SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000	CITY PROJECT NO. -- WAYZATA, MINNESOTA	TITLE GARDNER PLACE BOHLAND HOMES, LLC	FILE NO. 7806-041 1 7
--------------	-----	----	------	-----------	---	---	---	--	---	--	--------------------------------

NOTES

1. UNITS TO BE SERVICED FOR SANITARY SEWER BY GRINDER PUMPS AND 1 1/4 IN SCHEDULE 40 SERVICE. SEE DETAILS PROVIDED BY GRINDER PUMP MANUFACTURER.



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE				
DRAWN BY				
MDM				
CHECKED BY				
DLS				
DATE				
04/29/16				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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

Daniel J. Schmidt
Name, P.E.
Date: 09-15-2017 Lic. No. 26147



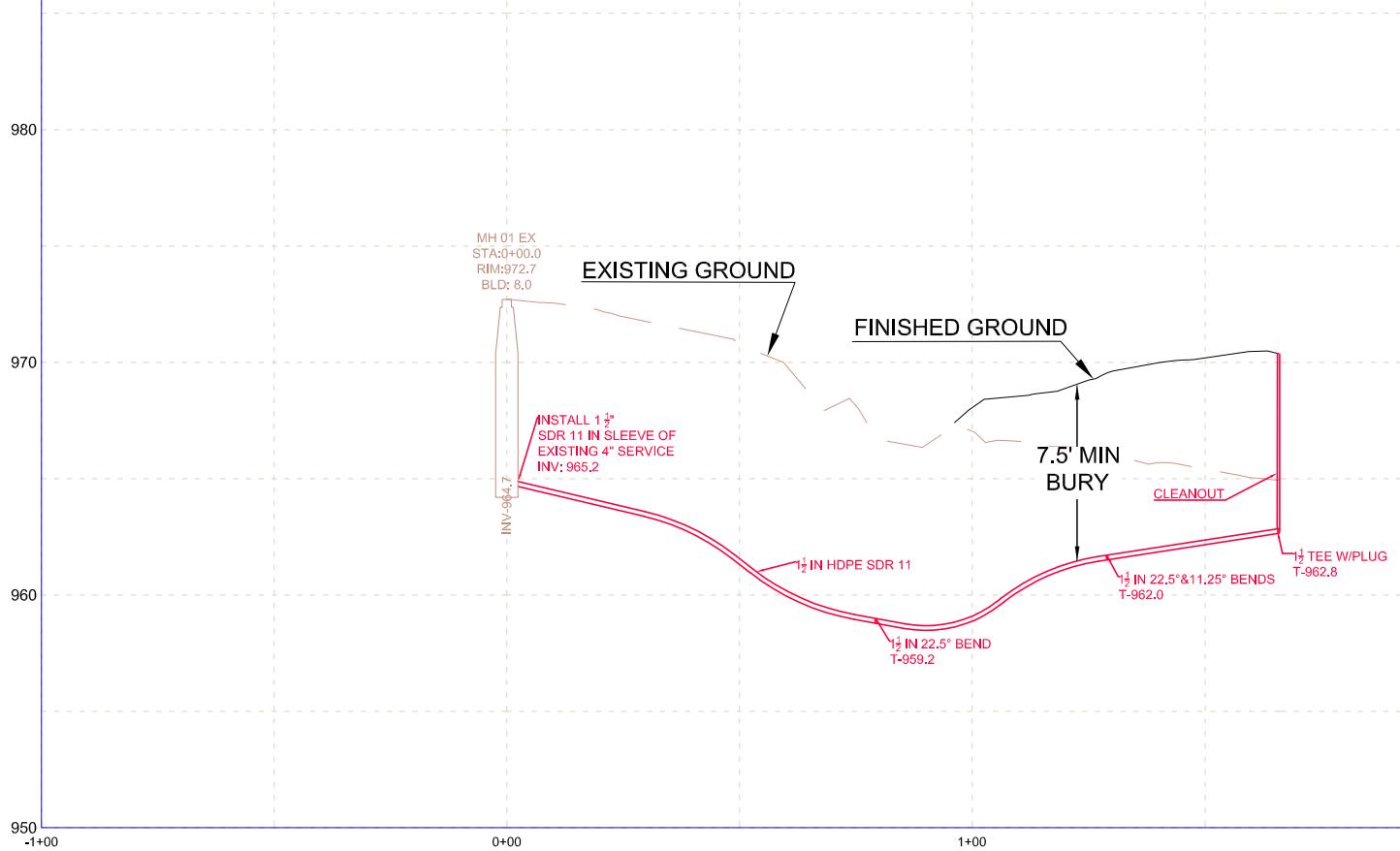
SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

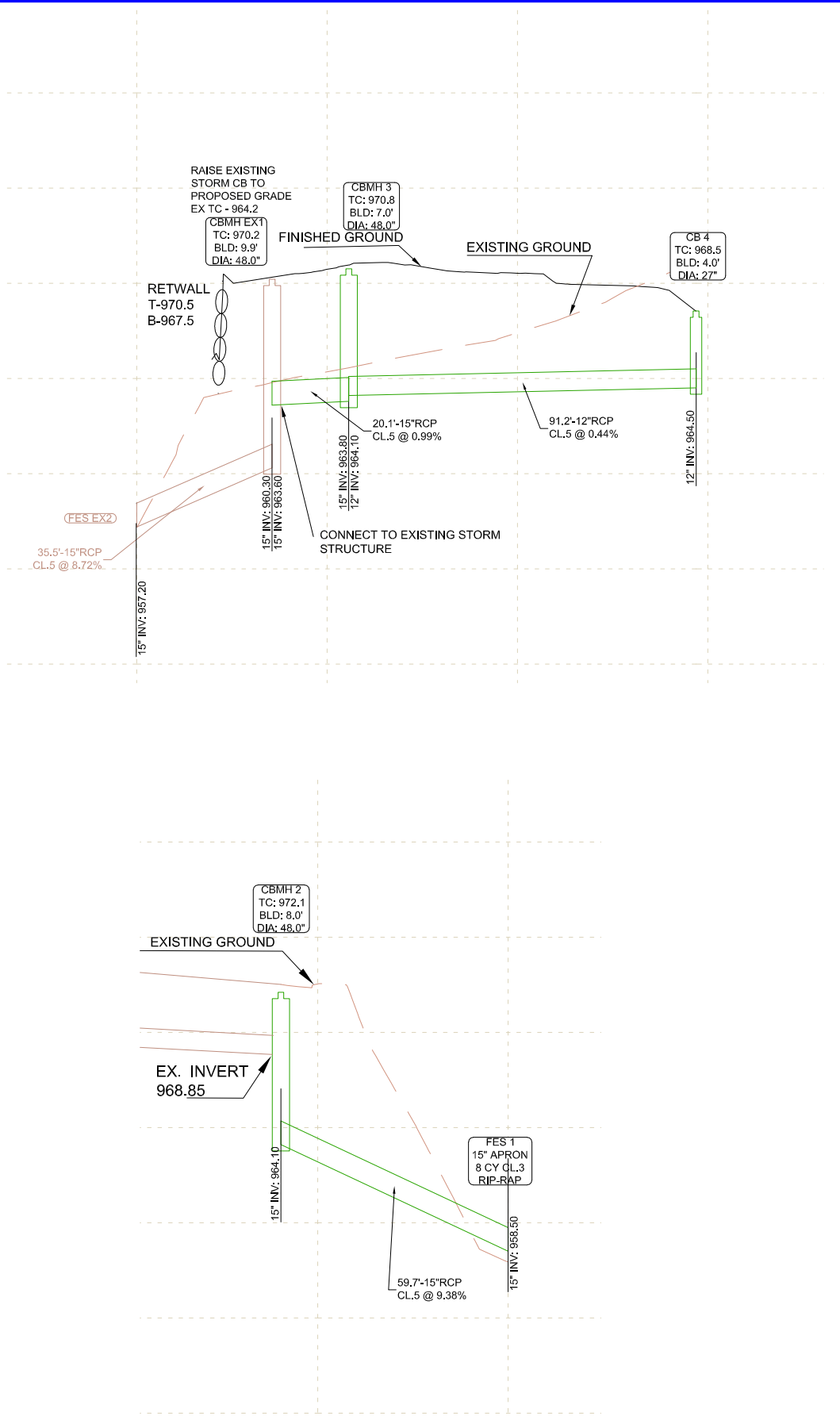
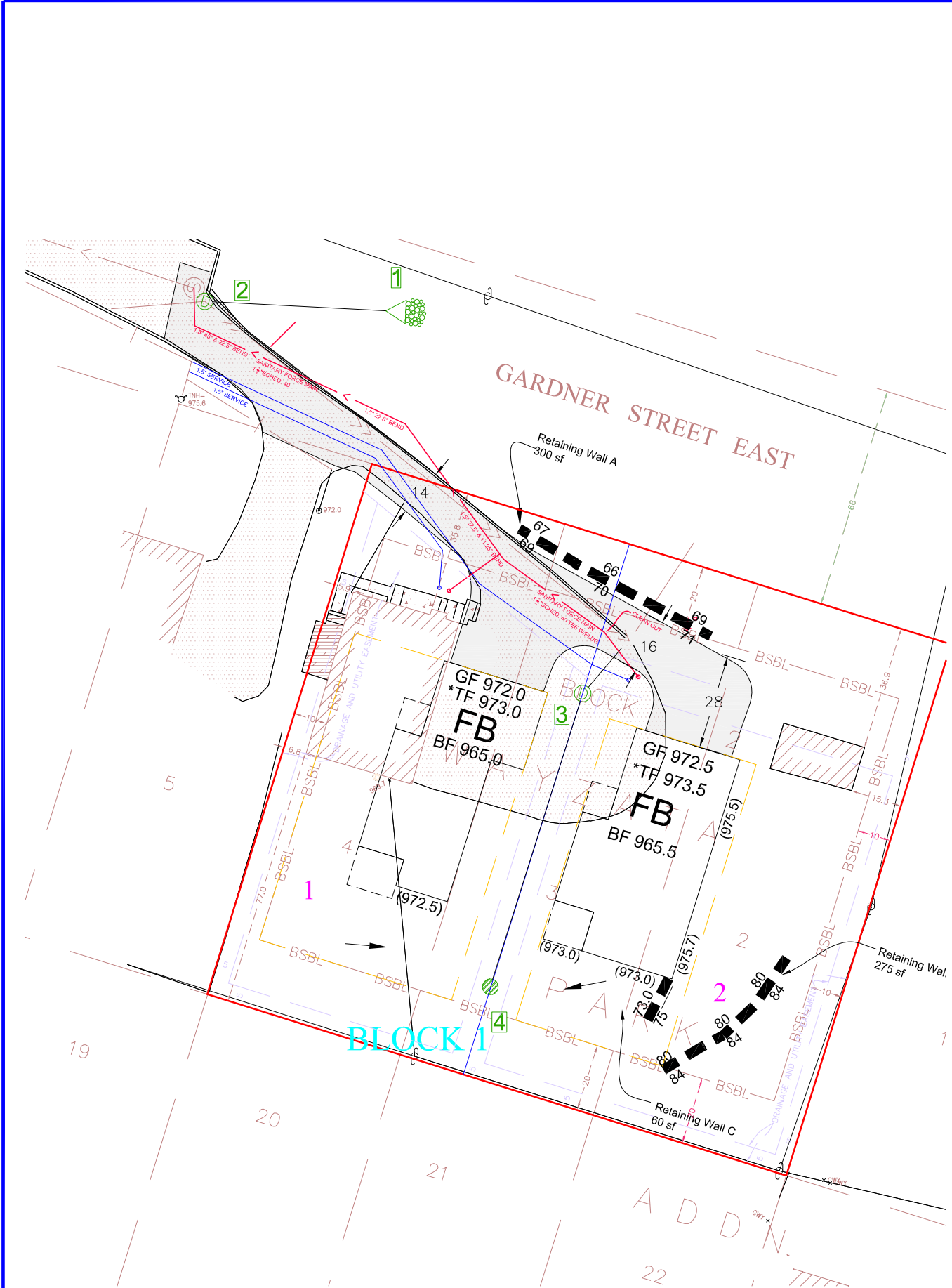
CITY PROJECT NO.

