

WAYZATA CITY COUNCIL MEETING AGENDA
 Wayzata City Hall Community Room, 600 Rice Street
 Tuesday, July 5, 2016

4:45 PM Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

- 1. Boatworks Parking Lot Alterations (5:15 PM)**
- 2. Lake Effect Project Strategic Plan/Recommendations for Next Steps (5:45 PM or immediately following)**

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.	Tour de Tonka Bike Ride Presentation	Tim Litfin							2
4	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
5	Consent Agenda								11
a.	Approval of City Council Workshop Meeting Minutes of June 7 & 14, 2016 and City Council Regular Meeting Minutes of June 7, 2016, and City Council Special Meeting Minutes of June 14, 2016								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Approval of Municipal Licenses								
e.	Approval of Resolution No. 24-2016 Appointing Election Judges for the 2016 Elections								
f.	Consider Implementation of Speed Humps in East Neighborhood								
g.	Approval of Commercial Assessing Contract with Hennepin County								
h.	Approval of Res. #20-2016 Auth. Participation in a MCES Grant Program for the Mitigation of Inflow & Infiltration in the Public Sanitary Sewer System								
i.	Approval of Preliminary Plans for a New Home at 155 Wooddale Ave.								
j.	Approval of ISD #284 Community Room & Cable Studio Use Agreement								
6	New Business								
a.	Consider Schematic Design of Mill Street Parking Ramp	Dahl							83
b.	Consider Resolution No. 21-2016 Denying Holdridge Homes Subdivision & PUD Approval-1407 Holdridge Ter.	Thomson							203
c.	Consider Resolution No. 22-2016 Approving Beacon Five Development Project at 529 Indian Mound E.	Thomson							282
d.	Consider Resolution No. 23-2016 Denying Meyer Place on Ferndale Redevelopment Project-105 Lake Street E.	Thomson							333
e.	Consider First Reading of Ordinance #XXX Tree Preservation Ordinance	Thomson							436
7	City Manager's Report and Discussion Items								
8	Public Forum (as necessary)								
9	Adjournment								

Meeting Rules of Conduct:

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

Upcoming Meetings:

- City Council - July 19 & August 3, 2016 (WEDNESDAY)
- Planning Commission - July 6 (WEDNESDAY) & July 18, 2016

Tour de Tonka Saturday, August 6, 2016



2015 Distances and Participants



**16-Mile
479 Riders**



**28-Mile
662 Riders**



**49-Mile
753 Riders**



**57-Mile
624 Riders**



**77-Mile
258 Riders**



**100-Mile
703 Riders**

3,479 Total Riders

2015 - Where our riders came from

- 239 different communities (up from 204)
- 36 Minnesota counties
- 24 States
- 4 Countries



2015 Top 10 Participating Communities

	2015 Top 10 Communities	2014 Rank	2015 Tdt	Change from 2014	
1	Minnetonka	1	535	+162	
2	Minneapolis	2	286	+44	
3	Chanhassen	3	232	-3	
4	Excelsior	6	201	+36	
5	Eden Prairie	4	193	+16	
6	Plymouth	5	190	+16	
7	Wayzata	8	126	+24	
8	Edina	13	98	+34	
9	Shorewood	7	88	-25	
9	Maple Grove	9	88	+7	
Total these Communities brought to TdT:			2015 2,037	2014 1,726	2013 1,805

2015 Demographics

Gender Breakdown by Age	Male	% Male	Female	% Female	Total #
0-9 years old	65	65%	35	35%	100
10-19 years old	194	65%	104	35%	298
20-29 years old	179	53%	156	47%	335
30-39 years old	325	62%	203	38%	528
40-49 years old	457	63%	267	37%	724
50-59 years old	680	66%	358	34%	1038
60-69 years old	286	74%	103	26%	389
70-79 years old	46	82%	10	18%	56
80-89 years old	3	100%	0	0%	3
did not provide age	3	38%	5	63%	8

Oldest = 85 (49-Miler) Youngest = 5 (16-Miler)

ICA Foodshelf

Annual Donation from TdT	\$3,479
Donations from Rider Registration	\$3,463
Same Day Donations (Ron Kamps' fishbowl)	\$521
40 pounds of food (X \$1.70 per pound)	\$68
2015 TOTAL	\$7,531



To date, Tour de Tonka has raised over \$40,000 for the ICA Foodshelf.

Tour de Tonka Facts

- Participation has grown each of the first 10 years.
- The City of Minnetonka has been the # 1 City for participation each year.
- In 2015 Tour de Tonka coordinated and collaborated with 104... Police Departments, Fire Departments, Cities, Counties, Ambulance Crews, Security Guard Companies, Parks, Schools, Vendors and Sponsors.



Police and Fire Safety & Support

- Minnetonka Police
- Carver County Sheriffs
- Deephaven Police
- Eden Prairie Police
- Minnetrissa Police
- Orono Police
- South Lake Minnetonka Police
- Three Rivers Park District Police
- Wayzata Police
- West Hennepin Public Safety
- Norwood Young America Fire
- Maple Plain Fire



- St. Boni Fire
- Plymouth Police
- Wayzata Fire
- Delano Fire
- Waconia Fire
- Victoria Fire
- Excelsior Fire
- Long Lake Fire

2016 Rest Stops

Excelsior Commons
Lake Riley Park
Trinity Lutheran Church (Watertown)
Delano City Park
NYA Legion Park
Bluff Creek Elementary
Minnetonka Middle School East
Trinity Lutheran Church (Orono)
Bethel United Methodist Church (Mound)
Brook Peterson Park (Waconia)
Chaska Pioneer Park



2016 Sponsors



MAPLE GROVE'S CYCLING OUTFITTERS SINCE 1998! 13950 GROVE DRIVE • MAPLE GROVE, MN 55311
MONDAY-FRIDAY 10AM-9PM SATURDAY 9AM-6PM SUNDAY 12-4PM 763-420-8878





**12 Volunteers and
126 Riders from
Wayzata
in 2015**



To register or volunteer go to
www.tourdetonka.org
(952) 401-6800

2015 Photo Album



**Saturday
August 6, 2016
See you there!!**



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WAYZATA CITY COUNCIL
DRAFT - WORKSHOP MEETING MINUTES
June 7, 2016

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5:00 PM XCEL ENERGY TO DISCUSS PROJECT AT COUNTY ROAD 101

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Mayor Willcox called the workshop meeting to order at 5:00 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Director of Planning & Building Thomson, and City Engineer Kelly.

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Mr. Thomson informed the Council that Xcel Energy is planning on making improvements to the Gleason Lake Substation located at 701 Central Avenue North. The improvements will include minor expansions to the existing fenced area on the west and east sides of the site. The project is scheduled to begin in early 2017 with completion in late 2017.

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Chris Rogers from Xcel Energy provided information regarding the project to the Council and answered their questions.

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The Council provided direction to Xcel Energy on the project and asked the representatives if they could look into improving the fence and landscaping along Central Avenue.

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5:30 PM DISCUSS SCHEMATIC DESIGN FOR MILL STREET RAMP

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Mayor Willcox called the workshop meeting to order at 5:30 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Director of Planning & Building Thomson, and City Engineer Kelly.

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Mr. Dahl reviewed a report from HGA regarding the current status of the design portion of the Mill Street Parking Ramp, and Victor Pechaty with HGA presented the current design options for exterior cladding and a roof. Mr. Pechaty also provided updated cost estimates for the project.

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The Council discussed the project and provided feedback regarding the design. The Council asked staff to bring back some different design options for the roof and asked staff to look into any additional funding options or flexibility for funding for a roof structure for the ramp.

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The workshop meetings were adjourned at 6:50 pm.

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Respectfully submitted,

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Becky Malone
Deputy City Clerk

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WAYZATA CITY COUNCIL
DRAFT - SPECIAL WORKSHOP MEETING MINUTES
June 14, 2016

4:45 PM City Council and Lake Effect Joint Workshop on City/Conservancy Partnership Agreement

Mayor Willcox called the workshop meeting to order at 4:45 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Director of Planning & Building Thomson, and City Attorney Schelzel.

City Manager Dahl and City Attorney Schelzel reviewed the draft City and Lake Effect partnership agreement. The Council directed staff to revise the draft agreement to better reflect the role of the conservancy to advocate for the Lake Effect project and to raise private funds for the project components.

The workshop meeting was adjourned at 6:00 pm.

7:00 PM Speed Hump Discussion and Recommendations

Mayor Willcox called the workshop meeting to order at 7:00 pm in the Community Room at Wayzata City Hall. Council Members present: Anderson, McCarthy, Mullin and Tyacke. Also present: City Manager Dahl, Director of Public Service Dudinsky, City Engineer/Assistant Director of Public Works Kelly, City Attorney Schelzel, and residents from the East Neighborhood (Circle A Drive, Circle Drive E, Huntington Ave, Lake Street E, Wise Avenue, Central Ave S, LaSalle Street, Reno Street, and Hampton Street).

Mr. Kelly stated that in 2005, the City of Wayzata adopted a Speed Hump Policy in which residents can petition the City Council to install speed humps in a neighborhood that meets the criteria in the speed hump policy.

Mr. Kelly stated that residents from the East neighborhood have submitted a petition for the installation of speed humps on Wise Avenue, Central Avenue South, LaSalle Street, and Circle Drive E.

Mr. Kelly stated the residents of LaSalle Street are requesting that the existing stop signs at Hampton Street and Reno Street be removed, if speed humps are installed.

Mr. Kelly stated that the residents in the area of Huntington Avenue seem to prefer that the stop signs at the Circle Drive E/Huntington Avenue intersection

Mr. Kelly reviewed the petition district which included 98 properties, of which three (3) are vacant and eight (8) are under construction. A signed petition was received and included signatures from 45 of the 87 occupied properties. This exceeds the 50% threshold required by the policy for the installation of speed humps.

Commentary was received from twenty residents of the neighborhood, both in favor of and against the installation of speed humps.

Following the resident input, the Council provided their own input, based on the comments. The comments were consistent between the Council members and can be reasonably summarized as follows:

1. Council favored the installation of speed humps within the East Neighborhood.
2. Council supported returning the roundabout to its original design, with full-access on all legs.

- 1 3. The Council supported the creation of a more comprehensive traffic management plan which
2 might include the redesign of the roundabout, redesign of Circle Drive E, and the redesign of the
3 Wayzata Blvd/Superior Blvd intersection.
4

5 The Council asked staff to prepare a speed hump implementation plan for the Council to consider at the
6 July 5, 2016 meeting. The Council also asked staff to contact MnDOT and recommence discussions
7 about an additional access point to Highway 12 at Ferndale Road.
8

9 The workshop meeting was adjourned at approximately 9:00 pm.
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11 Respectfully submitted,
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15 Becky Malone
16 Deputy City Clerk

DRAFT

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
June 7, 2016

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 7 p.m. Council Members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Dahl, City Attorney Barnard, City Engineer Kelly, and Director of Planning and Building Thomson.

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed the County 101 project with Xcel Energy and the Schematic Design for Mill Street Ramp.

AGENDA ITEM 2. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the agenda. The motion carried 5/0.

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

None.

Mr. Willcox commented that Wheelock Whitney, a distinguished citizen and former mayor of Wayzata passed away last week.

AGENDA ITEM 5. Consent Agenda.

City Manager Dahl referred to the Agreement for Assessor Services and commented the updated contract in the packet was an old version that included the commercial portion of the City and will still be done by Hennepin County. The revised version only shows the residential portion.

Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to approve the consent agenda:

- a. Approval of City Council Workshop Minutes May 24, 2016 and City Council Regular Meeting Minutes of May 17, 2016
- b. Approval of Check Register
- c. Municipal licenses which received administrative approval (informational only)
- d. Approval to reschedule the June 21, 2016 City Council meeting to June 14, 2016
- e. Approval of Agreement for Assessor Services

The motion carried 5/0.

AGENDA ITEM 4. New Agenda Items.

Mr. Mullin stated the World Expo is coming to Minnesota in 2023 and requested the Council add consideration of endorsement to a future agenda. The Council agreed.

Mr. Mullin commented he has noticed more handicap people in wheelchairs using Wayzata Boulevard due to disjointed sidewalks and requested an update from staff on the status of when the sidewalks will be fixed. City Engineer Mike Kelly stated the area in front of the BP will be part of the 101 reconstruction, and he will provide an additional update at a future Council meeting.

Mrs. Anderson requested an update on the Wayzata Boulevard landscaping project. The Council agreed.

Mr. Tyacke commented residents in the Quayside Apartments continue to have interrupted coverage with cable, Wi-Fi, and cell phones. He requested an update from Mediacom and other telecommunication providers to see how they plan to address this issue. The Council agreed.

1 **AGENDA ITEM 6. New Business.**

2 **a. Consider Agreement for Owners Representative for Mill Street Ramp**

3 City Manager Dahl reported on the background of the project and stated staff presented the three
4 finalists to the Council in a Workshop that included SEH, Inc., TEGRA Group, and Terranova,
5 LLC. The Council agreed that TEGRA Groups was the preferred firm because they had the most
6 experience as an Owner’s Representative and were most familiar with this scale of a project in
7 close proximity of residential neighborhoods.

8 Mr. Tyacke referred to page 57, section 10, and asked if this service would be included
9 with the TIF bonding plan or if an additional line item in the budget is needed for this type of
10 service. City Manager Dahl stated this fee would be an eligible soft cost and would be part of the
11 project costs.

12 City Manager Dahl stated due to extensive Council discussion, a paragraph will be added
13 to the contract ensuring that the Owner’s Representative would acquire a second opinion on the
14 engineering of the wall to make sure it is built with the highest quality and with limited risk. He
15 requested this contract be approved contingent on this addition of language.

16 City Manager Dahl informed the Council the Owner’s Representative will begin as soon
17 as possible.

18 Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the contract between
19 TEGRA Group and City of Wayzata for Owner’s Representative service to facilitate design,
20 bidding and construction of the Mill Street Parking Ramp, with the addition of language to
21 include third party oversight engineering expertise. The motion carried 5/0.

22
23 **b. Consider First Reading of Ordinance #759 and Resolution #15-2016 for UUCM at**
24 **2030 Wayzata Boulevard**

25 Director of Planning and Building Thomson reported staff has drafted an ordinance and
26 resolution based on Council discussion. The applicant has not made any changes and
27 recommends the Council adopt Resolution No. 15-2016 and the first reading of Ordinance No.
28 759.

29 Mr. Thomson reported the resolution takes the following action on the development
30 application: 1) Approval of design review, including deviations from the design standards for the
31 primary exterior building material and roof color; 2) Approval of PUD amendment; 3) Approval
32 of the subdivision to combine the two parcels and subdivide the easterly portion of Parcel B into a
33 separate lot for use as a single-family home; 4) Approval of the rezoning of Parcel B to PUD for
34 the westerly part and R-1 for the easterly part; 5) Approval of the Comprehensive Plan
35 amendment for the land use designation for Parcel B to Public/Institutional for the westerly part
36 and One Acre Single Family for the easterly part; and, 6) Approval of the lot area and lot width
37 variances for the residential lot.

38 Mr. Thomson highlighted two changes made to the conditions of approval associated
39 with the resolution: 1) The exterior lighting must be turned off whenever the property is not in
40 use; and 2) Proof of parking can be installed if a need for additional parking is demonstrated.

41 Mr. Willcox commented on the subdivision of the easterly lot. The City does not make a
42 habit of authorizing a subdivision that creates a non-conforming lot and does not support that part
43 of the resolution.

44 Mrs. Anderson made a motion, seconded by Mr. Mullin, to adopt Resolution No. 15-2016
45 Approving Project Design, PUD Amendment, subdivision/preliminary plat, zoning amendment,
46 comprehensive plan amendment, and variances for 2030 Wayzata Boulevard East. The motion
47 carried 4/1 (Willcox).

48 Mrs. Anderson made a motion, seconded by Mr. Mullin, to accept the first reading of
49 Ordinance No. 759, amending the official zoning map of the City to rezone property to PUD
50 Planned Unit Development District and R-1 Residential. The motion carried 4/1 (Willcox).

51

1 **c. Consider Preliminary Plans for New Home at 181 Huntington Avenue South**

2 Director of Planning and Building Thompson reported the applicant, Anthony and Rebecca
3 Welter, have submitted plans to construct a two-story home on Lot 2 on the property of 181
4 Huntington Avenue South.

5 Mr. Thomson reported the Planning Commission reviewed the plans and recommended
6 approval of the preliminary house plans. Additionally, they requested the applicant provide a
7 grading and drainage plan, and a landscape plan with the application to the City Council. The
8 proposed grading limits have been adjusted in the southwest corner of the lot to reduce impacts to
9 the critical root zones of the large oak trees and maple trees that would be preserved during
10 construction. The landscape plan includes five whitespire birch trees along the front walkway,
11 four additional whitespire birch trees on the north side of the driveway, and no mow fescue
12 along the north side of the home.

13 The Council commented the design is a great addition to the community, thanked the
14 applicant for reworking the grading plan, and thanked the applicant for investing in Wayzata.

15 Mr. Tyacke asked if there were any issues with the drainage and landscaping plans that
16 were submitted by the applicant. Mr. Thomson stated there were no issues.

17 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the preliminary
18 house plans for 181 Huntington Avenue South. The motion carried 5/0.

19
20 **d. Discuss MCES Shoreline Drive Project**

21 City Engineer Kelly reported the Metropolitan Council Environmental Service (MCES) and
22 Council met in Workshop and discussed delaying the Shoreline Drive Project until 2017 to
23 eliminate conflicts with the on-going Bushaway Road construction. The Council asked MCES to
24 get input from the Wayzata Chamber and Blake School regarding a possible start date for the
25 project.

26 Mr. Kelly reported the Wayzata Chamber received 40 responses that showed a slight
27 preference for construction during the August-October 2017 timeframe. Blake School indicated
28 no preference for a starting date, but requested a few weeks' notice before the closure of
29 Shoreline Drive.

30 Mr. Kelly reported MCES confirmed the current contractor is willing to extend the
31 contract to 2017, but would prefer to do the work as early as possible. Bus routes will not be
32 affected for the Orono and Wayzata School District.

33 Mr. Kelly reported if the work is performed in the fall of 2017 (August – October), it will
34 likely have to be rebid, due to costs. Staff recommends the work be completed in the spring of
35 2017 (May – July) and that the contractor be allowed to begin work as soon as weather and road
36 restrictions permit. If something unforeseen happens, it can be dealt with in a timely fashion
37 without being up against winter weather.

38 Mrs. McCarthy stated she originally supported the later start date, but understands the
39 need to start earlier. She is concerned with building the ramp and the effect the closures will have
40 if they are worked on simultaneously. She would consider supporting the earlier start date if there
41 was a mitigation plan in place.

42 Mr. Kelly stated there would be about a two-week overlap with the projects and will
43 discuss this with the contractor and MCES.

44 Mrs. McCarthy stated it will be important to have directional signage to direct people the
45 correct way to downtown Wayzata. She also requested MCES provide a communication plan to
46 staff that includes email updates.

47 Mr. Kelly stated MCES is aware of the importance of signage and will provide additional
48 signage. They provide regular updates with a twitter account, emails, and on a webpage.

49 The majority of the Council agrees with the recommendation to have the project
50 completed in the spring and thanked MCES for being cooperative.

51

1 Mr. Kelly commented Commissioner Zellely will be meeting with staff to discuss current
2 and upcoming projects.

3 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to authorize MCES and their
4 contractor to perform their work on Shoreline Drive as soon as possible in spring of 2017, and
5 provide a communication plan to staff. The motion carried 5/0.
6

7 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

8 **a. Wayzata Boulevard Closure**

9 At the request of City Manager Dahl, City Engineer Mike Kelly reported work under Wayzata
10 Boulevard will begin on Monday, June 13 and will be closed for three to four nights during
11 overnight hours from 9:00 p.m. and 5:00 a.m.

12 Mrs. McCarthy expressed concern for the residents regarding noise and communication
13 of the project.

14 Mr. Kelly stated at the end of each work night, there will be a hard surface laid for
15 vehicles and pedestrians to traverse during the day. The residents will receive notices of the work.
16 It has been included in the past three Friday updates and detour information will be on the
17 website. Mr. Kelly commented that CenterPoint will be repaving the road.

18 Mrs. Anderson commented on the construction work on Central and asked if anything
19 can be done to mask the large pipe sticking out of ground. Mr. Kelly stated it is an air release that
20 keeps pressure in the system equalized and he will look into a way to mask it.

21 Mr. Mullin asked when the stoplight will be restored on the east corner of Wayzata
22 Boulevard at the entry to the freeway. Mr. Kelly stated it may be back in place as soon as this
23 Friday.
24

25 **b. Other**

26 City Manager Dahl reported Chief Risvold and the Highway 12 Safety Coalition secured funding
27 for the initial phase for a divider on Highway 12 towards Long Lake.
28

29 Mr. Dahl announced the following:

- 30 • Wayzata Beach lifeguards begin on Thursday, June 9, and will be at the beach from
31 12:00 p.m. to 6:00 p.m.
- 32 • McCormick's Beachside is now open through Labor Day daily from 11:00 a.m. to 7:00
33 p.m.
- 34 • Book sales will be next week, Monday through Friday, from 12:00 p.m. to 4:00 p.m.
- 35 • The Trolley begins on June 14 through September 1 on Tuesdays and Thursdays from
36 10:00 a.m. to 4:00 p.m.
- 37 • Wayzata Bar and Grill uses the Trolley service in July on Wednesday nights from 5:30
38 p.m. to 9:30 p.m.
39

40 Mr. Willcox asked about the speed humps. Mr. Dahl stated it will be discussed in Workshop on
41 Tuesday, June 14, following the Council meeting at 6:00 p.m.
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43 **c. Wayzata Art Experience**

44 Ms. Becky Pierson announced the Wayzata Art Experience will be on June 25 and 26. The event
45 will take up a smaller footprint than in the past and some of the booths will be shifted into the
46 municipal lot. On Sunday, there will be an antique boat show at the Cōv docks.
47

48 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

49 There were no comments.
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1 **AGENDA ITEM 9. Adjournment.**

2 Mrs. Anderson made a motion, seconded by Mrs. McCarthy to adjourn. There being no further
3 business, Mayor Willcox adjourned the meeting at 8:03 p.m.

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5 Respectfully submitted,

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9 Becky Malone

10 Deputy City Clerk

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12 Drafted by Shannon Schmidt

13 *TimeSaver Off Site Secretarial, Inc.*

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WAYZATA CITY COUNCIL
DRAFT – SPECIAL MEETING MINUTES
June 14, 2016

AGENDA ITEM 1. Call to Order and Roll Call.

Mayor Willcox called the meeting to order at 6 p.m. Council Members present: Anderson, McCarthy, Mullin, and Tyacke. Also present: City Manager Dahl, City Attorney Schelzel, City Engineer Kelly, and Director of Planning and Building Thomson.

Mayor Willcox stated the Council met in Workshop prior to the meeting and discussed the Lake Effect Conservancy.

AGENDA ITEM 2. Approve Agenda.

Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the agenda. The motion carried 5/0.

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

None.

AGENDA ITEM 4. New Agenda Items.

Mr. Tyacke requested a report from Mediacom at a future meeting and would like the City to discuss ways to enforce the franchise agreement with them. The Council agreed.

City Manager Dahl stated there will be an update at the July 19 City Council meeting on cell tower discussion for Presbyterian Homes, the monopole, and he will also include an update from Mediacom.

AGENDA ITEM 5. Consent Agenda.

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

- a. Approval of Check Register
- b. Municipal licenses which received administrative approval (informational only)
- c. Building Activity Report
- d. Approval of Resolution No. 16-2016 Appointing Absentee Ballot Board Election Judges for the 2016 Elections
- e. Approval of the Second Reading of Ordinance #759 Amending Official Zoning Map to Rezone Property to PUD and R-1 Residential at 2030 Wayzata Road

The motion carried 5/0.

AGENDA ITEM 6. New Business.

a. Consider Resolution No. 18-2016 Approving Impervious Surface Variance at 426 Ferndale Road South

Director of Planning and Building Thomson reported the applicant, Keenan and Sveiven Inc., is requesting a variance from the maximum impervious surface requirements in the R-1A zoning district from 20% to 21.6%. The increase requested is mainly for the driveway, which has been consolidated from two access points to only one, but the resulting driveway is larger. The Planning Commission recommended approval of the impervious surface variance four to one, subject to installation of the stormwater management plans.

Mrs. McCarthy asked who would be conducting inspections on the stormwater plans and how often. City Manager Kelly responded the applicant will be part of a stormwater facilities agreement which requires them to install the plan and maintain it. The agreement requires the homeowner to provide an annual inspection and maintenance report. If they do not, the City will do it and charge the homeowner.

1 Mrs. Anderson commented if pervious pavers were used in a section the driveway, a
2 variance would not be needed. Mr. Thomson stated there is an inconsistency because this
3 application is part of the Shoreland Overlay district and zoning district R1-A. The zoning district
4 is more restrictive than the Shoreland Overlay district and that becomes the requirement. The
5 zoning district does not allow for any impervious pavers to be used in stormwater management, but
6 the Shoreland Management does. Staff will look at how to revise this inconsistency.

7 Mr. Willcox stated Lake Minnetonka will benefit from this property having more
8 impervious surface than allowed. He referred to page 19, paragraph C(ii), and asked what is unique
9 about this property that is causing the difficulty. Mr. Thomson stated there are not any constraints.

10 Mr. Schelzel stated a practical difficulty could be that this property is different from most
11 lakefront properties.

12 Mr. Tyacke asked how the Planning Commission addressed the practical difficulty finding.
13 Mr. Schelzel pointed out the Planning Commission finding is found in page 20, items C and D.

14 Mrs. Anderson asked if the practical difficulty is due to the topography of the property or
15 due to the more restrictive zoning ordinance versus the Shoreland Overlay requirements.

16 City Engineer Kelly commented if this property had the ability to provide innovative
17 stormwater management, they would have been treating the additional hardcover above the 20
18 percent, which is only 2,100 square feet. However, due the inconsistency in the request for a
19 variance, they are required to treat all the hardcover on the site, which is 29,500 square feet. This
20 requirement makes it a better site.

21 Mr. Willcox commented he does not believe there is an inconsistency in the ordinance.
22 The City is trying to protect the lakefront properties and the zoning is much stricter for that reason.

23 City Engineer Kelly stated the R-1A district does not offer the opportunity to do stormwater
24 management. When homeowners get to 20 percent impervious surface, they are done.

25 The Council stated it supports this application due to the extensive way the applicant is
26 proposing to treat stormwater management. The benefit to the community and lake outweighs the
27 definition of the ordinance.

28 Mr. Tyacke made a motion, seconded by Mr. Mullin, to adopt Resolution No. 18-2016,
29 Approving an Impervious Surface Variance at 426 Ferndale Road South. The motion carried 5/0.
30

31 **b. Consider Resolution No. 19-2061 Approving Impervious Surface Variance at 353**
32 **Park Street East**

33 Director of Planning and Building Thomson reported the applicant, Celia Threlkeld, is proposing
34 to demolish the existing garage on the property at 353 Park Street East, and construct a new garage
35 on the back of the property. This would provide 41.9% of impervious surface on the lot. The
36 Planning Commission recommended approval of the impervious surface variance five to zero.

37 Mrs. McCarthy asked if any other configuration for the garage had been considered and if
38 a remediation plan had been considered. Mr. Thomson stated this plan does not include any
39 stormwater management requirements. It is not a requirement that they do stormwater management
40 if they request an impervious surface variance, but it can be included as a condition of approval.
41 The garage meets the maximum size and setback requirements.

42 Mrs. Celia Threlkeld, 353 Park Street East, commented they looked at other configurations,
43 but this plan allows them to get their cars off the street, park in the driveway and garage, and provide
44 additional needed storage. The garage is behind the house and does not have a big impact on the
45 neighborhood. They have not considered pervious pavers because there is no credit for it unless
46 you are within 1,000 feet of the watershed and it is much more expensive.

47 Mrs. Anderson asked if they looked at an option where the garage was not as far back on
48 the property.

49 Mrs. Threlkeld stated they did look at a lot of options with an architect, but it is more
50 difficult to get around a corner near a deck on the property. The proposed garage is located exactly

1 where it can fit. The increase requested is only 479 feet and it may not warrant putting in a costly
2 stormwater management system.

3 Mr. Tom Threlkeld, 353 Park Street East, stated this is a preliminary drawing and some
4 square footage may be saved near the deck.

5 Mr. Mullin commented there are several smaller remodeled homes on Park Street with
6 three car garages. It is a thoughtful plan that gets cars off the street, uses the existing footprint of
7 their garage, and improves the conditions of the property and the adjacent landowners. The zoning
8 ordinance pushes the garages to the front of the property in order to meet the requirements and it
9 looks better at the back of the property.

10 Mrs. Thelkeld stated in the early planning phases they had garage up front and attached to
11 the house, but there was no character left for the house. They also had it by the street, but that
12 masked the house from the street.

13 Mrs. Anderson stated they could get closer to meeting the requirement if they had a two
14 car garage and also asked about installing pervious pavers. Mrs. Threlkeld commented it would
15 still not meet the requirement because of the length of the driveway.

16 City Engineer Kelly commented there are no provisions for credits for pervious pavers and
17 they want to give residents the opportunity to be innovative. Staff needs to look at how to allow
18 innovation without allowing a property to become 100 percent hard.

19 Mrs. Anderson commented it also impacts neighbors behind them with the noise and
20 exhaust of having a three car garage.

21 Mr. Willcox asked if there was any feedback from the neighbors. Mr. Thomson stated
22 notices were sent out, but no one came forward.

23 Mr. Tyacke stated it is a thoughtful design, there are other homes in the neighborhood that
24 have three car garages, and he supports the application.

25 Mrs. McCarthy commented it is a small lot, it is too much garage, and without a runoff
26 plan in place, the neighbors will pay the price. She encouraged the applicants to look at a smaller
27 garage and indicated she does not support the application.

28 Mr. Mullin stated support of the application, but encouraged the applicant to address the
29 runoff. He suggested rain barrels or a rain garden to capture some of the water.

30 Mrs. Anderson stated she does not support the application as the garage is oversized for
31 the lot. She suggested the applicant come up with a stormwater management plan.

32 Mr. Willcox commented the garage is okay in size, location, and shape, and it is getting
33 cars off the street and driveway. The Comprehensive Plan does not want garages in front of homes.
34 He stated he supports the variance with the condition that the applicant works with the City
35 Engineer to come up with a practical stormwater management plan.

36 Mr. Mullin made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 19-2016
37 Approving an Impervious Surface Variance at 353 Park Street East, with a condition that the
38 applicant work with City staff to explore practical and reasonable stormwater management
39 initiatives.

40 Mr. Schelzel asked if the applicant needs to get the approval of the City Engineer of the
41 stormwater management plan.

42 Mr. Mullin amended the original motion to include as part of the condition that the
43 applicant have their stormwater management initiative approved by the City Engineer. Mr. Tyacke
44 seconded the amendment. Upon roll call vote, with Mullin, Tyacke, Anderson and Willcox voting
45 yes, and McCarthy voting no, the amended motion carried 4/1.

46
47 **c. Consider Resolution No. 17-2016 in Support of World Expo in 2023**

48 City Manager Dahl reported former Secretary of State Mark Ritchie has been leading an effort for
49 the State of Minnesota to bid to host the 2023 World's Fair. He has asked the City to support his
50 efforts through a Resolution of Support. The website EXPO2023.info explains what is being done
51 and the benefits it will have for the State and the City of Wayzata.

1 Mrs. McCarthy referred to the resolution, fifth paragraph, and advised there is a typo with
2 the word “region” being in there twice.

3 Mr. Willcox advised there is nothing binding on the City with this resolution.

4 Mr. Mullin stated a group of citizens are trying to bring forth a lake festival in the future
5 and this group could join with the World Fair initiative if both become a reality.

6 Mr. Mullin made a motion, seconded by Mr. Tyacke, to adopt Resolution No. 17-2016 in
7 Support of the State of Minnesota’s Bid to Host the 2023 World’s Fair. The motion carried 5/0.

8
9 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

10 **a. Upcoming City Meetings**

- 11 • Bushaway meeting on Thursday, June 16, and is open to the public.
12 • Update on Mill Street Parking Ramp at the July 5 Council meeting.
13 • HRA will provide an update at the July 19 City Council meeting.
14 • Parks and Trails Board will provide an update in August.

15
16 **b. Upcoming City Events**

- 17 • Wayzata Wednesdays will be tomorrow, Wednesday, June 15
18 • 6smith will have Live on the Water on Thursday, June 16, from 3:00 p.m. to 6:00 p.m.
19 • Wayzata Wine Tasting event on Wayzata Bay will be on Thursday, June 24, from 6:30
20 p.m. to 9:30 p.m.
21 • Wayzata Art Experience will be the weekend of June 25.

22
23 City Manager Dahl advised there will be a private fireworks display at the Country Club on Friday,
24 June 17 around 10:00 p.m.

25
26 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

27 There were no comments.

28
29 **AGENDA ITEM 9. Adjournment.**

30 Mrs. Anderson made a motion, seconded by Mrs. McCarthy to adjourn. There being no further
31 business, Mayor Willcox adjourned the meeting at 7:00 p.m.

32
33 Respectfully submitted,

34
35
36
37 Becky Malone
38 Deputy City Clerk

39
40 Drafted by Shannon Schmidt
41 *TimeSaver Off Site Secretarial, Inc.*

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June 2016

			Check Amt	Invoice	Comment
10100 Anchor Bank					
Paid Chk#	102707	6/14/2016	ARTISAN BEER COMPANY		
E 640-47000-253	Beer For Resale		\$794.55	3102782	BEER
E 640-47000-253	Beer For Resale		\$158.75	3104433	BEER
E 640-48000-253	Beer For Resale		\$252.00	3105756	BEER
E 640-48000-253	Beer For Resale		(\$90.00)	348131	BEER
	Total ARTISAN BEER COMPANY		\$1,115.30		
Paid Chk#	102708	6/14/2016	BELLBOY BAR SUPPLY CORP.		
E 640-47000-251	Liquor For Resale		\$665.00	53847400	LIQUOR
E 640-47000-259	Freight		\$14.35	53847400	FREIGHT
E 640-47000-252	Wine For Resale		\$136.00	53847400	WINE
E 640-47000-251	Liquor For Resale		\$168.00	53851500	LIQUOR
E 640-47000-259	Freight		\$4.10	53851500	FREIGHT
E 640-47000-259	Freight		\$7.81	53960800	FREIGHT
E 640-47000-251	Liquor For Resale		\$460.42	53960800	LIQUOR
E 640-47000-210	Operating Supplies (GENERAL)		\$60.07	94012100	SUPPLIES
E 640-47000-210	Operating Supplies (GENERAL)		\$28.53	94056100	SUPPLIES
	Total BELLBOY BAR SUPPLY CORP.		\$1,544.28		
Paid Chk#	102709	6/14/2016	BERNICK'S WINE		
E 640-47000-254	Soft Drinks/Mix For Resale		\$119.90	300133	MISC.BEV.
E 640-47000-253	Beer For Resale		\$244.76	300134	BEER
	Total BERNICK'S WINE		\$364.66		
Paid Chk#	102710	6/14/2016	BOURGET IMPORTS		
E 640-47000-259	Freight		\$3.00	134293	FREIGHT
E 640-47000-252	Wine For Resale		\$224.00	134293	WINE
	Total BOURGET IMPORTS		\$227.00		
Paid Chk#	102711	6/14/2016	BREAKTHRU BEVERAGE		
E 640-47000-252	Wine For Resale		\$672.00	1080476887	WINE
E 640-47000-259	Freight		\$20.30	1080476887	FREIGHT
E 640-47000-252	Wine For Resale		\$7,110.00	1080479180	WINE
E 640-47000-259	Freight		\$69.60	1080479180	FREIGHT
E 640-47000-251	Liquor For Resale		\$5,590.40	1080479181	LIQUOR
E 640-47000-259	Freight		\$53.04	1080479181	FREIGHT
E 640-48000-252	Wine For Resale		\$221.00	1080479351	WINE
E 640-48000-251	Liquor For Resale		\$221.39	1080479351	LIQUOR
E 640-48000-252	Wine For Resale		\$187.25	1080481979	WINE
	Total BREAKTHRU BEVERAGE		\$14,144.98		
Paid Chk#	102712	6/14/2016	BREAKTHRY BEVERAGE BEER		
E 640-48000-253	Beer For Resale		\$665.00	1090568469	BEER
E 640-47000-253	Beer For Resale		\$128.00	1090568570	BEER
E 640-47000-253	Beer For Resale		\$75.30	1090568601	BEER
E 640-47000-253	Beer For Resale		\$3,021.55	1090568602	BEER
E 640-48000-253	Beer For Resale		\$207.00	1090571502	BEER
	Total BREAKTHRY BEVERAGE BEER		\$4,096.85		
Paid Chk#	102713	6/14/2016	CLEAR RIVER BEVERAGE CO.		
E 640-47000-253	Beer For Resale		\$301.00	275594	BEER
	Total CLEAR RIVER BEVERAGE CO.		\$301.00		
Paid Chk#	102714	6/14/2016	COCA-COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$151.36	0178080310	MISC.BEV.
	Total COCA-COLA		\$151.36		

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			Check Amt	Invoice	Comment
Paid Chk# 102715	6/14/2016	COZZINI BROS., INC.			
E 640-48500-415		Other Equipment Rentals	\$118.54	C2743665	KNIFE EXCHANGE
		Total COZZINI BROS., INC.	\$118.54		
Paid Chk# 102716	6/14/2016	DAHLHEIMER DISTRIBUTING CO.			
E 640-48000-253		Beer For Resale	\$190.00	1203707	BEER
E 640-48000-253		Beer For Resale	\$438.00	1203777	BEER
E 640-47000-253		Beer For Resale	\$1,702.15	127129	BEER
		Total DAHLHEIMER DISTRIBUTING CO.	\$2,330.15		
Paid Chk# 102717	6/14/2016	DENNYS 5TH AVENUE BAKERY			
E 640-48500-255		FOODIngredients For Resale	\$120.54	608611	FOOD
E 640-48500-255		FOODIngredients For Resale	\$62.67	611812	FOOD
E 640-48500-255		FOODIngredients For Resale	\$68.00	611983	FOOD
E 640-48500-255		FOODIngredients For Resale	\$135.26	612378	FOOD
E 640-48500-255		FOODIngredients For Resale	\$47.06	612500	FOOD
E 640-48500-255		FOODIngredients For Resale	\$119.85	612815	FOOD
E 640-48500-255		FOODIngredients For Resale	\$65.87	613019	FOOD
E 640-48500-255		FOODIngredients For Resale	\$130.73	613408	FOOD
		Total DENNYS 5TH AVENUE BAKERY	\$749.98		
Paid Chk# 102718	6/14/2016	G & K SERVICES			
E 640-48500-217		Uniforms	\$96.71	1013733963	KITCHEN UNIFORMS & SUPPLIES
E 640-48000-210		Operating Supplies (GENERAL)	\$82.64	1013733963	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210		Operating Supplies (GENERAL)	\$70.14	1013733963	KITCHEN UNIFORMS & SUPPLIES
		Total G & K SERVICES	\$249.49		
Paid Chk# 102719	6/14/2016	GRAPE BEGINNINGS, INC.			
E 640-47000-252		Wine For Resale	\$1,455.98	5279	WINE
E 640-47000-259		Freight	\$20.25	5279	FREIGHT
E 640-47000-252		Wine For Resale	\$936.00	5280	WINE
E 640-47000-259		Freight	\$2.25	5280	FREIGHT
		Total GRAPE BEGINNINGS, INC.	\$2,414.48		
Paid Chk# 102720	6/14/2016	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253		Beer For Resale	\$3,764.85	2524299	BEER
E 640-47000-253		Beer For Resale	\$171.00	2524301	BEER
E 640-48000-253		Beer For Resale	\$711.00	2543072	BEER
E 640-48000-253		Beer For Resale	\$213.80	2543073	BEER
E 640-48000-253		Beer For Resale	\$336.00	2543136	BEER
E 640-48000-253		Beer For Resale	\$59.60	2543137	BEER
		Total JJ TAYLOR DISTRIBUTING OF MN	\$5,256.25		
Paid Chk# 102721	6/14/2016	JOHNSON BROS.-ST.PAUL			
E 640-47000-259		Freight	\$10.98	5453591	FREIGHT
E 640-47000-251		Liquor For Resale	\$1,178.41	5453591	LIQUOR
E 640-47000-252		Wine For Resale	\$6,216.91	5453592	WINE
E 640-47000-259		Freight	\$64.85	5453592	FREIGHT
E 640-47000-259		Freight	\$1.22	5454850	FREIGHT
E 640-47000-251		Liquor For Resale	\$120.00	5454850	LIQUOR
E 640-47000-254		Soft Drinks/Mix For Resale	\$112.00	5454851	MISC.MIX
E 640-47000-259		Freight	\$47.68	5454851	FREIGHT
E 640-47000-252		Wine For Resale	\$1,568.00	5454851	WINE
E 640-47000-251		Liquor For Resale	\$454.32	5454852	LIQUOR
E 640-47000-259		Freight	\$2.65	5454852	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$64.50	5457558	MISC.MIX
E 640-47000-259		Freight	\$2.44	5457558	FREIGHT

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			Check Amt	Invoice	Comment
Total JOHNSON BROS.-ST.PAUL			\$9,843.96		
Paid Chk#	102722	6/14/2016	KARLSBURGER FOODS, INC.		
E 640-48500-255	FOODIngredients For Resale		\$382.80	00410467	FOOD
Total KARLSBURGER FOODS, INC.			\$382.80		
Paid Chk#	102723	6/14/2016	LIBATION PROJECT		
E 640-47000-252	Wine For Resale		\$1,532.00	4412	WINE
E 640-47000-259	Freight		\$18.00	4412	FREIGHT
Total LIBATION PROJECT			\$1,550.00		
Paid Chk#	102724	6/14/2016	LOCHER BROS., INC.		
E 640-48000-253	Beer For Resale		\$165.00	2842	BEER
Total LOCHER BROS., INC.			\$165.00		
Paid Chk#	102725	6/14/2016	LUPINE BREWING COMPANY		
E 640-48000-253	Beer For Resale		\$190.00	806	BEER
Total LUPINE BREWING COMPANY			\$190.00		
Paid Chk#	102726	6/14/2016	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE		\$924.96	217353	CIGARS/CIGARETTES
Total M.AMUNDSON LLP			\$924.96		
Paid Chk#	102727	6/14/2016	MN DEPARTMENT OF HEALTH		
E 640-48000-433	Dues, Licensing & Seminars		\$35.00	DUES-9547	2016 DUES
Total MN DEPARTMENT OF HEALTH			\$35.00		
Paid Chk#	102728	6/14/2016	NETWORK BUSINESS SUPPLIES		
E 640-48500-210	Operating Supplies (GENERAL)		\$612.49	00102735	SUPPLIES
Total NETWORK BUSINESS SUPPLIES			\$612.49		
Paid Chk#	102729	6/14/2016	NEW FRANCE WINE COMPANY		
E 640-47000-252	Wine For Resale		\$1,380.00	110585	WINE
Total NEW FRANCE WINE COMPANY			\$1,380.00		
Paid Chk#	102730	6/14/2016	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale		(\$15.95)	839497	FOOD
E 640-48500-255	FOODIngredients For Resale		\$478.25	839873	FOOD
E 640-48500-255	FOODIngredients For Resale		\$270.30	839974	FOOD
E 640-48500-255	FOODIngredients For Resale		\$7.90	840073	FOOD
E 640-48500-255	FOODIngredients For Resale		\$424.95	840131	FOOD
E 640-48000-253	Beer For Resale		\$5.00	840338	BEER
E 640-48500-255	FOODIngredients For Resale		\$446.10	840338	FOOD
E 640-48000-251	Liquor For Resale		\$26.45	840338	LIQUOR
E 640-48500-255	FOODIngredients For Resale		\$425.05	840456	FOOD
E 640-48000-251	Liquor For Resale		\$52.90	840456	LIQUOR
Total NORTHWESTERN FRUIT COMPANY			\$2,120.95		
Paid Chk#	102731	6/14/2016	PAUSTIS & SONS		
E 640-47000-259	Freight		\$16.25	8549395	FREIGHT
E 640-47000-252	Wine For Resale		\$1,632.53	8549395	WINE
E 640-47000-252	Wine For Resale		\$1,258.41	8550228	WINE
E 640-47000-259	Freight		\$12.50	8550228	FREIGHT
Total PAUSTIS & SONS			\$2,919.69		
Paid Chk#	102732	6/14/2016	PEPSI -COLA		
E 640-47000-254	Soft Drinks/Mix For Resale		\$237.00	53304345	MISC.BEV.
E 640-47000-254	Soft Drinks/Mix For Resale		\$247.50	53304387	MISC.BEV.

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		Check Amt	Invoice	Comment
Total PEPSI -COLA		\$484.50		
Paid Chk#	102733	6/14/2016	PHILLIPS WINES & SPIRITS	
E 640-47000-252	Wine For Resale	(\$450.44)	228535	WINE
E 640-47000-252	Wine For Resale	\$24.00	229598	WINE
E 640-47000-252	Wine For Resale	\$1,056.25	2984793	WINE
E 640-47000-259	Freight	\$19.52	2984793	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,350.50	2984794	LIQUOR
E 640-47000-259	Freight	\$16.47	2984794	FREIGHT
E 640-47000-259	Freight	\$1.22	2984795	FREIGHT
E 640-47000-252	Wine For Resale	(\$73.38)	564130	WINE
Total PHILLIPS WINES & SPIRITS		\$1,944.14		
Paid Chk#	102734	6/14/2016	PLUNKETT S PEST CONTROL	
E 640-48000-409	Maint services & Improv	\$120.41	5434857	SERVICE
Total PLUNKETT S PEST CONTROL		\$120.41		
Paid Chk#	102735	6/14/2016	SHAMROCK GROUP	
E 640-47000-254	Soft Drinks/Mix For Resale	\$41.55	2006406	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$56.60	2007041	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$53.50	2008221	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$72.40	2009526	ICE
Total SHAMROCK GROUP		\$224.05		
Paid Chk#	102736	6/14/2016	SOUTHERN WINE & SPIRITS OF MN	
E 640-47000-251	Liquor For Resale	\$350.75	1413451	LIQUOR
E 640-47000-259	Freight	\$1.07	1413451	FREIGHT
E 640-47000-259	Freight	\$2.67	1413452	FREIGHT
E 640-47000-252	Wine For Resale	\$434.00	1413452	WINE
E 640-47000-259	Freight	\$11.73	1414257	FREIGHT
E 640-47000-251	Liquor For Resale	\$1,627.08	1414257	LIQUOR
E 640-47000-254	Soft Drinks/Mix For Resale	\$162.00	1414258	MISC.MIX
E 640-47000-259	Freight	\$7.68	1414258	FREIGHT
E 640-47000-252	Wine For Resale	\$1,785.93	1414259	WINE
E 640-47000-259	Freight	\$25.71	1414259	FREIGHT
E 640-47000-252	Wine For Resale	(\$210.00)	9079997	WINE
Total SOUTHERN WINE & SPIRITS OF MN		\$4,198.62		
Paid Chk#	102737	6/14/2016	STRATEGIC EQUIPMENT AND	
E 640-48500-210	Operating Supplies (GENERAL)	\$88.69	2646907	SUPPLIES
E 640-48000-341	General Promotions	\$71.60	2646909	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$695.29	2646909	SUPPLIES
E 640-48000-341	General Promotions	\$70.67	2650919	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$575.98	2650919	SUPPLIES
E 640-48000-341	General Promotions	\$60.74	2650996	PROMO SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$12.82	2650996	SUPPLIES
Total STRATEGIC EQUIPMENT AND		\$1,575.79		
Paid Chk#	102738	6/14/2016	SUNBURST CHEMICALS, INC.	
E 640-48000-409	Maint services & Improv	\$350.67	0367449	SUPPLIES
Total SUNBURST CHEMICALS, INC.		\$350.67		
Paid Chk#	102739	6/14/2016	T.D. ANDERSON INC.	
E 640-48000-409	Maint services & Improv	\$115.00	504908	BEER LINES CLEANED
Total T.D. ANDERSON INC.		\$115.00		
Paid Chk#	102740	6/14/2016	THORPE DISTRIBUTING CO.	
E 640-48000-253	Beer For Resale	\$867.00	1090258	BEER

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		Check Amt	Invoice	Comment
E 640-47000-253	Beer For Resale	\$37.50	1092991	BEER
E 640-47000-253	Beer For Resale	\$33.00	1092992	BEER
E 640-48000-253	Beer For Resale	\$160.00	1093255	BEER
E 640-48000-253	Beer For Resale	\$140.00	1093700	BEER
Total THORPE DISTRIBUTING CO.		\$1,237.50		

Paid Chk#	6/14/2016	US FOODS			
E 640-48500-404	Repairs/Maint - Machin/Equip	\$254.23	4401451	TABLE REPAIRS/PARTS	
E 640-48500-210	Operating Supplies (GENERAL)	\$25.20	4468638	SUPPLIES	
E 640-48000-210	Operating Supplies (GENERAL)	\$57.85	4483292	SUPPLIES	
E 640-48500-255	FOODIngredients For Resale	\$2,463.60	4483292	FOOD	
E 640-48000-342	Promotions - Food/Drinks	\$57.80	4483292	PROMO FOOD	
E 640-48000-251	Liquor For Resale	\$84.58	4483292	LIQUOR	
E 640-48000-254	Soft Drinks/Mix For Resale	\$185.78	4483292	MISC.BEV.	
E 640-48500-255	FOODIngredients For Resale	\$285.38	4529026	FOOD	
E 640-48500-255	FOODIngredients For Resale	\$4,584.23	4529028	FOOD	
E 640-48500-210	Operating Supplies (GENERAL)	\$124.06	4529028	SUPPLIES	
E 640-48000-251	Liquor For Resale	\$86.35	4529028	LIQUOR	
E 640-48000-253	Beer For Resale	\$12.30	4529028	BEER	
E 640-48000-254	Soft Drinks/Mix For Resale	\$552.23	4529028	MISC.BEV.	
E 640-48000-342	Promotions - Food/Drinks	\$24.30	4529028	PROMO FOOD	
E 640-48000-251	Liquor For Resale	\$95.48	4561119	LIQUOR	
E 640-48000-254	Soft Drinks/Mix For Resale	\$146.00	4561119	MISC.BEV.	
E 640-48000-342	Promotions - Food/Drinks	\$40.61	4561119	PROMO FOOD	
E 640-48500-255	FOODIngredients For Resale	\$2,501.35	4561119	FOOD	
E 640-48500-255	FOODIngredients For Resale	\$80.22	4576805	FOOD	
E 640-48000-254	Soft Drinks/Mix For Resale	\$257.61	4619171	MISC.BEV.	
E 640-48000-342	Promotions - Food/Drinks	\$25.13	4619171	PROMO FOOD	
E 640-48500-210	Operating Supplies (GENERAL)	\$50.23	4619171	SUPPLIES	
E 640-48500-255	FOODIngredients For Resale	\$3,450.49	4619171	FOOD	
E 640-48000-251	Liquor For Resale	\$98.41	4619171	LIQUOR	
Total US FOODS		\$15,543.42			

Paid Chk#	6/14/2016	VINO COPIA			
E 640-47000-252	Wine For Resale	\$424.00	0152761	WINE	
E 640-47000-259	Freight	\$6.00	0152761	FREIGHT	
E 640-47000-251	Liquor For Resale	\$121.75	0152762	LIQUOR	
E 640-47000-259	Freight	\$1.50	0152762	FREIGHT	
E 640-47000-254	Soft Drinks/Mix For Resale	\$120.00	0152763	MISC.BEV.	
E 640-47000-259	Freight	\$9.00	0152763	FREIGHT	
E 640-47000-251	Liquor For Resale	\$135.00	0153307	LIQUOR	
E 640-47000-259	Freight	\$2.50	0153307	FREIGHT	
Total VINO COPIA		\$819.75			

Paid Chk#	6/14/2016	WAYZATA CHAMBER OF COMMERCE			
E 640-48000-433	Dues, Licensing & Seminars	\$35.00	7289	CHAMBER EVENT TICKET	
Total WAYZATA CHAMBER OF COMMERCE		\$35.00			

Paid Chk#	6/14/2016	WINE COMPANY			
E 640-47000-252	Wine For Resale	\$1,764.00	427288	WINE	
E 640-47000-259	Freight	\$16.50	427288	FREIGHT	
Total WINE COMPANY		\$1,780.50			

Paid Chk#	6/14/2016	WINE MERCHANT			
E 640-47000-252	Wine For Resale	(\$84.00)	708133	WINE	
E 640-48000-252	Wine For Resale	(\$37.00)	708188	WINE	
E 640-47000-259	Freight	\$40.26	7083712	FREIGHT	
E 640-47000-252	Wine For Resale	\$12,498.00	7083712	WINE	

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E 640-48000-252	Wine For Resale		\$1,189.32	7084197	WINE
E 640-47000-252	Wine For Resale		\$5,031.00	7084231	WINE
E 640-47000-259	Freight		\$22.27	7084231	FREIGHT
E 640-48000-252	Wine For Resale		\$460.10	7085004	WINE
Total WINE MERCHANT			\$19,119.95		
Paid Chk#	102746	6/16/2016	AIRTECH		
E 437-40000-404	Repairs/Maint - Machin/Equip		\$240.00	26065	LIBRARY BOILER REPAIRS
Total AIRTECH			\$240.00		
Paid Chk#	102747	6/16/2016	ANCHOR BANK-CARDMEMBER SERV.		
E 640-47000-340	Advertising		\$57.06		STORE MARKETING
E 101-41940-499	Miscellaneous		\$1,289.91		TABLES & CHAIRS FOR BREAKROOM
E 101-41940-499	Miscellaneous		\$87.75		MISC.DISPOSAL FEE
E 101-41910-433	Dues, Licensing & Seminars		\$150.00		CONF.REGISTRATION
E 233-40000-401	Repairs/Maint Buildings		\$590.00		LIFEGUARD SHED
E 101-41500-331	Mileage & Expense Account		\$237.64		MTG.MEALS
E 101-43100-331	Mileage & Expense Account		\$196.98		MTG.MEALS
E 640-47000-499	Miscellaneous		\$29.99		STORE - EMP.ADS
E 630-40000-433	Dues, Licensing & Seminars		\$29.95		MV DUES
Total ANCHOR BANK-CARDMEMBER SERV.			\$2,669.28		
Paid Chk#	102748	6/16/2016	ANDERSON, KIM		
E 101-41910-492	HPB		\$25.92	HPB REIMB.	HPB EXPENSES
Total ANDERSON, KIM			\$25.92		
Paid Chk#	102749	6/16/2016	AT&T MOBILITY		
E 101-41940-321	Telephone		\$249.07	287250190047	CELL PHONE SERVICE
Total AT&T MOBILITY			\$249.07		
Paid Chk#	102750	6/16/2016	BANYON DATA SYSTEMS		
E 101-41500-433	Dues, Licensing & Seminars		\$200.00	00154391	TRAINING
Total BANYON DATA SYSTEMS			\$200.00		
Paid Chk#	102751	6/16/2016	BARCO MUNICIPAL PRODUCTS		
E 610-40000-210	Operating Supplies (GENERAL)		\$197.08	220368	UTILITY MARKING PAINT
E 620-40000-210	Operating Supplies (GENERAL)		\$197.08	220368	UTILITY MARKING PAINT
Total BARCO MUNICIPAL PRODUCTS			\$394.16		
Paid Chk#	102752	6/16/2016	BECKER, GARY		
R 610-00000-37110	W/S/Storm Sales		\$45.68	REFUND	REFUND - OVERPAYMENT ON FINAL UTILITY BILL
Total BECKER, GARY			\$45.68		
Paid Chk#	102753	6/16/2016	BIFFS, INC.		
E 101-45200-415	Other Equipment Rentals		\$62.50	W597842	PARKS SERVICE
Total BIFFS, INC.			\$62.50		
Paid Chk#	102754	6/16/2016	BLUE CROSS AND BLUE SHIELD		
G 101-21706	Health Insurance		\$48,485.50	11006	HEALTH INS.
Total BLUE CROSS AND BLUE SHIELD			\$48,485.50		
Paid Chk#	102755	6/16/2016	CLASSIC CLEANING COMPANY		
E 101-41940-409	Maint services & Improv		\$1,555.00	23789	MONTHLY CLEANING
E 101-41940-409	Maint services & Improv		\$695.00	23790	MONTHLY CLEANING
Total CLASSIC CLEANING COMPANY			\$2,250.00		
Paid Chk#	102756	6/16/2016	COMMERCIAL ASPHALT CO.		
E 430-40000-309	Contractual Services		\$1,018.82	160531	ASPHALT

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Total COMMERCIAL ASPHALT CO.		\$1,018.82		
Paid Chk#	102757 6/16/2016	COPPIN SEWER & WATER		
G 101-20300	Deposits Payable	\$1,019.00	REFUND	ROW PERMIT DEPOSIT REFUND
R 101-00000-34190	Charges for Services/Gen Gov	(\$400.00)	REFUND	STREET DEGRADATION FEE
Total COPPIN SEWER & WATER		\$619.00		
Paid Chk#	102758 6/16/2016	DIAMOND VOGEL PAINTS		
E 101-43100-226	Sign Repair Materials	\$2,726.91	101534160	TRAFFIC MARKING PAINT
E 101-43100-226	Sign Repair Materials	(\$1,487.80)	101535992	TRAFFIC MARKING PAINT
Total DIAMOND VOGEL PAINTS		\$1,239.11		
Paid Chk#	102759 6/16/2016	DON ANTHONY S MULTI SERVICES		
E 233-40000-309	Contractual Services	\$300.00	2016 INSTALL	2016 SWIM BOUYIS INSTALLED
Total DON ANTHONY S MULTI SERVICES		\$300.00		
Paid Chk#	102760 6/16/2016	ECM PUBLISHERS, INC.		
E 670-40000-499	Miscellaneous	\$40.25	313741	SWPPP ANNUAL MTG.NOTICE
Total ECM PUBLISHERS, INC.		\$40.25		
Paid Chk#	102761 6/16/2016	ELECTRIC PUMP, INC.		
E 620-40000-405	Maint/Replac - System	\$312.30	0057950	#8 SEWER LIFT REPAIRS
Total ELECTRIC PUMP, INC.		\$312.30		
Paid Chk#	102762 6/16/2016	EMERGENCY AUTOMOTIVE		
E 101-42100-404	Repairs/Maint - Machin/Equip	\$170.00	24895	SQUAD REPAIRS
Total EMERGENCY AUTOMOTIVE		\$170.00		
Paid Chk#	102763 6/16/2016	FASTENAL		
E 101-43100-241	Safety equip/testings	\$112.68	MNPLY85291	PARTS
E 101-43100-226	Sign Repair Materials	\$136.83	MNPLY85461	PARTS
Total FASTENAL		\$249.51		
Paid Chk#	102764 6/16/2016	FERGUSON WATERWORKS		
E 620-40000-405	Maint/Replac - System	\$865.77	0194678	SEWAGE PUMP REPAIR
E 610-40000-225	Repair & Maint - System	\$70.65	4017886	PARTS
E 610-40000-225	Repair & Maint - System	\$150.03	SC12128	PARTS
Total FERGUSON WATERWORKS		\$1,086.45		
Paid Chk#	102765 6/16/2016	FORCE AMERICA INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$271.81	1056949	PARTS
Total FORCE AMERICA INC.		\$271.81		
Paid Chk#	102766 6/16/2016	FRED HOLASEK & SON, INC.		
E 101-45200-227	Plantings	\$4,347.90	00018339	FLOWERS
E 101-45200-227	Plantings	\$73.50	00018474	FLOWERS
Total FRED HOLASEK & SON, INC.		\$4,421.40		
Paid Chk#	102767 6/16/2016	GARELICK STEEL CO.		
E 101-45200-222	Repair & Maint - Equip	\$473.28	351058	PARTS
Total GARELICK STEEL CO.		\$473.28		
Paid Chk#	102768 6/16/2016	GOLDEN VALLEY TCA A LLC		
G 630-20300	Deposits Payable	\$645.75	CVR REFUND	CVR REFUND
Total GOLDEN VALLEY TCA A LLC		\$645.75		
Paid Chk#	102769 6/16/2016	GOPHER STATE ONE CALL		
E 610-40000-313	Permit Fees/Gopher State	\$203.17	6050794	MONTHLY UTILITY LOCATES
E 620-40000-313	Permit Fees/Gopher State	\$203.18	6050794	MONTHLY UTILITY LOCATES

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Total GOPHER STATE ONE CALL			\$406.35		
Paid Chk#	102770	6/16/2016	GRAFIX SHOPPE		
E 409-42100-550	Vehicles		\$900.00	108161	NEW SQUAD SETUP
Total GRAFIX SHOPPE			\$900.00		
Paid Chk#	102771	6/16/2016	GRAINGER, INC.		
E 101-45200-241	Safety equip/testings		\$84.40	9121833231	PARTS & SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		\$10.54	9121833231	PARTS & SUPPLIES
E 610-40000-225	Repair & Maint - System		\$96.80	9132158933	PARTS & SUPPLIES
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$30.08	9134739136	PARTS & SUPPLIES
Total GRAINGER, INC.			\$221.82		
Paid Chk#	102772	6/16/2016	HAMEL BUILDING CENTER		
E 233-40000-309	Contractual Services		\$166.35	119424	DOCK BOXES - LUMBER
E 233-40000-309	Contractual Services		\$33.27	119468	DOCK BOXES - LUMBER
Total HAMEL BUILDING CENTER			\$199.62		
Paid Chk#	102773	6/16/2016	HAWKINS, INC		
E 610-40000-216	Chemicals and Chem Products		\$641.50	3887425	CHEMICALS
Total HAWKINS, INC			\$641.50		
Paid Chk#	102774	6/16/2016	HENN.CNTY.INFO.TECH.DEPT.		
E 101-43100-323	Radio Units		\$200.00	1000077481	RADIO CONNECTION
E 620-40000-323	Radio Units		\$69.41	1000077481	RADIO CONNECTION
E 101-45200-323	Radio Units		\$200.00	1000077481	RADIO CONNECTION
E 610-40000-323	Radio Units		\$69.41	1000077481	RADIO CONNECTION
E 101-42200-323	Radio Units		\$1,040.01	1000077532	RADIO CONNECTION
E 101-42100-323	Radio Units		\$900.97	1000077533	RADIO CONNECTION
Total HENN.CNTY.INFO.TECH.DEPT.			\$2,479.80		
Paid Chk#	102775	6/16/2016	HUGHES, MARK		
R 610-00000-37110	W/S/Storm Sales		\$50.00	REFUND	OVERPAYMENT ON FINAL UTILITY BILL
Total HUGHES, MARK			\$50.00		
Paid Chk#	102776	6/16/2016	J.H. LARSON COMPANY		
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$30.00	\$101223968.0	SUPPLIES
Total J.H. LARSON COMPANY			\$30.00		
Paid Chk#	102777	6/16/2016	JYLAND CONSTRUCTION		
G 101-20300	Deposits Payable		\$300.00	REFUND	WATER METER/USAGE REFUND
R 610-00000-37120	Water Usage Permits-Other		(\$40.50)	REFUND	WATER METER/USAGE REFUND
Total JYLAND CONSTRUCTION			\$259.50		
Paid Chk#	102778	6/16/2016	KD & COMPANY		
E 404-40000-309	Contractual Services		\$517.30	8793	BOCCE BALL COURTS MATERIAL
Total KD & COMPANY			\$517.30		
Paid Chk#	102779	6/16/2016	KEEPSR		
E 101-42100-217	Uniforms		\$115.14	308544	PD UNIFORMS
Total KEEPSR			\$115.14		
Paid Chk#	102780	6/16/2016	KELLY, MICHAEL JR.		
E 101-43300-331	Mileage & Expense Account		\$4.00	REIMB.	REIMB.FOR PARKING & LICENSE RENEWAL
E 101-43300-433	Dues, Licensing & Seminars		\$122.00	REIMB.	REIMB.FOR PARKING & LICENSE RENEWAL
Total KELLY, MICHAEL JR.			\$126.00		
Paid Chk#	102781	6/16/2016	KLAPPRICH, KURT		
E 101-45200-210	Operating Supplies (GENERAL)		\$15.00	REIMB.	SUPPLIES

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Total KLAPPRICH, KURT		\$15.00		
Paid Chk#	102782	6/16/2016	LOFFLER COMPANIES, INC.	
E 409-40000-540	Equipment	\$1,488.00	2245130	COMPUTERS
E 409-40000-540	Equipment	\$4,172.00	2248509	COMPUTERS
E 409-40000-540	Equipment	\$603.75	CW54097	COMPUTERS
E 409-40000-540	Equipment	\$747.50	CW54147	COMPUTERS
Total LOFFLER COMPANIES, INC.		\$7,011.25		
Paid Chk#	102783	6/16/2016	MADSON, ELISSA	
E 101-41910-492	HPB	\$19.31	HPB REIMB.	HPB SUPPLIES
Total MADSON, ELISSA		\$19.31		
Paid Chk#	102784	6/16/2016	MANSFIELD OIL COMPANY	
E 101-49200-212	Motor Fuels	\$1,567.05	477332	FUEL
Total MANSFIELD OIL COMPANY		\$1,567.05		
Paid Chk#	102785	6/16/2016	MEDIACOM	
E 610-49100-309	Contractual Services	\$12,515.28	838497500000	WTP#2 EQUIPMENT
Total MEDIACOM		\$12,515.28		
Paid Chk#	102786	6/16/2016	METERING & TECHNOLOGY SOLUTION	
G 620-14100	Inventory of Material/Supply	\$1,380.00	6562	WATER METERS
G 610-14100	Inventory of Material/Supply	\$1,380.00	6562	WATER METERS
Total METERING & TECHNOLOGY SOLUTION		\$2,760.00		
Paid Chk#	102787	6/16/2016	MINNESOTA EQUIPMENT	
E 101-45200-222	Repair & Maint - Equip	\$38.14	P44331	PARTS
Total MINNESOTA EQUIPMENT		\$38.14		
Paid Chk#	102788	6/16/2016	MN BATTERY LLC	
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$82.75	16194	BATTERY
Total MN BATTERY LLC		\$82.75		
Paid Chk#	102789	6/16/2016	MN CNTY ATTORNEYS ASSOC.	
E 101-42100-350	Printing & Publishing	\$44.00	200000773	PD FORMS/SUPPLIES
Total MN CNTY ATTORNEYS ASSOC.		\$44.00		
Paid Chk#	102790	6/16/2016	NAPA AUTO PARTS-LONG LAKE	
E 101-42100-404	Repairs/Maint - Machin/Equip	\$15.73	320653	PARTS
Total NAPA AUTO PARTS-LONG LAKE		\$15.73		
Paid Chk#	102791	6/16/2016	NEWMAN TRAFFIC SIGNS	
E 101-43100-226	Sign Repair Materials	\$313.75	0298737	STREET SIGNS
Total NEWMAN TRAFFIC SIGNS		\$313.75		
Paid Chk#	102792	6/16/2016	NITRO GREEN	
E 101-45200-316	Weed Control	\$2,780.00	121060524	CHEMICALS
E 101-45200-316	Weed Control	\$529.80	121060603	CHEMICALS
Total NITRO GREEN		\$3,309.80		
Paid Chk#	102793	6/16/2016	NORTH EMS EDUCATION	
E 101-42100-434	Training and schools	\$150.00	PSA884	PD TRAINING
Total NORTH EMS EDUCATION		\$150.00		
Paid Chk#	102794	6/16/2016	NORTH MEMORIAL HEALTH CARE	
E 101-42100-306	Personnel Expense	\$519.00	102017945	PD SERVICE
Total NORTH MEMORIAL HEALTH CARE		\$519.00		

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Paid Chk#	102795	6/16/2016	NORTHERN TOOL & EQUIPMENT		
E 404-40000-309	Contractual Services		\$319.97	4061038789	BOCCE BALL COURT SUPPLIES
Total NORTHERN TOOL & EQUIPMENT			\$319.97		
Paid Chk#	102796	6/16/2016	OFFICE DEPOT		
E 640-47000-200	Office Supplies (GENERAL)		\$26.54	843254214001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$55.44	843254214001	SUPPLIES
E 101-42100-200	Office Supplies (GENERAL)		\$23.53	843254214001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$16.18	843254293001	SUPPLIES
Total OFFICE DEPOT			\$121.69		
Paid Chk#	102797	6/16/2016	OLSEN COMPANIES		
E 610-40000-242	Well & F.P. Equipment		\$265.63	581227	PARTS
Total OLSEN COMPANIES			\$265.63		
Paid Chk#	102798	6/16/2016	PETERSON, TODD		
E 101-42100-210	Operating Supplies (GENERAL)		\$19.49	REIMB.	MTG.MEALS & SUPPLIES
E 101-42100-331	Mileage & Expense Account		\$11.78	REIMB.	MTG.MEALS & SUPPLIES
Total PETERSON, TODD			\$31.27		
Paid Chk#	102799	6/16/2016	PIRTEK		
E 101-45200-222	Repair & Maint - Equip		\$249.07	S2296764.001	PARTS
Total PIRTEK			\$249.07		
Paid Chk#	102800	6/16/2016	POSHEK WELDING & MFG.		
E 101-43100-226	Sign Repair Materials		\$125.00	6423	STREET SIGN REPAIR
Total POSHEK WELDING & MFG.			\$125.00		
Paid Chk#	102801	6/16/2016	RELENTLESS		
E 101-42100-434	Training and schools		\$115.00	4579	PD TRAINING
Total RELENTLESS			\$115.00		
Paid Chk#	102802	6/16/2016	RUFFRIDGE JOHNSON EQUIPMENT CO		
E 101-43100-240	Small Tools and Minor Equip		\$209.00	IA03657	ASPHALT TOOLS
Total RUFFRIDGE JOHNSON EQUIPMENT CO			\$209.00		
Paid Chk#	102803	6/16/2016	SITEONE LANDSCAPE SUPPLY		
E 101-43100-210	Operating Supplies (GENERAL)		\$88.55	76196997	SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		\$8.69	76210705	SUPPLIES
Total SITEONE LANDSCAPE SUPPLY			\$97.24		
Paid Chk#	102804	6/16/2016	STANTEC CONSULTING SERVICES		
E 610-49100-309	Contractual Services		\$1,625.00	1055532	WTP#4 REHAB
E 610-49100-302	Consultants		\$7,149.96	1055533	WTP#2 REHAB
Total STANTEC CONSULTING SERVICES			\$8,774.96		
Paid Chk#	102805	6/16/2016	STREICHER S		
E 101-42100-217	Uniforms		\$45.97	I1212817	PD UNIFORMS
E 101-42100-210	Operating Supplies (GENERAL)		\$119.96	I1212817	PD SUPPLIES
Total STREICHER S			\$165.93		
Paid Chk#	102806	6/16/2016	TRI-CITY		
E 610-40000-309	Contractual Services		\$52.50	5/1-5/31/16	WATER ANALYSIS
Total TRI-CITY			\$52.50		
Paid Chk#	102807	6/16/2016	UNIFORMS UNLIMITED		
E 101-42200-217	Uniforms		\$84.95	21793-2	FD UNIFORMS
Total UNIFORMS UNLIMITED			\$84.95		

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Paid Chk#	102808	6/16/2016	USA BLUE BOOK		
E	101-43100-241	Safety equip/testings	\$129.48	968696	SAFETY VESTS
E	610-40000-241	Safety equip/testings	\$129.49	968696	SAFETY VESTS
E	620-40000-241	Safety equip/testings	\$129.48	968696	SAFETY VESTS
E	101-45200-241	Safety equip/testings	\$129.48	968696	SAFETY VESTS
	Total	USA BLUE BOOK	\$517.93		
Paid Chk#	102809	6/16/2016	VILLAGE CHEVROLET		
E	101-42100-404	Repairs/Maint - Machin/Equip	\$428.42	731012	PD REPAIRS
	Total	VILLAGE CHEVROLET	\$428.42		
Paid Chk#	102810	6/16/2016	WAYZATA HISTORICAL SOCIETY		
E	101-41910-492	HPB	\$200.00	REIMB.	HISTORICAL TAPING OF OPEN HOUSE
	Total	WAYZATA HISTORICAL SOCIETY	\$200.00		
Paid Chk#	102811	6/16/2016	WM.MUELLER & SONS, INC.		
E	404-40000-309	Contractual Services	\$271.32	213334	BOCCE BALL COURTS
	Total	WM.MUELLER & SONS, INC.	\$271.32		
Paid Chk#	102812	6/16/2016	XCEL ENERGY		
E	101-45203-381	Electric Utilities	\$5,305.61		SERVICE
	Total	XCEL ENERGY	\$5,305.61		
Paid Chk#	102813	6/29/2016	ABSOLUTE MECHANICAL		
E	101-41940-404	Repairs/Maint - Machin/Equip	\$640.00	6664	CITY HALL QUARTERLY MAINT.
	Total	ABSOLUTE MECHANICAL	\$640.00		
Paid Chk#	102814	6/29/2016	ASTECH		
E	430-40000-309	Contractual Services	\$28,804.75	K16-027	CRACKFILLING
	Total	ASTECH	\$28,804.75		
Paid Chk#	102815	6/29/2016	AT&T MOBILITY		
E	101-41940-321	Telephone	\$119.14	287250008232	CELL PHONE SERVICE
	Total	AT&T MOBILITY	\$119.14		
Paid Chk#	102816	6/29/2016	AT&T MOBILITY		
E	101-41940-321	Telephone	\$249.07		CELL PHONE SERVICE
	Total	AT&T MOBILITY	\$249.07		
Paid Chk#	102817	6/29/2016	AVI SYSTEMS, INC.		
E	409-40000-540	Equipment	\$13,002.60	88405096	CABLE STUDIO EQUIPMENT
	Total	AVI SYSTEMS, INC.	\$13,002.60		
Paid Chk#	102818	6/29/2016	BAGY JO, INC.		
E	101-45200-217	Uniforms	\$68.64	16109B	DOCK MASTER CAPS
	Total	BAGY JO, INC.	\$68.64		
Paid Chk#	102819	6/29/2016	BANK OF AMERICA		
E	101-42200-323	Radio Units	\$352.50		FD CELL PHONE ADD ON FOR FIRST RESPONDERS
	Total	BANK OF AMERICA	\$352.50		
Paid Chk#	102820	6/29/2016	BARTON SAND & GRAVEL CO.		
E	404-40000-220	Repair/Maint Supply (GENERAL)	\$434.21	160615	GRAVEL
	Total	BARTON SAND & GRAVEL CO.	\$434.21		
Paid Chk#	102821	6/29/2016	BEST & FLANAGAN		
E	101-41500-304	Legal Fees	\$150.00	458846	PLANNING COMM.MTGS.
E	101-41500-304	Legal Fees	\$2,400.00	458847	CITY COUNCIL MTGS.
E	101-41500-304	Legal Fees	\$112.50	458848	ORDINANCES

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E 101-41500-304	Legal Fees		\$75.00	458849	CHARTER
G 802-20331	AT&T UPGRAD		\$387.00	458850	AT&T UPGRADE ESCROW
E 407-40000-304	Legal Fees		\$112.50	458851	CELL TOWER
E 316-40000-304	Legal Fees		\$187.50	458852	DOWNTOWN PARKING
E 101-41500-304	Legal Fees		\$562.50	458853	BRAD HOYT TAX APPEAL
E 233-40000-304	Legal Fees		\$3,637.50	458854	LAKE EFFECT
G 802-20313	UUCM		\$712.50	458855	UUCM DEV.APP.
E 101-41500-304	Legal Fees		\$42.00	458856	173 HUNTINGTON FINAL PLAT
E 101-41500-304	Legal Fees		\$1,425.00	458857	GENERAL LEGAL
G 802-20332	MEYER BROS DEV.		\$487.50	458858	MEYER BROS.ESCROW PROJECT
E 101-41500-304	Legal Fees		\$150.00	458859	DATA PRACTICE REQUESTS
Total BEST & FLANAGAN			\$10,441.50		
<hr/>					
Paid Chk#	102822	6/29/2016	BRAUN INTERTEC		
E 316-40000-309	Contractual Services		\$5,955.00	B062300	GEOTECHNICAL EVALUATION OF MILL STREET
Total BRAUN INTERTEC			\$5,955.00		
<hr/>					
Paid Chk#	102823	6/29/2016	CASTERJON INC.		
G 101-20300	Deposits Payable		\$1,019.00	REFUND	STREET CUT DEPOSIT REFUND
Total CASTERJON INC.			\$1,019.00		
<hr/>					
Paid Chk#	102824	6/29/2016	CINTAS CORPORATION		
E 640-48500-210	Operating Supplies (GENERAL)		\$60.51	5005282366	FIRST AID SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)		\$103.31	5005282368	FIRST AID SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)		\$78.88	8402763069	FIRST AID SUPPLIES
Total CINTAS CORPORATION			\$242.70		
<hr/>					
Paid Chk#	102825	6/29/2016	CIVICPLUS		
E 101-41500-324	Internet/Web Page		\$995.00	159800	WEBSITE MAINT.FEE
Total CIVICPLUS			\$995.00		
<hr/>					
Paid Chk#	102826	6/29/2016	COMMERCIAL ASPHALT CO.		
E 430-40000-309	Contractual Services		\$490.49	160615	ASPHALT
Total COMMERCIAL ASPHALT CO.			\$490.49		
<hr/>					
Paid Chk#	102827	6/29/2016	DECORATORS SERVICE CO.,INC.		
E 404-40000-309	Contractual Services		\$7,860.00	18580	POST OFFICE PARK BENCHES REFINISHED
Total DECORATORS SERVICE CO.,INC.			\$7,860.00		
<hr/>					
Paid Chk#	102828	6/29/2016	DELTA DENTAL OF MINNESOTA		
G 101-21717	Dental Insurance		\$1,612.95	6533983	DENTAL INS.
Total DELTA DENTAL OF MINNESOTA			\$1,612.95		
<hr/>					
Paid Chk#	102829	6/29/2016	DIVERSIFIED ELECTRIC INC.		
E 620-40000-405	Maint/Replac - System		\$1,960.72	1382	SEWER LIFT #1 REPAIRS
E 610-40000-242	Well & F.P. Equipment		\$612.76	1383	WTP#3 LIGHT REPAIRS
E 620-40000-405	Maint/Replac - System		\$1,003.28	1384	LIFT STATIONS-POWER RELAYS
E 409-40000-540	Equipment		\$10,000.00	1386	200KW GENERATOR
Total DIVERSIFIED ELECTRIC INC.			\$13,576.76		
<hr/>					
Paid Chk#	102830	6/29/2016	EASTMAN, SUZY		
E 101-43100-499	Miscellaneous		\$114.18	REIMB.	INVISIBLE FENCE CUT WHILE DOING STREET REPAIRS
Total EASTMAN, SUZY			\$114.18		
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Paid Chk#	102831	6/29/2016	ECM PUBLISHERS, INC.		
E 101-41500-350	Printing & Publishing		\$51.75	362439	GLEAHAVEN PUBLIC HEARING NOTICE
Total ECM PUBLISHERS, INC.			\$51.75		

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Paid Chk# 102832	6/29/2016	EHLERS			
E 316-40000-309	Contractual Services		\$575.00	70681	DOWNTOWN PARKING
E 101-41500-304	Legal Fees		\$322.50	70682	253-259 LAKE
E 101-41500-304	Legal Fees		\$172.50	70683	GENERAL TIF
	Total EHLERS		\$1,070.00		
Paid Chk# 102833	6/29/2016	ELECTRIC PUMP, INC.			
E 620-40000-225	Repair & Maint - System		\$479.88	0058011	PARTS
	Total ELECTRIC PUMP, INC.		\$479.88		
Paid Chk# 102834	6/29/2016	EMC			
E 101-42200-404	Repairs/Maint - Machin/Equip		\$725.00	48388	FD REPAIRS
	Total EMC		\$725.00		
Paid Chk# 102835	6/29/2016	EMERGENCY AUTOMOTIVE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$1,336.10	24760	PD REPAIRS
E 101-42100-404	Repairs/Maint - Machin/Equip		\$85.00	24887	PD REPAIRS
	Total EMERGENCY AUTOMOTIVE		\$1,421.10		
Paid Chk# 102836	6/29/2016	ESS BROTHERS & SONS INC.			
E 670-40000-409	Maint services & Improv		\$359.00	VV1173	STORMSEWER CASTING
	Total ESS BROTHERS & SONS INC.		\$359.00		
Paid Chk# 102837	6/29/2016	FASTENAL			
E 620-40000-210	Operating Supplies (GENERAL)		\$41.10	MNPLY79622	SUPPLIES
E 610-40000-210	Operating Supplies (GENERAL)		\$42.00	MNPLY79622	SUPPLIES
E 101-43100-210	Operating Supplies (GENERAL)		\$6.80	MNPLY85575	SUPPLIES
	Total FASTENAL		\$89.90		
Paid Chk# 102838	6/29/2016	FINLEY BROS. INC.			
E 404-40000-530	Improvements Other Than Bldgs		\$17,880.00	16-00173	BELL TENNIS COURTS RESURFACED
	Total FINLEY BROS. INC.		\$17,880.00		
Paid Chk# 102839	6/29/2016	FISHER, CHERYL			
E 630-40000-331	Mileage & Expense Account		\$42.12	MILEAGE	MILEAGE - 2ND QTR.2016
	Total FISHER, CHERYL		\$42.12		
Paid Chk# 102840	6/29/2016	GALLS			
E 101-42100-540	Equipment		\$100.33	005520261	SQUAD TOOLS
	Total GALLS		\$100.33		
Paid Chk# 102841	6/29/2016	GENERAL REPAIR SERVICE			
E 610-40000-242	Well & F.P. Equipment		\$1,590.74	60488	WTP#3 PARTS
	Total GENERAL REPAIR SERVICE		\$1,590.74		
Paid Chk# 102842	6/29/2016	GRAINGER, INC.			
E 610-40000-242	Well & F.P. Equipment		\$36.30	9141046822	PARTS
	Total GRAINGER, INC.		\$36.30		
Paid Chk# 102843	6/29/2016	HATZ, KIM			
E 630-40000-331	Mileage & Expense Account		\$126.36	MILEAGE	MILEAGE - 2ND QTR.2016
	Total HATZ, KIM		\$126.36		
Paid Chk# 102844	6/29/2016	HAWKINS, INC			
E 610-40000-216	Chemicals and Chem Products		\$2,095.35	3898206	CHEMICALS
	Total HAWKINS, INC		\$2,095.35		
Paid Chk# 102845	6/29/2016	HEIDER, NICK			
E 630-40000-331	Mileage & Expense Account		\$63.18	MILEAGE	MILEAGE - 2ND QTR.2016