WAYZATA, MINNESOTA

**FINAL SANITARY SEWER AND
WATER MAIN PLAN
GARDNER PLACE
BOHLAND HOMES, LLC**

FILE NO.
7806-041
3
7





DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE				
DRAWN BY				
MDM				
CHECKED BY				
DLS				
DATE				
04/29/16				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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

Daniel J. Schmidt

Name, P.E. _____
Date: 09-15-2017 Lic. No. 26147



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

CITY PROJECT NO.

WAYZATA, MINNESOTA

FINAL STORM PLAN GARDNER PLACE BOHLAND HOMES, LLC
FILE NO. 7806-041
4
7

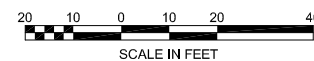
1. INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF WAYZATA OR DIRECTED BY THE ENGINEER.
2. A TEMPORARY SEDIMENTATION BASIN MUST BE EXCAVATED AT THE BEGINNING OF GRADING OPERATIONS TO PROVIDE TEMPORARY STORM WATER DETENTION DURING CONSTRUCTION. THE LOCATION MAY NEED TO BE RELOCATED AS THE PROJECT PROGRESSES.
3. BEGIN GRADING, INSTALL PERFORATED RISER PIPE IN PONDS WHEN POND GRADING IS COMPLETE. TEMPORARY DRAINAGE PIPE SHALL BE USED FOR INTERMEDIATE DRAINAGE DURING THE CONSTRUCTION PERIOD AS NECESSARY AND DIRECTED BY THE ENGINEER. INSTALL SILT FENCE AROUND EXCAVATED PONDS.
4. INSPECT PONDS, SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
5. 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
6. DRIVEWAY SLOPES-
MINIMUM-2.0%
MAXIMUM-10.0%
7. LO, SEWO, WO PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
8. CONTRACTOR TO REMOVE SEPTIC SYSTEM AND CAP WELL
9. DEVELOPER WILL BE RESPONSIBLE FOR TEMPORARY DUST AND EROSION CONTROL UNTIL TURF IS ESTABLISHED. IF YARDS ARE ADJACENT TO A DITCH SWALE, THEN EROSION CONTROL MUST REMAIN UNTIL ALL ADJACENT PROPERTY HAS TURF ESTABLISHMENT.
10. RESTORATION -1.0 ACRES
 - A. RESTORE ALL DISTURBED AREAS WITH A MINIMUM OF 6" OF TOPSOIL.
 - B. SEED POND SLOPES AND DETENTION AREAS WITH MN/DOT 310 OR BWSR P8 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE.
 - C. SEED ALL OTHER DISTURBED AREAS WITH MNDOT 250 AND BWSR SEED MIX FOR WETLANDS AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
 - D. ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
 - E. MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 3:1 (FT) OR GREATER.
 - F. PLACE APPROVED STORM SEWER INLET PROTECTION IN OR AROUND ALL STORM SEWER INLETS AND MAINTAIN UNTIL STREET CONSTRUCTION IS COMPLETED. REFER TO CITY DETAILS ST-22 & ST-23 FOR APPROVED DEVICES.
 - G. MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
 - H. RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
11. MATERIALS THAT ARE PROHIBITED FROM RETAINING WALL CONSTRUCTION INCLUDE SMOOTH FACE CONCRETE, POURED IN PLACE CONCRETE, MASONRY, RAILROAD TIES, OR TIMBER. STAMPED OR PATTERNED CONCRETE IS ALLOWED IN RETAINING WALL CONSTRUCTION.
12. RETAINING WALLS SHALL BE DESIGNED AND SIGNED LICENSED ENGINEER AND SUBMITTED TO THE CITY OF WAYZATA FOR APPROVAL BY THE CITY OF WAYZATA. BOULDERS MAY NOT BE USED ON WALLS TALLER THAN 6' IN HEIGHT.
13. SILT FENCE: BEFORE GRADING - 200 LF
14. TREE FENCE -300 LF
15. WOODFIBER BLANKET - 0 SY

Diagram illustrating the cross-section of a foundation and grading details:

- FINISHED GRADE PER GRADING PLAN GARAGE FLOOR**
- 3.0' BELOW GARAGE FLOOR**
- 1% MIN.** (Slope)
- +/-3:1 MAX** (Slope)
- BSMT FLR** (Basement Floor)
- 25'** (Foundation Width)
- 50'** (Foundation Width)
- 75'** (Foundation Width)
- 6.0"** (Foundation Height)
- CURB**
- TOPSOIL**
- ROW** (Right of Way)
- E S M N T** (Elevation)
- H S B L** (Horizontal Section)
- 10' 15'** (Foundation Width)

FULL BASEMENT (FB) & TUCK UNDER (TU)

NOTES:
1. GRADE (999.0) BEHIND EACH HOMESITE IS THE LOW GROUND ELEVATION AND PROPOSED TOP OF TOPSOIL. SUBGRADE SHALL BE DOWN 0.50 FEET.
2. ESTABLISH FINISH GRADE AT ALL 10' FRONT YARD UTILITY EASEMENT LOCATIONS.
3. THESE DETAILS REFERENCE A 8" POURED FOUNDATION WALL AND A 0.7' DROP FROM REAR TOP FOUNDATION TO GROUND ELEVATION FOR ALL LOOKOUTS AND WALKOUTS.

[illegible]



Tree #	Species	DBH (Sig)	DBH(Poor)	Condition	Stems	Heritage Tree	Removed	Notes
1	Ash, green	15.0		Good	1	No		
2	Ash, green	8.0		Fair	1	No		
3	Elm, red	17.5		Fair	1	No		
4	Basswood	21.5		Good	1	No		
5	Basswood	56.0		Fair	4	No		
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		
9	Ash, green	11.0		Fair	1	No		
10	Ash, green	24.0		Good	1	No		
11	Elm, American	14.0		Fair	1	No	14.0	
12	Boxelder	24.0		Fair	1	No		
13	Hackberry	17.0		Good	1	No		
14	Ash, green	7.0		Good	1	No		
15	Elm, American	16.5		Good	1	No		
16	Ash, green	6.5		Fair	1	No		
17	Ash, green	8.0		Good	1	No		
18	Ash, green	8.0		Fair	1	No		
19	Ash, green	8.5		Fair	1	No		
20	Hackberry	16.5		Good	1	No		
21	Ash, green	7.0		Fair	1	No	7.0	
22	Boxelder	14.0		Fair	1	No	14.0	
23	Boxelder	12.5		Fair	1	No		
24	Maple, silver	24.5		Good	1	No	24.5	
25	Oak, red	32.0		Good	1	Yes		
26	Maple, sugar	22.0		Good	1	No		
27	Boxelder	13.5		Fair	1	No		
28	Maple, sugar	21.5		Good	1	No		
29	Maple, sugar	18.0		Good	1	No	18.0	
30	Oak, red	24.5		Good	1	No		
31	Oak, red	28.0		Good	1	Yes		
32	Maple, sugar	22.0		Good	1	No	22.0	
33	Maple, sugar	22.0		Good	1	No		
34	Ironwood	7.0		Good	1	No		
272	Maple, sugar		17.0	Poor	1	No	N/A	large cavity/hollow
273	Boxelder		12.0	Dead	1	No	N/A	dead & damaged
274	Boxelder		22.0	Very Poor	1	No	N/A	decay
275	Boxelder		17.0	Very Poor	1	No	N/A	decay/hollow
276	Hackberry		8.0	Very Poor	1	No	N/A	top missing
277	Boxelder		10.0	Very Poor	1	No	N/A	hollow, cracked
278	Boxelder		16.5	Very Poor	1	No	N/A	nearly dead & extensive decay
279	Boxelder		14.5	Very Poor	1	No	N/A	decay/hollow
280	Boxelder		10.0	Very Poor	1	No	N/A	dead top
281	Boxelder		13.0	Very Poor	1	No	N/A	decay/top missing
282	Boxelder		36.0	Poor	3	No	N/A	tops missing from all stems
Total Caliper Inches		587.50	147.00				120.50	0.00

Number of Trees		9.0
Number of Trees Removed		25.7%
%Removed		
Caliper Inches		
Caliper Inches removed		120.5
% Removed		20.5%

LEGEND

TREES REMOVED

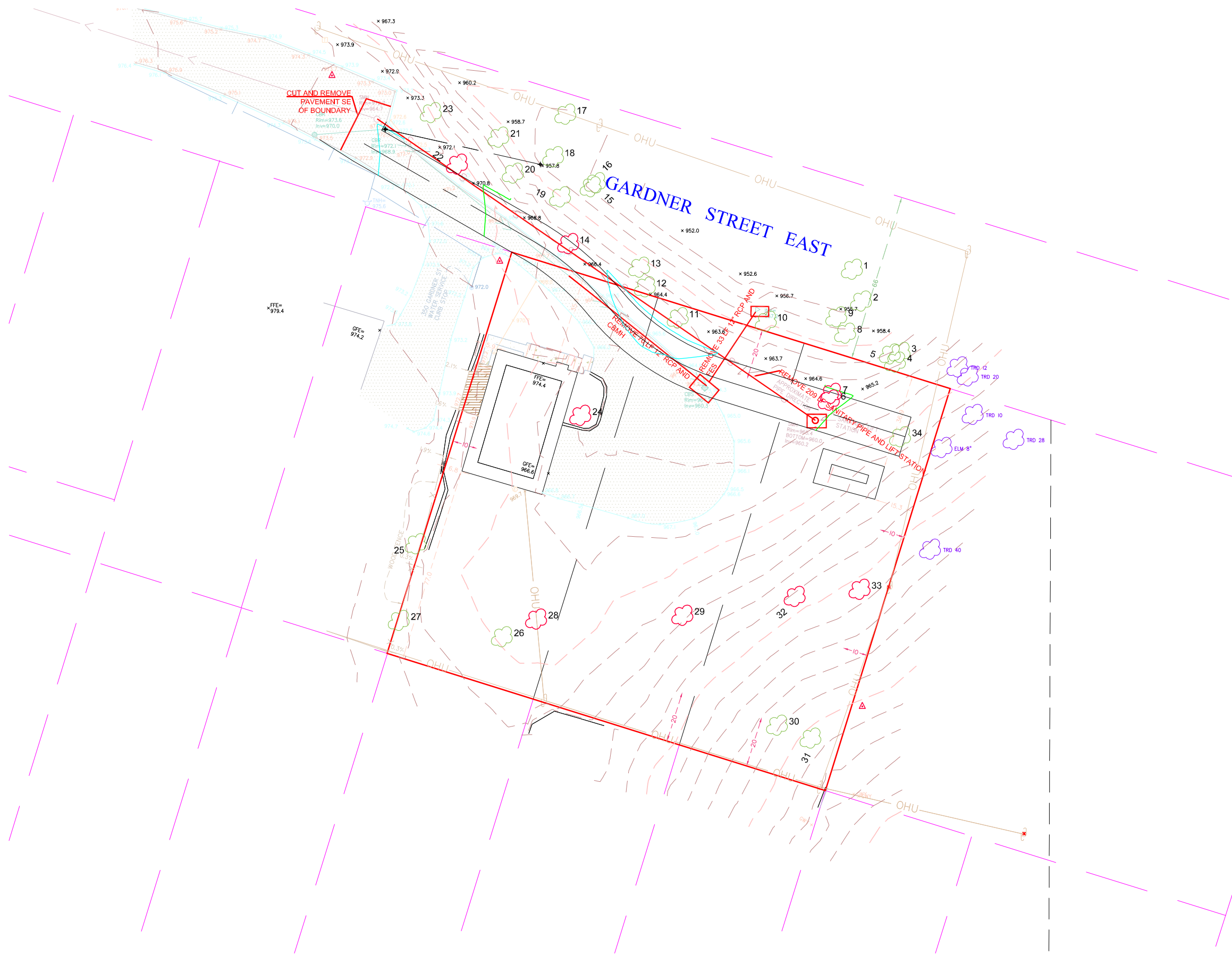
TREES EXEMPT

TREES SAVED

NORTH

20102040

SCALE IN FEET



DRAWING NAME	NO.	BY	DATE	REVISIONS
BASE				
DRAWN BY				
MDM				
CHECKED BY				
DLS				
DATE				
04/29/16				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

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

Donal J. Schmidt

Name, P.E. Donal J. Schmidt
Date: 06/07/16 Lic. No. 26147



SATHRE-BERGQUIST, INC.
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000

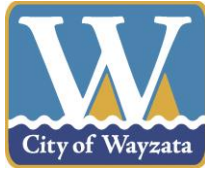
CITY PROJECT NO.

**WAYZATA,
MINNESOTA**

**REMOVAL PLAN
GARDNER PLACE
BOHLAND HOMES, LLC**

FILE NO.
7806-041

7
7



**Staff Report
December 4, 2017**

Project Name: Whittington Garage
Applicant Michael & Julie Whittington
Addresses of Request: 126 Circle A Dr S
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: January 26, 2018

Development Application

Introduction

The property owners, Michael & Julie Whittington, have submitted a development application to construct a garage on the property at 126 Circle A Dr S. The applicant is proposing to tear down the existing detached garage and construct a new detached garage in the same general location. The development application requests approval of a front yard and side yard setback variance for the garage.

Property Information

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

Address	PID	Owner
126 Circle A Dr S	06-117-22-41-0030	Michael Whittington and Julie Nelson

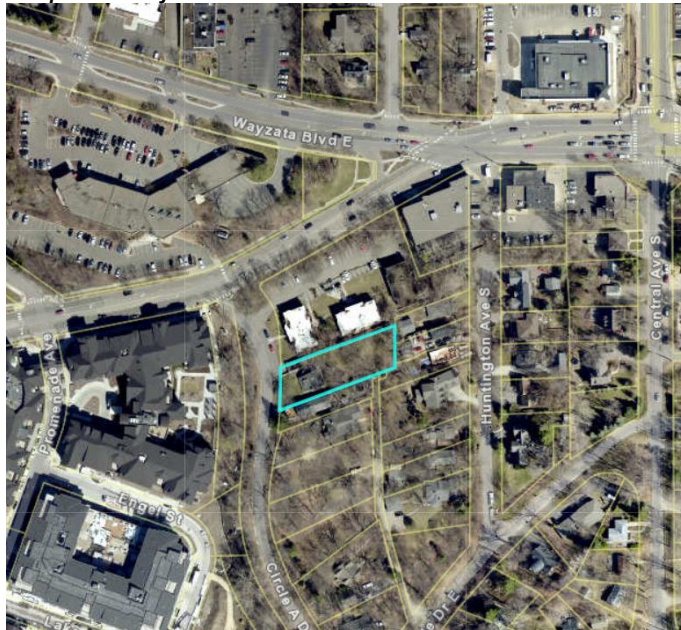
The current zoning and comprehensive plan land use designation for the property are as follows:

Current zoning:	R-3A/Single and Two Family Residential District
Comp plan designation:	Low Density Single Family
Overlay districts:	None

Project Location

The property is located on the east side of Circle A Dr S, south of Superior Blvd:

Map 1: Project Location



Application Requests

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

- A. Variances from the R-3A zoning district requirements: The proposed detached garage requires the following variances for an accessory building in the R-3A zoning district:
- Front yard setback variance from 20 feet to 8.3 feet
 - Side yard setback variance from 5 feet to 0.1 feet

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	Apartment building	R-5/Average Density Multiple Residential District	High Density Multiple Family
East	Single-family homes	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	Circle A Dr S	N/A	N/A

	Folkestone Wayzata	PUD/Planned Unit Development	Downtown Mixed Use District
--	--------------------	------------------------------	-----------------------------

Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on November 9 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on November 9, 2016. At the November 20th meeting, the Planning Commission opened the public hearing and continued it to December 4th to allow the applicant more time to submit revised plans for the application.

Analysis of Application

Proposed Plans

The property currently has a one-stall detached garage located on the northwest corner of the lot, with driveway access from Circle A Drive. The garage is one story in height with a flat roof, and is constructed into the hill on the front of the property. The existing garage has non-conforming front and side yard setbacks, as it is set back 8.3 feet from the front property line and 0.1 feet from the side property line.