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Total HEIDER, NICK			\$63.18		
Paid Chk#	102846	6/29/2016	HENNEPIN COUNTY PROPERTY SERV		
E 437-40000-401	Repairs/Maint Buildings		\$8,426.00	1000077914	LIBRARY LIGHTING UPGRADES
otal HENNEPIN COUNTY PROPERTY SERV			\$8,426.00		
Paid Chk#	102847	6/29/2016	HGA		
E 316-40000-309	Contractual Services		\$41,552.31	169961	PARKING RAMP
Total HGA			\$41,552.31		
Paid Chk#	102848	6/29/2016	HOME DEPOT		
E 610-40000-242	Well & F.P. Equipment		\$160.97		PARTS
E 101-45200-227	Plantings		\$333.26		PLANTINGS
E 404-40000-530	Improvements Other Than Bldgs		\$1,474.46		BOCCE BALL COURT
E 233-40000-210	Operating Supplies (GENERAL)		\$2,159.13		DOCK BOXES
Total HOME DEPOT			\$4,127.82		
Paid Chk#	102849	6/29/2016	JONES, REBECCA		
E 610-40000-499	Miscellaneous		\$23.68	REIMB.	SUPPLIES
Total JONES, REBECCA			\$23.68		
Paid Chk#	102850	6/29/2016	KD & COMPANY		
E 404-40000-530	Improvements Other Than Bldgs		\$215.93	8912	BOCCE BALL COURTS
Total KD & COMPANY			\$215.93		
Paid Chk#	102851	6/29/2016	KEEPRS		
E 101-42100-217	Uniforms		\$1,062.50	308005	PD UNIFORMS
Total KEEPRS			\$1,062.50		
Paid Chk#	102852	6/29/2016	LAMBERT, JEFFREY W.		
E 101-42120-304	Legal Fees		\$3,216.00	JUNE 2016	LEGAL SERVICES
Total LAMBERT, JEFFREY W.			\$3,216.00		
Paid Chk#	102853	6/29/2016	LAW ENFORCEMENT LABOR SERVICES		
G 101-21707	Police union dues		\$490.00	JUNE 2016	PD UNION DUES - JUNE 2016
al LAW ENFORCEMENT LABOR SERVICES			\$490.00		
Paid Chk#	102854	6/29/2016	LAW ENFORCEMENT TECHNOLOGY		
E 101-42100-309	Contractual Services		\$3,720.00	15432	PD SUPPORT/MAINT.
Total LAW ENFORCEMENT TECHNOLOGY			\$3,720.00		
Paid Chk#	102855	6/29/2016	LIFE SUPPORT INNOVATIONS LLC		
E 233-40000-220	Repair/Maint Supply (GENERAL)		\$285.91	1261	BEACH SHED AED
E 233-40000-220	Repair/Maint Supply (GENERAL)		\$109.42	1264	BEACH SHED AED
Total LIFE SUPPORT INNOVATIONS LLC			\$395.33		
Paid Chk#	102856	6/29/2016	LIND, JODI		
E 630-40000-331	Mileage & Expense Account		\$35.10	MILEAGE	MILEAGE - 2ND QTR.2016
Total LIND, JODI			\$35.10		
Paid Chk#	102857	6/29/2016	MAGNEY CONSTRUCTION		
E 610-49100-309	Contractual Services		\$248,871.50	2	WTP#2
Total MAGNEY CONSTRUCTION			\$248,871.50		
Paid Chk#	102858	6/29/2016	MANSFIELD OIL COMPANY		
E 101-49200-212	Motor Fuels		\$1,094.99	505403	FUEL
E 101-49200-212	Motor Fuels		\$270.15	523821	FUEL
E 101-49200-212	Motor Fuels		\$716.32	523833	FUEL
E 101-49200-212	Motor Fuels		\$856.81	524684	FUEL

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Total MANSFIELD OIL COMPANY			\$2,938.27		
Paid Chk#	102859	6/29/2016	MCCARTHY, LYNN		
E 101-41100-493	Volunteer program		\$276.51	REIMB.	VOLUNTEER COMMITTEE EXPENSES
Total MCCARTHY, LYNN			\$276.51		
Paid Chk#	102860	6/29/2016	MCCARTHY, TIMOTHY		
E 101-42100-331	Mileage & Expense Account		\$78.96	REIMB.	MILEAGE & MEAL
Total MCCARTHY, TIMOTHY			\$78.96		
Paid Chk#	102861	6/29/2016	MEDIACOM		
E 610-49100-309	Contractual Services		\$1,620.00		WTP#2 EQUIPMENT
Total MEDIACOM			\$1,620.00		
Paid Chk#	102862	6/29/2016	METERING & TECHNOLOGY SOLUTION		
G 620-14100	Inventory of Material/Supply		\$366.94	6639	WATER METERS
G 610-14100	Inventory of Material/Supply		\$366.94	6639	WATER METERS
Total METERING & TECHNOLOGY SOLUTION			\$733.88		
Paid Chk#	102863	6/29/2016	METRO SALES INC.		
E 101-42100-200	Office Supplies (GENERAL)		\$114.50	INV555855	PD SUPPLIES
Total METRO SALES INC.			\$114.50		
Paid Chk#	102864	6/29/2016	MILLER, FRED		
E 235-40000-302	Consultants		\$1,600.00	131	WCTV
Total MILLER, FRED			\$1,600.00		
Paid Chk#	102865	6/29/2016	MINNEAPOLIS, CITY OF		
E 101-49200-365	Workers Comp Ins		\$837.12	J.WILSON	J.WILSON W/C
Total MINNEAPOLIS, CITY OF			\$837.12		
Paid Chk#	102866	6/29/2016	MINNESOTA REAL ESTATE JOURNAL		
E 101-41500-433	Dues, Licensing & Seminars		\$85.00	0113150	SUBSCRIPTION RENEWAL
Total MINNESOTA REAL ESTATE JOURNAL			\$85.00		
Paid Chk#	102867	6/29/2016	MN CHILD SUPPORT PAYMENT CENTE		
G 101-21710	County WH		\$235.00	0015104841	WITHHOLDING ORDER
Total MN CHILD SUPPORT PAYMENT CENTE			\$235.00		
Paid Chk#	102868	6/29/2016	MN NCPERS LIFE INSURANCE		
G 101-21715	PERA Term Life		\$48.00	JULY 2016	LIFE INSURANCE JULY 2016
Total MN NCPERS LIFE INSURANCE			\$48.00		
Paid Chk#	102869	6/29/2016	MORRIE S MINNETONKA FORD		
E 101-45200-222	Repair & Maint - Equip		\$90.07	542225	WATER TRUCK BRAKES
Total MORRIE S MINNETONKA FORD			\$90.07		
Paid Chk#	102870	6/29/2016	NAPA AUTO PARTS-WATERTOWN		
E 101-45200-222	Repair & Maint - Equip		\$113.26	460068	PARTS
E 101-45200-222	Repair & Maint - Equip		\$231.00	460075	PARTS
Total NAPA AUTO PARTS-WATERTOWN			\$344.26		
Paid Chk#	102871	6/29/2016	NEWMAN TRAFFIC SIGNS		
E 101-43100-226	Sign Repair Materials		\$86.86	0299202	STREET SIGNS
Total NEWMAN TRAFFIC SIGNS			\$86.86		
Paid Chk#	102872	6/29/2016	NITRO GREEN		
E 101-45200-316	Weed Control		\$309.50	121060615	TREE & SCHRUB FERTILIZING
Total NITRO GREEN			\$309.50		

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Paid Chk#	102873	6/29/2016	NORDQUIST SIGN COMPANY, INC.		
E	233-40000-309	Contractual Services	\$3,050.50	17074	WAYFINDING SIGNS
	Total	NORDQUIST SIGN COMPANY, INC.	\$3,050.50		
Paid Chk#	102874	6/29/2016	OVSHAK, KATHY		
E	101-41500-331	Mileage & Expense Account	\$65.34	MILEAGE	MILEAGE - 2ND QTR.2016
	Total	OVSHAK, KATHY	\$65.34		
Paid Chk#	102875	6/29/2016	PHOTO KING		
E	101-41100-493	Volunteer program	\$26.56	532626	VOLUNTEER PHOTOS
	Total	PHOTO KING	\$26.56		
Paid Chk#	102876	6/29/2016	POPP TELECOM		
E	640-48000-321	Telephone	\$100.00		SERVICE
E	101-42100-309	Contractual Services	\$33.47		SERVICE
E	610-40000-323	Radio Units	\$90.22		SERVICE
E	101-41940-321	Telephone	\$313.27		SERVICE
E	640-47000-321	Telephone	\$100.00		SERVICE
E	620-40000-323	Radio Units	\$32.92		SERVICE
	Total	POPP TELECOM	\$669.88		
Paid Chk#	102877	6/29/2016	POSPAPER.COM		
E	101-42100-210	Operating Supplies (GENERAL)	\$104.85	33783	PD SUPPLIES
	Total	POSPAPER.COM	\$104.85		
Paid Chk#	102878	6/29/2016	PRAIRIE RESTORATIONS, INC.		
E	101-45200-309	Contractual Services	\$780.00	1477	ROADMASTER COTTAGE, MILL STREET HILL & CITY HALL HILL
	Total	PRAIRIE RESTORATIONS, INC.	\$780.00		
Paid Chk#	102879	6/29/2016	RANDY S SANITATION		
E	650-47600-309	Contractual Services	\$3,910.68		RECYCLING
E	640-47000-384	Refuse/Garbage Disposal	\$150.00		STORE
E	650-47800-384	Refuse/Garbage Disposal	\$6,479.48		ORGANICS
E	650-47800-386	Other Utilities	\$53.25		ORGANICS DISPOSAL
E	101-41940-386	Other Utilities	\$66.96		CH & PW SERVICE
E	650-47500-386	Other Utilities	\$5,160.10		DISPOSAL
E	650-47500-384	Refuse/Garbage Disposal	\$947.45		DRIVEUP
E	650-47500-384	Refuse/Garbage Disposal	\$1,414.74		KARTS
E	650-47500-384	Refuse/Garbage Disposal	\$68.90		STICKERS
E	650-47500-384	Refuse/Garbage Disposal	\$8,626.93		LABOR
E	640-48000-384	Refuse/Garbage Disposal	\$437.97		BAR
	Total	RANDY S SANITATION	\$27,316.46		
Paid Chk#	102880	6/29/2016	SHORT ELLIOTT HENDRICKSON INC.		
G	802-20331	AT&T UPGRAD	\$2,328.89	316692	AT&T UPGRADE ESCROW PROJECT
G	802-20330	VERIZON UPGRADE	\$2,396.04	316692	VERIZON UPGRADE ESCROW
	Total	SHORT ELLIOTT HENDRICKSON INC.	\$4,724.93		
Paid Chk#	102881	6/29/2016	SITONE LANDSCAPE SUPPLY		
E	101-45200-210	Operating Supplies (GENERAL)	\$60.04	76361588	SUPPLIES
E	101-45200-216	Chemicals and Chem Products	\$156.00	76361588	CHEMICALS
	Total	SITONE LANDSCAPE SUPPLY	\$216.04		
Paid Chk#	102882	6/29/2016	SOUTHWEST ASSESSING		
E	101-41550-302	Consultants	\$8,066.66	JUNE & JULY	ASSESSING SERVICES FOR JUNE & JULY 2016
E	101-41550-210	Operating Supplies (GENERAL)	\$29.21	JUNE & JULY	ASSESSING SERVICES FOR JUNE & JULY 2016
	Total	SOUTHWEST ASSESSING	\$8,095.87		

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Paid Chk# 102883	6/29/2016	SPRINT			
E 101-42100-323	Radio Units		\$8.83	134573312-17	PD SERVICE
		Total SPRINT	\$8.83		
Paid Chk# 102884	6/29/2016	SPRINT			
E 101-42200-323	Radio Units		\$283.75	523093316-17	FD SERVICE
		Total SPRINT	\$283.75		
Paid Chk# 102885	6/29/2016	SRF CONSULTING GROUP, INC.			
E 408-40000-302	Consultants		\$10,414.32	08758.00-13	PEAVEY BRIDGE
E 430-40000-302	Consultants		\$337.96	09105.00-2	WAYZ.BLVD & SUPERIOR
		Total SRF CONSULTING GROUP, INC.	\$10,752.28		
Paid Chk# 102886	6/29/2016	STEPP MANUFACTURING CO., INC.			
E 101-43100-210	Operating Supplies (GENERAL)		\$23.00	50379	SUPPLIES
		Total STEPP MANUFACTURING CO., INC.	\$23.00		
Paid Chk# 102887	6/29/2016	STONEBROOKE			
E 101-45200-222	Repair & Maint - Equip		\$269.50	38769	RE-ISSUE DUE TO LOST CHECK #102013
		Total STONEBROOKE	\$269.50		
Paid Chk# 102888	6/29/2016	STREICHER S			
E 101-42100-217	Uniforms		\$14.98	I1214228	PD UNIFORMS
E 101-42100-217	Uniforms		\$10.99	I1214229	PD UNIFORMS
		Total STREICHER S	\$25.97		
Paid Chk# 102889	6/29/2016	TASER INTERNATIONAL			
E 101-42100-210	Operating Supplies (GENERAL)		\$870.96	SI1441824	PD SUPPLIES
		Total TASER INTERNATIONAL	\$870.96		
Paid Chk# 102890	6/29/2016	THERMA-STOR			
E 610-49100-540	Equipment		\$3,547.50	2825052	WTP#2 REHAB/EQUIPMENT
		Total THERMA-STOR	\$3,547.50		
Paid Chk# 102891	6/29/2016	TIME SAVER			
E 101-41100-302	Consultants		\$136.00	M22201	MTG.MINUTES
		Total TIME SAVER	\$136.00		
Paid Chk# 102892	6/29/2016	TRI-K SERVICES			
E 101-43100-229	Dirt, Sand and gravel		\$20.00	6/7/16	DIRT
		Total TRI-K SERVICES	\$20.00		
Paid Chk# 102893	6/29/2016	ULINE			
E 101-43100-226	Sign Repair Materials		\$96.52	78012580	NO PARKING SIGN BAGS
		Total ULINE	\$96.52		
Paid Chk# 102894	6/29/2016	UNIFORMS UNLIMITED			
E 101-42100-217	Uniforms		\$10.99	24035-2	PD UNIFORMS
		Total UNIFORMS UNLIMITED	\$10.99		
Paid Chk# 102895	6/29/2016	VAN PAPER COMPANY			
E 101-41500-200	Office Supplies (GENERAL)		\$328.05	390705-00	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$194.40	390705-01	SUPPLIES
		Total VAN PAPER COMPANY	\$522.45		
Paid Chk# 102896	6/29/2016	VERIZON WIRELESS			
E 101-42100-323	Radio Units		\$200.05	9766943080	PD SERVICE
		Total VERIZON WIRELESS	\$200.05		

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Paid Chk#	102897	6/29/2016	WARNING LITES		
E 101-43100-226	Sign Repair Materials		\$1,325.00	156952	STREET STRIPE MARKING SUPPLIES
E 101-43100-415	Other Equipment Rentals		\$539.40	157143	DETOUR SIGNS
Total WARNING LITES			\$1,864.40		
Paid Chk#	102898	6/29/2016	WESTSIDE WHOLESALE TIRE		
E 101-43100-404	Repairs/Maint - Machin/Equip		\$184.00	769428	ROLLER TRAILER TIRES
Total WESTSIDE WHOLESALE TIRE			\$184.00		
Paid Chk#	102899	6/29/2016	WILLIAMS, TRAVIS		
E 101-45200-240	Small Tools and Minor Equip		\$50.34	REIMB.	PARKS TOOLS
Total WILLIAMS, TRAVIS			\$50.34		
Paid Chk#	102900	6/29/2016	WSB & ASSOCIATES		
E 430-40000-302	Consultants		\$1,092.00	4-01204-470	2016 STREET IMPROVEMENTS
Total WSB & ASSOCIATES			\$1,092.00		
Paid Chk#	102901	6/29/2016	ZARNOTH BRUSH WORKS, INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)		\$668.00	0160572	SUPPLIES
Total ZARNOTH BRUSH WORKS, INC.			\$668.00		
10100 Anchor Bank			\$717,172.41		

Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$119,429.23
233 LAKFRONT IMPROVE	\$10,332.08
235 CABLE TV	\$1,600.00
316 BAY CENTER	\$48,269.81
404 PARK AND TRAIL CIP	\$28,973.19
407 CELL TOWER	\$112.50
408 GENERAL CIP	\$10,414.32
409 EQUIP REVOLVING	\$30,913.85
430 STREET CIP	\$31,744.02
437 LIBRARY/COMM.ROOM CIP	\$8,666.00
610 WATER FUND	\$283,659.64
620 SEWER FUND	\$7,042.06
630 MOTOR VEHICLE	\$942.46
640 LIQUOR	\$101,700.54
650 SOLID WASTE	\$26,661.53
670 STORMWATER	\$399.25
802 ESCROW PROJECTS	\$6,311.93
	<u>\$717,172.41</u>

7/5/2016

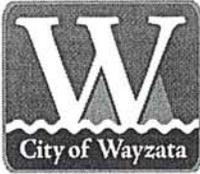
THE FOLLOWING 2016 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

Special Event/Itinerant Food License Wayzata BrewWorks "Brew Night" on 6/24 & 6/25	
Finer Meats	Minneapolis, MN
Special Event/Itinerant Food License Wayzata BrewWorks "Brew Night" on 6/26	
Habanero Tacos	Minneapolis, MN
Special Event/Itinerant Food License Wayzata Art Experience on 6/25 & 6/26	
Giannis Steakhouse	Wayzata, MN
Green & the Grain	Minneapolis, MN
Ms. Beehaven's Brittle	Stillwater, MN
Special Event/Itinerant Food License Wayzata Legion Post 118 Best Ribs on July 24, 2016	
Wayzata Legion Post 118	Wayzata, MN
Special Event/Itinerant Food License Children of the American Revolution at Wayzata Depot on July 4, 2016	
Chris Cakes	Pocahontas, IA
2016 Tree Removal & Treatment License	
Midwest Turf & Landscape, Inc	Wayzata, MN
2016 Gas Fitter's License	
Walter Mechanical, Inc	Burnsville, MN
2016 Food Truck License	
McCormick's Beachside	Wayzata, MN

**2016 MUNICIPAL LICENSES
FOR CITY COUNCIL APPROVAL ON 07/05/2016**

(Recommended for approval, pending staff review for completeness of application materials.)

ONE (1) DAY Temporary On-Sale Liquor License on July 24, 2016, for "Rib Fest" in the parking lot at the Wayzata American Legion, 949 Wayzata Blvd. E.	
Wayzata American Legion #118	Wayzata, MN



APPLICATION FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

RECEIVED

JUN 15 2016

CITY OF WAYZATA

NAME OF ORGANIZATION: American Legion Post 118

DATE(S) OF EVENT: July 24th 2016 START TIME: 2 pm STOP TIME: 6 pm

NAME OF EVENT: Rib Fest

DESCRIPTION OF EVENT: Rib Cookoff

NAME OF LOCATION WHERE EVENT WILL BE HELD: American Legion Post 118

ADDRESS WHERE EVENT WILL BE HELD: 949 E. Wayzata Blvd.

NAME OF PERSON IN CHARGE AT EVENT: Paul Carlson - Jim Lynch

TELEPHONE NUMBER OF PERSON IN CHARGE AT EVENT: 952-473-7678

WHAT DO YOU PLAN TO CONSUME: All mentioned
(BEER, WINE, OR INTOXICATING LIQUOR)

DO YOU PLAN TO PROVIDE THE LIQUOR? NO, GUESTS WILL PROVIDE THEIR OWN LIQUOR
 YES

A CERTIFICATE OF LIQUOR LIABILITY INSURANCE COVERAGE MUST BE ATTACHED. COVERAGE FOR THE ACTUAL EVENT LOCATION AND EXACT DATES OF THE EVENT MUST BE SHOWN. IS IT ATTACHED? YES

LOCATION LICENSE/PERMIT WILL BE USED. IF AN OUTDOOR AREA, DESCRIBE:
see attachment

PLEASE ATTACH A MAP AND/OR DRAWINGS WHICH ILLUSTRATE YOUR LOCATION AT THE EVENT INCLUDING LOCATION OF TABLES, LOCATION OR BAR, ILLUSTRATION OF CONTROL MEASURES, ETC.

ARE MAP/DRAWINGS ATTACHED? YES

explain what you are using

SIGNATURE OF APPLICANT: *Paul T Carlson* DATE: 6/10/16

PRINT NAME: Paul T Carlson

CITY FEE AMOUNT: \$25.00 DATE FEE PAID: 6/15/16 RECEIPT # 34288

POLICE CHIEF SIGNATURE: *[Signature]* DATE SIGNED: 6/15/16

APPROVED BY WAYZATA CITY COUNCIL ON: _____

DEPUTY CITY CLERK SIGNATURE: _____ DATE SIGNED: _____



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

RECEIVED

JUN 15 2016

CITY OF WAYZATA

Name of organization: American Legion Post 118 Date organized: 7/24/16 Tax exempt number: 8500991

Address: 949 E. Wayzata Blvd City: Wayzata State: Minnesota Zip Code: 55391

Name of person making application: Paul Carlson Business phone: 952-473-7678 Home phone: [Redacted]

Date(s) of event: July 24th 2016 Type of organization: Club Charitable Religious Other non-profit

Organization officer's name: Jim Lynch City: Wayzata State: Minnesota Zip Code: 55391

Organization officer's name: Paul Carlson City: Wayzata State: Minnesota Zip Code: 55391

Organization officer's name: [Blank] City: [Blank] State: Minnesota Zip Code: [Blank]

Organization officer's name: [Blank] City: [Blank] State: Minnesota Zip Code: [Blank]

Location where permit will be used. If an outdoor area, describe.
Parking lot of American Legion Post 118

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
N/A

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
[Redacted]

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of Wayzata
 City or County approving the license

\$ 25.00
 Fee Amount

06-15-2016
 Date Fee Paid

 Date Approved

 Permit Date

 City or County E-mail Address

 City or County Phone Number

Signature City Clerk or County Official

Approved Director Alcohol and Gambling Enforcement

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US

Parameter Fence

Garbage/
no parking

bbq team

bbq team

bbq team

bbq team

bbq team

Band area

Contestant area

bbq team

bbq team

Beer Tent

Tickets

Customer dining tent

Awning

Entrance/Exit

Boundary snow fencing

Public Parking

Wayzata
Legion main
building

Parameter Fence

Parameter Fence

LEGION PARKING LOT

RESOLUTION NO. 24-2016
RESOLUTION APPOINTING ELECTION JUDGES FOR 2016 ELECTIONS

WHEREAS, in accordance with Minnesota Statutes 204B.21, the governing body of the municipality shall appoint election judges for precincts in that municipality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the City Council of Wayzata approves the appointment of the following election judges who are eligible to serve as election judges for the voting precinct in the City of Wayzata for the 2016 elections (primary and general), and authorizes the Deputy City Clerk to make any substitutions or additions of election judges as necessary.

Babcock	Merrily
Bashioum	Lindsay
Bergerson	David
Bond	Andy
Cole	Sarah Jane
Coleman	Mary
Creed	Anne
Danner	Carol
Dease	Judy
Gharrity	Kim
Hanson	Donna
Hoffman	Marlys
Hoffman	Virgil
Holst	Brian
Howe	Kent
Ice – Head Judge	Pete
Jarosh	Lisa

Kaufman	Julie
Majka	Kym
Malmberg	Joel
McGowan	Sharon
Mielke	Doris
Papa	Joel
Rasmussen	Sherry
Rye	George
Schuck	Judy
Schwalbe	Bonita
Sleeper	Brad
Sleeper	Lynda
Starkey	Judith
Truax	Joy
Williams	Mary
Wilson	Gayle
Johnson	Susan

Adopted by the Wayzata City Council this 5th day of July, 2016.

Kenneth Willcox, Mayor

Attest: _____
Jeffrey Dahl, City Manager

CERTIFICATION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

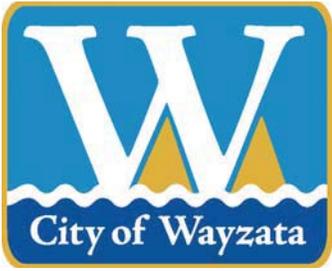
Absent:

Resolution:

I hereby certify that the attached and foregoing resolution is a true and correct copy of the Resolution Appointing Election Judges for the 2016 Elections duly adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 5, 2016.

Becky Malone, Deputy City Clerk

SEAL



City of Wayzata Public Works
299 Wayzata Blvd. W
Wayzata, MN 55391

Director of Public Service
David Dudinsky

City Engineer/Asst. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

To: City Council
From: Public Works Department
Date: June 20, 2016
Re: Speed Hump Implementation – East Neighborhood

At the June 14, 2016 workshop, the Council provided input on speed humps in the East neighborhood, based on the comments provided by residents. The comments were consistent between the Council members and, in general, the Council favored the installation of speed humps within the East Neighborhood.

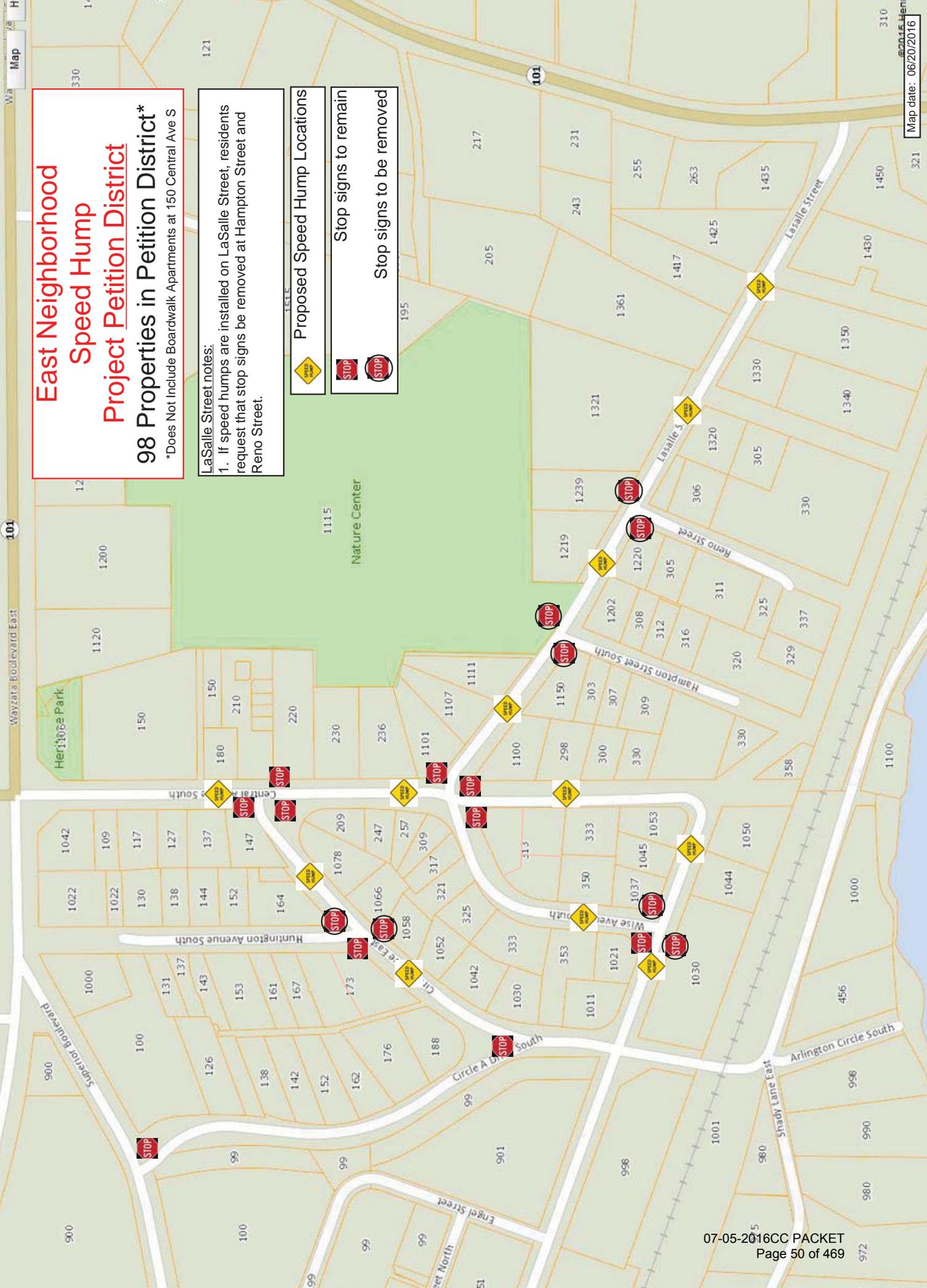
The Council asked staff to prepare a speed hump implementation plan for the Council to consider at the July 5, 2016 meeting. Attached, please find staff's recommended speed hump installation plan, based on both resident and Council input.

The plan includes the installation of speed humps on Lake Street East, Wise Avenue, Central Avenue South, LaSalle Street, and Circle Drive E, and includes the following:

1. Two (2) speed humps on Lake Street E
2. Removal of stop signs on Lake Street E, at Wise Ave.
3. The addition of a speed hump between Hampton Street and Reno Street.
4. Removal of the stop signs on LaSalle Street at Hampton Street and Reno Street.
5. Inclusion of a speed hump on Central Ave S, north of Circle Drive E.
6. Removal of stop signs on Circle Drive E at Huntington Ave.

Public Works will implement installation of the speed humps in late-July.

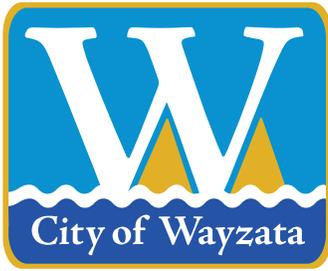
Staff recommends approval of the installation of speed humps in the East Neighborhood, as depicted on the attached map.



**East Neighborhood
Speed Hump
Project Petition District**
98 Properties in Petition District*
*Does Not Include Boardwalk Apartments at 150 Central Ave S

LaSalle Street notes:
1. If speed humps are installed on LaSalle Street, residents request that stop signs be removed at Hampton Street and Reno Street.

- Proposed Speed Hump Locations**
- Stop signs to remain
 - Stop signs to be removed



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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

DATE: June 29, 2016

TO: Mayor Willcox and Councilmembers

FROM: Jeffrey Dahl, City Manager

SUBJECT: Consider Approval of Assessment Service Agreement with Hennepin County for Commercial Properties

Background

In late 2013, the City Council approved a commercial assessing agreement with Hennepin County to provide assessing services for commercial properties within the community as the former assessor Dan Distel scaled down his business. That agreement expires at the end of 2016. As such, Hennepin County has requested extension of the arrangement until 2020

Analysis

The Hennepin County Assessing department provides quality professional services as described in the attached brochure. In addition, there is value in having consistency with this kind of service.

Hennepin County's estimated baseline cost for 2017 is \$14,000, which is consistent with the budgeted and actual costs in previous years. They do charge an additional amount for new construction as well. Every year, they will inspect 20% of existing properties and all new construction.

Please note that the recently approved new residential assessor has indicated preference not to provide commercial assessing services.

Recommendation

Staff recommends approval of the agreement with Hennepin County to provide commercial assessing services.

City Council Action Requested

Motion to approve the attached Assessment Services Agreement between the City of Wayzata and Hennepin County between 2017 and 2020.



HENNEPIN COUNTY

ASSESSORS OFFICE

June 1, 2016

At a Glance

Learn why the Hennepin County Assessor's Office should be your choice for your assessing needs.

Our mission is to value and classify property, uniformly and accurately.

Why Hennepin County?

- Customer Service
- Uniformity & Accuracy
- Trust & Transparency
- Resources & Tools
- Experience & Expertise
- Professional Staff

Customer Service

Customer service is an important core value of Hennepin County and is an integral part of the Hennepin County Assessor's practical vision and office values.

- We are committed to having professional employees that are equipped with the training and skills needed to effectively educate and serve our stakeholders.
- We strive for open communication with stakeholders for an effective partnership.
- We engage and respond to customers with care in all situations.
- We achieve excellence in valuation and classification at a reasonable cost.

Assessment Uniformity and Accuracy

Our informed staff are knowledgeable of regional and local markets, rather than just one city.

Trust and Transparency

We are committed to establishing a culture of trust and transparency by enforcing:

- Clear expectations for measurable success
- High level of assessment standards and professional conduct
- Required IT security training
- A commitment by staff to the function of valuing and classifying property for Hennepin County

Resources and Tools

- Our staff has access to tools such as Pictometry, Marshall & Swift, RecordEase, GIS and licensed valuation publications.
- We use Open Book resources and options including a 'regional' Open Book with multiple locations and times.
- Our data is digitized and secure.
- We have direct access to legal counsel.



HENNEPIN COUNTY

ASSESSOR'S OFFICE

Experience & Expertise

Our team consists of 50 plus staff that collectively has hundreds of years of service and experience in the assessing profession. This does not include additional years of fee appraisal, construction, property management and other real estate experience. In addition, all of our staff receive professional education and continuing assessment training. We have 38 team members with assessment designations through the Minnesota State Board of Assessors, 19 of which are Senior Accredited Minnesota Assessors, the highest level of accreditation given by the State Board of Assessors.

Our staff:

- Includes experts specializing in homesteads, exemptions, Veteran's Exclusions, Open Space, Green Acres, Local Board of Appeal and Equalization and tax court appeals
- Is qualified to appraise all property in Hennepin County
- Is specialized in dealing with executive homes, lakeshore and agricultural properties
- Has valuation modeling & statistical analysis experts
- Has direct access to IT/technical experts, legal experts, real estate tax experts, project managers, trainers and business analysts

Professional Staff

Our team consists of well-networked, well educated staff who have connections and resources with colleagues not only in the profession of assessing, but also with other county resources such as IT, project management, training and education. In addition:

- Many of our staff members are active in professional organizations, giving them better access to education and training resources, networking and a larger influence in guiding related state wide policies.
- You can have confidence and trust in staff that undergo background checks, driver's license validations and data security training.
- We engage our staff by offering fair compensation, good benefits, opportunities for growth and an inviting culture.
- We ensure stability and continuity of staff through mentoring and knowledge transfer.
- We do not use sub-contractors for appraisal staff.

AGREEMENT

THIS AGREEMENT, Made and entered into by and between the COUNTY OF HENNEPIN, a political subdivision of the State of Minnesota, hereinafter referred to as the "COUNTY", and the CITY OF WAYZATA, a political subdivision of the State of Minnesota, hereinafter referred to as "CITY";

WHEREAS, said CITY lies wholly within the COUNTY OF HENNEPIN and constitutes a separate assessment district; and

WHEREAS, under such circumstances, the provisions of Minnesota Statutes, Section 273.072 and Minnesota Statutes, Section 471.59 permit the County Assessor to provide for the assessment of property; and

WHEREAS, said CITY desires the COUNTY to perform certain assessments on behalf of said CITY; and

WHEREAS, the COUNTY is willing to cooperate with said CITY by completing the assessment in a proper manner;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

1. The COUNTY shall perform the 2017, 2018, 2019, and 2020 property assessment of all commercial, industrial and apartment properties for the CITY OF WAYZATA in accordance with property assessment procedures and practices established and observed by the COUNTY, the validity and reasonableness of which are hereby acknowledged and approved by the CITY. Any such practices and procedures may be changed from time to time, by the COUNTY in its sole judgment, when good and efficient assessment procedures so require. The property assessment

by the COUNTY shall be composed of those assessment services which are set forth in Exhibit A, attached hereto and made a part hereof by this reference, provided that the time frames set forth therein shall be considered to be approximate only.

2. All information, records, data, reports, etc. necessary to allow the COUNTY to carry out its herein responsibilities shall be furnished to the COUNTY without charge by the CITY, and the CITY agrees to cooperate in good faith with the COUNTY in carrying out the work under this Agreement.

3. In accordance with Hennepin County Affirmative Action Policy and the County Commissioners' policies against discrimination, no person shall be excluded from full employment rights or participation in or the benefits of any program, service or activity on the grounds of race, color, creed, religion, age, sex, disability, marital status, sexual orientation, public assistance status, ex-offender status or national origin; and no person who is protected by applicable Federal or State laws, rules and regulations against discrimination shall be otherwise subjected to discrimination.

4. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of joint ventures or co-partners between the parties hereto or as constituting the CITY as the agent, representative or employee of the COUNTY for any purpose or in any manner whatsoever. Any and all personnel of CITY or other persons, while engaged in the performance of any activity under this Agreement, shall have no contractual relationship with the COUNTY and shall not be considered employees of the COUNTY and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of said personnel or other persons while so engaged, and any and all claims whatsoever on behalf of any such person or personnel arising out of

employment or alleged employment including, without limitation, claims of discrimination against the CITY, its officers, agents, CITY or employees shall in no way be the responsibility of the COUNTY, and CITY shall defend, indemnify and hold the COUNTY, its officials, officers, agents, employees and duly authorized volunteers harmless from any and all such claims regardless of any determination of any pertinent tribunal, agency, board, commission or court. Such personnel or other persons shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from the COUNTY, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Re-employment Compensation, disability, severance pay and retirement benefits.

5. CITY agrees that it will defend, indemnify and hold the COUNTY, its elected officials, officers, agents, employees and duly authorized volunteers harmless from any and all liability (statutory or otherwise) claims, suits, damages, judgments, interest, costs or expenses (including reasonable attorney's fees, witness fees and disbursements incurred in the defense thereof) resulting from or caused by the negligent or intentional acts or omissions of the CITY, its officers, agents, contractors, employees or duly authorized volunteers in the performance of the responsibilities provided by this Agreement. The CITY's liability shall be governed by Minn. Stat. Chapter 466 and other applicable law, rule and regulation, including common law.

6. COUNTY agrees that it will defend, indemnify and hold the CITY, its elected officials, officers, agents, employees and duly authorized volunteers harmless from any and all liability (statutory or otherwise) claims, suits, damages, judgments, interest, costs or expenses (including reasonable attorney's fees, witness fees and disbursements incurred in the defense thereof) resulting from or caused by the

negligent or intentional acts or omissions of the COUNTY, its officers, agents, contractors, employees or duly authorized volunteers in the performance of the responsibilities provided by this Agreement. The COUNTY's liability shall be governed by Minn. Stat. Chapter 466 and other applicable law, rule and regulation, including common law.

7. The COUNTY shall endeavor to perform all services called for herein in an efficient manner. The sole and exclusive remedy for any breach of this Agreement by the COUNTY and for COUNTY's liability of any kind whatsoever, including but not limited to liability arising out of, resulting from or in any manner related to contract, tort, warranty, statute or otherwise, shall be limited to correcting diligently any deficiency in said services as is reasonably possible under the pertinent circumstances.

8. Neither party hereto shall be deemed to be in default of any provision of this Agreement, or for delay or failure in performance, resulting from causes beyond the reasonable control of such party, which causes shall include, but are not limited to, acts of God, labor disputes, acts of civil or military authority, fire, civil disturbance, changes in laws, ordinances or regulations which materially affect the provisions hereof, or any other causes beyond the parties' reasonable control.

9. This Agreement shall commence on August 1, 2016, and shall terminate on July 31, 2020. Either party may initiate an extension of this Agreement for a term of four (4) years by giving the other written notice of its intent to so extend prior to March 1, 2020. If the party who receives said notice of intent to extend gives written notice to the other party of its desire not to extend prior to, April 15, 2020 this Agreement shall terminate on July 31, 2020.

Nothing herein shall preclude the parties, prior to the end of this Agreement, from agreeing to extend this contract for a term of four (4) years. Any extended term hereof shall be on the same terms and conditions set forth herein and shall commence on August 1, 2020. Either party may terminate this Agreement for "just cause" as determined by the Commissioner of Revenue after hearing for such a determination is held by the Commissioner of Revenue and which has been attended by representatives of COUNTY and CITY or which said representatives had a reasonable opportunity to attend, provided that after such determination, any party desiring to cancel this Agreement may do so by giving the other party no less than 120 days' written notice. If the CITY should cancel this Agreement, as above provided, before the completion of the then current property assessment by the COUNTY, the CITY agrees to defend and hold the COUNTY, its officials, officers, agents, employees and duly authorized volunteers harmless from any liability that might ensue as a result of the non-completion of a property tax assessment.

For the purpose of this Agreement, the term "just cause" shall mean the failure of any party hereto reasonably to perform a material responsibility arising hereunder.

10. A. In consideration of said assessment services, the CITY agrees to pay the COUNTY the sum of Fourteen Thousand Dollars (\$14,000) for each assessment, provided that any payment for the current year's assessment may be increased or decreased by that amount which exceeds or is less than the COUNTY's estimated cost of appraising new construction and new parcels for the current year's assessment. The amount of any increase or decrease shall be specified in the billing for the current year's assessment.

10. B. Regarding each assessment, in addition to being subject to adjustment in the above manner, said assessment cost of \$14,000 may also be increased by the

COUNTY if:

- (1) The COUNTY determines that any cost to the COUNTY in carrying out any aspect of this Agreement has increased, including but not limited to the following types of costs: **new construction and new parcel appraisals, mileage, postage, supplies, labor (including fringe benefits) and other types of costs, whether similar or dissimilar;** and/or
- 2) The COUNTY reasonably determines that other costs should be included in the costs of assessment work.