The applicant is proposing to tear down the existing garage and build a new detached garage in the same location. The proposed garage would maintain the same setbacks – 8.3 feet from the front lot line and 0.1 feet from the side lot line – as the existing garage. The new garage would be two stories with a gabled roof. The first floor would be a 708 sq. ft, two-car garage, and the second floor would be a 480 square foot storage area. There would be an internal staircase at the back of the garage to provide connection between the first and second floor.

Zoning

The detached garage meets all of the accessory building requirements of the R-3A zoning district, except for the front and side yard setback requirements:

	R-3A Requirements	Proposed
Front yard setback	20 ft. (min)	8.3 ft.*
Side yard setback	5 ft. (min)	0.1 ft.*
Rear yard setback	5 ft. (min)	150+ ft.
Lot coverage	30% (max.)	11.2%
Impervious surface	35% (max.)	15.0%
Building height (accessory building)	20 ft. (max.)	16 ft.
Garage size	750 sq. ft. (max.)	708 sq. ft.

* variance requested

Applicable Code Provisions for Review

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

- A. 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.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by 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.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. 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.
- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

Action Steps

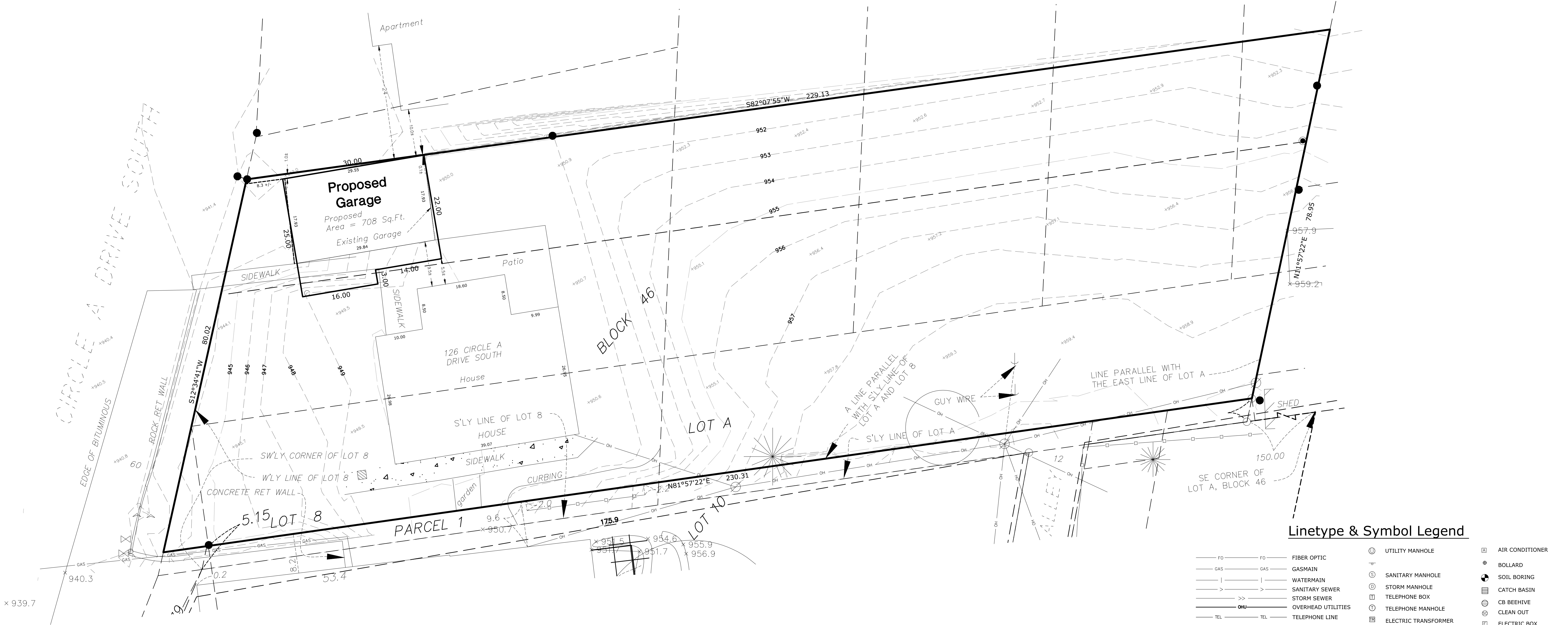
After considering the items outlined in this report and the public hearing held at the meeting, the Planning Commission should direct staff to prepare a *Planning Commission Report and Recommendation*, with appropriate findings, reflecting a recommendation on the application for review and adoption at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

Attachments

Applicant's Narrative
Proposed Plans

Variance Request for 126 Circle A Dr. S., Wayzata, MN 55391

The proposed addition of a garage to [126 Circle A Drive South](#) requires a variance because it will be built within the existing setback for the property. The proposed variance is reasonable because the existing detached garage can only accommodate a single vehicle. The proposed garage will be built primarily in the footprint of the existing garage. Any increase in the size of the garage will be towards the interior of the lot, not exacerbating the existing setback issues. The need for the variance is due to circumstances unique to the property, namely the grade of the lot, preventing a garage from being reasonably built in any other portion of the lot where setbacks could be maintained. The proposed location of the garage is the only possible location that preserves all existing mature trees. The house was built in 1937, before the current setback requirements were adopted by the City of Wayzata and the garage as built does not meet current setback requirements. The proposed variance will not alter the essential character of the locality because it will add garage space that is no larger than that which is common for homes of the size and location of the existing home.



DESCRIPTION OF PROPERTY SURVEYED

The Northwestern 79 feet of the Southeasterly 84 feet front and rear of that part of Block 46, Minnetonka Arlington Heights, according to the recorded plat thereof, Hennepin County, Minnesota, lying west of a line Parallel with the east line of said Block 46 and which lies 150' southwesterly measured along the southeasterly line of said Block 46 from the southeast corner thereof.

Together with:

That part of Lot 8 and Lot A, Block 46, "Minnetonka Arlington Heights" of plat marked Exhibit A in Book 86 of Miscellaneous Records, page 588 described which lies westerly of the easterly 150 feet of said Lot A and which lies northerly of the following described line: Commencing at a point in the Southerly line of Lot A, Block 46, 150 feet Southwesterly from the Southeasterly corner of Said Lot A; thence Northerly parallel with the East line of said Lot A, 5 feet to the point of beginning of the line to be described; thence Southwesterly parallel with the Southerly line of said Lot A and the Southerly line of Lot 8, Block 46 to the Westerly line of said Lot 8 and said line there terminating.

PID: 06-117-22-41-0030

Municipality: WAYZATA

General Notes

- Bearings are based on the Hennepin County Coordinate System.
- Site Address: 126 Circle A Drive South, Wayzata, MN
- The Gross land area is 17,128 +/- square feet or 0.393 +/- acres.
- Elevations are based on the top nut of the hydrant located in the southeast quadrant of Superior and Circle A Drive having an elevation of 944.24 feet (city Datum)
- We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies, plans provided by client, markings by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property.
- This survey was prepared without the benefit of a Title Commitment. The legal description was obtained from County Auditor's description of this tax parcel. It may not be the legal description on the most recent conveyance document recording ownership.
- This survey was prepared to show the location of a proposed garage per a plan prepared by Autumn Design of Minnesota, dated 7-10-17.

MINNESOTA CERTIFICATION

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

Dated this 20th day of September, 2017.

Rory L. Synsteliën
roryrls@gmail.com

Minnesota License No. 44565

Hard Cover Calculations

Existing Areas: House = 1209 Sq. Ft.
Sidewalk/Patio = 651 Sq. Ft.
Garage = 531 Sq. Ft.
2,391 Sq. Ft.

Existing Ratio = 14%

Proposed Areas: House = 1209 Sq. Ft.
Sidewalk/Patio = 651 Sq. Ft.
Garage = 708 Sq. Ft.
2,568 Sq. Ft.

Proposed Ratio = 15%

Linetype & Symbol Legend

FO	FIBER OPTIC	U	UTILITY MANHOLE	A	AIR CONDITIONER
GAS	GASMAIN	B	BOLLARD	S	SOIL BORING
	WATERMAIN	S	SANITARY MANHOLE	C	CATCH BASIN
>	SANITARY SEWER	SM	STORM MANHOLE	CB	CB BEEHIVE
>>	STORM SEWER	TM	TELEPHONE BOX	CO	CLEAN OUT
OHU	OVERHEAD UTILITIES	TMH	TELEPHONE MANHOLE	EB	ELECTRIC BOX
TEL	TELEPHONE LINE	ET	ELECTRIC TRANSFORMER	EM	ELECTRIC MANHOLE
ELE	ELECTRIC LINE	TS	TRAFFIC SIGNAL	EP	ELECTRIC POLE
CTV	CABLE LINE	TL	TRAFFIC LIGHT	ES	FLARED END SECTION
x	GUARDRAIL	TVB	CABLE TV BOX	GV	GAS VALVE
x	WOODEN FENCELINE	E	ELECTRICAL METER	G	GAS METER
x	CHAINLINK FENCELINE	G	GAS METER	W	WATER METER
x	BARBED WIRE FENCE	WM	WATER METER	WV	WATER VALVE
-----	BLOCK RET WALL	WV	WATER VALVE	WV	WATER VALVE
-----	WATER MANHOLE	WV	WATER VALVE	WV	WATER VALVE
-----	WATER VALVE	WV	WATER VALVE	WV	WATER VALVE
-----	SET IRON MONUMENT	WV	WATER VALVE	WV	WATER VALVE
-----		WV	WATER VALVE	WV	WATER VALVE

Lot Certificate

126 Circle A Drive South

Prepared By:

Rory L. Synsteliën, PLS
132 Circle A Drive South
Wayzata, MN 55391
P: 612-802-3222 E: roryrls@gmail.com

Revision

Project No.