If the COUNTY desires to increase the assessment cost pursuant to this paragraph 10(B), it shall give written notice thereof by June 15 of any year and such increase shall apply to the assessment for the calendar year next following the current calendar year. Any such notification shall specifically set forth the amount of any new construction and new parcel appraisal charges. Notwithstanding any provisions herein to the contrary, if any such increase, exclusive of any charge for the estimated costs of new construction and new parcel appraisals, exceeds seven and one half percent (7.5%) of the amount charged for the assessment for the then current calendar year, exclusive of any charge for the estimated costs of new construction and new parcel appraisals, the CITY may cancel this Agreement by giving to the COUNTY written notice thereof, provided that said cancellation notice must be received by the COUNTY not later than July 24 of the then current calendar year and said cancellation shall be effective no earlier than five (5) days after the receipt of said notice by the COUNTY and not later than July 31 of said next calendar year. Supportive records of the cost increase will be open to inspection by the CITY at such times as are mutually agreed upon by the COUNTY and CITY.

Failure of the COUNTY to give the CITY a price-change notice by June 15 shall not preclude the COUNTY from giving CITY such notice after said date but prior to September 1 of any year, provided that if such price increase exceeds said ten (10%) -

all as above set forth - the CITY may cancel this Agreement if the COUNTY receives notice thereof not later than thirty-nine (39) days from the date of receipt by the CITY of any said late price-change notice, provided further that any such cancellation shall be effective not earlier than five (5) days after COUNTY's receipt of said cancellation notice and not later than forty-six (46) days after the CITY's receipt of any said price-increase notice.

Payment for each assessment shall be made in the following manner:

Approximately one-half (1/2) of the cost of an assessment (the amount payable being set forth in a bill sent by the COUNTY to the CITY) shall be paid by the CITY no later than the fifteenth (15th) day of the December which precedes the pertinent assessment year; and the remaining portion of said cost (the amount payable being set forth in a bill sent by the COUNTY to the CITY) shall be paid by the CITY no later than July 15 of the pertinent year.

The COUNTY may bill the CITY after the aforesaid dates and in each such case, the CITY shall pay such bill within thirty (30) days after receipt thereof.

11. Any notice or demand, which may or must be given or made by a party hereto, under the terms of this Agreement or any statute or ordinance, shall be in writing and shall be sent registered or certified mail to the other party addressed as follows:

TO CITY: Mayor, City of Wayzata
600 Rice Street East
Wayzata, MN 55391

TO COUNTY: Hennepin County Administrator
2300A Government Center
Minneapolis, MN 55487

copies to: County Assessor
Hennepin County
2103A Government Center
Minneapolis, MN 55487

copies to: Assistant County Assessor
 Hennepin County
 2103A Government Center
 Minneapolis, MN 55487

Any party may designate a different addressee or address at any time by giving written notice thereof as above provided. Any notice, if mailed, properly addressed, postage prepaid, registered or certified mail, shall be deemed dispatched on the registered date or that stamped on the certified mail receipt and shall be deemed received within the second business day thereafter or when it is actually received, whichever is sooner. Any notice delivered by hand shall be deemed received upon actual delivery.

12. It is expressly understood that the obligations of the CITY under Paragraphs 4, 5, 9, and 10 hereof and the obligations of the CITY which, by their sense and context, are intended to survive the performance thereof by the CITY, shall so survive the completion of performance, termination or cancellation of this Agreement.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by its duly authorized officers and delivered on its behalf, this _____ day of _____, 2016.

COUNTY OF HENNEPIN
STATE OF MINNESOTA

Reviewed by County
Attorney's Office:

By: _____
Chair of the County Board

Date: _____

And: _____
Assistant/Deputy/County Administrator

ATTEST: _____
Deputy/Clerk of the County Board

CITY OF WAYZATA

By: _____

Its _____

And: _____

Its _____

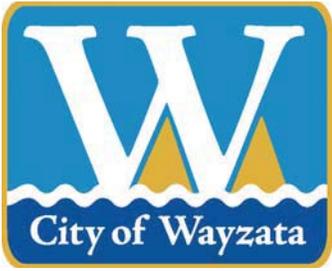
City organized under:

_____ Statutory _____ Option A _____ Option B _____ Charter

EXHIBIT A
CITY OF WAYZATA

During the contract term for all commercial, industrial and apartment properties, the County shall:

1. Physically inspect and revalue 20% of the real property, as required by law.
2. Physically inspect and value all new construction, additions and renovation.
3. Adjust estimated market values on those properties not physically inspected as deemed necessary per sales ratio analysis.
4. Prepare the initial assessment roll.
5. Print and mail valuation notices.
6. Respond to taxpayers regarding assessment or appraisal problems or inquiries.
7. Conduct valuation reviews prior to Board of Review or Open Book Meetings, as determined by the City – approximate dates: March through May 15.
8. Attend Board of Review or conduct Open Book Meeting. Prepare all necessary review appraisals. Approximate dates: April 1 – May 31.
9. Maintain an updated property file – current values, classification data and characteristic data.
10. Prepare divisions and combinations as required.
11. Administer the abatement process pursuant to Minn. Stat. §375.192.
12. Prepare appraisals; defend and/or negotiate all Tax Court cases.
13. Provide all computer hardware and software applications necessary to complete contracted services.



City of Wayzata Public Works
299 Wayzata Blvd. W
Wayzata, MN 55391

Director of Public Service
David Dudinsky

City Engineer/Asst. Public Works Director
Mike Kelly

Public Works Superintendent
Jim Eibensteiner

Public Works Secretary/Utility Billing Clerk
Rebecca Jones

To: City Council
From: Public Works Department
Date: June 20, 2016
Re: City Participation in MCES Grant Program for Mitigation of Inflow & Infiltration

In 2014, the City of Wayzata made a grant application to the Metropolitan Council for the mitigation of Inflow and Infiltration (I/I) into the City's sanitary sewer system.

To be eligible for the grant, cities must be identified by the Metropolitan Council as a contributor of excessive inflow and infiltration or have had peak flows within the 20% threshold. The City of Wayzata has been identified as a contributor and currently pays a surcharge for these additional flows.

The Metropolitan Council has preliminarily determined that the City of Wayzata, is eligible to receive a minimum of \$25,000 and may be eligible for an additional \$6,750, based on the final mitigation costs.

Over the last two (2) construction seasons, the City has lined approximately 15,900 lineal feet (3 miles) of sanitary sewer mains, to prevent I/I (leaks) in its sanitary sewer system. This lining will reduce the amount of I/I that is contributed to the MCES sewer system and treatment plant and, in turn, should lower the City of Wayzata's MCES surcharge amount.

When projects are completed, cities submit summaries of work completed (with invoices) and a Certification (notarized form confirming fee simple ownership or easements for locations where work was completed with a description or map of these locations) and a resolution from City Council authorizing application and execution of the grant.

The City will be submitting the required documentation before September 30 and will receive verification of the final grant award amount in mid-October. Reimbursement will be provided following receipt of a signed grant agreement.

A copy of the proposed resolution 20-2016, authorizing application and execution of the grant, is attached for your review.

Staff recommends approval of Resolution 20-16.

CITY OF WAYZATA

RESOLUTION NO. 20-2016

RESOLUTION AUTHORIZING THE CITY OF WAYZATA'S PARTICIPATION IN A MCES GRANT PROGRAM FOR THE MITIGATION OF INFLOW AND INFILTRATION IN THE PUBLIC SANITARY SEWER SYSTEM

WHEREAS, the Metropolitan Council Environmental Services (MCES) has offered a grant to the City of Wayzata for mitigation of Inflow and Infiltration (I/I) in the public sanitary sewer system; and

WHEREAS, the City of Wayzata is billed for wastewater directly by the MCES; and

WHEREAS, the City of Wayzata has been identified by the MCES as having exceeded their I/I allowance; and

WHEREAS, MCES requires that the City Council adopt a resolution authorizing the City of Wayzata to apply for the grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council identifies City Engineer, Mike Kelly, as the City Officer authorized to execute the grant application on behalf of the City of Wayzata and submit it to the Metropolitan Council.

Adopted by the Wayzata City Council this 5th day of July, 2016.

Mayor Ken Willcox

ATTEST: _____
City Manager Jeff Dahl

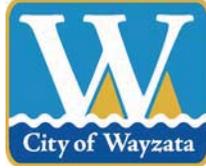
ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on July 5, 2016.

Deputy City Clerk Becky Malone

SEAL



**Planning Report
City Council
July 5, 2016**

Project Name: Preferred Builders
Applicant: Preferred Builders
Addresses of Request: 155 Wooddale Ave
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 26, 2016

Development Application

Introduction

The applicant, Preferred Builders, has submitted building plans for construction of a new home at 155 Wooddale Avenue. The property is part of the Anchor Bank/Walgreens PUD that was approved by the City Council in January 2014. The PUD includes the commercial development on the south side, which consists of Anchor Bank and Walgreens, and three single-family residential properties on the north side of the development. The City Council resolution approving the PUD and subdivision included a condition that the future homeowner must submit:

“Plans for review and approval by the City depicting architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the residential structures proposed to demonstrate similarity to the characteristics and quality of the existing homes in the neighborhood as required under Section 805.14.E.8 and 805.14.E.9.”

The applicant purchased Lot 1 of the development, and has submitted the plans for the home for review and approval by the Planning Commission and City Council. The proposed survey and building plans are included as Attachment A.

Project Location.

The property is located 155 Wooddale Ave, which is located north of the Anchor Bank/Walgreens development on Central Avenue:

Map 1: Project Location



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

Address	PID	Owner
155 Wooddale Ave	06-117-22-14-0084	Preferred Builders, Inc.

Relevant Property Information

Current zoning:	PUD/Planned Unit Development
Comp plan designation:	Low Density Single Family
Total lot area:	12,326 sq. ft.

Surrounding 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	PUD	Low Density Single Family
East	Colonial Square shopping center	C-2/Shopping Center Business District	Mixed Use Commercial
South	Anchor	PUD	Mixed Use Commercial

	Bank/Walgreens		
West	Single-family homes	PUD	Low Density Single Family

Analysis of Application

Zoning

The following table outlines the zoning requirements for the property:

Table 1: Proposed House

	PUD Requirement	Proposed
Front setback (south)	None (internal to PUD)	45.4 ft.
Side setback (east)	20 ft. (min.)	27.3 ft.
Side setback (west)	None (internal to PUD)	10 ft.
Rear setback (north)	20 ft. (min.)	20 ft.
Lot coverage	30% (max.)	21.9%
Impervious surface	35% (max.)	31.3%
Height	2 stories or 32 ft. to peak	30 ft.

House Plans

The plans submitted with the application include detailed elevations and floor plans for the new house. The proposed house would be two levels with a walk-out basement on the back of the home. The house would include a three car attached garage with driveway access from the shared private street. The exterior materials on the front of the house consist of Hardie board and shakes with a stone base. The applicant stated at the Planning Commission meeting that the exterior materials would be Hardie board siding around the entire house.

Planning Commission Review

The Planning Commission reviewed the house plans at its meeting on June 20, 2016. The Planning Commission voted five (5) in favor and zero (0) opposed to recommend approval of the preliminary house plans with the recommendation that landscape plans and building material samples be included for review by the City Council. City staff has requested the additional information from the applicant.

Applicable Code Provisions for Review

Preliminary Plat Criteria (Section 805.14.E)

The City Council condition requiring review and approval of the home design on Lot 1 is based on the ordinance criteria for preliminary plat review pertaining to the proposed house:

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.

Action Steps

Approve the preliminary house plans for 155 Wooddale Ave, based on the finding that the design meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the condition of Resolution No. 05-2015.

Attachments:

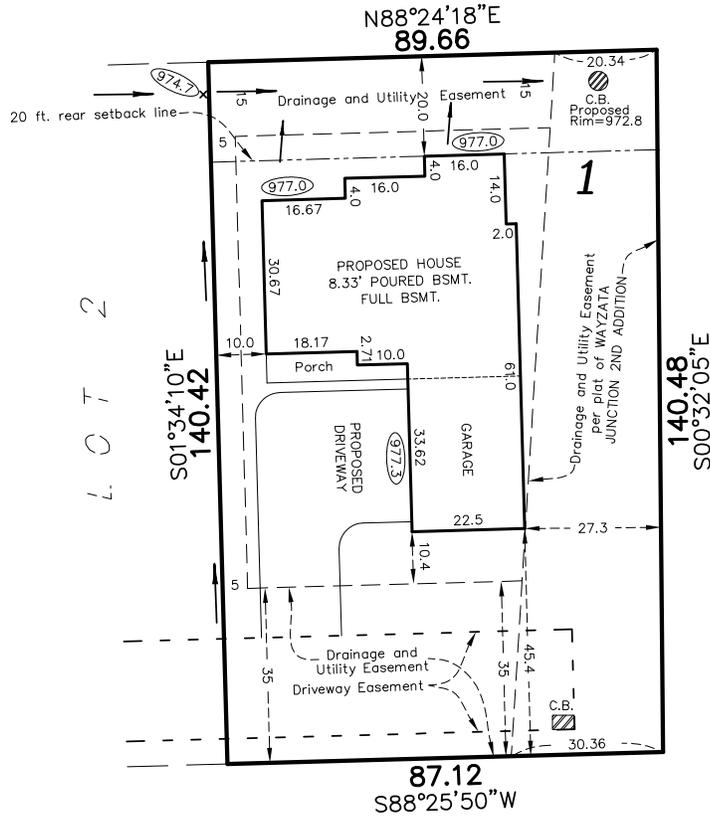
Attachment A: Proposed House Plans

Attachment B: Draft June 20, 2016 Planning Commission Meeting Minutes

Certificate of Survey for: PREFERRED BUILDERS, INC.

Located in the NE 1/4 of
Sec. 06, Twp. 117, Rge. 22

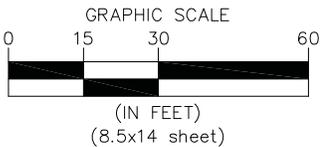
House Address:
155 Wooddale Avenue, Wayzata, MN



Total Lot Area	±12,413 sq.ft.
House and Porch Area	±2,715 sq.ft.
Driveway Area to Easement Line	±1,172 sq.ft.
Total Impervious	±3,887 sq.ft.
Total Impervious Coverage	±31.3%

- Denotes Existing Hydrant
- Denotes Existing Electric Box
- Denotes Existing Television Box
- Denotes Existing Telephone Box
- Denotes Existing Light Pole
- Denotes Existing Service
- Denotes Existing Curb Stop
- Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Direction of Drainage
- Denotes Drainage & Utility Easement (per recorded plat)
- Denotes Iron Monument

Bearings shown are assumed



LEGAL DESCRIPTION:

Lot 1, Block 1, WAYZATA JUNCTION 2ND
ADDITION, Hennepin County, Minnesota

Minimum Lowest Floor Elevation: 969.0

PROPOSED BUILDING ELEVATIONS

Lowest Floor Elevation: 969.7

Top of Foundation Elevation: 977.7

Garage Slab Elevation (at door): 977.3

NOTES:

- Contractor must verify sewer depth.
- Driveways shown are for graphic purposes only. Final driveway design and location to be determined by owner/builder.
- All building foundation dimensions shown on this survey include exterior foundation insulation widths, if applicable. Refer to final building plans for foundation details.

1201 6148.001 MEP



ENVIRONMENTAL • ENGINEERING • SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

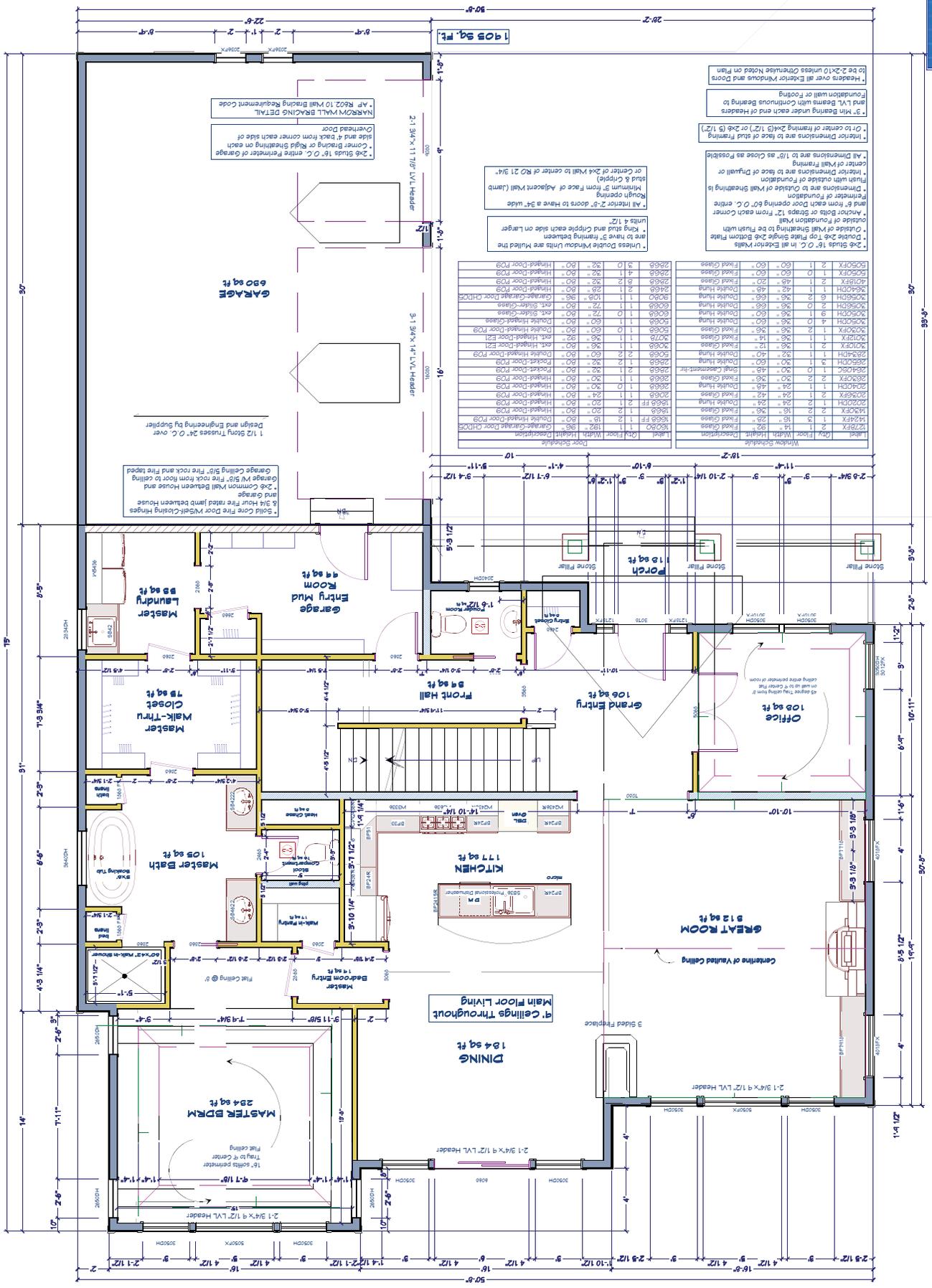
I hereby certify to Preferred Builders, Inc. that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated this 20th day of June, 2016.

Signed: Carlson McCain, Inc.

By: DRAFT

Thomas R. Balluff, 07-05-2016 CGP ACK ET
Peter J. Blomquist, L.S. Reg. No. 54768



1
2 Mr. Francine stated these materials are comparable and this had been considered when
3 determining the materials to use.

4
5 Commissioner Gonzalez asked how the height of the proposed home compared to the existing
6 home.

7
8 Mr. Francine stated it would be slightly shorter or the same as the existing home.

9
10 Chair Iverson asked if there were landscaping plans.

11
12 Mr. Francine stated he could forward the landscaping plans to the City and it would include a
13 fully sodded lot with irrigation.

14
15 Chair Iverson stated this should be included when the application is presented to the City
16 Council.

17
18 Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber to recommend
19 approval of the preliminary house plans for 155 Wooddale Avenue, based on the findings that
20 the house meets the standards of City Code Section 805.14.E.8 and 805.14.E.9, and satisfies the
21 condition of Resolution No. 05-2015 with the recommendation that landscape plans and building
22 material samples be included for review by the City Council. The motion carried unanimously.

23
24
25 **AGENDA ITEM 4. Public Hearing Items:**

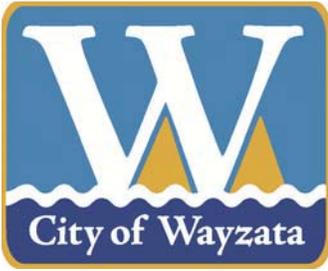
26
27 **a.) Bayside Residence – 320 and 346 Ferndale Rd S**

28 **i. Preliminary and Final Plat subdivision**

29
30 Mr. Thomson stated the applicant, Peterssen/Keller Architecture, and the property owner, Abbey
31 Road Realty, have submitted a development application to combine the two (2) existing parcels
32 at 320 and 346 Ferndale Road into a single lot of record. The existing houses on both of the lots
33 would be demolished, and one (1) new single-family home would be constructed on the
34 combined lot. He reviewed the application requests, the adjacent land uses, the lot requirements
35 and surrounding lot sizes, sanitary sewer relocation, and the proposed house including the
36 shoreland setback, impervious surface, and building height. He also reviewed the applicable
37 code provisions for the Commission to review. City Engineer Mike Kelly has reviewed the
38 application and is working with the applicant on the details of relocating the sanitary sewer line.

39
40 Commissioner Gonzalez stated several trees on the property had red ribbons. She asked if these
41 would be the trees that would be removed.

42
43 Mr. Collin Olglesbay, Dwyer/Oglesbay, 227 Colfax Ave N, Minneapolis, stated a site survey had
44 been prepared. The property owner would like to maintain as many of the existing trees as
45 possible. The trees on the property will be treated prior to construction to ensure healthy trees
46 through the construction and then treated again after construction. They worked with the City



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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeff Dahl

TO: Mayor Willcox and Councilmembers
Jeff Dahl, City Manager

FROM: Kathy Ovshak, Senior Accountant

DATE: June 28, 2016

RE: Independent School District #284 (ISD#284) 2016 Agreement for the use of Community Room and use of the Cable Television/Video Production Studio

Attached for your approval is the 2016 Agreement between the City of Wayzata and ISD#284. This agreement is for the use of the City of Wayzata's Community Room and the use of the Cable Television/Video Production Studio. The 2016 lease includes a 2.4% rent increase (2015 CPI) that works out to be a \$67 dollar increase. The total amount due for the 2016 Agreement is \$2,851.00. It was proposed that we start calculating the annual increase on the CPI of the current year for the following year agreement; both parties agreed with this proposal.

AGREEMENT

This Agreement made and entered into by and between the City of Wayzata, a municipal corporation, hereinafter referred to as "Landlord"; and Independent School District 284 "ISD# 284".

WITNESSETH:

Whereas, Landlord and ISD #284 entered into an Agreement for the use of the Wayzata City Hall Community Room located at 600 Rice Street, Wayzata, Minnesota, 55391;

Now, therefore, the parties mutually agree as follows:

Landlord hereby agrees to allow ISD #284 to use the Community Room in accordance with the City's "Community Room Policy" and the following terms:

- A. ISD #284 agrees to schedule the community room through the City of Wayzata per the Wayzata Community Room Scheduling and Use Policy rules. (One meeting per month, set-up time starting at 4 PM, provide own DVD's, tapes etc., vacuum if needed, empty trash and recycling from meeting.)
- B. ISD #284 agrees to return the Community Room back to its standard configuration after each use.
- C. ISD #284 agrees to be responsible for any liability, damage or loss to the City from the ISD #284's use of the Community Room pursuant to Indemnification, Property Damage and Liabilities and the City must be furnished appropriate certificates showing such coverage and the City be listed as an additional insured.
- D. For the contract year 2016/2017, ISD #284 agrees to pay the sum of Two Thousand Eight Hundred Fifty Dollars (\$2,850.00) for the use of the Wayzata Community Room. Effective for subsequent years, Landlord shall, at its sole discretion, have the right to make reasonable adjustments to the room use fee.
- E. ISD #284 shall have the right to terminate its use of the Community Room in the contract year 2016/2017 upon 30-days written notice to Landlord.

The effective date of this Agreement is July 1, 2016.

CITY:

CITY OF WAYZATA

By _____
It's Mayor

And by _____
It's City Manager

ISD #284:

By _____
It's Board Chair

And by _____
It's Executive Director

LICENSE AGREEMENT

(Wayzata City Hall Cable Television Video Production Studio)

This License Agreement ("Agreement") is made as of the 1st day of July, 2016 by and between Independent School District #284 ("ISD #284") and the City of Wayzata, a Minnesota municipal corporation (the "City").

WITNESSETH

WHEREAS, THE City owns and operates a cable television/video production facility (the "Studio") (for purposes of this Agreement the Studio shall be defined to include all equipment and personal property located within the Studio), which said facility located in the Wayzata City Hall located at 600 Rice Street East, Wayzata Minnesota; and

NOW, THEREFORE, in consideration of mutual covenants herein contained, and in consideration of **One Dollar** (\$1.00) and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged by the parties, the parties agree as follows:

1. License. The City hereby licenses to the ISD #284 for the use of the Studio and the equipment and improvements located within the Studio as well as other personal property located within the Studio. Such use shall be on a nonexclusive basis subject to the approval of the City, within the City's sole discretion.
2. Purpose. The ISD #284 agrees that it shall use the Studio for the sole purpose of cable casting ISD #284 meetings that are held in the Wayzata City Hall Community Room.
3. Personnel. As a condition of the license granted by the City the ISD #284 agrees that any time it uses the Studio, the Studio will only be used by a videographer who will be under the direct supervision of a ISD #284 manager. One videographer shall be assigned to broadcast ISD #284 meetings in the Wayzata City Hall Community Room who will be fully trained in by City or ISD #284 employees before broadcasting any meetings or using the Studio. Such personnel may be employees of ISD #284 or independent contractors. Such videographer must be approved by the City to the City's sole discretion. The ISD #284 shall be solely responsible for wages, workers' compensation insurance, wage withholding for social security, income tax and other compensation and taxes to be paid to and on behalf of such videographer and the ISD #284 manager, if any.

4. Operations.

A. ISD #284 shall:

- i. Return the Studio to correct working order;
- ii. Not remove any City equipment or property from the Studio except as authorized by appropriate City personnel;
- iii. Secure the Studio and City Hall when it leaves the Studio;
- iv. Agree to abide by all rules, regulations, and requests adopted by the City in regard to use of the Studio;
- v. Only use the Studio for the broadcast of ISD #284 meetings.

B. City shall:

- i. Provide one key and fob to allow access to the Studio and City Hall;
- ii. Provide custodial services, cabinets, chairs and such other furniture as City determines is necessary for operation of the Studio.

5. Indemnification, Property Damage and Liabilities. The ISD #284 agrees to jointly and severally exonerate, save harmless, protect, and indemnify the City and its employees, Council Members and agents from and against any and all losses, damages, claims, suits or actions, judgments, and costs that may arise or grow out of any injury to or death of persons or damage to property, arising out of and attributable to the acts or omissions of, or use by the ISD #284, its agents, servants, employees, or guests of the Studio and the contents therein. The City shall not be responsible for the loss of or damage to property or injury to person, occurring in or about the Studio while in use by the ISD #284. The ISD #284 agrees that if any damage is caused to the Studio or contents therein it shall immediately repair such damage or replace such equipment or personal property so damaged. Nothing herein shall be deemed a waiver by ISD #284 of the limitations on liability set forth in Minnesota Statutes, Chapter 466.

6. Insurance. The ISD #284 agrees that they shall maintain insurance in amounts and substance reasonably acceptable to the City, which said insurance shall insure for damages to the Studio and its contents caused by the ISD #284. Upon the request of the City, the ISD #284 shall provide the City with proof of such insurance. If requested by the City, the insurance shall call for 30 days written notice to the City before cancellation of such insurance. The City shall be named as a certificate holder or an additional insured. Nothing herein shall be deemed a waiver of the limitations on liability set forth in Minnesota Statutes, Chapter 466.

7. Notice. If a notice is given pursuant to the terms of this Agreement, said notice shall be by US mail, certified, return receipt requested, addressed to the City as follows: City Manager, City of Wayzata, 600 Rice Street E, Wayzata, Minnesota 55391; to ISD #284 at 210 North County Road 101, Wayzata, MN 55391.

8. Assignment. This agreement may not be assigned by ISD #284 to a third party without the written consent of the City, which may be withheld in the City's sole judgment.

9. Term. The term of this License shall be from the date hereof until Midnight on June 30, 2017.
10. Miscellaneous. The City, by entering into this Agreement makes no representation or warranty regarding the fitness of the Studio and its equipment and personal property as being suitable for the purposes of the ISD #284. The ISD #284 agrees that the Studio and its contents are being provided on an “as is” basis. The ISD #284 agrees that they shall be solely responsible for the content of all matters broadcast and produced as a result of the ISD #284.
11. Termination. Either party may terminate this Agreement at any time, for any reason or no reason, upon thirty (30) days written notice to the other parties.
12. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Minnesota.
13. Entire Agreement. This Agreement contains the entire agreement of the parties with respect to all matters regarding the rights and obligations of each party regarding the operation, access and use of the Studio, and this Agreement supersedes all prior agreements and understandings, oral and written, between the City, and ISD #284 regarding use of the Studio.
14. Binding Effect. This agreement shall insure to the benefit of the parties hereto and shall be binding upon the parties hereto and their respective successors and assigns.
15. Headings. The article, section, and other headings contained in this Agreement are for reference purposes only and shall be deemed to be a part of this Agreement or to affect the meaning or interpretation of this Agreement.
16. Counterparts. This Agreement may be executed in any number of counterparts, and be different parties on different counterparts, each of which, when executed, shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument. This Agreement shall be deemed fully executed when each party hereto has executed a counterpart hereof.
17. Severability. If any term, condition, or provision of this Agreement, or the application thereof to any circumstance, shall be invalid or unenforceable to any extent, the remaining terms, covenants, conditions, and provision of this Agreement shall not be affected thereby and each remaining term, covenant, condition, and provision of this Agreement shall be valid and shall be enforceable to the fullest extent permitted by law. If any provision of this Agreement is so broad as to be unenforceable, such provision shall be interpreted to be only as broad as is enforceable.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

CITY: CITY OF WAYZATA

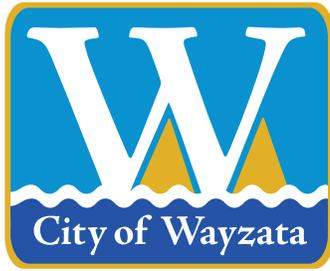
By _____
It's Mayor

And by _____
It's City Manager

ISD #284:

By _____
It's Board Chair

And by _____
It's Executive Director



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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: June 29, 2016

To: Mayor Willcox and City Council Members

From: Jeffrey Dahl, City Manager

Subject: Consider Schematic Design Approval for Mill Street Parking Ramp and Set Final Design, Bidding, and Construction Schedule

Request/s

To accept Schematic Design Report from HGA and Steering Committee and to approve preferred design option and set final design, bidding, and construction schedule.

Background

After many years of downtown parking analysis, in late 2015, the City approved a contract with HGA architects for the Pre-design the Mill Street Parking Ramp. This action was subsequent to a feasibility study by Ehlers in order to determine how to fund the parking structure. A critical Part of this process included the formation of a Steering Community which included the following stakeholders:

Johanna McCarthy, Council Member
Steven Tyacke, Council Member
Chris Morrison, Resident
Steve Fox, Resident
Jack Amdal, Resident
Victor Pechaty, HGA
Johanna Harris, HGA
Mia Blanchett, HGA
Michael Anderson, HGA
Scott Froemming, Walker Parking Consultants
Mike Kelly, City of Wayzata
Jeff Thomson, City of Wayzata
Roger Wothe, Wayzata HRA
Barry Petit, Wayzata HRA

Over the past half year, HGA and the Steering Committee have been meeting to discuss the overall design and function of the parking ramp. Through many meetings, these stakeholders have donated tens of hours to this effort and provided a tremendous amount of value and have navigated the design process to the proposed ramp that is attached to this memo.

In May, the City hired Tegra as its Owner's Rep for the project. The Owner's Rep will help coordinate the overall construction process and assist in ensuring the project is built to the highest standards, is completed on budget, and on time.

In June, the City Council held a workshop to receive a status update on the design, the estimated cost of the project, and the varying roof options. At that meeting, the direction was to refine the design based upon comments received and submit design alternatives that would work with the previously determined budget.

Analysis

Please see the attached Schematic Design Report from HGA. They will be going through the report by way of the attached Power Point presentation. The report includes a detailed history of what design options, including cladding, accesses, and roofs, have been vetted by HGA and the Steering Committee.

This Spring, Ehlers' financial feasibility study was updated. The result of the study was that the City, utilizing TIF Financing from the Promenade TIF District, would be able to finance approximately \$7,682,750. In addition, cash on hand through fund transfers, CIP, and existing TIF districts available for the ramp is estimated at \$1,680,000 for a total maximum project cost of \$9,362,750.

Since that time, staff has worked with our financial advisors to determine if there are other existing sources to help fund a higher construction cost that could allow for a roof component. Staff has identified additional funds that could be utilized to help offset roof costs including a \$200,000 in ramp contingency funds and up to \$500,000 in projected end of the year fund transfers. It should be noted that the projected end of the year fund transfers are not guaranteed and they are unrestricted funds---meaning the funds could be utilized for a vast array of future community projects or simply to offset costs of essential City services.

Given the financial direction received from staff and the Council, the preferred design alternatives:

- | | |
|---|--------------|
| A. Ramp with added landscaping, but no roof, for: | \$9,360,000 |
| B. Ramp with partial ballasted roof for: | \$9,890,000 |
| C. Ramp with ballasted roof for: | \$10,290,000 |

The ballasted roof options would allow for future add-ons like a green roof or solar panels.

Conclusion

Regardless of what design is selected, due to the work of our consultants and the Steering Committee, the Mill Street Parking Ramp is going to be one the highest quality, sustainable, and most aesthetically pleasing structure in the State and will provide needed current and future relief for the existing businesses and residents within the area. This group had explored many different options for cladding, sizes, roof options including solar panels, green roof, decorative trellises, etc.

In order to move forward with construction of the ramp ensure to the best of our ability that it is completed by Summer of 2017, the City Council will need to approve a design alternative on

July 5 to initiate the Design Development drafting of Construction Documents for bidding. We will not be able to firm up projected costs until those processes are completed.

Recommendation

Based on financial considerations and negative impacts to the general levy, staff recommends eliminating option "C" which is the full ballasted roof option.

Staff recommends moving forward with either option "A" or option "B." If option "B" is preferred by the Council, the partial roof should be designed as an alternate so that if construction costs turn out to be higher than anticipated, the City can still move forward with the project, albeit without the roof.

A motion will be needed to accept the report with the determination on which design alternative is preferred.

Next Steps

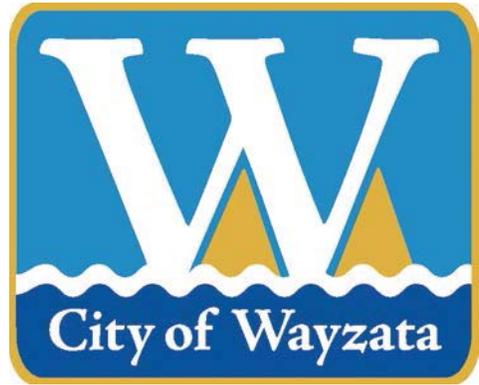
Upon approval of a preferred alternative at the July 5th meeting, the next steps will be:*

1. Completion of the Design Development Phase: August 19, 2016
2. Completion of the Construction Documents Phase: September 30, 2016
3. Completion of the Bidding Phase: October, 2016
4. Start of construction: November 2016
5. Anticipated Construction Completion: June 2017

*Financing, which will require 4/5 vote, can be approved simultaneously within 60 days depending on interest rates once the estimated costs are known.

Attachments

- Mill Street Parking Ramp Schematic Design Report
- Mill Street Parking Ramp Schematic Design Presentation



MILL STREET PARKING STRUCTURE

SCHEMATIC DESIGN REPORT

June 29, 2016



Architecture | Engineering | Planning

Hammel, Green and Abrahamson, Inc.
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PART 1 - PROJECT SUMMARY

1.1 Project Scope and Existing Site

- A. Introduction: This Project Description and Design Overview is intended as a first draft of documentation for basic design decisions for all building construction and equipment systems. This draft will serve as the basis for the definition of scope and level of quality for the Schematic Design cost estimate. It will also serve as a discussion tool during subsequent phases when review/revision/approval of the project will be conducted with various Owner representatives.
- B. The project consists of the following components:
1. A parking structure with the following features: surface lot on Mill Street, on-grade parking below the structured level, and an elevated level of parking with three non-enclosed, unconditioned stair elements. The structure will have a brick cladding.
 2. The schematic design includes four roof options that will be narrowed to one at the end of Schematic Design Phase
 - a. No roof
 - b. Green Roof
 - c. PV Canopy
 - d. Trellis – full bay or partial bay options
 3. The site is a city owned parcel northwest of the intersection of Broadway Avenue and Mill Street in the City of Wayzata.
 4. Following the June 7, 2016 City Council Workshop, additional cost saving modifications have been introduced to the project and reviewed at June 9 and June 20 Steering committee meetings and a June 24 meeting with City staff. The modifications are as follows:
 - a. Reduce length of the ramp by one bay (24 feet.) Reduce width of parking stalls in the ramp from 9'-0" to 8'-9". Add spaces for motorcycle parking. Identify opportunities in the Muni parking lot to add additional parking capacity as part of a separate and future project.
 - b. Introduce new lower-cost roof options, that cover the northern most 55 foot bay of the ramp, along with some enhancements to the base option, as described below:
 - 1) Ballasted roof over full length of ramp
 - 2) Ballasted roof over the east end of the ramp
 - 3) Provide enhancements to the Base (No roof) Option that include taller landscaping north of the retaining wall, a portal design element at the ramp entrance from Broadway Avenue, and paint /patterning on the face of the north retaining wall that extends above the upper parking level.
 5. At the July 5, 2016 City Council meeting, these options will be narrowed for the next design phase.

1.2 Project Schedule and Phasing

- A. Project Schedule and Phasing: The anticipated overall schedule for the Project is summarized as follows. These dates have been revised, as noted in parenthesis, following the deferral of City Council approval of the Schematic Design phase to the July 5, 2016 City Council Meeting.
1. Completion of the Design Development Phase: July 29, 2016 (revised to August 19, 2016)
 2. Completion of the Construction Documents Phase: September 9, 2016 (revised to September 30, 2016)

3. Completion of the Bidding Phase: September 30, 2016 (revised to end of October, 2016)
4. Start of construction: October 17, 2016 (revised to November 2016)
5. Anticipated Construction Completion: April 2017 (revised to end of June 2017)

1.3 Project Delivery Requirements

- A. Following completion of the Construction Document Phase, the project will be competitively bid to pre-qualified general contractors for a single stipulated sum contract.
- B. AIA Instructions to Bidders will be used with the incorporation of Owner specific requirements.
- C. The following bidding information incorporated in the Project Manual and Drawings is information supplied by the Owner and is not a part of the Contract Documents:
 1. Property survey
 2. Soil boring logs and Geotechnical Report

1.4 Code Overview

- A. This condensed code analysis is "Preliminary" but reflects accurate interpretation of building code at this phase. Code analysis will be updated as design and documentation progresses.
- B. Building Code: **2015 MN** State Building, Code, Chapter 1305, with amendments to 2012 IBC.
 1. Construction Type: IIB (IBC Section 406.5.4)
 2. Occupancy Group: S-2
 3. Occupancy: 237 / Level
 4. Sprinkler System: None
 5. Toilet Facilities: None (IBC 2902.3 Exception)
- C. Fire Code: **2015 MN** State Fire Code, Chapter 7511, with amendments to 2012 IFC.
- D. Mechanical and Fuel Gas Codes: 2009, Chapter 1346, with amendments to 2012 IMC.
- E. Energy Code: **2015 MN** State Commercial Energy Code, Chapter 1323, with amendments to 2012 IECC.
- F. Plumbing Code: **2015 MN** State Plumbing Code (anticipated), Chapter 4714, with amendments to 2012 UPC.
- G. Electrical Code: National Electric Code, 2014 edition.
- H. Accessibility Code: **Chapter 1307 of Minnesota State Building Code** guidelines adopting ICC A117.1-2009 accessible and Usable Buildings and Facilities, with amendments to the document, along with amendments to Chapter 11 of the 2012 IBC.
- I. Life Safety Code: NFPA Life Safety Code (101) 2000 edition, is consulted when the building code is silent on an issue.

1.5 Section 012300 – Bid Alternates

- A. Alternates, General: Alternate descriptions are general only and are not intended to be complete tabulation of Work which may be affected by alternate. Alternates will be determined, if requested by Owner, during Design Development phase, as potential cost savings measures to create an on-budget project.
 1. Refer to related Drawings for detailed information.
- B. Schedule of Alternates:
 1. Alternate No. 1: If one of the roof options is selected, it will be documented as Alternate No. 1
 2. Alternate No. 2: No other alternates are included at this time.

1.6 Section 014339 - Mockups

- A. Mockups: Construct full-size physical assemblies on-site to verify selections made under Sample submittals; to demonstrate aesthetic effects and, where indicated, qualities of materials and execution; to review coordination, testing, or operation; to show interface between dissimilar materials; and to demonstrate compliance with specified installation tolerances. Unless otherwise indicated, approved mockups establish the standard by which the Work will be judged
 - 1. Testing shall be performed on mockups according to requirements in "Field Quality Control" Article.
- B. Schedule of Mockups:
 - 1. Integrated Exterior Mockups: Construct mockups of the exterior envelope erected separately from the building but on Project site; and including the following elements:
 - a. Portion of exterior envelope that includes material intersection of face brick, stone, precast, and horizontal slats
 - 2. Other Mockups: Construct other mockups required by the Contract Documents.

--- End of Part 1 ---

PART 2 - EXISTING CONDITIONS & DEMOLITION

2.1 Introduction

- A. Summary:
- B. Documentation of Existing Conditions: Photograph existing conditions of adjoining construction and site improvements that might be misconstrued as having been damaged by parking structure and retaining wall construction. Document prior to commencement of Work and periodically during Work as existing conditions are exposed.

2.2 Demolition

- A. Refer to "Part 12 – Site Work" of this Schematic Design Report for a description of site demolition and site clearing scope.

2.3 Section 017132 - Vibration Monitoring

- A. The purpose of the Geotechnical Instrumentation Program is to provide the following:
 - 1. Pre-construction baseline data for comparison with construction data and post-construction data.
 - 2. Monitoring of subsoil and existing building during and after construction, to determine whether they have been adversely affected by construction activities.
 - 3. A forewarning of unforeseen conditions that may require remedial, precautionary measures and a change of procedures.
- B. Vibration Monitoring Plan: Coordinate with Owner and Architect to develop plan for construction vibration monitoring and protocol on Project site and at locations in surrounding occupied buildings; to be reviewed by and accepted by Owner and Architect; including but not limited to the following:
 - 1. Scheduling of monitoring, including intervals and durations;
 - 2. Vibration damage criteria;
 - 3. Alarm and alerting requirements;
 - 4. Responsibilities, procedures and protocol for monitoring, alerting, and stoppage of work.

--- End of Part 2 ---

PART 3 - STRUCTURAL SYSTEMS

3.1 Design Criteria and Loads

- A. Codes and Standards: Design criteria for the structural analysis and design of this building will be based upon the following Codes and Standards:
1. 2012 International Building Code
 2. ACI 318-11 Building Code Requirements for Structural Concrete
 3. AISC 360-10 Specification for Structural Steel Buildings
 4. AISC Manual of Steel Construction – 13th Edition
 5. ASCE 7-10 Minimum Design Loads for Buildings and Other Structures
- B. Building Occupancy Category:
1. The proposed construction is an open parking structure, Occupancy Group S-2. Upper and Lower parking tiers provide approximately 313 parking spaces.
- C. Floor Live Loads
1. 40 pounds per square foot parking
 2. 42 pounds per square foot snow load
 3. 20 pounds per square foot roof live load
- D. Snow Loads
1. Ground Snow Load: 50 psf
 2. Snow Exposure Factor: 1.0
 3. Snow Thermal Factor = 1.2 unheated
 4. Snow Importance Factor = 1.0
 5. Flat Roof Snow Load = 42 psf
- E. Wind Design Data:
1. Basic wind speed (3 second gust) = 115 MPH
 2. Wind Importance Factor: 1.0
 3. Wind Exposure Category: B
 4. Internal Pressure Coefficient: 0.18
 5. Mean Roof Height: 15 feet including parapets
- F. Seismic Design Data not required per Minnesota Building Code.

3.2 Materials

- A. Cast-In-Place Concrete:
- | | |
|---|------------------------------|
| 1. Footings: | $f'c = 4,000$ psi at 28 days |
| 2. Concrete Slab on Grade: | $f'c = 4,500$ psi at 28 days |
| 3. Superstructure Slabs, Beams and Columns: | $f'c = 5,000$ psi at 28 days |
| 4. All Other Concrete: | $f'c = 4,000$ psi at 28 days |
- B. Superstructure concrete:
1. Air Entrained: 7% +/- 1.5%
 2. Corrosion Inhibitor
 3. Flyash Admixture
- C. Post-tension slabs and beams, encapsulated tendons.

- D. Epoxy coated reinforcement: All reinforcement except for:
 - 1. Beam Bottom
 - 2. Column Vertical
 - 3. Wall
 - 4. Foundations
- E. Concrete Masonry Units: ASTM C90 type "N-1"
- F. Structural Masonry: F'm 1500 psi using Type S mortar
- G. Structural Steel:
 - 1. W shapes and Tees cut from W shapes: ASTM A992 Grade 50
 - 2. Plates and built-up members: ASTM A572 (Fy=50 ksi)
 - 3. Hollow Structural Sections (HSS): ASTM A500 Grade C (Fy=50 ksi)
 - 4. Pipes: ASTM A53, Types E or S, Grade B or ASTM A501
 - 5. Bolts: ASTM A325 and A490
 - 6. Anchor Rods: ASTM F1554 (grade 36)
- H. Metal Fabrications

3.3 Soil Subgrade Preparation

- A. Remove existing fill and unsuitable material below column foundations. Compact existing soils and backfill with compacted structural fill.

3.4 Foundation Systems

- A. Geotechnical Evaluation Report: Mill Street Parking Structure Geotechnical Evaluation Report prepared by Braun Intertec Corporation dated April 19, 2016, Project B1601759
- B. Footings: Spread Foundations 3,000 pounds per square bearing capacity
- C. Retaining Wall System: Performance design cantilever construction, "drill and drop" pile installation method utilizing timber lagging and cast-in-place exterior face wall. Retaining wall is isolated from parking structure.

3.5 Slabs-On-Grade

- A. Concrete slab on grade reinforced with mild reinforcement.

3.6 Structural Framing Systems

- A. General Description: The superstructure consists of post-tensioned concrete slab and beams supported by cast-in-place concrete columns founded on concrete spread foundations. The columns along the north perimeter are founded on drill piers foundations integral with the performance designed retaining wall system.

3.7 Lateral Systems

- A. Column/beam frames laterally support the parking structure in both directions.

3.8 Stairs

- A. Stair structural consists of mildly reinforce concrete.

--- End of Part 3 ---

PART 4 – BUILDING ENVELOPE

4.1 Exterior Wall Assemblies

- A. Refer to technical specification Articles for individual wall assembly material descriptions.
- B. Exterior Wall Assembly: Brick Veneer with Precast Structural Concrete Back-Up Wall
 - 1. Exterior Finish: Brick Veneer.
 - 2. Back-Up Wall: Precast structural concrete panels. Refer to Section 034100.

4.2 Section 033000 - Concrete Accessories and Finishes

- A. Structural Concrete: Refer to Structural Systems narrative.
- B. Concrete Accessories:
 - 1. (UVB-3) Under-Slab Vapor Barrier: Minimum 15 mils thick, ASTM E 1745, Class A, except with maximum perm rating of 0.01.
 - 2. (CS-1): Apply in accordance with manufacturer's recommendations and at coverage rate meeting ASTM C 309, Type 1, Class B, 18 to 22 percent solids. To be used at contractor's option in lieu of moist cure, in accordance with ACI 301, for floors to receive tile work, toppings, liquid applied waterproofing, synthetic flooring or other surface treatments for which bonding could be impaired by surface residue.
 - a. Sonneborn Kure-N-Seal W; or equal
 - 3. (CS-2) Clear, Non-yellowing, Waterborne, Membrane-Forming Curing and Sealing Compound: ASTM C 1315, Type 1, Class A, minimum 30 percent total solids. Comply with ACI 301, only for floors to remain bare or where surface treatments are compatible. Apply in accordance with manufacturer's recommendations. For floors to remain bare such as electrical room, thoroughly clean surface and apply additional roller application just prior to project completion.
 - a. Sonneborn Kure-N-Seal #30; or equal.
- C. Concrete Finishes:
 - 1. (CONC FIN-1) Trowel Finish: Apply a trowel finish to monolithic slab surfaces exposed to view.
 - 2. (CONC FIN-2) Nonslip Broom Finish: Apply nonslip broom finish to steps, and ramps, elsewhere as indicated.
 - 3. (CONC FIN-12): Integrally colored concrete with trowelled finish.
 - 4. (CONC FIN-20) Smooth-Formed Finish: As-cast concrete texture imparted by form-facing material, arranged in an orderly and symmetrical manner with a minimum of seams. Repair and patch tie holes and defective areas. Remove fins and other projections exceeding 1/8 inch amplitude.

4.3 Section 034500 - Architectural Precast Concrete

- A. Architectural Precast Concrete Veneer Panels: Architectural precast concrete cladding anchored to back-up structure and set with sealant. Exposed concrete surfaces fabricated with white cement, color admixtures, and finish to be determined; anchored with stainless steel anchors.
- B. Dimensions: TBD
- C. (APC-1) Concrete finish and color to be selected based on design options.
- D. Fabricators:
 - 1. Artstone.

2. Gage Brother.
3. Raider Precast Concrete, Inc.
4. Stoneworks Architectural Precast Inc.
5. Hanson Structural Precast Midwest, Inc., Maple Grove, MN.
6. Wells Concrete Products Co., Wells, MN.
7. IPC, Inc., Iowa Falls, IA.

4.4 Section 042000 - Unit Masonry

- A. (CMU-1) Concrete Blocks: Modular size, load bearing, ASTM C90; Normal weight Class 1; C33 Aggregate.
 1. Interior partitions
- B. Brick Veneer
 1. Color: Dark Grey
 2. Brick Type: Norman

4.5 Section 044313 – Anchored Stone Masonry Veneer

- A. Stone Masonry: Stone masonry units, laid in mortar and attached to backup structure with stainless steel anchors built into the veneer mortar joints.
- B. (STN-1) Stone type and color to be selected based on design options.

4.6 Section 055000 - Metal Fabrications

- A. Miscellaneous Metal Fabrications: Brackets, backer plates, etc. for support of miscellaneous equipment, walls or ceilings.
- B. Shelf Angles and Relief Angles: Fabricate shelf angles and relief angles from steel angles of sizes indicated and for attachment to steel and concrete framing; and with the following finishes:
 1. Exterior Walls, Concealed: Galvanized.
 2. Exterior Walls, Exposed: Galvanized, high-performance coating (HPC).
 3. Interior: Shop-applied primer and field-painted (PT).
- C. (MET FAB-5) Bollards Imbedded in Concrete: Hot-dipped galvanized steel pipe, 6" diameter, concrete-filled, anchored concrete footings.
 1. Finish: Galvanized, high-performance coating (HPC).
 2. Finish: Galvanized, high-performance coating (HPC).
- D. (MET FAB-1) Bicycle Rack: In-ground mounted
 1. Fabricate from Schedule 40 steel pipe, fully welded together, to lengths indicated.
 2. Galvanize bicycle racks after fabrication.
 3. Prime bicycle racks with zinc-rich primer for high performance coating (HPC).

4.7 Section 055110 - Metal Railings

- A. Structural Design of Stairs and Railings:
 1. Structural Performance of Railings:
 - a. Structural Performance of Railings: Railings shall withstand the effects of gravity loads and the following loads and stresses within limits and under conditions indicated:

- b. Handrails and Top Rails of Guards: Uniform load of 50 lbf/ft. applied in any direction; and concentrated load of 200 lbf applied in any direction.
- c. Infill of Guards: Concentrated load of 50 lbf applied horizontally on an area of 1 sq. ft..
- B. Metal Railings: Provide concealed fasteners for interconnecting railing components and for attaching railings to other work. At exposed connections, finish exposed welds to comply with NOMMA's "Voluntary Joint Finish Standards" for Type 1 welds; no evidence of a welded joint.
 - a. (MET RAIL-1) Aluminum or Stainless Steel Pipe Handrail: Anchored to wall or to guardrail, as shown.
 - b. (MET RAIL-11) Aluminum or Stainless Steel Guardrail: Bar top rail, posts & vertical intermediates in custom pattern; anchored to stringer at stair.

4.8 Section 061000 – Rough Carpentry

- A. (WD BLKG-1) Miscellaneous Lumber: Lumber for support or attachment of other construction, including rooftop equipment curbs and support bases, cant strips, bucks, nailers, blocking, furring, grounds, stripping and similar members. Moisture content of 19 percent maximum for lumber items not specified to have wood preservative treatment. No. 3 or standard grade.
- B. (WD SHTG-2) Concealed Sheathing: APA C-D EXT touch-sanded plugged. Exposure Exterior, 3/4 inch, square edge, Douglas Fir.

4.9 Section 076210 - Sheet Metal Flashing and Trim

- A. Provide sheet metal flashing in accordance with reviewed shop drawings and standard industry details by SMACNA in "Architectural Sheet Metal Manual."
- B. (SMF-1) Prefinished Aluminum Flashing: Aluminum sheet; ASTM B209, 6063 alloy, tempered to strength required; standard two-side bright finish, smooth and flat finish.
 - 1. Thickness: .050 inch.
 - 2. Finish: Color-Anodized, AAMA 611, AA-M12C22A42/A44, Class I, 0.018 mm or thicker.
 - a. Color: TBD

4.10 Section 079000 - Sealant Systems (Exterior)

- A. (SLNT) Sealant Schedule, Exterior:
 - 1. Joints at masonry, concrete: 2 part polyurethane or low modulus silicone.
- B. Sealant Colors: Colors from manufacturer's standard range and custom colors as selected by Architect.

4.11 Section 099600 – High Performance Coatings

- A. Coating and finishing of Architecturally Exposed Metal Fabrication Steel (AES) materials with high performance coatings (HPC).
- B. High Performance Coatings Manufacturers:
 - 1. ICI/Dulux.
 - 2. Pittsburg Paints.
 - 3. Tnemec Company, Inc.
 - 4. AkzoNobel Devow Performance Coatings.
 - 5. Or approved substitute; submit for approval.

- C. (HPC-2) System: Epoxy base coats, urethane finish coat, satin sheen, color TBD
 - 1. Interior and Exterior Galvanized Steel: Including railings, metal fabrications, exposed steel angles and lintels, bollards, and other metal fabrications.
 - a. Surface Preparation: Solvent cleaning and sweep blast cleaning as recommended by system Manufacturer. Touch-up non-galvanized steel surfaces with high-zinc coating.
 - b. System: Epoxy base, urethane finish.
 - 1) Base: Series L69 Hi-Build Epoxoline II
 - (a) Application: 2.0 to 4.0 dry mils
 - 2) Finish: Series 740 Endura-Shield UVX
 - (a) Application: 3.0 to 5.0 dry mils
 - (b) Sheen: Gloss

--- End of Part 4 ---

PART 5 - WATERPROOFING & ROOFING SYSTEMS

5.1 Introduction to Roof System Options

- A. Roof System Options:
 - 1. Vegetative Roof System
 - 2. Trellis – Partial or Full Parking Bay
 - 3. Solar PV Array
 - 4. Ballasted Roof System

5.2 Section 071353 - Elastomeric Sheet Waterproofing

- A. (WP-6) Membrane Waterproofing (if applicable): 60-mil thick, self-adhering sheet consisting of 56 mils of rubberized asphalt laminated to a 4-mil-thick, polyethylene film with release liner on adhesive side and formulated for application with primer or surface conditioner that complies with VOC limits of authorities having jurisdiction.
 - 1. Location: At foundation.
 - 2. Manufacturers and Products:
 - a. Grace Construction Products: Bituthane System 3000:
 - b. W. R. Meadows: Sealtight, MEL-ROL
 - c. Carlisle Coatings and Waterproofing: CCW Miradri 860/861.
 - d. Polyguard Products, Inc.: Polyguard 650.
 - 3. Drainage Board
 - 4. Drain Tile: Coordinate with Civil Engineering

5.3 Section 077273 – Vegetative Roof System – Roof Option

- A. (Roof-1) Pre-Cultivated Vegetative Mat or Tray System: Assembly consisting of manufacturer's standard, pre-planted modular trays for field assembly adjacent to and interlocking with each other over roofing system.
 - 1. Basis of Design: LiveRoof Brand – Standard System
 - 2. Depth, Nominal: 4 inches
 - 3. Assembly Weight: Maximum 27-29 lb/sq. ft. including growing medium and plants and saturated with captured water, but not including weight of roofing system.
 - 4. Plantings: Pre-planted vegetative mat as selected by Architect from manufacturer's standard mixes.

--- End of Part 5 ---

PART 6 - INTERIOR CONSTRUCTION & FINISHES

6.1 Interior Partition Walls

- A. (CMU-1) Concrete Blocks: Modular size, load bearing, ASTM C90; Normal weight Class 1; C33 Aggregate.
 - 1. Back-up wall for exterior envelope.
 - 2. Interior partitions.

6.2 Section 033500 - Interior Concrete Finishing

- A. Refer to Section 033000 - Concrete in Part 4 of this narrative.
- B. Products and Manufacturers: Subject to compliance with specified requirements, provide Basis of Design or approved equivalent products comprising a system by a single source.
 - 1. Advanced Floor Products.
 - 2. The Bomanite Company.
 - 3. H&C Decorative Concrete Products (Subsidiary of Sherwin-Williams).
 - 4. L & M Construction Chemicals (Division of Laticrete).
 - 5. L.M. Scofield Company.
- C. (CONC FIN-32): Trowel finish, dyed & densified
 - 1. Hard Trowel Finish:
 - a. Follow General Finishing Requirements for initial procedures.
 - b. Restraighten surface if required following paste-generating float passes using 10-foot wide highway straightedge. Apply in two directions at 45 degree angle to strip. Use supplementary material to fill low spots.
 - c. Consolidate concrete surface, uniform in texture and appearance, with three or more passes using power trowel. Hand trowel areas inaccessible by power trowel.
 - d. Grind smooth any surface defects that would telegraph through applied floor covering system.
 - 2. Dye: Non-film forming soluble colorant dissolved in a carrier designed to penetrate and alter coloration and appearance of a concrete floor surface without a chemical reaction; approved in writing by system Manufacturer for this Project.
 - a. Basis of Design: Ameripolish Acetone Dye.
 - b. Color: Matching Architect's sample.
 - 3. Densifier: Odorless, 0 VOC sodium-based concrete densifier, permanent sealing, densifying, and hardening compound for concrete.
 - a. Product: RetroPlate 99.
- D. (CONC FIN-30) Polished and Dyed Concrete Finishing System: Complete system including surface strippers and primers, fully-penetrating dye, densifier and hardener, stain repellent and sealer.
 - 1. Basis of Design System: RetroPlate Concrete Polishing System by Advanced Floor Products, Inc..
 - a. Contact: Brian Boie, ICS Midwest, 612.805.6293
 - 2. Dye: Non-film forming soluble colorant dissolved in a carrier designed to penetrate and alter coloration and appearance of a concrete floor surface without a chemical reaction; approved in writing by system Manufacturer for this Project.
 - a. Basis of Design: Ameripolish Acetone Dye.

- b. Color: Matching Architect's sample.
- 3. Densifier: Odorless, 0 VOC sodium-based concrete densifier, permanent sealing, densifying, and hardening compound for concrete.
 - a. Product: RetroPlate 99.
- 4. Stain Repellent and Sealer: Water-based penetrating stain repellent and sealer as recommended in writing by system Manufacturer.
- E. Aggregates: If applicable based on Architect's sample and accepted mockups, provide fine aggregates, washed and ready to be hand-seeded (broadcast) to match mockup.
- F. Joint Filler: Rapid setting, 100% solids, flexible, two-part polyurea joint filler.
 - 1. Product: CreteFill Pro 75 Polyurea Joint Filler by Curecrete Distribution, Inc.
 - 2. Color: Manufacturer's standard gray, or as determined by architect
 - 3. Performance Criteria:
 - a. Tensile Strength: ASTM D412 - 740psi
 - b. Shore "A" Hardness: ASTM D2240 - 75-77
 - c. Elongation: ASTM D412 - 290%

6.3 Interior Metal Fabrications

- A. Miscellaneous Metal Fabrications: Brackets, backer plates, etc. for support of miscellaneous equipment, walls or ceilings.

6.4 Metal Railings

- A. Design of Metal Railings: Refer to Section 055110 – Metal Railings in Part 4 of this Narrative.

6.5 Section 057000 - Ornamental Metal

- A. (ORN MET-1) Perforated Formed Aluminum Panel: Custom cut perforation pattern by Architect.
 - 1. Thickness: 1/8-inch.
 - 2. Finish: Color-Anodized, AAMA 611, AA-M12C22A42/A44, Class I, 0.018 mm or thicker.
 - a. Color: TBD.

6.6 Section 079000 - Sealant Systems (Interior)

- A. (SLNT) Sealant Schedule, Interior:
 - 1. Joints subject to movement: 1 part polyurethane
 - 2. Joints not subject to movement: Acrylic
- B. VOC Content of Interior Sealants: Provide sealants and sealant primers for use inside the weatherproofing system that comply with the following limits for VOC content when calculated according to 40 CFR 59, Part 59, Subpart D (EPA Method 24):
 - 1. Architectural Sealants: 250 g/L.
 - 2. Sealant Primers for Nonporous Substrates: 250 g/L.
 - 3. Sealant Primers for Porous Substrates: 775 g/L.
- C. Sealant Colors: Colors from manufacturer's standard range and custom colors as selected by Architect.
- D. Sealant Schedule:

6.7 Section 081113 - Hollow Metal Doors and Frames

- A. Hollow Metal Doors and Frames: ANSI/SDI A250.8-2014 - Specifications for Standard Steel Doors and Frames by Steel Door Institute.
 - 1. Pressed steel hollow metal doors and frames.
 - 2. Fire-rated hollow metal doors and frames.
 - 3. Hollow metal window-walls, glazed openings, and other hollow metal frames for glass.
- B. Frames: Fully-welded frames; with minimum base metal thickness according to NAAMM-HMMA 803 or SDI A250.8:
 - 1. 0.067-inch (14 gage): Exterior frames for doors, windows, transom and sidelights; frames over 42 inches in width.
 - 2. Frame Installation: Install hollow-metal frames of size and profile indicated. Comply with ANSI/SDI A250.11 or NAAMM-HMMA 840 as required by standards specified.
- C. Hollow Metal Doors: 1-3/4 inch, 14 gauge galvanized hollow metal doors. 20 gauge steel stiffener reinforced vertically 6 inches o.c. full height and width, spot welded 5 inches o.c. to both face sheets. Stiffeners welded together top and bottom. Insulate with 2-1/2 lb density mineral wool insulation. Primed finish for field painting. Frames to be installed so that face is flush with adjacent wall finish.

6.8 Section 087100 – Door Hardware

- A. Door Hardware: Comply with ADA Requirements for all locations.

6.9 Section 099000 - Painting

- A. Products and Manufacturers: Provide manufacturer's best-quality paint material that are factory formulated and recommended by manufacturer for application indicated and intended for commercial and institutional projects.
 - 1. Sherwin-Williams Company
 - 2. Benjamin Moore & Co.
 - 3. ICI Paints
 - 1. Mythic Paint
 - 4. PPG Industries
 - 5. Hirshfield's Inc.
 - 6. Diamond Vogel Paints.
 - 7. Rust-Oleum.
- B. Interior: Use Low VOC, low odor latex top coats, unless otherwise indicated.
 - 1. Paint surfaces with primer and two finish coats, unless otherwise indicated.
 - 2. Paint the following items and surfaces:
 - a. Ceilings: Flat sheen latex.
 - b. Walls: Eggshell latex.
 - c. Hollow metal doors and frames: Semi-gloss oil-based.
 - d. Exposed Structure Above: Latex dry fallout.
- C. (PT) Paint Colors: To be determined.

--- End of Part 6 ---

PART 7 - SPECIALTIES, EQUIPMENT & FURNISHINGS

7.1 Section 101400 - Signage (Basic)

- A. Tactile and Braille Sign: Manufacturer's standard process for producing text and symbols complying with ADA-ABA Accessibility Guidelines and with ICC/ANSI A117.1. Text shall be accompanied by Grade 2 Braille. Produce precisely formed characters with square-cut edges free from burrs and cut marks; Braille dots, raised not less than 1/32 inch, with domed or rounded shape.

7.2 Section 101414 - Dimensional Letter Signage

- A. (SIGN-1) Dimensional Letter Building Identification Signage: Cast aluminum characters with uniform faces, sharp corners, and precisely formed lines and profiles, and as follows:
 - 1. Message: As shown on Drawings.
 - 2. Typeface: As shown on Drawings.
 - 3. Character Height: As shown on Drawings
 - 4. Finishes: Clear-anodized.
 - 5. Mounting: Projected/Stand-Off.
- B. Stainless-Steel Sheet: ASTM A 240 or ASTM A 666, Type 316, stretcher-leveled standard of flatness.
- C. Fasteners and Accessories: Manufacturer's standard corrosion-resistant, nonstaining, nonbleeding fasteners and accessories compatible with adjacent materials.
 - 1. Use self-locking devices where fasteners are subject to loosening or turning out from thermal and structural movements, wind loads, or vibration.
 - 2. Reinforce members as required to receive fastener threads.
 - 3. Use exposed fasteners with countersunk Phillips screw heads, fabricated from Series 300 stainless steel.

--- End of Part 7 ---

PART 8 - SPECIAL CONSTRUCTION (NOT USED)

--- End of Part 8 ---

PART 9 – ELEVATORS AND LIFTS (NOT USED)

--- End of Part 9 ---

PART 10 - MECHANICAL AND PLUMBING SYSTEMS

10.1 General

This project includes a construction of a 95,000 square foot, two-level, city owned, municipal parking ramp.

10.2 Scope of Work

- A. Work under this contract includes complete mechanical systems for the new addition, including (but not limited to):
 - 1. Fire Protection System
 - 2. Domestic Water System.
 - 3. Sanitary Sewer System.
 - 4. Storm Sewer System
- B. Assumptions
 - 1. All fees for permitting will be paid by the Contractor.
 - 2. Contractor to provide all special tools required for assembly, setting, adjustment, etc.
 - 3. Contractor to provide for all delivery, handling and storage requirements for all mechanical equipment
 - 4. Provide complete O&M manuals, w/electronic format
 - 5. Provide complete as-built record drawings
 - 6. Provide warranty (minimum 1-year)
- C. Exclusions
 - 1. Snow Melt System
- D. Alternatives
 - 1. Green roof (partial).
 - 2. Trellis roof (partial).
 - 3. Photo voltaic (PV) roof (partial).
- E. Code Compliance
 - 1. The mechanical design of this facility is to be in compliance with the currently adopted versions of the following codes and standards:
 - a. Americans with Disabilities Act
 - b. NFPA 14 Installation of Standpipe and hose systems
 - c. NFPA 101 Life Safety Code
 - d. Occupational Safety and Health Administration Regulations
 - e. State and Local Building Codes – International Building Code (IBC 2012) with Minnesota Amendments (ICC 2015 Minnesota Building Code)
 - f. State and Local Mechanical Codes – International Mechanical Code (IMC 2012) with Minnesota Amendments (ICC 2015 Minnesota Mechanical Code)
 - g. State and Local Plumbing Codes – Uniform Plumbing Code (UPC 2012) with Minnesota Amendments (IAPMO 2015 Minnesota Plumbing Code)
 - h. State and Local Fire Codes and Regulations – International Fire Code (IFC) 2012 (Minnesota State Fire Code (MN rule 7511))

- i. State and Local Energy Codes – 2015 Minnesota Energy Code

F. Mechanical General:

- 1. There will be no mechanical systems as part of this building.

10.3 Plumbing Systems

A. Domestic Water System

- 1. The domestic water system is anticipated to have the following at a minimum:
 - a. Two (2) wash-down hose bibs per level.
 - b. Hose bibs shall be vandal-proof, key-operated type.
- 2. Water piping (Type K copper) to hose bibs shall be drained down seasonally.
- 3. Provide means to drain down cold water piping to prevent freezing.
- 4. City approved water meter.
- 5. Provide connection from irrigation system.

B. Sanitary Sewer System

- 1. Provide vent and a gravity waste system for lower level of ramp.
- 2. All waste and vent piping above grade and prior to flammable waste interceptor below grade shall be cast iron.
- 3. All waste and vent piping below grade, other than described above, shall be PVC.
- 4. Connect all lower level drains, six (6) 4" drains with heavy duty square grate, to waste and vent system, complete with sand interceptor and flammable waste interceptor without interruptions and connected to the municipal sanitary sewer system.

C. Storm Sewer System

- 1. Provide a gravity storm system for the upper level of the parking ramp.
- 2. All storm piping above grade shall be cast iron and all storm piping below grade shall be PVC.
- 3. All upper level drains, six (6) 4" drains with heavy duty square grate, shall be connected to the storm sewer system and be connected to the municipal storm sewer system.

10.4 Fire Protection System

A. Fire Protection Service

- 1. The fire protection shall be provided by two (2) four-inch standpipes at opposite corners of the parking ramp structure on each level, interconnected with a four-inch fire line and supplied through a flush-mounted four-inch fire department connection located on the exterior of the parking ramp.
- 2. This system shall be per NFPA approved materials with all drains, risers and offset required by code.

--- End of Part 10 ---

PART 11 - ELECTRICAL SYSTEMS

11.1 Applicable Codes

- A. 2010 ADA Standards for Accessible Design (Department of Justice)
- B. NFPA 70 National Electrical Code 2014 Edition
- C. NFPA 72 National Fire Alarm and Signaling Code 2016 Edition
- D. NFPA 110 Standard for Emergency and Standby Power Systems 2016 Edition
- E. NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems 2015 Edition
- F. UL 464 Standard for Audible Signal Appliances 2009 Edition
- G. UL 521 Standard for Heat Detectors for Fire Protective Signaling Systems 1999 Edition
- H. Minnesota Energy Code 2015 Edition ASHRAE compliance path.

11.2 Electrical Project Scope

- A. All electrical work associated with Mill Street Parking Structure and the site work associated with the building, unless listed below.
- B. Items currently not included in the scope of work
 - 1. Telephone System: Telephone hardware and electronics, cabling, faceplates, terminal blocks, termination and testing. It is presumed that the owner will perform this work under a separate contract. Pathways (conduit and cable tray), backboxes, and backboards are included as part of this project scope.
 - 2. Data System: Data network electronics such as concentrators, Ethernet switches, servers, uninterruptible power supplies, and other electronic equipment, as well as cabling, faceplates, patch panels, network equipment racks, terminations and testing is not included. It is presumed that the owner will perform this work under a separate contract. Pathways (conduit and cable tray) and backboxes are included as part of this project.
 - 3. Cable TV (CATV) System: Video recorders, video signal processors, other electronics, as well as cabling, outlets, faceplates, are not included. It is presumed that the owner will provide this equipment. Video cabling pathways (conduit and cable tray), backboxes, and backboards are included as part of this project.
 - 4. Security Systems: Cameras, card readers, control devices, recording devices, monitors, and other electronic devices are not included. It is presumed that the owner will provide this equipment. Security system pathways (conduit and cable tray), backboxes, and backboards are included as part of this project.

11.3 Service and Distribution Scope

- A. Temporary Power:
1. Provide temporary construction power to the site and construction services. The permanent building utility company pad-mounted transformers may be utilized or the adjacent existing municipal liquor store (Wayzata Wine & Spirits) service may be utilized for temporary power. Provide proper electrical and physical protection for pad-mounted transformer. Contractor is responsible for all distribution and metering equipment of construction power.
- B. Existing Wayzata Wine & Spirits Service:
1. An existing 150 kVA pad mounted transformer (T25) located on the west end of the building provides a 600 Amp; 120/208 Volt; 3 Phase; 4 Wire service to an exterior current transformer cabinet before entering the building.
- C. Main Distribution Base bid (no Photovoltaic): This option would need to be discussed with Xcel Energy to confirm the proposed modifications. This option appears to be a cost effective solution to eliminate the need to have Xcel provide a new electrical service from Superior Blvd. Refer to Figure 1.
1. Provide permanent power to the parking ramp from the existing utility transformer feeding the Wayzata Wine & Spirits (WWS) liquor store.
 - a. Provide a new NEMA 3R, 120/208 Volt, 1200 Amp Double Secondary Connection Cabinet (SCC). The SCC shall be equipped with CT meter provisions for (1) secondary. This existing transformer will be repurposed for two services, one will refeed existing WWS, the other will serve the new parking structure.
 - b. Install the exterior connection cabinet adjacent to existing Utility Transformer "T25".
 - c. Extend existing WWS secondary feeder to new SCC. Maintain existing metering.
 - d. Provide new secondary from metered section of the SCC to service entrance rated panel inside parking structure.
 - e. A 6' x 8' electrical room will be provided in the north east portion of the building on ground level of the parking structure.
 - f. Provide a Service Entrance rated 250A, 120/208 Volt, 3 phase, 4 wire panelboard to feed the ramp lighting, receptacle and miscellaneous electrical loads inside the parking ramp electrical room.
 - g. Cost estimate should include potential cost associated with replacing the existing Xcel Energy transformer T25 with a 225 kVA transformer.
- D. Main Distribution Option #1 (with Photovoltaic): Tying the photovoltaic to the Wayzata Bar & Grill Muni Restaurant would require a significant amount of cost and more investigation to determine how an interconnection could happen. The more straight forward interconnection for this project would be to interconnect the PV system to a combined service point that would serve the WWS and the new parking structure. That is the assumption for this interconnection description. Refer to Figure 2.
1. Provide permanent power to the parking ramp from the existing utility transformer feeding the WWS store. This option will include provisions for interconnecting the PV system provided by others. This is a schematic scenario to provide a rough order of magnitude of cost. If PV becomes part of the scope this option will be revised to suit final PV system ratings.
 - a. Provide a new NEMA 3R, 277/480V, 1200A SE rated switchboard adjacent to the existing utility transformer "T25" serving WWS. The switchboard shall be equipped with circuit breakers to refeed the WWS, feed the parking ramp, and provide PV interconnection.

- b. A new Xcel Energy net meter shall be provided at the new switchboard. This will meter the WWS, Parking Ramp, and PV.
 - c. Extend existing WWS secondary feeder to new switchboard.
 - d. Provide new 250A feeder from MSB to panelboard inside parking ramp electrical room.
 - e. A minimum 6' x 6' electrical room will be provided in the parking ramp.
 - f. Remove main bonding jumper in existing Muni main switchboard.
 - g. Remove existing WWS CT's and meter and turn over to local utility company.
 - h. Coordinate all new meter requirements with local utility company.
 - i. PV system shall be provided and installed by owner. PV contractor shall coordinate and comply with local electrical utility interconnection requirements and provide all required paperwork, components, protection devices, settings, programming, testing and commissioning.
- E. Existing underground electrical utilities
- 1. Based on the existing survey file there are existing Xcel underground feeders in the construction limits. Further investigation will be required to determine if any relocation work will be required.
 - 2. A fiber optic utility box was noted during a casual field review. This is located adjacent to the utility transformer serving the liquor store. It is unknown at this time if any underground conduits from this box will need to be relocated. The box should be able to remain in place. Further investigation will be required.
- F. The following voltages are typical
- 1. Motors ½ HP or greater: 208V, 3 phase.
 - 2. Lighting: 120V, 208V, 1 phase
 - 3. Receptacles and motors 1/3 HP or less: 120V.
- G. General convenience duplex receptacle locations and quantities
- 1. General purpose GFCI receptacles shall be provided every 60' in the ramp.
 - 2. Storage, utility spaces: One receptacle at entrance door, 48" AFF
 - 3. Mechanical spaces: Receptacles spread throughout for maintenance purposes
 - 4. Outdoor: One receptacle at each entrance/exit from the building, with additional perimeter outlets to reduce the spacing to 100'-0" maximum.
- H. Other power requirements
- 1. Provide power to (2) Level 2 Electric Vehicle (EV) charging stations. Assume 40A, 208V per station.
 - 2. Provide power for water cistern pump.
 - 3. For detailed listing of mechanical system equipment, refer to Mechanical Systems Narrative.
 - 4. Provide 120V, 20A branch circuit to a minimum of two irrigation controllers.
 - 5. Provide 120V, 20A branch circuit to telecommunications rack equipment.
- I. Motor Controls
- 1. Stand-alone Motor Starters: Provide a magnetic starter for all motors without integral controls. Provide a combination starter when starters are mounted within sight of the motor. Where served by a VFD, VFD to be furnished by Division 23, installed by Division 26, and connected by Division 26.
- J. Emergency Systems
- 1. Provide a 5KW lighting inverter to provide emergency power to lighting.

11.4 Lighting Scope

- A. Lighting systems appropriate for the task and design of the space will be selected. Lighting levels will meet IES recommended lighting levels. The design criteria include reducing light pollution in the residential neighborhood.
- B. The Lighting installations will be designed to meet Minnesota Energy Code. Design will utilize energy efficient LED sources.
- C. Lighting Specifics: The allowances provided below are material costs of luminaires only, not including installation.
 - 1. Street Level: Provide light bollards along the sidewalks, decorate light posts at the Mill Street parking entrance by Broadway Avenue, and LED luminaires to illuminate Mill Street.
 - a. Light Bollards: BEGA 77844 LED at \$1150/per fixture, quantity of 10.
 - b. Decorative Light Posts: BEGA 88619 LED at \$6000/per fixture, quantity of 2.
 - c. LED luminaires for street lighting: Provide the following three (3) options.
 - 1) Option 1: Mounted LED luminaires to the new building facade along Mill Street: \$2000/per fixture, quantity of 15.
 - 2) Option 2: Install new pole luminaires along the south sidewalk of Mill Street. The sidewalk is not currently in the scope of work. Provide the cost estimate on the associated site work. Provide Lithonia DSX1 LED 60C 700 40K T3M MVOLT RPA DBL XD, quantity of 9.
 - 3) Option 3: Salvage existing site pole luminaires and install along the south sidewalk of Mill Street. The sidewalk is not currently in the scope of work. Provide the cost estimate on the associated site work.
 - 2. Covered parking at street level: Provide LED parking garage luminaires. Provide 2 luminaires per structural bay at every other bay. Provide additional luminaires at the entrances to achieve 50 foot-candles.
 - a. LED parking garage luminaires: Provide Lithonia DSXPG LED 3 10B700/40K T5W BDS DWHXD, quantity of 56.
 - 3. Roof parking: provide the following options.
 - a. No Roof Option: Provide pole luminaries along the center spine of the parking stalls to illuminate the parking surface. Provide accent lighting along the retaining wall to identify the parking edge, provide step lights along the parapet to identify the parking edge.
 - 1) Pole luminaires: Provide \$3500/per pole, quantity of 15.
 - 2) Retaining wall lighting (continuous along the wall): Provide \$100/per linear foot.
 - 3) Step lights along parapet: Winona LED STEP01 RECT L 30K/HO BSS WL STD. Provide one step light/per 7'.
 - b. Trellis-Partial Option: Provide pole luminaries along the center spine of the parking stalls to illuminate the parking surface. Provide trellis mounted downlights to identify the parking edge, provide step lights along the parapet to identify the parking edge.
 - 1) Pole luminaires: \$3500/per pole, quantity of 15.
 - 2) Trellis downlights: \$2000/per fixture, quantity of 15.
 - 3) Step lights along parapet: Winona LED STEP01 RECT L 30K/HO BSS WL STD. Provide one step light/per 7'.

- c. Trellis-Full, Green Roof, Solar PV Option: Provide LED parking garage luminaries to illuminate the covered parking surface, provide LED luminaires to be mounted to the trellis posts to illuminate the roof parking surface, provide step lights along the parapet to identify the parking edge.
 - 1) LED parking garage luminaires: Provide Lithonia DSXPG LED 3 10B700/40K T5W BDS DWHXD, quantity of 20.
 - 2) Trellis mounted luminaries: \$2000/per fixture, quantity of 18.
 - 3) Step lights along the parapet walls: Winona LED STEP01 RECT L 30K/HO BSS WL STD. Provide one step light/per 7'.
- 4. Building Accent lighting:
 - a. Façade lighting: Provide continuous linear LED luminaires to be concealed in the architectural detail on the top of the screen walls.
 - 1) Continuous linear LED luminaires: \$120/liner foot along the screen walls.
 - b. Stair tower lighting: Provide small aperture in-ground LED luminaries to be located between the vertical trellis fins.
 - 1) In-ground LED luminaries: \$250/per fixture, quantity of 66.
- 5. Utility Rooms: Provide LED utility luminaries.
- 6. LED exit signs will be used throughout, polycarbonate housings made for rough service/vandal resistance.
- D. Emergency egress lighting will be supplied by the lighting inverter.
 - 1. Exterior: A portion of the ramp lights will be connected to a lighting inverter to provide power for egress lighting. Exterior lighting at entrances/exits from the building will also be circuited and controlled to serve as egress lights.
- E. Lighting Controls:
 - 1. Utility and storage rooms, and other enclosed rooms less than 1000 square feet will be provided with occupancy sensors to automatically control lighting. See list below for occupancy sensor application.
 - a. Large storage rooms: Ceiling-mounted infrared
 - b. Janitor's closets, small storage rooms, single-occupant toilet rooms: Wallbox infrared
 - 2. Parking Garage spaces shall be controlled by occupancy sensors to reduce each luminaire power by 30% when unoccupied for 20 minutes. Occupancy sensors will be strategically located to create the control zones. No zone shall be greater than 3,600SF.
 - 3. Automatic daylight dimming controls will be provided for all luminaires installed within 20'-0" of the open perimeter walls.
 - 4. Exterior lighting will be controlled by exterior photocell and astronomic timeclock input through the lighting control relay panel system.