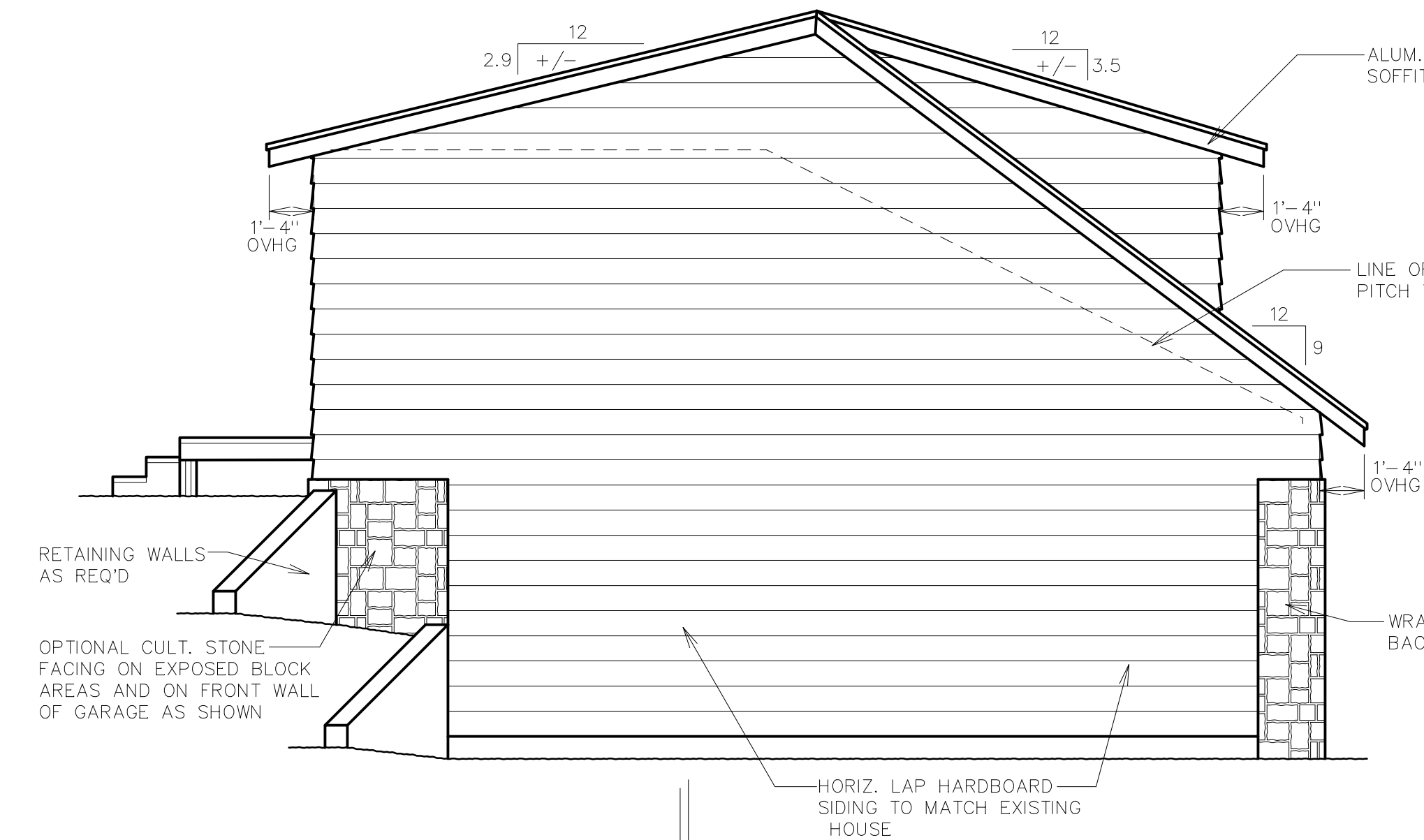
Drawn by

Checked by

Book/Page

Date:

Client:



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



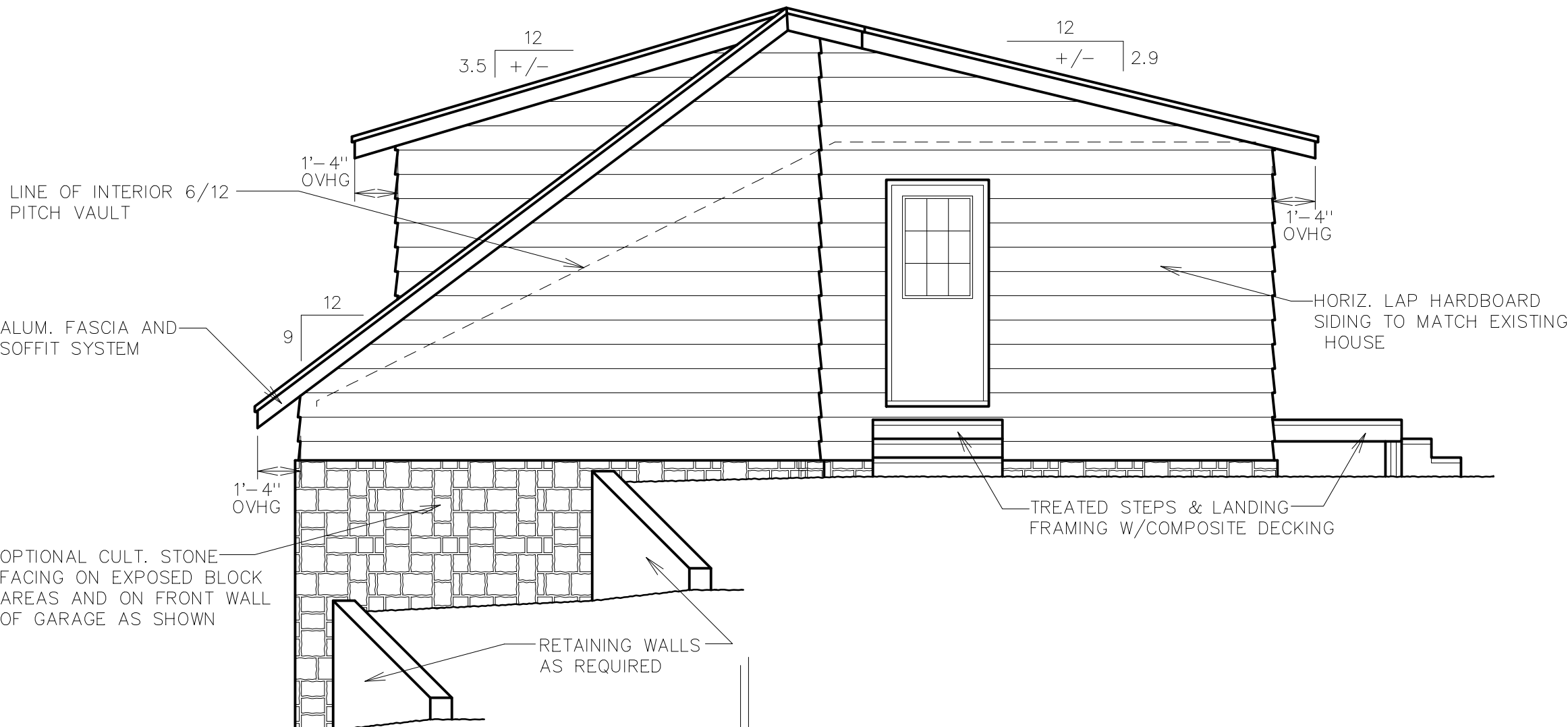
REAR ELEVATION

SCALE: 1/4"=1'-0"



GAR. FRONT ELEVATION

SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY DIMENSIONS OR MATERIALS SHOWN ON THESE DRAWINGS. IT IS THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS VERIFIED BY A PROFESSIONAL ENGINEER OR ARCHITECT. AUTUMN DESIGN RESERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