11.5 Systems Scope

- A. Fire Alarm: An addressable fire alarm system will be provided throughout the building. System will include manual stations, smoke detectors, duct smoke detectors, heat detectors, connections to sprinkler system and HVAC equipment, audio/visual devices and visual devices. System will be designed to meet NFPA and the State of Minnesota Building Code. The following items will be included

1. Manual pull stations at each exit from each floor and every 200' of travel, double action STI lexan guard with alarm, keyed reset. Mounting heights shall be no lower than 36" AFF and no higher than 48" AFF and shall be within ADA accessible reach limits at all locations and within 5' of exit doors.
 2. Heat and Smoke detection: Provide complete coverage heat and smoke detection in accordance with NFPA 72.
 3. Audio/visual and visual notification appliances in quantities and locations required to notify occupants in accordance with NFPA 72 and the ADA. Strobes shall be minimum 15 cd rating under UL 1971. Audible devices shall be horn based.
 4. Door Holders: Provide magnetic door holders for release of designated doors upon alarm signal. Coordinate with architectural for doors to be held open. Provide all required door hardware interfaces for unlocking doors and releasing held open doors.
 5. Fire Protection: Connection to tamper and flow switches in quantities and locations determined by the fire protection contractor.
 6. An LCD remote annunciator will be provided at a location acceptable to the fire department for notification and control of the system.
 7. A DACT will be provided to transmit fire alarms to the Owner's central monitoring location.
 8. Fire alarm system conduit and fire alarm j-box covers shall be painted red.
- B. Telecommunications
1. Voice/Data Systems: The voice/data systems will be provided and installed by the owner. The contractor will provide empty boxes, conduit and sleeves to facilitate the voice/data cabling. A typical voice/data outlet will have a two-gang box with a single gang faceplate and a 3/4" empty conduit routed to an accessible ceiling location.
 2. Two 4" empty conduits will be stubbed out from the main electrical room to the property line for incoming service lines.
 3. Locations of Telecom Rooms and Server room:
 - a. Telecom equipment will be located in the electrical room. Provide a 4' x 6', 3/4" AC grade plywood mounted on wall of the electrical room to mount components.
 4. Typical outlet Quantities and Locations:
 - a. BAS location
 - b. Security system location
 - c. Intercom locations
- C. Access Control
1. The Access Control systems will be provided and installed by the owner. The contractor will provide empty boxes, conduit and sleeves to facilitate cabling.
- D. Video Surveillance
1. The Video Surveillance system will be provided and installed by the owner. The contractor will provide empty boxes, conduit and sleeves to facilitate cabling.
- E. Intercom System
1. Intercom system will be provided and installed by the owner. The contractor will provide empty

11.6 Basic Materials and Methods

A. General:

1. Shop drawings, Operation and Maintenance Manuals, and Operating instructions for the Owner are required for this project.
2. All materials shall be new, UL Listed and Approved for the purpose, and installed per code.
3. Work shall be installed per the NEC (NFPA 70) and applicable state and local codes and shall meet the requirements of nationally recognized standards. Secure and pay for all permits, licenses, utility and inspection fees, and coordinate all work with local inspection authorities.
4. All systems shall be completely functional and wiring systems shall test free of defects using megger, continuity, ground, voltage, current, and phase rotation tests. Balance system phase currents to within 5% of each other.
5. Provide all cutting and patching necessary for installation of electrical work and restore finished surfaces disturbed by this Contractor. Do not cut or drill structural members.
6. Provide general cleanup of waste and rubbish in the work area, and clean all removed and reinstalled equipment and luminaires. Clean all equipment that has become dirty during construction.

B. Equipment Support: Provide support of all electrical work through the use of hanger rods, clamps, structural framing, fastening devices, and backboards. Provide vibration isolation in all supporting hardware for vibrating electrical equipment installed by this Contractor. Provide 4" high concrete pads for floor mounted equipment.

C. Identification: Provide engraved nameplates, wire and cable markers, embossed tape, and device plate cover engraving on electrical distribution and control equipment and the loads they serve, main power and special system cabinets, motor control centers, motor starters and variable frequency drives, and disconnects.

D. Temporary Electric Services: Provide complete, adequately sized, and metered temporary electric power and lighting services for all trades. The General Contractor will pay energy charges. Provide service equipment, feeders, panel boards, panel board receptacles, and lighting as required for the trades to perform quality work in a safe environment. Energize hoists, cranes, elevators, field offices, and other large significant loads. Work shall include ground fault protection where required and comply with OSHA and the NEC. Remove facilities prior to occupancy.

E. Underground Installations: Provide all excavation, backfilling, fill, and compacting of trenches for installation of electrical work. Provide all necessary pumping and drains. Restore site surfaces such as streets, sidewalks, curbs, paved areas and lawns, to original condition. Install marking tapes and pitch conduits away from the building for draining.

F. Raceway Systems

1. Conduits: Rigid steel, IMC, EMT, Flexible steel and Liquid-tight, and PVC conduits will be used with approved fittings. Provide complete raceway systems including outlet boxes, pull boxes, and fittings. Conceal conduits in finished spaces. Group conduits on racks leaving 25% conduit space and suspend from the structure. Size conduits, boxes, and bends per the NEC. Provide expansion fittings, conduit seals, drain tees, conduit hubs, fire/smoke barriers where required. Metal conduits shall have continuous grounding integrity.
 - a. Schedule 40 PVC or Rigid steel conduit will be used for the service entrance conduits.
 - b. PVC will be used for feeders running below the slab.
 - c. IMC will be used for feeders exposed outdoors.
 - d. EMT will be used for interior feeders and branch circuits.

- e. Flexible steel or Liquid-tight will be used for connection to motors and transformers
 - f. Minimize conduits in structural slab and deck pours. At slab on grade, keep conduits below slab.
- G. Wire And Cable: Branch circuit conductors shall be THWN/THHN solid copper through #12 and stranded copper #8 and larger. Minimum wire size is #12. Conduit fill shall conform to NEC table 3. All conductors shall be in raceways with color coded insulation and each voltage system shall be separately identified. A green ground conductor will be installed in each feeder and branch circuit conduit.
- a. Provide a separate neutral conductor for all branch circuits.
- H. Boxes And Cabinets
- 1. Pull & Junction Boxes: Indoor boxes shall be NEMA 1, constructed of a single piece code gauge steel, with folded and welded corners, complete with flat removable screw down cover. Outdoor boxes utilizing rigid metal conduit shall be cast iron with cast iron gasketed cover held down with stainless steel screws. Outdoor boxes utilizing PVC conduit shall be plastic with screw down gasketed cover. Size all boxes per NEC article 314. Provide boxes to comply with code and to provide ease of conductor installation.
 - 2. Outlet Boxes and Fittings: Interior outlet boxes shall be galvanized steel, non-gangable, with knockouts and covers or extension rings as required. Exterior surface outlet boxes shall be cast iron alloy with threaded hubs and screw down gasketed WP covers.
 - 3. Cabinets: Cabinets shall be constructed of code gauge steel without factory knockouts, surface or flush mounted and shall appear as a panel board with a hinged and latched door. Provide barriers to separate low voltage and power wiring as required.
- I. Devices And Cover Plates
- 1. Switches shall be heavy-duty specification grade, 20 amp, 120/277 volt, quiet toggle, momentary contact, pilot type or illuminated toggle. Provide single pole, double pole, 3-way, 4-way, or SPDT as required similar to Hubbell 1221 series.
 - 2. Receptacles shall be heavy-duty specification grade, duplex or single outlet, voltage, and NEMA configuration as required. Provide GFI receptacles as required. GFI receptacles shall have test and reset buttons and indicator lights.
 - 3. Interior device plate covers shall be:
 - a. Unfinished areas (storage, mechanical, etc.): Galvanized steel
 - b. Finished, public spaces: stainless steel.
 - c. Exterior device plates shall be galvanized steel WP with hinged lid.
- J. Grounding And Bonding
- 1. Provide grounding and bonding of the service entrance complete with grounding bushing on each conduit entering the service equipment. Connect service entrance gear to ground as listed below.
 - 2. Provide a service entrance ground by making a connection from the service entrance panel ground bus to the incoming water service and available grounding electrodes. Provide 3 ground rods.
 - 3. Provide a 2" x ¼" x 24" copper ground bar in the main electrical room. Ground bar shall be used as the central grounding point for telecommunications and other systems in the building.
 - 4. Equipment Grounding:
 - a. Motor circuits shall have a ground conductor pulled with the phase conductors.
 - 5. Provide a green grounding conductor in all branch circuit and feeder conduits sized per NEC. Provide grounding conductors in all conduit systems, flexible conduit lengths, and surface raceways.

6. Provide grounding of all equipment comprising a permanent bonding together of all metallic, non-current carrying parts of the electrical system like raceways, boxes, panels, cabinets, equipment enclosures, housings, motor frames, ducts, and luminaires.

11.7 Electrical Distribution Equipment

A. Switchboards

1. Buses and Connections: Three-phase, four-wire type, copper bussing, uniform capacity entire length of switchboard.
2. Overcurrent Protective Devices: Ratings, characteristics and settings suitable for use. Main and branch devices shall be thermal magnetic trip types.
3. Ratings: Nominal system voltage, continuous main bus amperage, short-circuit-current rating suitable for use.
4. Incoming services (utility or alternative energy sources) will be metered with revenue grade power quality meter, meeting or exceeding ANSI C12.20 0.2 accuracy class.
 - a. Eaton Power Xpert 6000 or equivalent.

B. Panelboards: Panelboard enclosures shall be made of code gauge steel with finished cabinet front with concealed trim clamps, concealed door hinges, and lockable trim door with flush locks all keyed alike. 120/208 volt circuit breakers shall be bolt-on, minimum 10,000 AIC rating (main service panel 14,000 AIC). Panel board bus ampacity shall be as indicated elsewhere in this narrative. Provide removable typewritten circuit breaker identification inside door.

C. Disconnect switches shall be heavy duty, horsepower rated, 250 volt or 600 volt, 2-pole, solid neutral, or 3-pole fused or non-fused and as required. Switch shall be quick-make quick-break with interlock and lockable enclosure door for opening. Provide NEMA 1 enclosure indoors, NEMA 3R outdoors, and NEMA 4X in interior wet locations. Fusible switches shall use current limiting fuses with rejection type fuse clips.

1. Fuses 600 amp and above shall be equal to Bussman Low Peak, KRP-C. Fuses 600 amp and below shall be equal to Bussman Low Peak, LPN-RK or LPS-RK except that motor circuit fuses shall be equal to Bussman Fusetron FRN-R.

D. Circuit Breaker Disconnects: Provide molded case disconnect switches, 600 volt, 3-pole in the elevator machine room. Provide one disconnect switch per elevator.

E. Motor Controls

1. Motor Control Center: NEMA 1 enclosure; NEMA ICS 3, Class I Type B wiring; plated copper bussing; modular sections; free-standing
2. Magnetic / Combination Starters: NEMA 1 enclosure with pilot light, HOA switch, control transformer with matching closing coil, 1-NO & 1-NC auxiliary contact and thermal overload protection sized to the motor. Fusible switches shall be quick make, quick break with interlock to door. Starters shall be full voltage across the line sized as necessary.

11.8 Lighting Equipment

A. Luminaires: Luminaires will be provided complete with lamps, ballasts, drivers, and all necessary accessories and mounting hardware. Luminaires will be compatible with ceiling or wall systems.

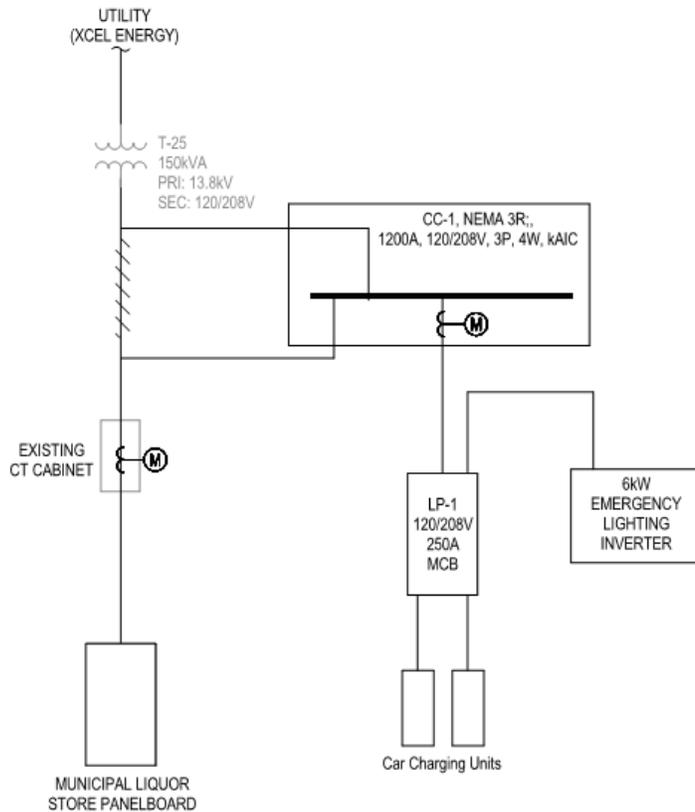
1. LED luminaires: 80 minimum CRI, L70 service life of 50,000 hours minimum, 5 year warranty

B. LED Drivers

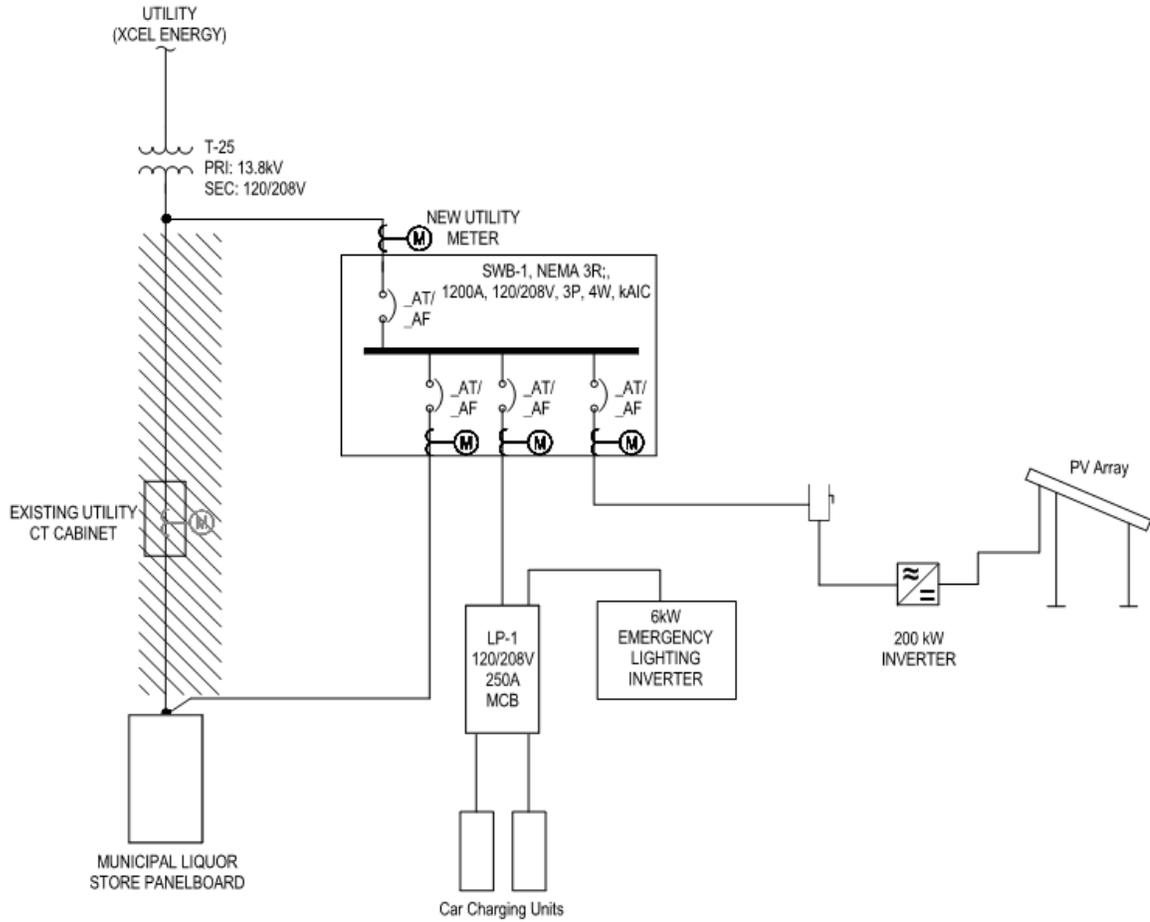
1. Minimum efficiency of 85%

2. 20% THD or less
 3. Dimmable in spaces where dimming controls are indicated in Lighting Scope section
- C. Lighting Control Panels: Microprocessor-based control system with electrically-held relays for control of lighting loads.
- D. Occupancy Sensors:
1. Wallbox passive infrared: Watt Stopper WS series
 2. Ceiling-mounted passive infrared: Watt Stopper CX / CI series
 3. Ceiling-mounted ultrasonic: Watt Stopper W-2000 series

11.9 Figure 1 (No Photovoltaic)



11.10 Figure 2 (With Photovoltaic)



--- End of Part 11 ---

PART 12 - SITE WORK

12.1 Site Description

- A. The site for the proposed parking structure is about 1.5 acres located along the north edge of Mill Street between Wayzata Wine & Spirits and Broadway Ave - behind existing buildings along the north side of Lake Street.
- B. There is an existing surface parking lot that covers much of the site. The surface elevations of this lot vary from 942' at the northwest corner to about 933' at the southeast corner. There is a steep slope from elevation 940' to 974' (over a distance of 67-feet) along the north edge of the site.
- C. Lake Minnetonka is located about 400 feet south of the site. The water elevation of the lake has varied from 928.5' to 931.1' in recent years.

12.2 Selective Site Demolition (Division 31)

- A. Selective demolition of paved parking areas, utilities, surrounding hardscape, landscape and existing site features where indicated.
- B. Pre-Demolition Conference: Conduct conference at Project site.
 - 1. Inspect and discuss condition of site work to be selectively demolished.
 - 2. Review and finalize selective demolition schedule and verify availability of materials, demolition personnel, equipment, and facilities needed to make progress and avoid delays.
 - 3. Review requirements of work performed by other trades that rely on substrates exposed by selective demolition operations.
 - 4. Review areas where existing site improvements are to remain and require protection.
- C. Regulatory Requirements:
 - 1. Permits: Apply and pay for all permits necessary to perform the work .
 - 2. Comply with all national, state and local standards and regulations including, but not limited to:
 - a. MPCA General Permit Authorization to Discharge Stormwater Associated With Construction Activity
 - b. City of Wayzata Zoning Ordinance
 - c. Minnesota Department of Labor and Industry Plumbing Plan Review
 - 3. Comply with governing notification regulations before beginning demolition and grading.
 - 4. Comply with hauling and disposal regulations of authorities having jurisdiction.
- D. Preparation:
 - 1. Temporary Facilities: Provide temporary barricades and other protection required to prevent injury to people and damage to adjacent buildings and facilities to remain.
 - 2. Temporary Shoring: Provide and maintain shoring, bracing, and structural supports as required to preserve stability and prevent movement, settlement, or collapse.
 - 3. Existing Services/Systems to Be Removed, Relocated, or Abandoned: Locate, identify, disconnect, and seal or cap off indicated utility services and mechanical/electrical systems serving areas to be selectively demolished.

12.3 Earthwork (Division 31)

- A. Erosion Prevention & Sediment Control

1. Best Management Practices must be used to prevent soil from leaving the site and protect excavated areas from eroding. Earthwork operations must not begin until the Contractor has installed temporary erosion control measures as necessary to protect adjacent streets, property, and all storm sewer inlets from sediment transported by storm water runoff.
 2. Prevent soil from leaving the site via storm runoff, vehicular tires, or other means. Use silt fencing as needed and construct an exit drive to clean tires of vehicular traffic leaving the site.
 3. Restore eroded topsoil areas subsequent to final vegetative cover being established. Repair ruts and re-establish vegetative cover, with no additional compensation provided. Limit repair work to the smallest earthwork equipment practical.
 4. Water from rock construction exit or other operations containing sediment must be treated by filtration, a settling basin or other means sufficient to reduce sediment content.
 5. Pollutants such as fuels, lubricants, bitumens, raw wash water or waste from construction operations and other harmful materials must be properly disposed of off-site in a permitted disposal facility in accordance with governing regulations.
 6. Silt fences must be installed perpendicular to site slopes before any disturbance begins.
 7. Provide protection at all inlets receiving storm runoff from exposed earth areas.
 8. Topsoil stockpiles must be isolated by placing a perimeter silt fence.
 9. Maintenance: All temporary erosion and sediment control measures must be properly maintained and inspected after each storm event. Immediately restore, cleanout, repair and replace the facilities affected by the storm runoff.
 10. All liquid and solid wastes generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter ground water is considered an impermeable liner. The liquid and solid wastes must not contact the ground, and there must not be runoff from the concrete washout operations or areas. Liquid and solid wastes must be disposed of properly and in compliance with applicable regulations. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- B. Site Clearing
1. Clear and grub trees and vegetation in conflict with new construction.
 2. Remove pavement, curbs and other surfacing in conflict with new construction.
 3. Remove all existing utility pipes and structures within the footprint of the new parking structure.
 4. Remove abandoned sanitary sewer lift station within the Mill Street right-of-way
 5. Remove street light system and appurtenances along north edge of Mill Street.
 6. Coordinate relocation of underground electrical service in conflict with new stormwater management system along south edge of new parking structure.
- C. Earthwork
1. Protect miscellaneous structures, paved surfaces, curbs and other features to remain
 2. Provide temporary earth support structures and subsequent removal
 3. Refer to the following geotechnical reports and documents for information on site soils and groundwater conditions:
 - a. DRAFT Geotechnical Evaluation Report, dated April 19, 2016, prepared by Braun Intertec Corporation.
 - b. Geotechnical Evaluation Report, dated July 15, 2010, prepared by Braun Intertec Corporation.

- c. A Slope Stability Evaluation Report for the City of Wayzata, dated November 26, 2001, prepared by Braun Intertec Corporation.
 4. Excavation, filling, grading, and compaction
 - a. Stripping, stockpiling and subsequent distribution of topsoil
 - b. Importing of specified select granular material or aggregate not present on site
 - c. Disposal of excess or unsuitable material off-site
 - d. Maintaining site excavations free of water
 5. Coordinate construction activities with and schedule the Testing Agency (TA) representative to perform field tests and observations to confirm compliance with this specification. A licensed geotechnical engineer from the TA must observe and approve the subgrade for all foundations, floor slabs and pavement areas.

12.4 Exterior Improvements (Division 32)

- A. Paving and Surfacing
 1. Asphalt Paving: 2" wear course with 2" base course and 8" aggregate base in compliance with applicable MnDOT Standard Specifications.
 2. Curb, Gutter, Sidewalks & Driveways: in accordance with applicable MnDOT Standard Specifications and Detail Plates:
 - a. Concrete Paving: 6" concrete reinforced with macro-fibers with 4" aggregate base in compliance with applicable MnDOT Standard Specifications.
 - b. Concrete Walk: 5" concrete non-reinforced 4" aggregate base in compliance with applicable MnDOT Standard Specifications.
 3. Unit Pavers:
 - a. Type: Permeable
 - b. Size: 4" x 8"
 - c. Finish: To be selected by Architect
 - d. Base: Aggregate base course
 4. Rock Mulch:
 - a. (ROCK MULCH-1) Dresser Trap Rock: 1 ½"
 - b. (ROCK MULCH-2) Dresser Trap Rock: 6-10" size
- B. Retaining Walls
 1. See structural for slope retention system
- C. Site Furnishings
 1. Screens
 2. Benches
 3. Trash Receptacles
 4. Signage
 5. Bollards
 6. Fences & Gates
- D. Irrigation System
 1. Irrigation System: 2-wire, weather based, automatically controlled underground irrigation system to cover landscaped and turf areas complete with the following components:
 - a. Main pipelines: Rigid, unplasticized PVC, Class 200.
 - b. Lateral lines: Rigid, unplasticized PVC, Class 160.

- c. Automatic controller: 2-wire, remote controlled.
- d. Rain sensor
- e. Irrigation heads:
 - 1) Spray
 - 2) Rotor
 - 3) Pop-up
- 2. Nozzles:
 - a. MP Rotator
- 3. Valves: Remote control and quick coupler valves.
- 4. Acceptable manufacturers: Toro, Rainbird, Hunter.

E. Plantings

- 1. Plant materials include trees, shrubs, perennials, ornamental grasses and sod.
- 2. Warranty all plant materials for a period of one-year against defects including death and unsatisfactory growth.
- 3. Soil Prep
- 4. Deciduous Overstory Trees:
 - a. Representative species include:
 - 1) Kentucky Coffeetree
 - 2) Swamp White Oak
 - b. Size: 3-inch caliper; B&B
- 5. Deciduous Ornamental Trees:
 - a. Representative species include:
 - 1) Serviceberry
 - b. Size: 10' ht.; B&B
- 6. Ornamental Grasses and Perennials:
 - a. Representative species include:
 - 1) Karl Foerster Grass
 - 2) Daylily
 - b. Size: 1 gallon container
- 7. Deciduous Shrubs:
 - a. Representative species include:
 - 1) Hydrangea
 - 2) Diervilla
 - 3) Spirea
 - b. Size: 5 gallon container
- 8. Shredded Hardwood Mulch:
 - a. Type: Shredded hardwood mulch, free of harmful chemicals, diseases, insects and debris.
- 9. Soil Separator Fabric: For use with aggregates not shredded hardwood mulch

- a. Type: Non-woven fabric. Heavyweight, UV stabilized, Professional Landscape Fabric, 5.3 oz.
10. Planting Soil: Fertile friable sandy clay loam amended with peat moss and add mixture per soil test recommendations. Blend first 2 inches of planting soil into top of 6 inches of sub-grade.
- a. Planting areas to have an 12-inch depth of planting soil
 - b. Lawn areas to have 4-inch depth of planting soil

12.5 Site Utilities (Division 33)

- A. Water (seasonal irrigation & hose bib service): 1.5" Type "K" seamless copper pipe conforming to the requirements of ASTM B-88 for seamless copper water tube with water service curb stop and service connection corporation in accordance with the City of Wayzata requirements.
- B. Sanitary Sewer (for floor drains at lower level parking surface, if required): Poly-Vinyl Chloride (PVC) pipe and fittings must conform to the requirements of the applicable plumbing code or regulatory agencies. Installation must comply with ASTM Standard D2321.
 - 1. 4-inch diameter to conform to ASTM D2665, Schedule 40 with socket fittings
 - 2. Pipes 6-inches and larger to conform to ASTM D2241, SDR 26. All Standard Dimension Ratio (SDR) PVC pipe must have joints with gaskets, conforming to ASTM D 3212 and ASTM F 477.
- C. Sub-Soil Drain Pipe System:
 - 1. PVC-SDR 26-Drain Pipe: Poly-Vinyl-Chloride PVC perforated SDR 26 pipe in accordance with the requirements of ASTM D2241 and ASTM F-758. Pipe fittings shall conform with the requirements of ASTM D3212. Provide 6-inch diameter pipe unless designated otherwise on the drawings. Provide factory perforated holes as noted below. Perforations to be 0.2 to 0.4-inches in diameter
 - a) 4-inch diameter - 2 rows of perforations 3-inches on center.
 - b) 6-inch diameter - 4 rows of perforations 3-inches on center.
 - 2. Coarse filter aggregate: In accordance with ASTM C33 Concrete aggregates for a size number 6, (3/4-inch to 3/8-inch material).
 - 3. Permeable Geotextile (Filter Fabric) in conformance with the following requirements:
 - a) Provide a Mirafi product model 140N or approved equal. The geotextile must be a non-woven polypropylene or polyester geotextile fabric manufactured for use as a permeable soil separator. It must have a minimum thickness of 30-mils (ASTM D 5199) and a minimum flow rate of 135-gallons/minute (ASTM D4491)
- D. Storm Drainage:
 - 1. High Density Polyethylene Pipe (HDPE) dual wall pipe with a smooth liner (HDPE-Type S). Pipe shall meet the requirements of AASHTO M252, Type S for diameters 4-inch to 10 -inch and ASTM F2306, Type S for diameters 12-inch and larger. The pipe fittings shall be watertight meeting ASTM D3212 able to be pressure tested to 10.8 psi (25ft of head) for 10 minutes.
 - 2. Corrugated Steel Pipe (CSP) to be Aluminized Steel Type 2 pipe in conformance with the requirements of AASHTO M36 and ASTM A-760 specifications. The pipe shall be fabricated from steel coils that have been hot-dip coated in a bath of commercially pure aluminum with less than 0.35% silicon providing an ALUMINIZED STEEL Type 2 coating meeting AASHTO M274 and ASTM A-929 1.1.4 specifications.

- a. Perforated Pipe: 14 gage pipe unless noted otherwise. Perforations must comply with applicable AASHTO and ASTM specifications. Staggered rows of 3/8" diameter holes with holes spaced at 2.8" in each row and 2.05" diagonally between rows. Approximate 2.5% open area.
 3. Reinforced Concrete Pipe (RCP) must meet requirements of ASTM C76 for Class 3 (up to 10-feet of earth cover), Class 4 (up to 13-feet cover) and Class 5 (up to 21-feet cover), unless designated otherwise on the drawings.
 4. Pre-cast Reinforced Concrete Barrel sections, cones and risers shall conform to ASTM C 478, ASTM 443 and AASHTO M199 and 3236. Risers must have minimum wall thickness of 5-inches. Flat slabs, tops and bottoms shall be reinforced to support AASHTO 25 loading. Reinforcement in conformance with the requirements of ASTM A706. All joints to be sealed between pre-cast units with flexible watertight, rubber-type gaskets.
- E. Storm Water Management:
1. A system of perforated underground pipes, chambers of modules to contain the 1" runoff volume for infiltration into the underlying granular soils at an elevation at least 3-feet above the water table. This system footprint is about 200' x 20' with five (5) 200' lengths of 24" perforated pipe surrounded with pipe bedding stone. This system requires a hydrodynamic separator as pre-treatment structure, a vegetated filtration strip, or other acceptable practice upstream of the infiltration practice.
 2. Temporary storage is required to control peak discharge rates for the 1, 10 and 100 year design storm events. Preliminary computations indicate that 300 liner feet of 60" diameter pipe is required to provide the required storm water storage.
- F. Electrical:
1. Site Lighting
- G. Communications:

--- End of Part 12 ---

APPENDIX A

SCHEMATIC DESIGN COST ESTIMATE FORECAST

Cost Estimate Comparison Summary

BASE RAMP



Construction Cost (Incl. 4% Design Contingency)	\$7,850,000
Construction Contingency (8%)	\$630,000
Owner Cost	\$880,000
Total Project Cost	\$9,360,000

BASE RAMP + PARTIAL ROOF



Construction Cost (Incl. 4% Design Contingency)	\$8,290,000
Construction Contingency (8%)	\$660,000
Owner Cost	\$940,000
Total Project Cost	\$9,890,000

BASE RAMP + FULL ROOF



Construction Cost (Incl. 4% Design Contingency)	\$8,660,000
Construction Contingency (8%)	\$690,000
Owner Cost	\$940,000
Total Project Cost	\$10,290,000

Schematic Design Cost Estimate: 24 June 2016



Process Summary

Cost Estimate: 7 June 2016

	Base Structure	Roof Option	Construction Cost	Soft Cost*	Total Project Cost
Base Ramp	\$8,199,392		\$8,199,392	\$871,890	\$9,071,282
Green Roof	\$8,199,392	\$1,803,737	\$10,003,129	\$871,890	\$10,875,019
Partial Trellis (All Steel)	\$8,199,392	\$661,129	\$8,860,521	\$871,890	\$9,732,411
Full Trellis (All Steel)	\$8,199,392	\$1,618,159	\$9,817,551	\$871,890	\$10,689,441
Solar PV Array (structure only, PV panel and supports not incl.)	\$8,199,392	\$1,020,797	\$9,220,189	\$871,890	\$10,092,079



Mill Street Parking Structure

DRAFT

Primary Project Qty: 96,490
HGA Comm. #: 3874-002-00

Date: 7-Jun-16

	Parking Ramp (313 Stalls)			Site Work			Construction Cost Total		
	%	\$/SF	96,490 GSF	%	\$/SF	96,490 GSF	%	\$/SF	96,490 GSF
Demolition	0%	\$0	\$0	30%	\$3	\$250,000	4%	\$3	\$250,000
Site Work	15%	\$9	\$881,603	70%	\$6	\$576,078	21%	\$15	\$1,457,681
Foundations	28%	\$17	\$1,686,068	0%	\$0	\$0	25%	\$17	\$1,686,068
Structure	24%	\$15	\$1,461,756	0%	\$0	\$0	21%	\$15	\$1,461,756
Enclosure	16%	\$10	\$939,603	0%	\$0	\$0	14%	\$10	\$939,603
Roof	0%	\$0	\$0	0%	\$0	\$0	0%	\$0	\$0
Interiors	0%	\$0	\$1,400	0%	\$0	\$0	0%	\$0	\$1,400
Furnishings & Equipment	0%	\$0	\$0	0%	\$0	\$0	0%	\$0	\$0
Conveying	0%	\$0	\$0	0%	\$0	\$0	0%	\$0	\$0
Mechanical	6%	\$4	\$338,074	0%	\$0	\$0	5%	\$4	\$338,074
Electrical	11%	\$7	\$677,188	0%	\$0	\$0	10%	\$7	\$677,188
Total Direct Costs	100%	\$62	\$5,985,692	100%	\$9	\$826,078	100%	\$71	\$6,811,770
General Requirements/Conditions	5%	\$3	\$299,285	5%	\$0	\$41,304	5%	\$4	\$340,589
Contractor Fee, Bond & Insurances	6%	\$4	\$377,099	6%	\$1	\$52,043	6%	\$4	\$429,142
Design/Construction Contingency	5%	\$0	\$333,104	5%	\$0	\$45,971	5%	\$0	\$379,075
Total Construction Cost		\$72	\$6,995,179		\$10	\$965,396		\$83	\$7,960,575
Const. Escalation to Midpoint of Construction	3%		\$209,855	3%		\$28,962	3%		\$238,817
Total Construction Cost w/Escal.		\$75	\$7,205,034		\$10	\$994,358		\$85	\$8,199,392

Add Alternate Incl. O&P, Contingency & Escal.

1. Photo Voltaic Panel Structure \$1,020,797
2. Green Roof/Structure \$1,803,737
3. Trellis - Partial Bay (All Steel) \$661,129
4. Trellis - Full Bay (All Steel) \$1,618,159
5. Trellis - Partial Bay (Steel Frame, Glulam Lattice) \$472,468
6. Trellis - Steel Columns, Glulam Beams, Glulam Lattice) \$705,096
7. Face Brick Wall @ Upper Level (5,200 SF) \$187,779

Clarifications/Qualifications

1. This estimate is for budget purposes only.
2. No hazardous material removal is included in the above costs.

Mill Street Parking Structure

DRAFT

Primary Project Qty: 96,490
HGA Comm. # : 3874-002-00

Date: 7-Jun-16

-
3. No off hour work or overtime work figured in this estimate.
 4. No roofing option is included in above estimate. After an option is selected, lighting costs will also need to be adjusted.
 5. Snow melt system at stairs, irrigation and PV system are not included in the estimate above.
 6. No dewatering has been included, all excavation figured above elev. 929.



Mill Street Parking Ramp SD Est.

Estimator : MM
Primary Project Qty : 96490 SF
HGA Comm # : 3874-002-00

11:06:08AM
6/7/2016

Description	Quantity	Unit \$	Total \$	\$ / SF
Mill Street Post Tentioned Parking Ramp				
+++ DEMOLITION +++				
DEMOLITION AND STRUCTURE MOVING				
EXTERIOR DEMO (Allowance)	1.00	LSUM 250,000.00	250,000	2.591
Total DEMOLITION AND STRUCTURE MOVING			\$250,000	\$2.59
Total +++ DEMOLITION +++			\$250,000	\$2.59
+++ SITEWORK +++				
CONCRETE				
STAIRS ON GRADE	100.00	SQFT 31.90	3,190	0.033
Total CONCRETE			\$3,190	\$0.03
PAINTING AND COATINGS				
PAINT PIPE BOLLARDS	9.00	EACH 75.00	675	0.007
Total PAINTING AND COATINGS			\$675	\$0.01
INFORMATION SPECIALTIES				
EXTERIOR BLDG. SIGNAGE (Allowance)	1.00	LSUM 10,000.00	10,000	0.104
TRAFFIC SIGNAGE (Allowance)	10.00	EACH 350.00	3,500	0.036
PARKING SIGNAGE - HANDICAPPED	13.00	EACH 275.00	3,575	0.037
Total INFORMATION SPECIALTIES			\$17,075	\$0.18
SITE CLEARING				
CLEAR & GRUB	1.00	LSUM 15,000.00	15,000	0.155
Total SITE CLEARING			\$15,000	\$0.16
EARTH MOVING				

Description	Quantity	Unit \$	Total \$	\$ / SF
SOILS CORRECTION W/ENGINEERED FILL (Allowance)	1.00 LSUM	50,000.00	50,000	0.518
ROUGH GRADING	1.00 LSUM	35,000.00	35,000	0.363
GRADING TO TOLERANCE	30,000.00 SQFT	0.10	2,997	0.031
EXCAV-LOAD EARTH @ RETAINING WALL	16,436.00 CUYD	7.02	115,315	1.195
HAUL EARTH FROM SITE 9-10 MILES @ RETAINING WALL	16,436.00 CUYD	15.00	246,535	2.555
4" WASHED GRAVEL SLAB FILL	42.00 CUYD	25.00	1,050	0.011
EROSION PREVENTION & SEDIMENT CONTROL	1.00 LSUM	15,000.00	15,000	0.155
Total EARTH MOVING			\$465,897	\$4.83
SHORING AND UNDERPINNING				
H-PILING / WOOD LAGGING	14,850.00 SQFT	35.00	519,753	5.387
Total SHORING AND UNDERPINNING			\$519,753	\$5.39
EXTERIOR IMPROVEMENTS				
LANDSCAPE MAINT. (Allowance)	1.00 LSUM	5,000.00	5,000	0.052
Total EXTERIOR IMPROVEMENTS			\$5,000	\$0.05
BASES, BALLASTS, AND PAVING				
BITU. PAVING 4" ASPHALT/8" BASE	2,675.00 SQYD	25.00	66,875	0.693
6" CONCRETE PAVING/APPROACH W/FIBER MESH	724.00 SQFT	8.00	5,792	0.060
5" CONCRETE SIDEWALK	2,107.00 SQFT	5.00	10,535	0.109
POROUS UNIT PAVING	560.00 SQFT	35.00	19,600	0.203
B6X18 CONC. CURB & GUTTER	801.00 LNFT	15.00	12,015	0.125
6" PIPE BOLLARD	9.00 EACH	465.00	4,185	0.043
STRIPE PARKING LINES	955.00 LNFT	1.25	1,194	0.012
STRIPE PARKING LINES - SURFACE LOT	225.00 LNFT	1.25	281	0.003
PAINT PARKING STALL	313.00 EACH	25.00	7,825	0.081
PAINT PARKING STALL - SURFACE LOT	77.00 EACH	25.00	1,925	0.020
PAVEMENT MARKINGS (HC, ARROWS, ETC.)	22.00 EACH	50.00	1,100	0.011
PAVEMENT MARKINGS (HC, ARROWS, ETC.) - SURFACE LOT	6.00 EACH	50.00	300	0.003
PRECAST PARKING WHEEL BUMPERS	7.00 EACH	250.00	1,750	0.018
Total BASES, BALLASTS, AND PAVING			\$133,377	\$1.38
PLANTING				
SPREAD TOPSOIL, OFFSITE BORROW	50.00 CUYD	25.00	1,250	0.013
SOD	246.00 SQYD	3.50	861	0.009

Description	Quantity	Unit	\$	Total \$	\$ / SF
SHRUBBERY (Allowance)	50.00	EACH	35.00	1,750	0.018
SMALL TREES (Allowance)	10.00	EACH	500.00	5,000	0.052
PLANTINGS (Allowance)	1.00	LSUM	1.50	2	0.000
GROUND COVER-AGGREGATE	1,880.00	SQFT	1.00	1,880	0.019
LANDSCAPE EDGING	311.00	LNFT	4.25	1,322	0.014
Total PLANTING				\$12,064	\$0.13
WATER UTILITIES					
4" FIRE WATER LINE (Allowance)	150.00	LNFT	50.00	7,500	0.078
CONNECT WATER LINE TO EXIST. MAIN	1.00	EACH	1,700.00	1,700	0.018
CONNECT WATER LINE TO BLDG.	1.00	EACH	1,700.00	1,700	0.018
Total WATER UTILITIES				\$10,900	\$0.11
SANITARY SEWERAGE UTILITIES					
SANITARY UTILITY SEWERAGE PIPING (Allowance)	200.00	LNFT	75.00	15,000	0.155
CONNECT SANITARY UTILITY SEWERAGE PIPE TO EXIST. MANHOLE	1.00	EACH	1,500.00	1,500	0.016
Total SANITARY SEWERAGE UTILITIES				\$16,500	\$0.17
STORM DRAINAGE UTILITIES					
STORM UTILITY DRAINAGE PIPING (Allowance)	250.00	LNFT	85.00	21,250	0.220
CONNECT STORM DRAINAGE PIPING TO EXIST. STRUCTURE	1.00	EACH	1,500.00	1,500	0.016
UNDERGROUND STORM WATER STORAGE TANK	8,000.00	CUFT	25.00	200,000	2.073
HYDRODYNAMIC SEPERATOR	1.00	EACH	25,000.00	25,000	0.259
CAST IN PLACE CONCRETE INLET (Allowance)	3.00	EACH	3,500.00	10,500	0.109
Total STORM DRAINAGE UTILITIES				\$258,250	\$2.68
Total +++ SITEWORK +++				\$1,457,681	\$15.11
+++ FOUNDATION +++					
CONCRETE					
SAND / OIL SEPERATOR	1.00	EACH	15,000.00	15,000	0.155
7'X7'X2'-0" PAD FOOTINGS (1,274 CF)	13.00	EACH	2,964.90	38,544	0.399
7.5'X7'.5X2'-0" PAD FOOTINGS (338 CF)	3.00	EACH	4,928.21	14,785	0.153
9'X9'X2'-0" PAD FOOTINGS (324 CF)	2.00	EACH	9,089.25	18,179	0.188
13'X13'X2'-0" PAD FOOTINGS (676 CF)	2.00	EACH	28,181.12	56,362	0.584
13.5'X13.5'X2'-0" PAD FOOTINGS (4,739 CF)	13.00	EACH	36,276.23	471,591	4.887