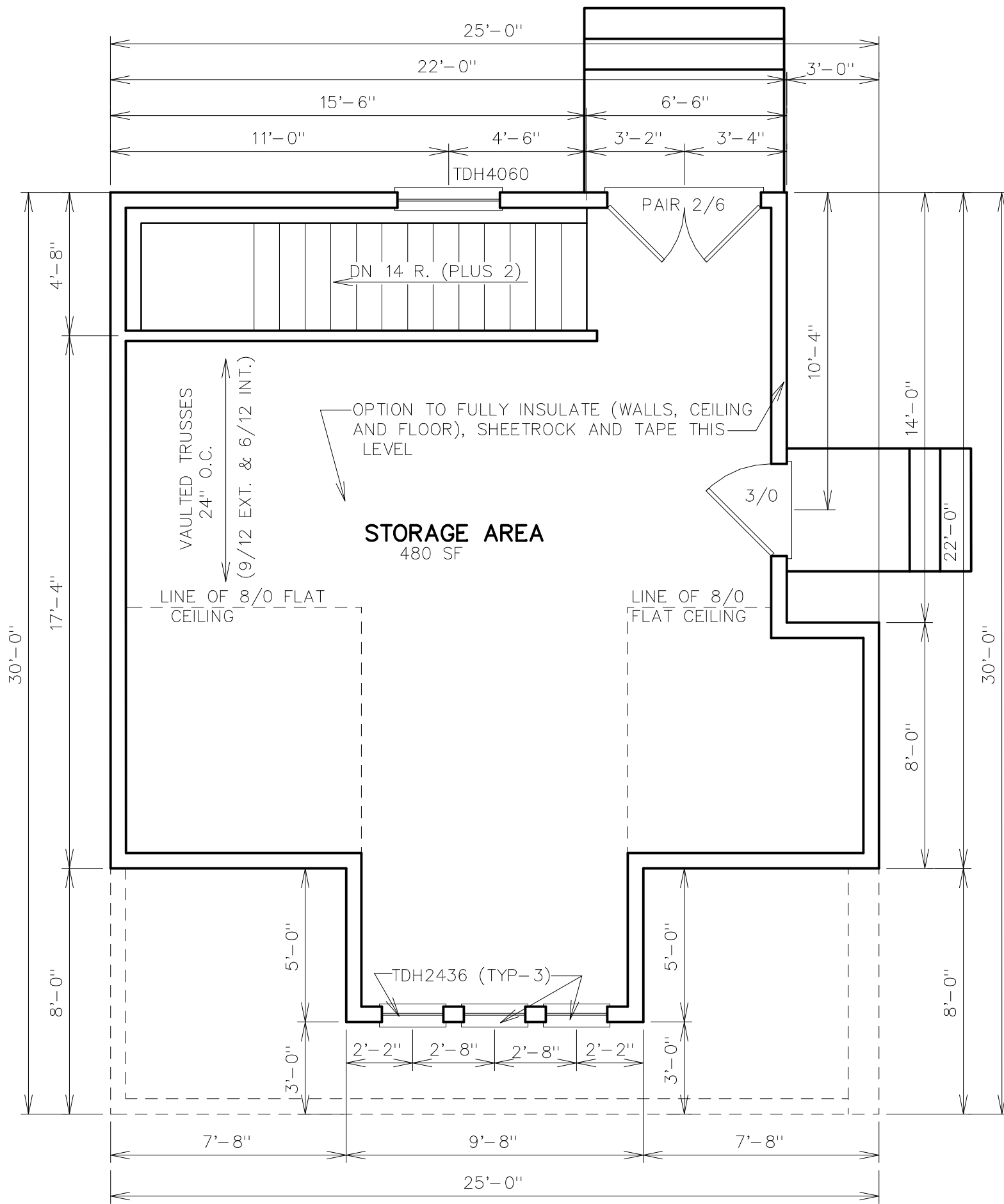
DRN	TYPE	DATE
SB	PRIM	12 / 19 / 16
SB	FINAL	11 / 27 / 17
SB	REV.	07 / 03 / 17
SB	REV.	09 / 14 / 17

LEE LYN CONSTRUCTION

MIKE & JULIE

AUTUMN DESIGN
of Minnesota, Inc. (952) 873-4311

PAGE 1 of 3
INDEX NO. 131R-1



NOTES:

8'-1 1/8" ROUGH CEILING HEIGHT ON UPPER STORAGE AREA

WINDOWS LISTED ARE THERMO-TECH DOUBLE-HUNG STYLE UNITS

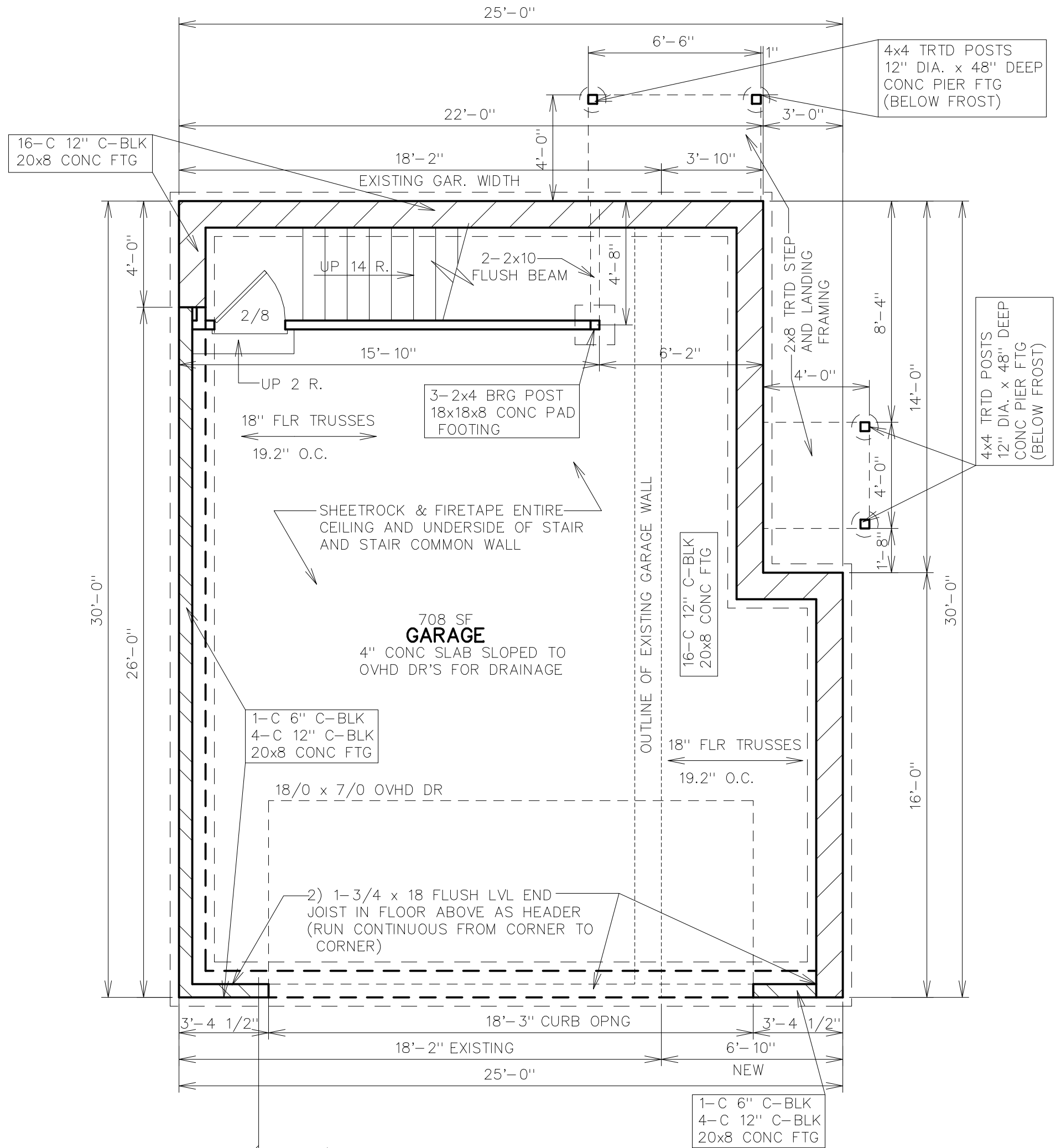
UPPER GAR. STO. PLAN

SCALE: 1/4"=1'-0"

NOTES:

ALL INT. & EXT. BEARING OPENINGS SHALL HAVE 2-2x10 HEADERS UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS; VERIFY ALL HEADER CHANGES FROM THE LUMBER CO., TRUSS CO. AND/OR BUILDING OFFICIALS

ALL LVL BEAMS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION



LOWER GAR. PLAN

SCALE: 1/4"=1'-0"

NOTES:

DEMO EXISTING GARAGE (VERIFY IF EXISTING FOOTINGS ARE TO REMAIN AND ANY EXISTING BLOCKWORK BELOW GRADE)

APPROX. 8'-2" ROUGH CEILING HEIGHT IN GARAGE

ALL FOOTINGS TO BE BELOW FROST AND CONTINUOUS

ANCHOR BOLTS or STRAPS SPACED PER MAN'F SPECIFICATIONS

FULL-SZE CONC BLOCK FOUNDATION WALLS

NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE ESTABLISHED BUILDING CODES, NOR ARE WE RESPONSIBLE FOR ANY CONSTRUCTION OR FINISHES NOT SHOWN OR SPECIFIED. THE CLIENT IS THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. AUTUMN DESIGN RESERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
SB	PRLM	12 / 19 / 16
SB	FINAL	11 / 27 / 17
SB	REV.	07 / 03 / 17
SB	REV.	09 / 14 / 17