Description	Quantity	Unit	\$	Total \$	\$ / SF
16'X16'X2'-0" PAD FOOTINGS (1,024 CF)	2.00	EACH	4,267.00	8,534	0.088
2'X1' STRIP FOOTINGS (768 CF)	384.00	LNFT	11.91	4,572	0.047
8" CONCRETE FACE WALL	14,300.00	SQFT	25.00	357,507	3.705
5" SLAB ON GRADE W/FIBER MESH	48,245.00	SQFT	6.00	289,479	3.000
COL. DIAMONDS	39.00	EACH	52.00	2,028	0.021
COL. DIAMONDS - 1/2	16.00	EACH	35.00	560	0.006
THICKENED SLAB EDGE	41.00	CUYD	150.00	6,150	0.064
CONCRETE GENERAL CONDITIONS	1.00	LSUM	89,830.00	89,830	0.931
Total CONCRETE				\$1,373,120	\$14.23
CONCRETE REINFORCING					
RE-STEEL @ WALLS @ 5 LBS/SF	715.00	CWT	108.00	77,220	0.800
RE-STEEL @ CONTINUOUS FTG @ 125 LBS/CY	36.00	CWT	108.00	3,888	0.040
RE-STEEL @ PAD FOOTING @ 125 LBS/CY	424.00	CWT	108.00	45,792	0.475
Total CONCRETE REINFORCING				\$126,900	\$1.32
DAMPPROOFING AND WATERPROOFING					
RUBBERIZED SHEET MEMBRANE WATER PROOFING W/DRAINAGE BRD.	14,850.00	SQFT	3.50	51,975	0.539
Total DAMPPROOFING AND WATERPROOFING				\$51,975	\$0.54
EARTH MOVING					
10" WASHED GRAVEL SLAB FILL	1,483.00	CUYD	25.00	37,075	0.384
MACH EXCAV COLUMN FTG	570.00	CUYD	9.00	5,130	0.053
MACH EXCAV CONTINUOUS FTG	72.00	CUYD	9.00	648	0.007
MACH BACKFILL COLUMN FTG	260.00	CUYD	11.00	2,860	0.030
MACH BACKFILL CONTINUOUS FTG	44.00	CUYD	10.93	481	0.005
Total EARTH MOVING				\$46,194	\$0.48
SPECIAL FOUNDATIONS AND LOAD-BEARING ELEMENTS					
42" DRILLED PIER INCL. REINF. (20'-0" Deep into water table)	400.00	LNFT	185.00	74,000	0.767
REMOVE SURPLUS EXCAVATION	357.00	CUYD	15.00	5,354	0.055
Total SPECIAL FOUNDATIONS AND LOAD-BEARING ELEMENTS				\$79,354	\$0.82
STORM DRAINAGE UTILITIES					
6" PERFORATED PVC PIPE DRAINTILE	550.00	LNFT	15.50	8,525	0.088

Description	Quantity	Unit \$	Total \$	\$ / SF	
Total STORM DRAINAGE UTILITIES			\$8,525	\$0.09	
Total +++ FOUNDATION +++			\$1,686,068	\$17.47	
+++ STRUCTURE +++					
CONCRETE					
6" POST-TENSIONED SLAB	46,987.00	SQFT	14.00	657,818	6.817
STRUCTURAL SLAB DROP BEAM - 16"x32" (8,204 CF)	2,172.00	LNFT	81.00	175,932	1.823
STRUCTURAL SLAB DROP BEAM - 24"x32" (507 CF)	95.00	LNFT	97.60	9,272	0.096
STRUCTURAL SLAB DROP BEAM - 36"x32" (737 CF)	92.00	LNFT	120.91	11,124	0.115
6" MECHANICAL PAD - TRANSFORMER (Allowance)	100.00	SQFT	15.00	1,500	0.016
STRUCTURAL CONCRETE STAIRS	700.00	SQFT	35.00	24,500	0.254
COLUMNS - 24"x24" (55 ea)	753.00	LNFT	88.31	66,500	0.689
CONCRETE GENERAL CONDITIONS	1.00	LSUM	69,554.00	69,554	0.721
Total CONCRETE			\$1,016,200	\$10.53	
CONCRETE REINFORCING					
RE-STEEL @ SUPPORTED SLAB @ 1 LB/SF	470.00	CWT	108.00	50,760	0.526
RE-STEEL @ COLUMNS @ 150 LBS/CY	168.00	CWT	135.50	22,764	0.236
RE-STEEL @ STAIRS @ 6 LBS/SF	42.00	CWT	108.00	4,536	0.047
RE-STEEL @ BEAMS W/SLAB @150/LBS CY	525.00	CWT	131.00	68,775	0.713
POST TENSIONING TENDONS & ACCESSORIES @ 2 LBS/SF	93,974.00	LBS	3.00	281,921	2.922
Total CONCRETE REINFORCING			\$428,756	\$4.44	
JOINT PROTECTION					
PARKING DECK EXPANSION JOINT	112.00	LNFT	150.00	16,800	0.174
Total JOINT PROTECTION			\$16,800	\$0.17	
Total +++ STRUCTURE +++			\$1,461,756	\$15.15	
+++ ENCLOSURE +++					
PRECAST CONCRETE					
PRECAST WALL PANELS W/BRICK INSET	8,686.00	SQFT	58.00	503,788	5.221
PRECAST COPING CAP	1,128.00	LNFT	200.00	225,600	2.338

Description	Quantity	Unit \$	Total \$	\$ / SF
Total PRECAST CONCRETE			\$729,388	\$7.56
UNIT MASONRY				
8" EXTERIOR BLOCK @ ELEC. ROOM	110.00	SQFT	3,300	0.034
Total UNIT MASONRY			\$3,300	\$0.03
STRUCTURAL METAL FRAMING				
STRUCTURAL STEEL @ STAIRS (950 SF)	1.00	LSUM	25,000.00	0.259
STEEL TUBES @ PRECAST PANELS - HSS4X4X1/4	3,425.00	LNFT	85,625	0.887
Total STRUCTURAL METAL FRAMING			\$110,625	\$1.15
METAL FABRICATIONS				
WALL MOUNTED STEEL HANDRAIL	70.00	LNFT	2,800	0.029
SPECIAL HANDRAIL - LEVEL	35.00	LNFT	7,000	0.073
SPECIAL HANDRAIL - PITCHED	60.00	LNFT	13,500	0.140
Total METAL FABRICATIONS			\$23,300	\$0.24
ROUGH CARPENTRY				
ROUGH CARPENTRY - EXTERIOR	1.00	SQFT	0	0.000
Total ROUGH CARPENTRY			\$0	\$0.00
JOINT PROTECTION				
EXTERIOR SEALANTS & CAULK - (Allowance)	8,686.00	SQFT	8,686	0.090
EXPANDED JOINT FILLER	543.00	LNFT	1,901	0.020
Total JOINT PROTECTION			\$10,587	\$0.11
DOORS AND FRAMES				
HM FRAME 3-0 X 7-0, 16 GA., WELDED SINGLE	1.00	EACH	197	0.002
HM DOOR 3-0 X 7-0, 18 GA., UNINSULATED	1.00	EACH	290	0.003
Total DOORS AND FRAMES			\$487	\$0.01
HARDWARE				
HARDWARE (Allowance) (\$650 MATERIAL)	1.00	EACH	788	0.008
Total HARDWARE			\$788	\$0.01
PAINTING AND COATINGS				

Description	Quantity	Unit \$	Total \$	\$ / SF
FIELD PAINT TUBES @ PRECAST - HPC	3,425.00 LNFT	2.50	8,563	0.089
PAINT BLOCK, EPOXY	220.00 SQFT	2.50	550	0.006
PAINT PRECAST, EPOXY @ ELEC. ROOM	220.00 EACH	2.50	550	0.006
PAINT DOORS	1.00 EACH	90.00	90	0.001
PAINT FRAMES	1.00 EACH	80.00	80	0.001
PAINT GUARD RAIL	432.00 LNFT	3.00	1,296	0.013
Total PAINTING AND COATINGS			\$11,129	\$0.12
BASES, BALLASTS, AND PAVING				
GUARD RAIL @ NORTH RETAINING WALL	432.00 LNFT	115.74	50,000	0.518
Total BASES, BALLASTS, AND PAVING			\$50,000	\$0.52
Total +++ ENCLOSURE +++			\$939,603	\$9.74
+++ INTERIOR +++				
SAFETY SPECIALTIES				
FIRE EXTINGUISHER & CABINET (Allowance)	4.00 EACH	350.00	1,400	0.015
Total SAFETY SPECIALTIES			\$1,400	\$0.01
Total +++ INTERIOR +++			\$1,400	\$0.01
+++ MECHANICAL +++				
WATER - BASED FIRE - SUPPRESSION SYSTEMS				
FIRE PROTECTION - STAND PIPE SYSTEM	95,232.00 SQFT	0.80	76,186	0.790
Total WATER - BASED FIRE - SUPPRESSION SYSTEMS			\$76,186	\$0.79
PLUMBING				
PLUMBING	95,232.00 SQFT	2.75	261,888	2.714
Total PLUMBING			\$261,888	\$2.71
Total +++ MECHANICAL +++			\$338,074	\$3.50
+++ ELECTRICAL +++				
ELECTRICAL				

Description	Quantity	Unit	Unit \$	Total \$	\$ / SF
TEMP. ELECTRIC/POWER SERVICE	1.00	LSUM	10,000.00	10,000	0.104
SERVICE AND DISTRIBUTION EQUIPMENT	1.00	EACH	15,000.00	15,000	0.155
CONDUIT/FEEDERS	75.00	LNFT	100.00	7,500	0.078
POWER AND DISTRIBUTION (CONDUIT & WIRE) (Allowance)	2,500.00	LNFT	8.00	20,000	0.207
DEVICES/COVER PLATES	6.00	EACH	125.00	750	0.008
GROUNDING	1.00	LSUM	10,000.00	10,000	0.104
Total ELECTRICAL				\$63,250	\$0.66
LIGHTING					
UTILITY ROOM LIGHTING	1.00	EACH	176.48	176	0.002
COVERED PARKING LIGHTING	56.00	EACH	614.73	34,425	0.357
MOUNTED LED LUMINAIRES TO BLDG. ALONG MILL STREET	15.00	EACH	2,114.73	31,721	0.329
FACADE LIGHTING @ SCREEN WALLS	640.00	LNFT	125.10	80,063	0.830
STAIR TOWER LIGHTING	66.00	EACH	300.99	19,865	0.206
LIGHTING CONTROLS	1.00	LSUM	35,000.00	35,000	0.363
LIGHTING INVERTER	1.00	EACH	5,000.00	5,000	0.052
LIGHT BOLLARDS	10.00	EACH	1,302.97	13,030	0.135
RETAINING WALL LIGHTING	15.00	LNFT	105.10	1,576	0.016
EXTERIOR LIGHT POLES	2.00	EACH	6,305.94	12,612	0.131
EXTERIOR LIGHT POLES - RAMP	15.00	EACH	3,805.94	57,089	0.592
STEP LIGHTS @ PARAPET	12.00	EACH	576.48	6,918	0.072
LIGHT POLE BASE - POLES	2.00	EACH	1,500.00	3,000	0.031
LIGHT POLE BASE - BOLLARDS	10.00	EACH	350.00	3,500	0.036
LIGHTING BRANCH (CONDUIT & WIRE)	96,490.00	SQFT	1.50	144,735	1.500
Total LIGHTING				\$448,711	\$4.65
COMMUNICATIONS					
VOICE/DATA ROUGH-IN	96,490.00	SQFT	0.10	9,996	0.104
Total COMMUNICATIONS				\$9,996	\$0.10
ELECTRONIC ACCESS CONTROL AND INTRUSION DETECTION					
SECURITY ROUGH-IN	96,490.00	SQFT	0.10	9,996	0.104
ACCESS CONTROL	1.00	EACH	500.00	500	0.005
Total ELECTRONIC ACCESS CONTROL AND INTRUSION DETECTION				\$10,496	\$0.11
ELECTRONIC DETECTION AND ALARM					

Description	Quantity	Unit \$	Total \$	\$ / SF	
FIRE ALARM	96,490.00	SQFT	1.50	144,735	1.500
Total ELECTRONIC DETECTION AND ALARM			\$144,735	\$1.50	
Total +++ ELECTRICAL +++			\$677,188	\$7.02	
<u>Total Mill Street Post Tentioned Parking Ramp</u>			\$6,811,770	\$70.60	

APPENDIX B

PERSPECTIVES AND PLANS



SOUTHWEST AERIAL (BASE RAMP)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



WEST ENTRY PERSPECTIVE (BASE RAMP)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



CENTER STAIR PERSPECTIVE (BASE RAMP)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



EAST ENTRY PERSPECTIVE (BASE RAMP)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure

28 June 2016





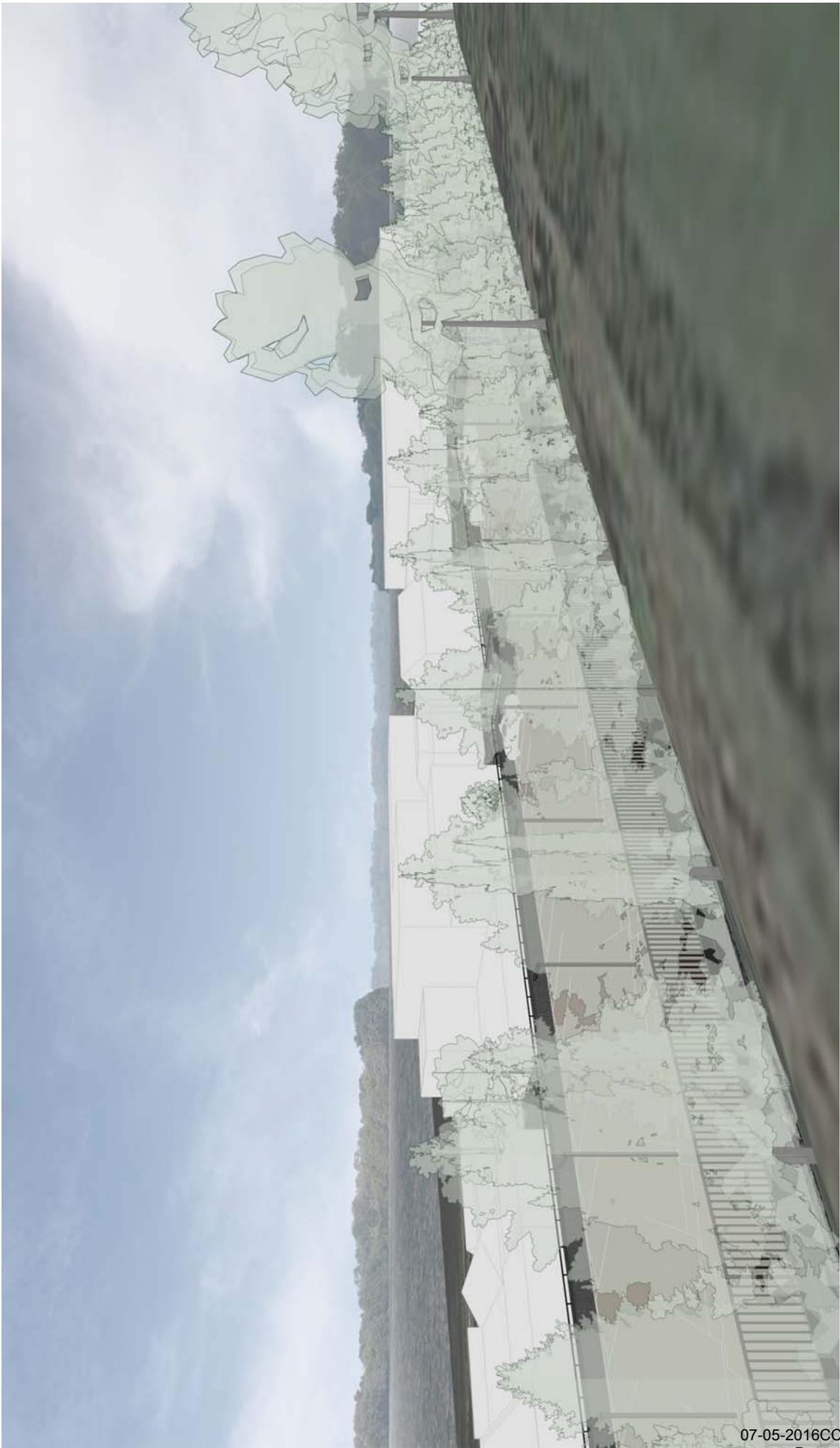
LIBRARY PERSPECTIVE (BASE RAMP)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure

28 June 2016





RESIDENCE PERSPECTIVE (BASE RAMP)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



SOUTHWEST AERIAL (PARTIAL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



WEST ENTRY PERSPECTIVE (PARTIAL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



CENTER STAIR PERSPECTIVE (PARTIAL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



EAST ENTRY PERSPECTIVE (PARTIAL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



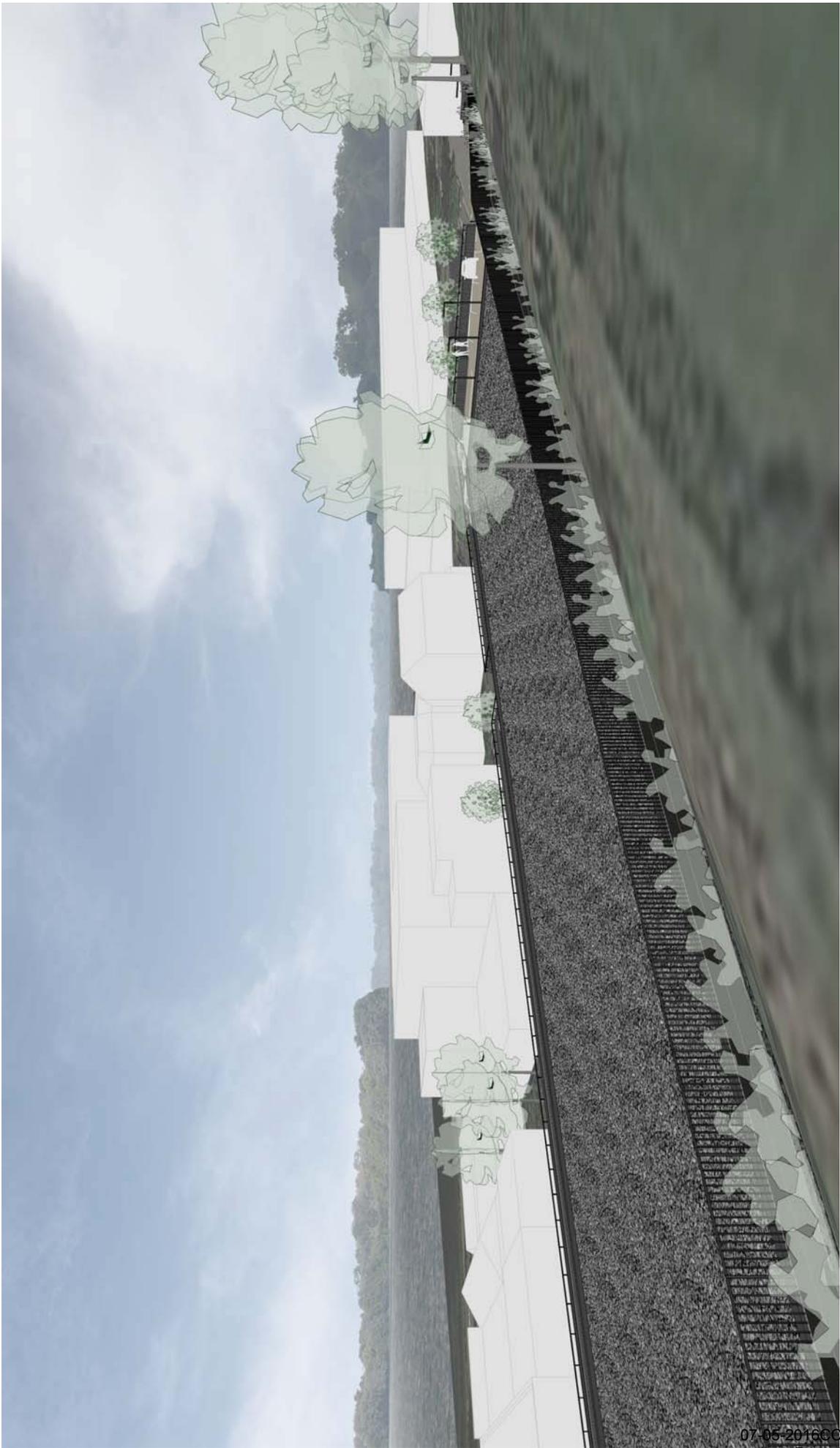
LIBRARY PERSPECTIVE (PARTIAL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure

28 June 2016





RESIDENCE PERSPECTIVE (PARTIAL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



SOUTHWEST AERIAL (FULL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



WEST ENTRY PERSPECTIVE (FULL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



CENTER STAIR PERSPECTIVE (FULL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure

28 June 2016





EAST ENTRY PERSPECTIVE (FULL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



28 June 2016



LIBRARY PERSPECTIVE (FULL ROOF)



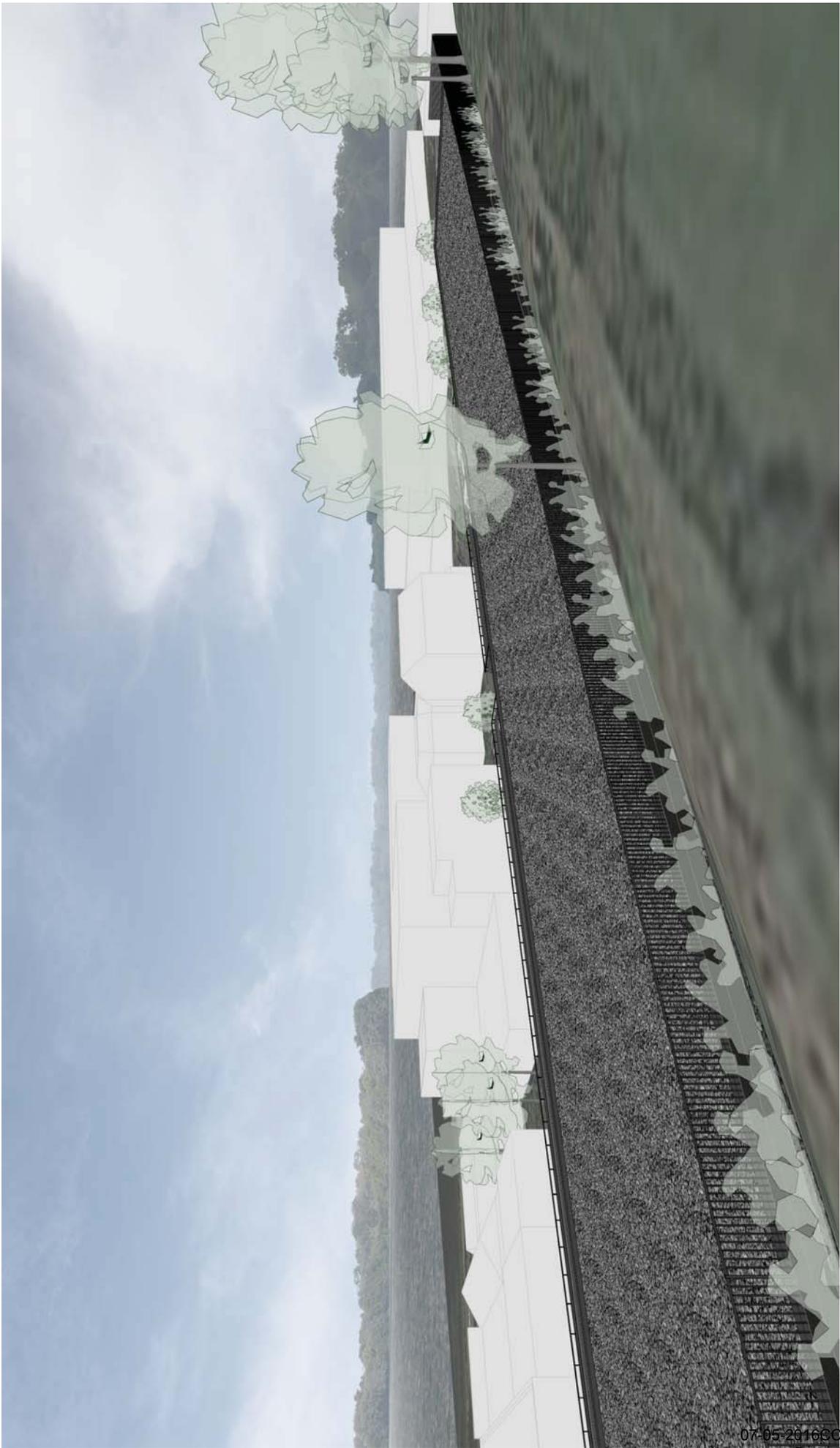
CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



WALKER
PARKING CONSULTANTS



28 June 2016



RESIDENCE PERSPECTIVE (FULL ROOF)



CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure

28 June 2016



Parking Metrics

	Car	Motorcycle
Mill Street	80	0
Level P1	146	5
Level P2	151	5
Muni Additional	19	-

Total 396 10 **406**

Existing Mill Street Lot
Capacity: 182



20 40 80'

CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



LEVEL P1 FLOOR PLAN

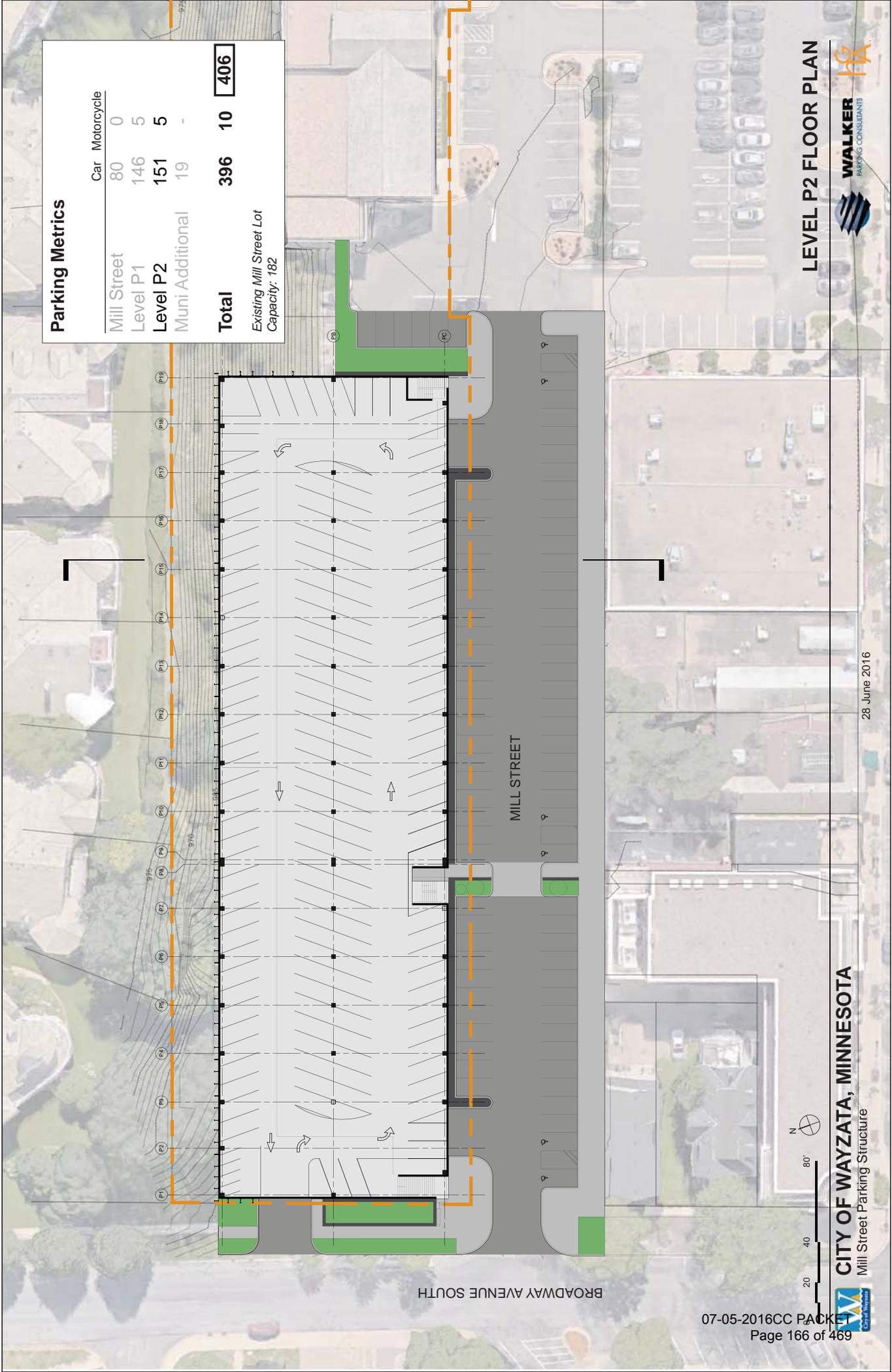
28 June 2016

Parking Metrics

	Car	Motorcycle
Mill Street	80	0
Level P1	146	5
Level P2	151	5
Muni-Additional	19	-

Total 396 10 406

Existing Mill Street Lot
Capacity: 182



20 40 80'

CITY OF WAYZATA, MINNESOTA
Mill Street Parking Structure



LEVEL P2 FLOOR PLAN

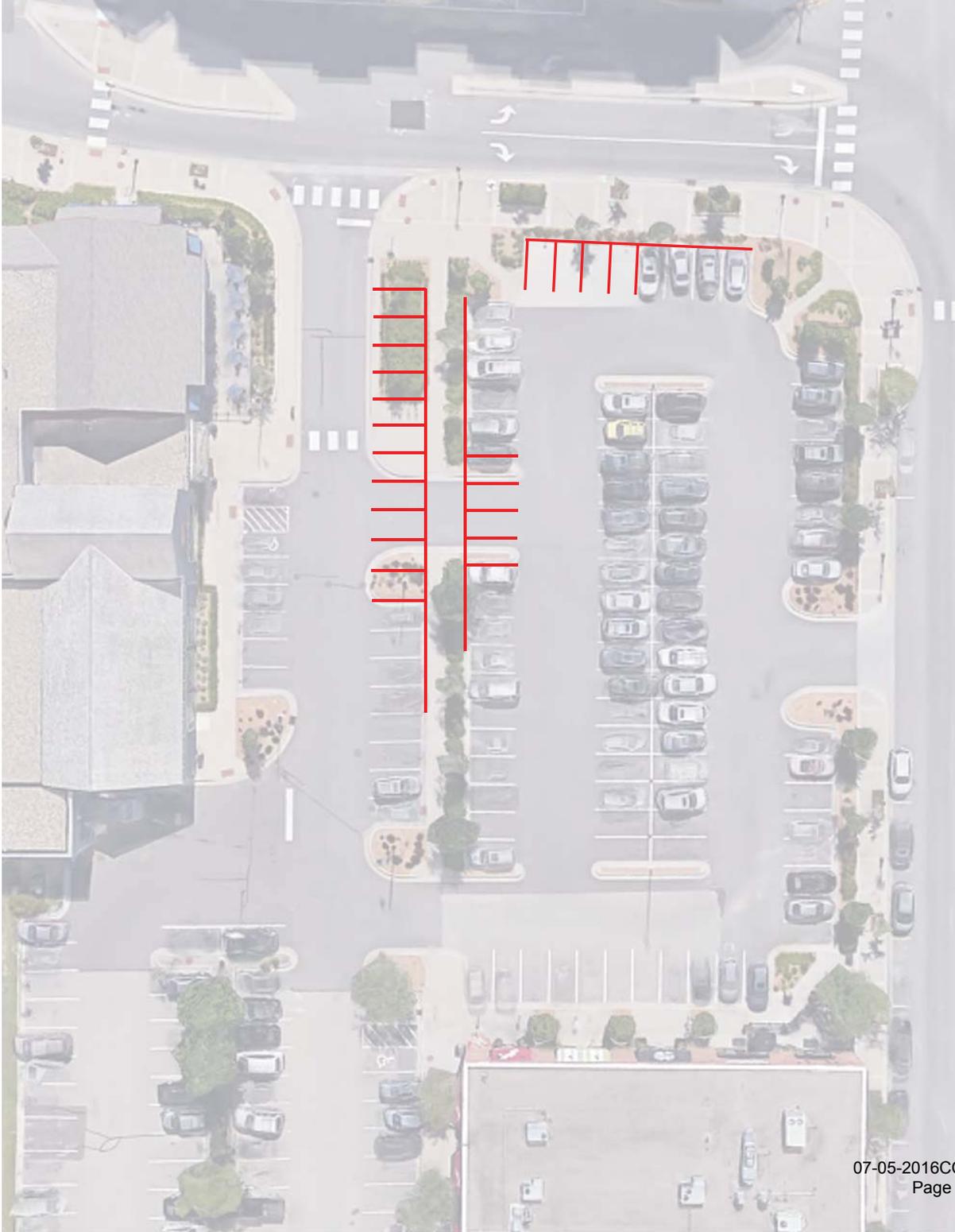
28 June 2016

Parking Metrics

	Car	Motorcycle
Mill Street	80	0
Level P1	146	5
Level P2	151	5
Muni Additional	19	-

Total **396** **10** **406**

Existing Mill Street Lot
Capacity: 182





WALKER
PARKING CONSULTANTS

CITY OF WAYZATA

MILL STREET PARKING STRUCTURE

Schematic Design Presentation

July 5, 2016

Site Aerial



Process Summary

Process Summary

Exterior Options

OPTION A



OPTION B



OPTION C



Cladding Options: 18 May 2016

OPTION A



OPTION B



OPTION C



Material / Color Studies: 1 June 2016

Process Summary

Roof Options

BASE RAMP



PARTIAL TRELLIS



SOLAR PV ARRAY



GREEN ROOF



FULL TRELLIS



Process Summary

Cost Estimate: 7 June 2016

	Base Structure	Roof Option	Construction Cost	Soft Cost*	Total Project Cost
Base Ramp	\$8,199,392		\$8,199,392	\$871,890	\$9,071,282
Green Roof	\$8,199,392	\$1,803,737	\$10,003,129	\$871,890	\$10,875,019
Partial Trellis (All Steel)	\$8,199,392	\$661,129	\$8,860,521	\$871,890	\$9,732,411
Full Trellis (All Steel)	\$8,199,392	\$1,618,159	\$9,817,551	\$871,890	\$10,689,441
Solar PV Array <small>(structure only, PV panel and supports not incl.)</small>	\$8,199,392	\$1,020,797	\$9,220,189	\$871,890	\$10,092,079



Process Summary

Exterior + Roof Options

BASE RAMP



BASE RAMP + PARTIAL ROOF

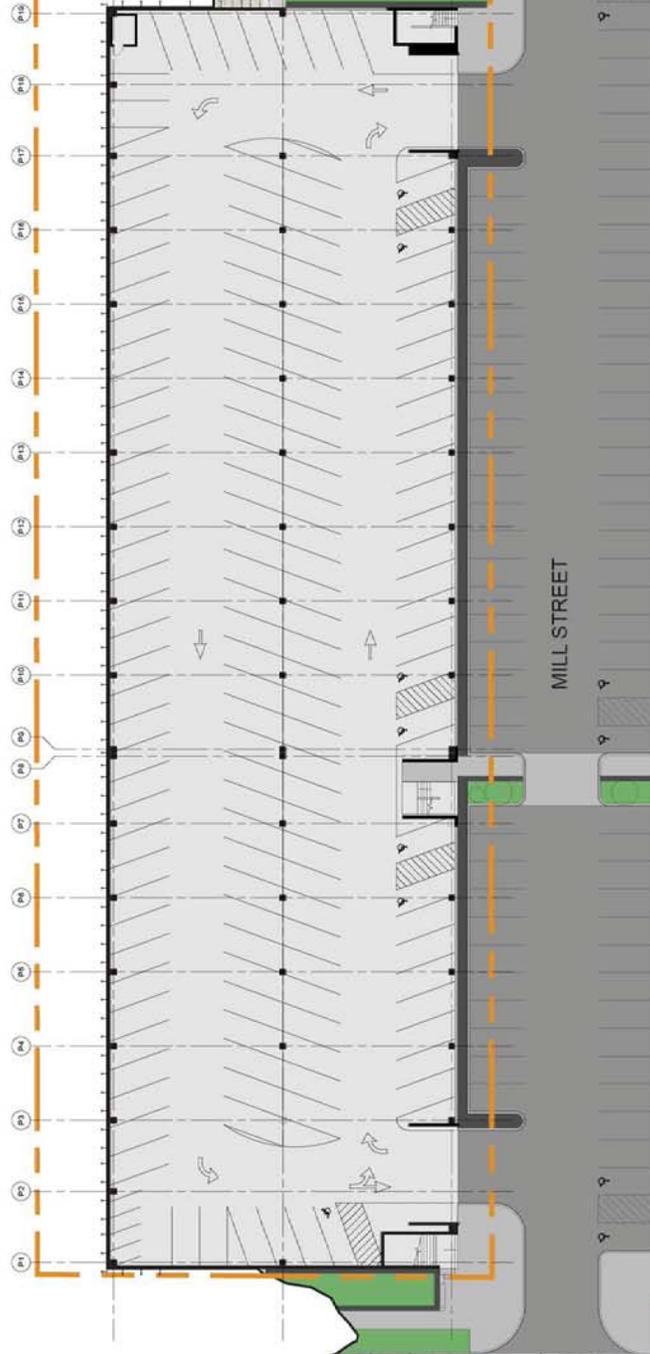


BASE RAMP + FULL ROOF



Schematic Design

Floor Plan Level P1



Parking Metrics

	Car	Motorcycle
Mill Street	80	0
Level P1	146	5
Level P2	151	5
Muni Additional	19	-
Total	396	10