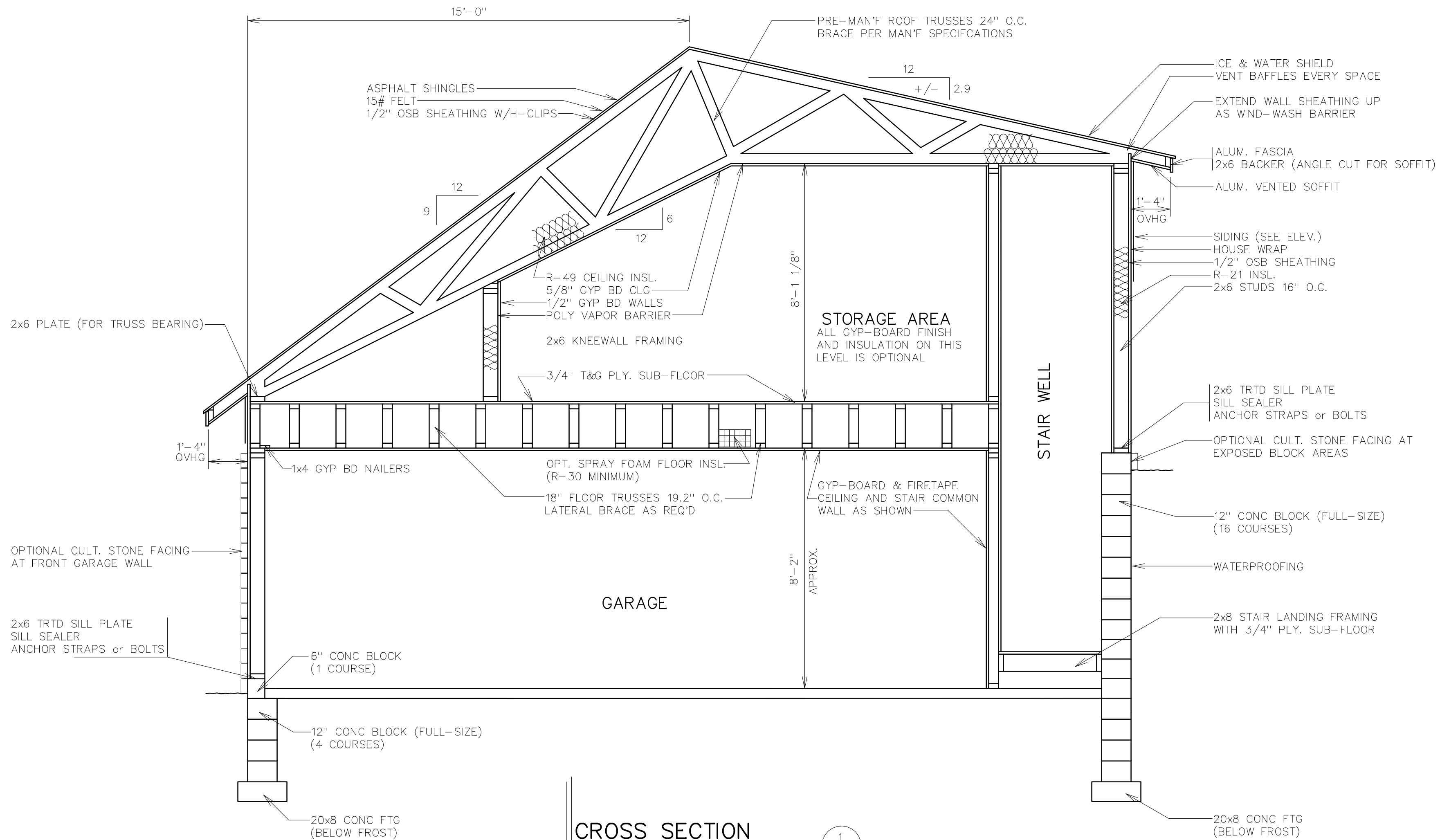
LEE LYN CONSTRUCTION

MIKE & JULIE

AUTUMN DESIGN
of Minnesota, Inc. (952) 873-4311

PAGE 2 of 3

INDEX NO. 131R-1



CROSS SECTION

SCALE: 3/8"=1'-0"

1
3

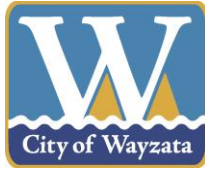
NOTE: AUTUMN DESIGN OF MN, INC. IS NOT RESPONSIBLE FOR THE COMPLIANCE OR ACCURACY OF THESE DRAWINGS TO ANY OF THE ESTABLISHED BUILDING CODES, NOR ARE WE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE USER OF THESE DRAWINGS IS THE RESPONSIBILITY OF THE CLIENT TO HAVE THESE DRAWINGS APPROVED BY A LICENSED INSPECTOR. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. AUTUMN DESIGN RESERVES THE RIGHT TO THESE DRAWINGS FOR OUR OWN PURPOSES.

DRN	TYPE	DATE
SB	PRLM	12 / 19 / 16
SB	FINAL	11 / 27 / 17
SB	REV.	07 / 03 / 17
SB	REV.	09 / 14 / 17

LEE LYN CONSTRUCTION	MIKE & JULIE
----------------------	--------------

AUTUMN DESIGN
of Minnesota, Inc.
(952) 873-4311

PAGE	3 of 3
INDEX NO.	131R-1



**Staff Report
December 4, 2017**

Project Name: Otten Addition
Applicant Clifford L. Otten
Addresses of Request: 908 Shady La E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: December 31, 2017

Development Application

Introduction

The property owner, Clifford Otten, has submitted a development application to construct an addition to the existing house at 908 Shady La E. The applicant is proposing to remove the existing deck and construct an enclosed porch in the same general location. The development application requests approval of a side yard setback variance.

Property Information

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

Address	PID	Owner
908 Shady La E	06-117-22-43-0001	Clifford L Otten Trustee

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

Current zoning:	R-2A/Single Family Residential District
Comp plan designation:	Low Density Single Family
Overlay districts:	S/Shoreland

Project Location

The property is located on the west side of Shady La E:

Map 1: Project Location



Application Requests

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

- A. Variance from the R-2A zoning district requirements: The proposed addition does not meet the side yard setback variance, and therefore the applicant is requesting approval of a setback variance from 15 feet to 10.3 feet.

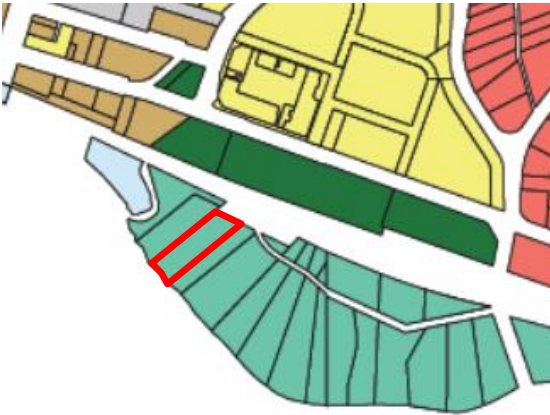
Adjacent Land Uses.

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

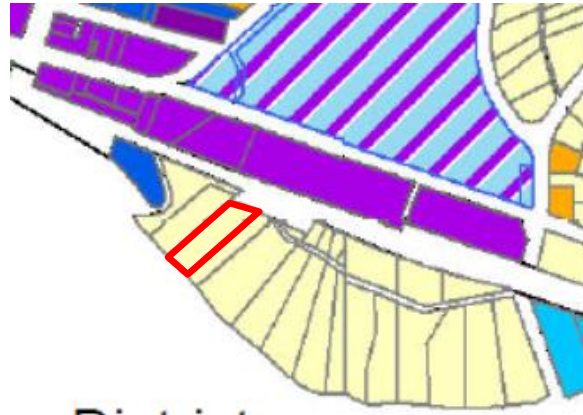
Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Shady La E	N/A	N/A
	BNSF Railroad	N/A	N/A
East	Single-family homes	R-2A/Single Family Residential District	Low Density Single Family
South	Lake Minnetonka	N/A	N/A
West	Single-family homes	R-2A/Single Family Residential District	Low Density Single Family

Map 2: Adjacent Land Uses

Zoning



Comp Plan Land Use Designation



Public Hearing Notice

The public hearing notice was published in the *Lakeshore Weekly News* on November 23, 2017. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on November 22, 2016.

Analysis of Application

Proposed Plans

The property is currently improved with a single-family home that does not meet the side yard setback requirements from both side lot lines, nor the shoreland setback requirement from Lake Minnetonka. The applicant is proposing to tear down an existing deck on the back of the house, which is set back 7 feet from the side property line, and construct a four season porch in the same location. The porch would be one story in height with a lower level storage area. The proposed addition would be set back 10.3 feet from the side property line, which does not meet the 15-foot side yard setback requirement.

Zoning

The porch addition would meet all of the building requirements of the R-2A zoning district, except for the side yard setback requirement:

	R-2A Requirements	Shoreland Requirements	Proposed
Front yard setback	30 ft. (min)	None	134 ft.
Side yard setback	15 ft. (min)	None	10.3 ft.*
Rear yard setback	20 ft. (min)	None	184.5 ft.
Shoreland setback	None	75 ft. or line drawn between two adjacent principal structures	184.5 ft.**
Lot coverage	20% (max.)	None	13.7%
Impervious surface	30% (max.)	25%	21.1%

		75% with stormwater management 100% with shoreland impact plan/CUP	
Building height	3 stories/40 ft. (max.)	35 ft. (max.)	One story

* Variance requested

** A corner of the porch addition extends approximately one foot into the shoreland setback line between adjacent buildings. The applicant has not applied for a shoreland setback variance. If the variance is approved, the applicant would need to revise the plans to meet the shoreland setback requirement.

Applicable Code Provisions for Review

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the zoning ordinance, which are as follows:

- A. 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.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with this Ordinance.
- C. "Practical difficulties," as used in connection with the granting of a variance, means that:
 - (i) the property owner's proposal for the property is reasonable but not permitted by 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.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with this Ordinance.
- F. 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.

- G. The City Council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
- H. An application for a variance shall set forth reasons that the variance is justified under the criteria of this section in order to make reasonable use of the land, structure or building.

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

Description of Request:

A variance for a side-yard-setback
from 15' to 10'. We will be removing
an existing deck that is 7' from the lot line
and replacing it with a 4 season porch.
We use this deck nearly every day-weather
permitting, so with the porch we will get more
Applicant may attach other letter sized materials. use of this area.

Additional Information: This porch addition is an important
part of other interior remodeling to
upgrade and improve our home.

Payment of Fees

The undersigned acknowledges that before this request can be considered, all required information and fees (including all up front escrow deposits) must be paid to the City. If additional fees are required to cover costs incurred by the City, the City Manager has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees. Such expenses may include (but are not limited to) personnel costs, fees for consultants, legal assistance and other professionals, recording fees, along with other overhead costs. The amount of escrow is determined by the City of Wayzata fee schedule in effect at the time of the application submittal. A current fee schedule is attached to this application form.

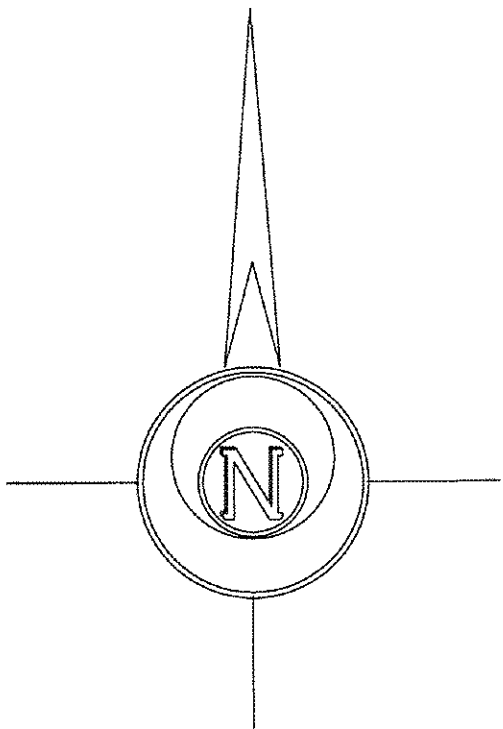
The undersigned also acknowledges that it may be required to file, at his or her expense, appropriate resolutions, agreements or other documents evidencing approval of the application.

The undersigned agrees that the City may withhold the issuance of a building permit until all financial matters are resolved. If need be, the City reserves the right to pass outstanding balances from this application to Hennepin County to be assessed with next year's property taxes for the property involved as indicated on page one of this application and the Property Owner agrees to such assessment.

Complete / Incomplete Applications

Placement of any Application on City agendas is at the discretion of the City, including the time of consideration. An application will not be placed on any agenda until City staff has received the appropriate materials and financial matters are in order. The application approval time commences and an application is considered officially filed when City staff has received and examined the application and determined that the application is complete. The application shall be determined by City staff to be complete or incomplete within fifteen (15) business days following submittal of the application.

CERTIFICATE OF SURVEY FOR
CLIFF OTTEN
OF LOTS 3 & 4, MINNETONKA ARLINGTON HEIGHTS 2ND DIVISION
HENNEPIN COUNTY, MINNESOTA



HARDCOVER CALCULATIONS :

LOT AREA = 34,778 Sq. ft.

EXISTING :

HOUSE AND PORCH = 4333 sf
DECK = 450 sf
REAR PATIO = 140 sf
KEYSTONE WALL = 105 sf
DRIVEWAY = 1386 sf
FRONT STEP = 29 sf
FRONT FLAGSTONE WALK = 123 sf
STEPSTONES = 43 sf
FLAGSTONE = 145 sf
CONCRETE PADS = 16 sf
STONE PATIO & STEPS = 181 sf
FLAGSTONE WALL = 74 sf
STONE WALLS = 138 sf
WOOD BORDERS = 28 SF

TOTAL EXISTING = 7191 sf = 20.68%

PROPOSED :

REMOVE DECK = -450 sf
REMOVE FLAGSTONE = -75 sf
PROPOSED PORCH = +439 sf
PROPOSED PATIO = +217 sf
PROPOSED FUTURE GARAGE = +1200 sf
PROPOSED FUTURE DRIVEWAY = +172 sf

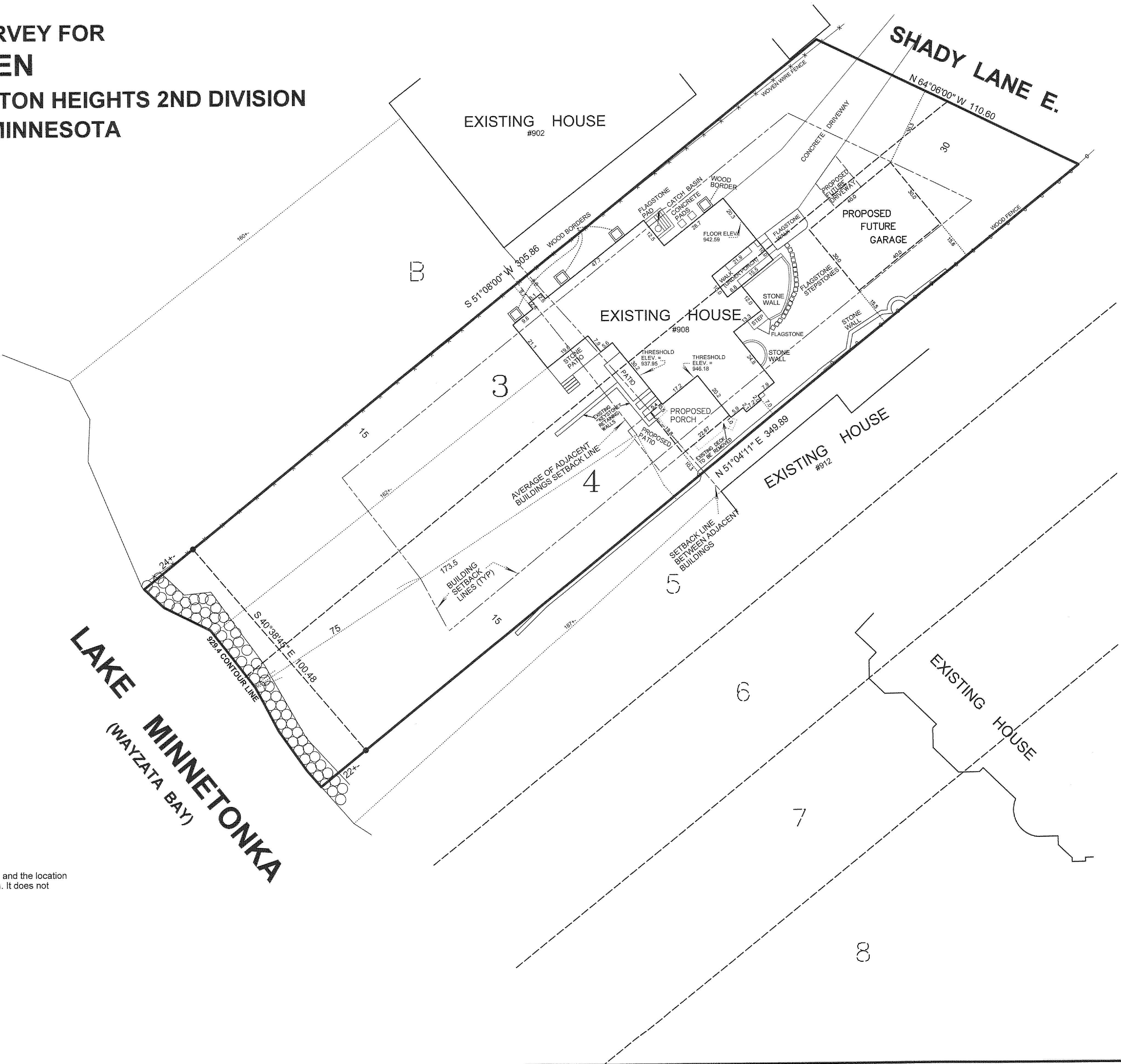
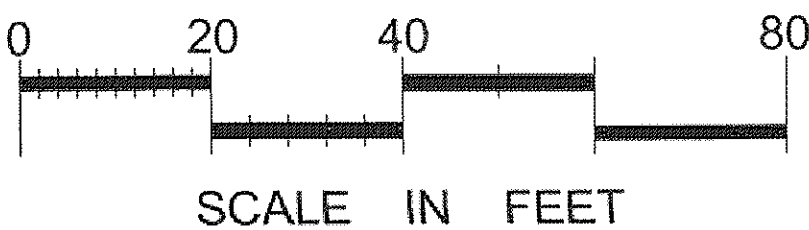
NET GAIN = +1503 sf

1503 + 7191 = 8694 sf = 25.0%

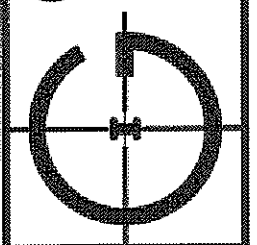
LEGAL DESCRIPTION OF PREMISES:
Lots 3 and 4, Minnetonka Arlington Heights 2nd Division

This survey shows the boundaries of the above described property, and the location of an existing house, drive, and all other visible "hardcover" thereon. It does not purport to show any other improvements or encroachments.

● : Iron marker found
Bearings shown are based upon an assumed datum



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



DATE: 4/02/09
SCALE: 1"=20'
SHEET: 17-409
SHEET: 16

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION,
AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF
MINNESOTA.
DATE: 4-2-09 MINN. LICENSE NUMBER: 12757

DRAWN: pr
CHECKED: [Signature]

REVISIONS	DATE	REMARKS
1	10-31-07	HARDCOVER UPDATED, PROPOSED PORCH AND PATIO ADDED



LAKE FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SOUTHEAST ELEVATION

SCALE: 1/4" = 1'-0"

CONCEPT DESIGN

SCALE: 1/4" = 1'-0"

OTTEN RESIDENCE		DATE:	07/20/17
908 SHADY LN E, WAYZATA, MN 55391			
TURNING LEAF DESIGN CO. (763)464-0994			
1200 KINGSVIEW LANE NORTH, PLYMOUTH, MN 55447			