Existing Mill Street Lot
Capacity: 182

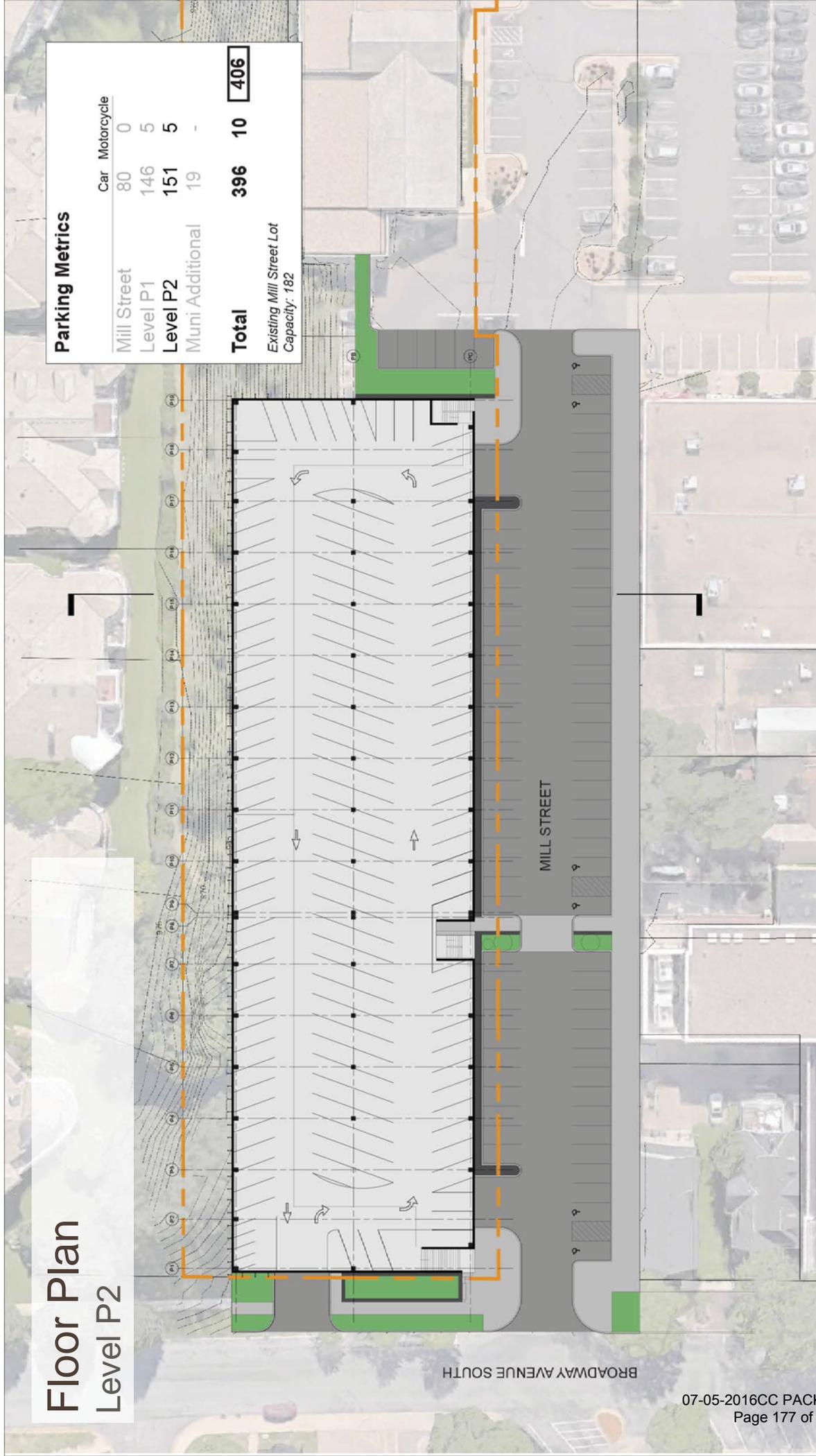


Floor Plan Level P2

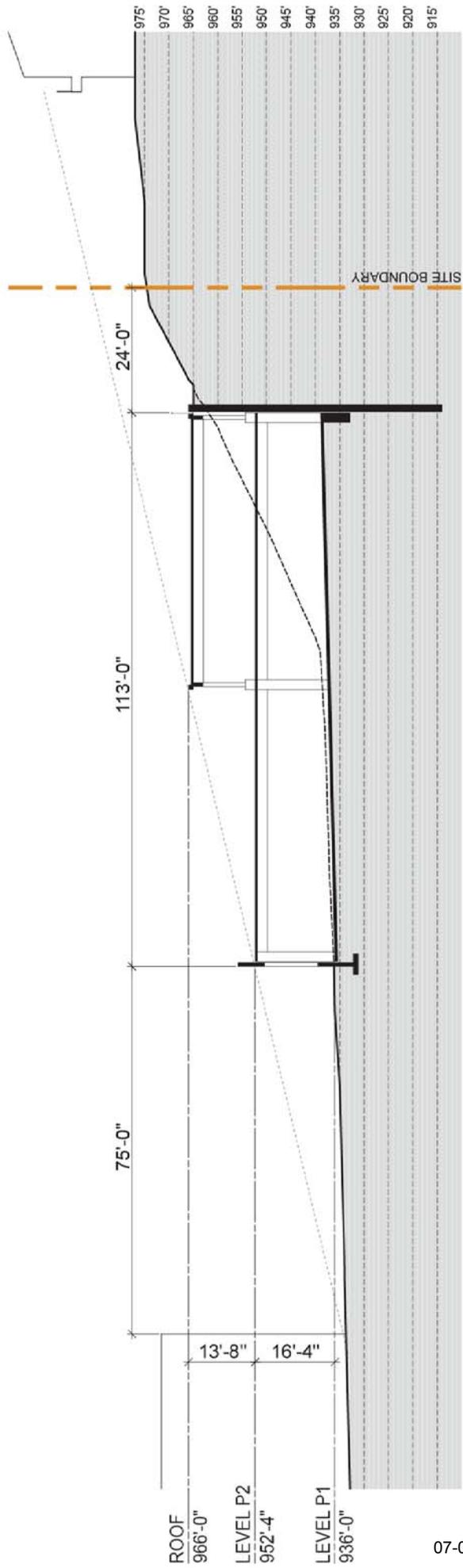
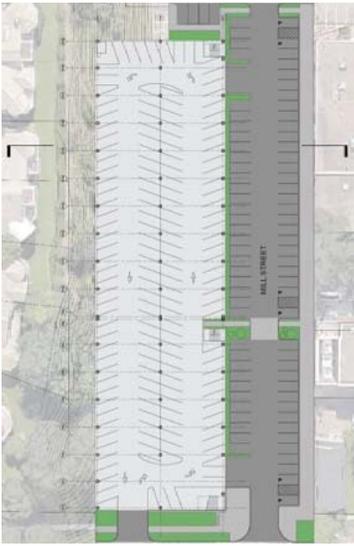
Parking Metrics

	Car	Motorcycle
Mill Street	80	0
Level P1	146	5
Level P2	151	5
Muni Additional	19	-
Total	396	10

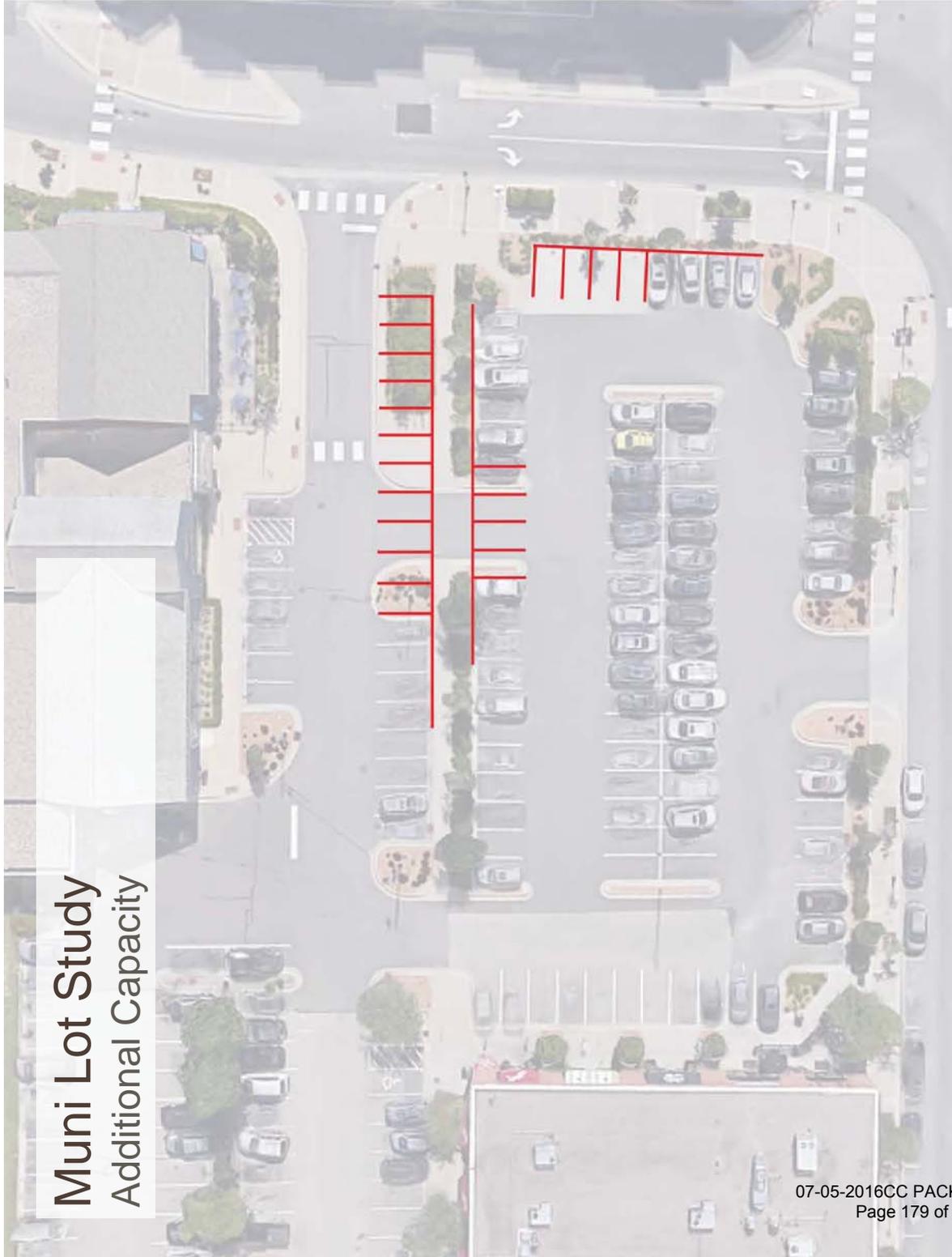
Existing Mill Street Lot
Capacity: 182



Building Section Base Ramp + Roof



Muni Lot Study Additional Capacity



Parking Metrics

	Car	Motorcycle
Mill Street	80	0
Level P1	146	5
Level P2	151	5
Muni Additional	19	-
Total	396	10

406

Existing Mill Street Lot
Capacity: 182

Southwest Aerial Base Ramp



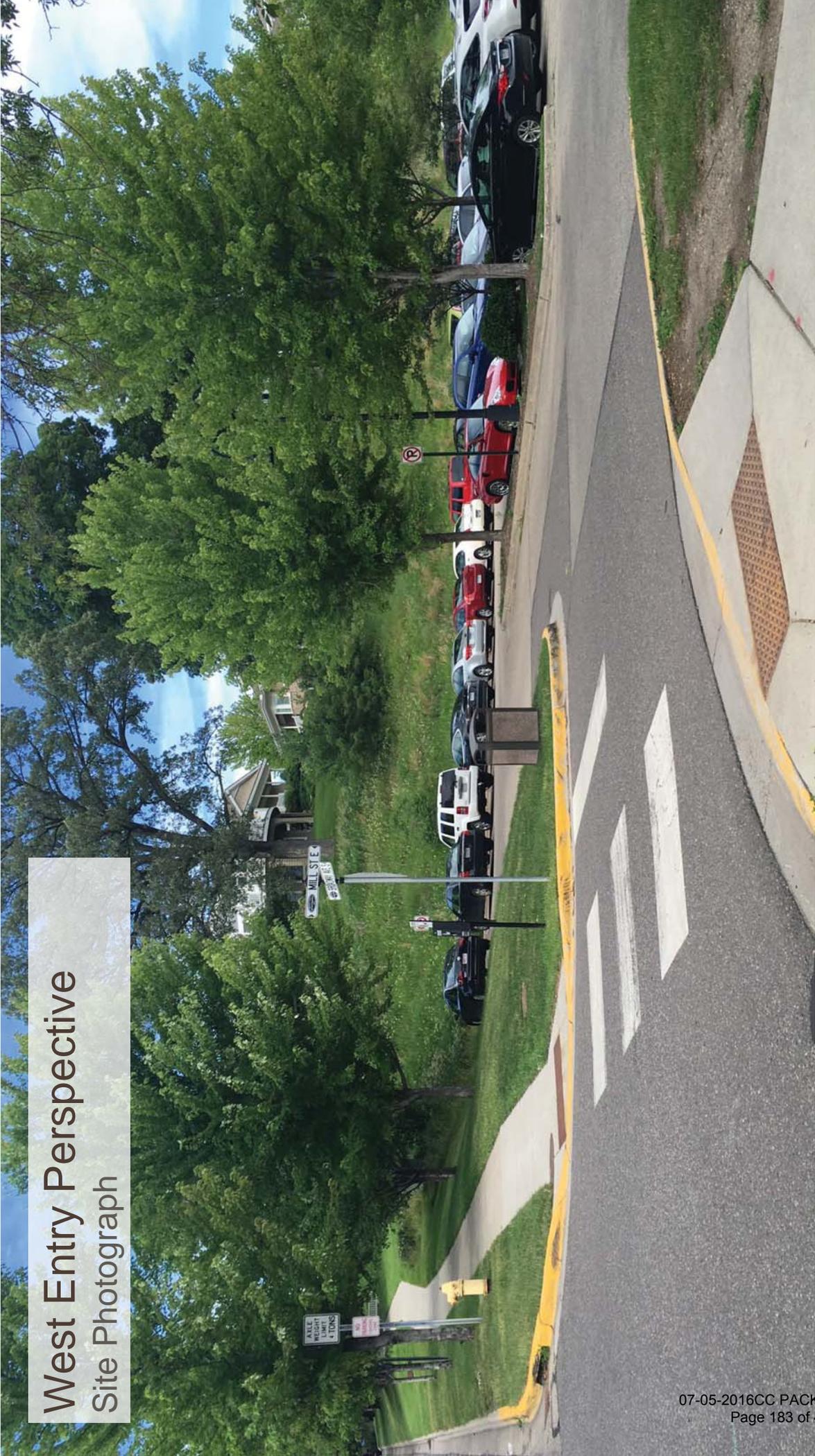
Southwest Aerial
Base Ramp + Partial Roof



Southwest Aerial
Base Ramp + Full Roof



West Entry Perspective
Site Photograph



West Entry Perspective
Base Ramp



West Entry Perspective
Base Ramp + Partial Roof



West Entry Perspective
Base Ramp + Full Roof



Center Stair Perspective

Base Ramp



Center Stair Perspective
Base Ramp + Partial Roof



Center Stair Perspective
Base Ramp + Full Roof



East Entry Perspective Base Ramp



East Entry Perspective
Base Ramp + Partial Roof



East Entry Perspective
Base Ramp + Full Roof



Library Perspective
Site Photograph



Library Perspective Base Ramp



Library Perspective
Base Ramp + Partial Roof



Library Perspective
Base Ramp + Full Roof

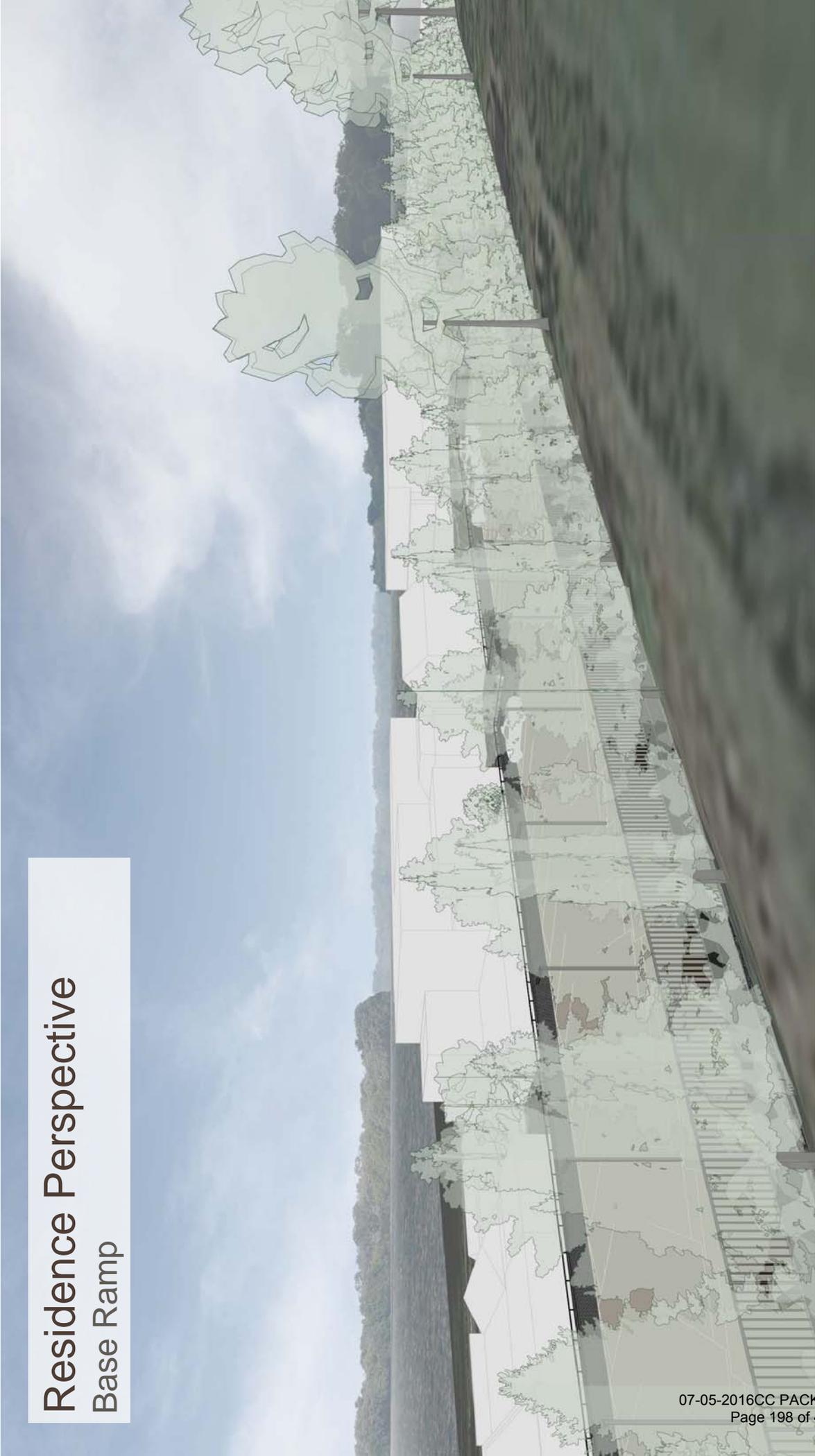


Residence Perspective
Site Photograph



Residence Perspective

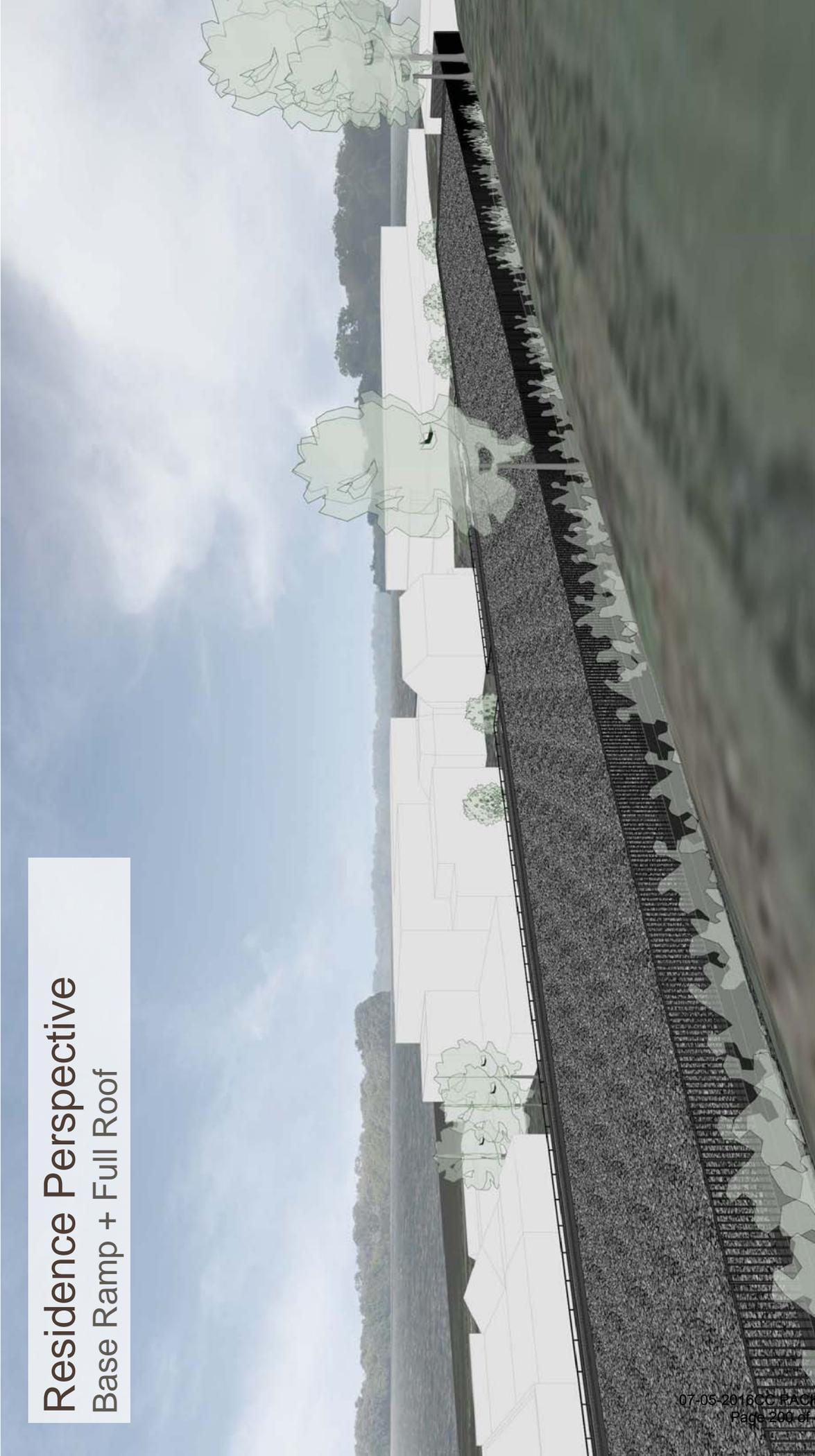
Base Ramp



Residence Perspective
Base Ramp + Partial Roof



Residence Perspective
Base Ramp + Full Roof



Cost Estimate

Cost Estimate Comparison Summary

BASE RAMP



Construction Cost (Incl. 4% Design Contingency)	\$7,850,000
Construction Contingency (8%)	\$630,000
Owner Cost	\$880,000
Total Project Cost	\$9,360,000

BASE RAMP + PARTIAL ROOF



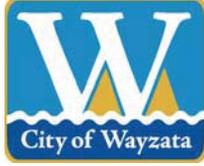
Construction Cost (Incl. 4% Design Contingency)	\$8,290,000
Construction Contingency (8%)	\$660,000
Owner Cost	\$940,000
Total Project Cost	\$9,890,000

BASE RAMP + FULL ROOF



Construction Cost (Incl. 4% Design Contingency)	\$8,660,000
Construction Contingency (8%)	\$690,000
Owner Cost	\$940,000
Total Project Cost	\$10,290,000

Schematic Design Cost Estimate: 24 June 2016



**Planning Report
City Council
July 5, 2016**

Project Name: Holdridge Homes
Applicant/Owner: Lake West Development, LLC
Addresses of Request: 1407 Holdridge Terr, and unaddressed parcel
Prepared by: Jeff Thomson, Director of Planning and Building
“120 Day” Deadline: July 6, 2016

Development Application

Introduction

The applicant and property owner, Lake West Development, LCC has submitted a development application requesting rezoning from R-2/Medium Density Single Family Residential to PUD/Planned Unit Development, Concurrent PUD Concept Plan and General Plan of Development approval, and preliminary plat review to subdivide the properties at 1407 Holdridge Terrace and an unaddressed parcel on Holdridge Terrace (PID 04-117-22-32-0036) for a six lot single-family residential development.

The property has a total area of 2.13 acres, and includes a wetland on the south side of the property. The upland area of the property is 1.35 acres in size. The property is currently undeveloped, except for a City-owned lift station located along Holdridge Terrace.

The project includes constructing six new single-family homes. The six homes would have shared driveways, and would have driveway access from Holdridge Terrace on the north side. (See plans on Attachment A)

Application Requests.

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

- A. Rezoning from R-2/Medium Density Single Family Residential District to PUD/Planned Unit Development District (City Code Section 801.33).

- B. Concurrent PUD Concept Plan and General Plan of Development approval for a six lot single-family residential development (City Code Section 801.33)
- C. Preliminary Plat Review to subdivide the two existing lots into six lots (City Code Section 805.14)

Project Location.

The Project is located on the south side of Highway 12 along Holdridge Terrace.

Map 1: Project Location.



The property identification numbers and owners for the property involved in the development application are as follows:

1407 Holdridge Ter	04-117-22-32-0035	Lake West Development, LCC
Unaddressed Parcel	04-117-22-32-0036	Lake West Development, LLC

Relevant property Information

Current zoning:	R-2/Medium Density Single-Family Residential
Comp plan designation:	Low Density Single Family
Total project area:	92,643 square feet or 2.13 acres

Surrounding 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	Holdridge Terrace and Highway 12, City of Minnetonka beyond	NA	NA
East	City of Minnetonka	NA	NA
South	Single-family homes	R-2/Medium Density Single Family Residential	Low Density Single Family
West	Holdridge Terrace and single-family homes beyond	R-2/Medium Density Single Family Residential	Low Density Single Family

Property Background.

In January 2014, the City Council approved a subdivision, with conditions, that included the property. The subdivision, Fretham 17th Addition, divided one larger lot that included the subject property and the property at 1409 Holdridge Terrace. The approved subdivision created three single-family residential lots and one outlot that was encumbered by an easement by MnDOT. The applicant subsequently sold Lot 1 of Fretham 17th Addition, which is not included in the current application. In September 2015, MnDOT conveyed the Outlot easement to the property owner. The preliminary plat from the previous subdivision approval is included as Attachment B.

In July 2015, the City Council reviewed a concept to develop the Property into a ten (10) unit detached townhome project. The plans from the workshop meeting are included as Attachment C.

Public Hearing Notice.

Zoning Ordinance Sections 801.03.2.C, 801.33.5.B.2 and Section 805.14.B require the Planning Commission to hold a public hearing on the Rezoning, PUD Concept and General Plan of Development, and Preliminary Plat applications. The Notice of Public Hearing was published in the *Sun Sailor* on May 5, 2016. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject Property on May 5, 2016, and the Planning Commission held a public on May 16, 2016

Previous Development Plans

The Planning Commission reviewed the application at its meeting on January 4, 2016. (See previous site plan Attachment D and minutes on Attachment E) At the meeting, the Planning Commission requested additional information regarding lot coverage, building height and size of homes, value of the homes, building materials, if the homes would be rental or owner occupied, wetland buffer, noise impacts, additional information on how each of the provisions of the PUD Ordinance are being met, and to provide a tree preservation plan.

On April 15, 2016, the applicant submitted revised plans for the proposal. The revised plans remove the property at 1405 Holdridge Terrace from the development application, as the applicant is not proposing any changes to the lot as it was approved as part of the 2014 subdivision application for Fretham 17th addition.

The revised application materials include the revised plans, a written narrative regarding the project, and revised building elevations. The applicant has also submitted a single-family subdivision plan for a four lot subdivision that would meet the R-2 zoning district requirements for lot area, lot width, and setbacks. In addition, the applicant submitted a tree preservation plans for the proposed six lot subdivision and the four lot subdivision alternative. (See Attachment A)

Analysis of Application

Comprehensive Plan Guidance.

The Property is guided in the City's Comprehensive Plan for Low Density Residential. The Low Density Residential land use category represents the single family detached neighborhoods, with an allowed density range of one to four units per acre or less. The total property size is 2.13 acres in the size, and the Project would have a gross density of 2.8 units per acre, which is consistent with the Comprehensive Plan land use designation.

Zoning.

The property is currently zoned R-2/Medium Density Single Family Residential. The project deviates from the requirements of the R-2 zoning district. The PUD zoning district is an Ordinance that can be used to allow for greater flexibility in development by incorporating design modifications from the strict application of the standard zoning district requirements. The PUD Ordinance allows the City Council to approve deviations from the lot area, width and depth, and setback requirements. It is not the intent of the PUD ordinance to waive the standards for a development project. Rather, a PUD allows modifications of the strict standards for projects that meet a specific purpose, as outlined in Section 4.2 of this report. In addition, the PUD zoning district establishes general and residential standards for a PUD, which are also outlined below.

The applicant is requesting a PUD/Planned Unit Development rezoning for the project to deviate from the strict provisions of the Ordinance related to lot width, front yard setback, and side yard setback requirements. The following tables outline the proposed

lot and home arrangements for the project, and include the zoning standards for R-2 lots for comparison purposes.

Table 1: Proposed Lots

	Lot area (sq. ft.)	Lot width	Lot depth
R-2 Requirements	15,000 (min.)	100 ft. (min.)	100 ft. (min.)
Lot 1	15,029	68 ft.	207 ft.
Lot 2	15,037	68 ft.	207 ft.
Lot 3	15,018	86 ft.	206 ft.
Lot 4	15,000	59 ft.	206 ft.
Lot 5	16,398	58 ft.	205 ft.
Lot 6	16,159	107 ft.	205 ft.

Table 2: Proposed Homes

	Front yard setback	Side yard setback	Rear yard setback	Lot coverage	Impervious surface	Height Max
R-2 Requirements	25 ft. (min)	10 ft. (min)	20 ft. (min)	20% (max.)	30% (max.)	2 ½ stories or 30 ft.
Proposed PUD	15 ft.	5 ft. (internal) 10 ft. (external)	20 ft.	20%	30%	Not Specified
Lot 1	15 ft.	11 ft. 16 ft.	100 ft.	Not provided	20.3%	Not provided
Lot 2	15 ft.	16 ft. 11 ft.	100+ ft.		20.3%	
Lot 3	15 ft.	8 ft. 8 ft.	100+ ft.		17.5%	
Lot 4	15 ft.	5 ft. 14 ft.	100+ ft.		13.9%	
Lot 5	15 ft.	7 ft. 5 ft.	100+ ft.		14.2%	
Lot 6	15 ft.	5 ft. 37 ft.	100+ ft.		14.8%	

House Plans

The applicant has submitted revised house plans for the development application, which are similar to the plans previously reviewed by the Planning Commission. The proposed plans include a streetscape elevation of the homes on the lots, as viewed along Holdridge Terrace. The application does not include detailed house plans for each of the lots. So, the size, exterior materials, or heights of each of the homes are not known. The general plans indicate that each home would be one and half stories with either a

walkout or lookout basement on the rear of the home. Each of the homes would have a two car garage, and would have a shared driveway with an adjacent lot.

Tree Inventory

The application materials include a tree inventory of the property, which shows a total of 153 significant trees on the property having a minimum diameter of 6 inches. The property includes a wide variety of species: spruce, ash, black walnut, oak and boxelder. The tree preservation plan indicates that 55 trees, or 36% of the site's trees, would be removed for construction of the homes, driveways, and associated grading.

Stormwater Management

The plans submitted with the application include four small infiltration basins which would be constructed on the back side of the homes. The infiltration basins would capture stormwater runoff from each of the lots, and provide infiltration to meet the City's stormwater management requirements. The infiltration basins would outlet to the adjacent wetland on the back of the Property.

Traffic

Based on data from the Institute of Transportation Engineers (ITE) *Trip Generation, Ninth Edition*, a single family detached housing unit has approximately 9.5 trips per day. For a six lot single family development, the average daily trips would be approximately 57 trips.

Planning Commission Review

The Planning Commission held a public hearing and reviewed the revised development application at its meeting on May 16, 2016. The Planning Commission generally commented that the applicant has not demonstrated that the project would meet the purpose and intent of the Planned Unit Development ordinance, and that the proposed PUD did not provide a benefit to what could be developed based on the current R-2 zoning for the property. Additional comments from the Planning Commission included concerns about the density of the project, amount of tree removal, and reduced setbacks from the south frontage road. On June 20, 2016, the Planning Commission voted five (5) in favor and zero (0) opposed to adopt a Report and Recommendation which recommends denial of the project. The Planning Commission minutes and Report are included as Attachment F and Attachment G.

Applicable Code Provisions for Review

Standards for Rezoning Section 801.03.2

Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

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

Parkland Dedication Fee (Section 805.37)

Section 805.37 of the Subdivision Ordinance requires a parkland dedication of land or fee in lieu for new single family lots at the time of recording of the Final Plat. As the proposed Subdivision creates four (4) new lots, the Applicant would be required to dedicate land or pay a fee in lieu for the four (4) new lots.

Premature Subdivision (Sections 805.16-18)

The Subdivision Ordinance requires the City Council to deny any preliminary plat of a proposed subdivision deemed premature for development. Section 805.16. The burden is on the applicant to show that the proposed subdivision is not premature. Section 805.18. Under Section 805.17 of the Subdivision Ordinance, a subdivision may be deemed premature should any of the conditions listed in Section 805.17 exist, including inadequate drainage, inadequate water supply, inadequate roads, inadequate waste disposal systems, and inconsistency with the Comprehensive Plan, in ability to provide public improvements, and MEQB policies.

Action Steps

Adopt the draft Resolution No. 21-2016, which denies the PUD, Rezoning, and Preliminary Plat at 1407 Holdridge Terrace and an unaddressed parcel.

Attachments:

- Attachment A: Narrative and Plans
- Attachment B: 2014 Subdivision Approval – Fretham 17th Addition
- Attachment C: 2015 Concept Plans
- Attachment D: Previous Site Plan
- Attachment E: January 4, 2016 Planning Commission Meeting Minutes
- Attachment F: Draft May 16th Planning Commission Meeting Minutes
- Attachment G: Planning Commission Report and Recommendation
- Attachment H: Draft City Council Resolution No. 21-2016

Lake West Development, LLC



Wayzata, MN

**HOLDRIDGE HOMES
PLANNED UNIT DEVELOPMENT REZONING,
PRELIMINARY PLAT APPLICATION
AMENDMENT**

April 15, 2016



INTRODUCTION

On behalf of Lake West Development, LLC, Landform is pleased to submit this amendment to the application submitted to the City of Wayzata by Lake West Development, LLC on September 28, 2015 for approval to rezone 2 parcels from R-2 Medium Density to Planned Unit Development to allow for the creation of six new single family lots on Wayzata Boulevard. We are submitting an amended narrative that responds to the questions and comments raised by members of the Wayzata Planning Commission at their January 4, 2016 meeting.

PROJECT HISTORY

Lake West Development, LLC purchased 1409 Holdridge Terrace in the fall of 2013. The City approved a subdivision with three lots and one outlot on January 14, 2014. One existing home located on what is now Lot 1, Block 1 of the approved subdivision has been sold. Lake West now owns two lots and one outlot. While the original intent of Lake West was to develop three single-family homes, the Minnesota Department of Transportation (MnDOT) sold a surplus easement to Lake West in 2015. This sale significantly increased the amount of usable land on the parcel. The MnDOT parcel has no zoning designation on the City's approved Zoning Map. This additional land acquisition led to further discussions with staff about the best possible use of a property that abuts a highway and a commercial district. On July 7, 2015, Lake West Development, LLC presented a PUD concept to the Council for a 10-12 lot subdivision that would have allowed for the construction of high-end single-family villas that would be marketable to potential high-end buyers that demand less square footage but want a single-family neighborhood. The Council felt that the proposed 10-12 lot subdivision was perhaps too high of a density for the residential properties to the south and asked to see a lower-density product.

On January 4, 2016, Lake West Development, LLC presented the present application for a seven-lot subdivision on 2.31 acres to the Planning Commission in response to the direction received from Council. The Planning Commission had several questions about the details of the proposed subdivision and asked to see more information. In light of the questions raised by the Planning Commission, Lake West has revised the narrative to more fully address the standards for rezoning and planned unit development as required by the Wayzata Zoning Code.

PUD SITE PLAN

The proposed Planned Unit Development (PUD) would allow for the development of six single-family lots on 2.13 acres. All lots exceed the minimum size of 15,000 square feet. The majority of the site has no adopted zoning – the remaining portion is currently zoned R-2 (medium-density residential) and guided low-density residential.

Tree Preservation

The site plan minimizes tree loss on site and removes about the same number of trees as if the site were to be subdivided according to a strict interpretation of the R-2 standards. Many of the trees that exist on site will remain. Driveways and houses are placed to minimize the loss of mature trees. While the City does not establish a limit to tree removal, the ordinance does indicate a desire to preserve trees to the extent possible. Our plans show that tree removal would be 38% under both the standard subdivision and the PUD.

Wetlands

A wetland in the southeast corner of the site will be preserved. The plans propose a buffer around the wetland area. While fill will be brought into the site, no wetland fill is proposed. Lake West will continue to work with the City of Wayzata to ensure the appropriate measures to mitigate any impacts during construction and that fill near the wetland minimizes any impact to the wetland. Lake West will use best practices for erosion control and will minimize, to the highest extent possible, the amount of fill on the site.

Common Open Space

Section 801.33.2 A of the PUD standards suggests that Common Open Space should be provided to meet the minimum requirements of the Comprehensive Plan. While the Comprehensive Plan does not identify any Open Space requirements specific to the property, Lake West is proposing a natural trail along the wetland for the PUD residents. The trail would be maintained through a Common Area Maintenance Agreement.

Density and Lot Layout

The proposed PUD has a gross density of 2.82 units per acre (net density of 4.44 upa). The site is guided Low Density Residential. The 2030 Comprehensive Plan identifies low density as 1-4 units per acre and medium density as 5-12 units per acre. The density of 2.82 units per acre would be consistent with the Comprehensive Plan.

Lot Layout

The lots could be a more traditional layout if it were not for the existing lift station on the site. Therefore, designers have proposed a solution that utilizes shared driveways and angles the homes. This solution increases safety for residents by reducing the number of curb cuts and lengthening the driveways. It also helps maximize the amount of yard and the views from the rear of the house, while minimizing tree loss and impacts to the wetland. Lake West will prepare shared driveway agreements for the residents.

Architecture and Landscaping

Lake West is proposing to work with a builder to build high-end homes constructed from quality materials. The building heights will stay within the 30-foot maximum allowed by the code. Landscaping and berming will be used to screen the frontage road and to reduce noise. While we have not selected the builder at this time, the properties will be attractive and consistent with the high standards of the community.

PUD FLEXIBILITY

Lake West Development LLC is requesting PUD flexibility to allow for reduced lot widths and reduced front and side yard setbacks. The following table shows the proposed lot sizes compared with the R-2 Zoning District standards:

	Lot Area (sq. ft.)	Lot Width	Lot Depth
R-2 Requirements	15,000 (min.)	100 ft. (min.)	100 ft. (min.)
Lot 1	15,029	68'	207.5'
Lot 2	15,037	68'	207'
Lot 3	15,018	58.1'	206.5'
Lot 4	15,000	52.2'	206'
Lot 5	16,398	49.7'	205.7'
Lot 6	16,159	75.8'	205.1'

	Front yard setback	Side yard	Rear yard setback	Lot coverage	Impervious surface	Max height
R-2 Requirements	25 ft. (min.)	10 ft. (min.)	20 ft. (min.)	20% Max	30% Max	2 ½ Stories or 30 ft.
Lot 1	15 ft.	10' (peripheral) 5' (interior)	100+ ft.	Will comply	21.6%	Will comply
Lot 2	15 ft.	5'	100+ ft.		21.6%	
Lot 3	15 ft.	5'	100+ ft.		20.5%	
Lot 4	15 ft.	5'	100+ ft.		12.6%	
Lot 5	15 ft.	5'	100+ ft.		13.0%	
Lot 6	15 ft.	10' (peripheral) 5' (interior)	100+ ft.		13.8%	

Section 801.33.1 of the Wayzata Zoning Ordinance allows for PUDs to promote flexibility in the development and design of projects. The Ordinance outlines 8 items that the PUD is intended to encourage. The proposed PUD is consistent with these items as follows:

1. *Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.*

The proposed development meets this goal. As noted with the original concept plan proposal, the demand for traditional low-density housing along highways and neighboring commercial sites can be more challenging in the marketplace. Constructing a traditional low-density development under the R-2 zoning standards would limit the type, design and placement of housing on site. Allowing for a clustered housing style supports the conservation and efficient use of land and offers greater variety in type, design and placement than a traditional single-family housing development. It allows Lake West to work with the constraints of the site in order to preserve natural features and solves the difficulties presented by the location of the existing on-site lift-station.

2. *Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.*

Although Section 9 of the Zoning Code provides standards for commercial and noncommercial development, residential standards are not provisioned in the code. However, Lake West will provide higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects and

engineers. Landform Professional Services, LLC is a multi-disciplinary landscape architecture, planning and engineering firm working with Lake West to maximize the preservation of the site's natural features, incorporate high quality storm water management and provide appropriate landscaping to ensure that the properties are designed with utmost care and quality. Lake West intends to work with a builder that focuses on high-end housing that will exceed existing area home values.

3. *More convenience in location and design of development and service facilities.*

A PUD would offer more convenience in location and design of development and service facilities. Lake West will provide water and sewer from an existing trunk line to the proposed homes. No additional utility services will need to be constructed. The efficient layout of the homes reduces the facilities that would be needed to service properties that are more spread out. The homes will otherwise tie into existing infrastructure and minimally increase demand for this infrastructure.

4. *The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.*

A PUD on this location will allow for the preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion. The clustering of the upscale single family homes allows for greater preservation of natural features, and supports greater enhancement of the wetland to the south of the property. A PUD allows for consistency in planting along the wetland buffer, greater control over the quality of the wetland enhancements and tree preservation. In addition, the flexibility in standards allows for a reduced setback that would protect the wetland on the southeastern portion of the parcel. The additional two homes that would be allowed by the PUD would have no impact on the number of trees removed from the parcels. Finally, the PUD gives the community more discretion in design considerations for natural features than a traditional zoning district.

5. *A creative use of land and related physical development which allows a phased and orderly development and use pattern.*

The proposed project will result in a creative use of land and physical development that allows a phased and orderly development and use pattern. Allowing for PUD flexibility

would allow the site to be developed efficiently and would provide a buffer between the residential properties to the south, the commercial properties to the north, and the senior housing directly to the east. The proposed shared-driveway design allows for fewer curb cuts, which increases safety for pedestrians and drivers. The layout makes creative use of land that is, at best, a challenging site for any residential development.

6. *An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.*

A PUD that increases density allows for efficient use of land, resulting in smaller networks of utilities and streets thereby lower development costs and public maintenance costs. The location offers easy access to the existing utility and street network. Clustering homes at this location does not require the addition of new streets and makes excellent use of underutilized property adjacent to undesirable highway uses. The development is not proposed in a location that would require additional right-of-way and provides a compact manner of providing infrastructure extensions.

7. *A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)*

The proposed development pattern is in harmony with the objectives of the Wayzata Comprehensive Plan. Section C of the Land Use Chapter of the 2030 Comprehensive Plan states that *“the City’s major planning goal is to maintain attractive, high-quality living, and working environments for community residents.”* The proposed PUD’s main intent is to provide an attractive, high-quality living environment for working professionals and residents that wish to stay in Wayzata but desire a more compact living space. The flexibility offered by the PUD gives the City the opportunity to offer housing choices to existing and potential residents that want a high-end product, but desire a smaller footprint.

The residential objective of the 2030 Comprehensive Plan is to *“maintain and enhance the character, diversity, and livability of all residential neighborhoods.”* The clustering of homes and the flexibility of standards diversifies the housing type by offering more

housing choices for existing and future residents and high quality design in an aging neighborhood. The project enhances livability by providing walkable trail access along the wetland. Additionally, the structures themselves provide a sound buffer, reducing noise from the highway for properties just to the south. The trail and sidewalk allows an area for local residents to walk and keep small children safely out of traffic.

8. *A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.*

A PUD would offer a more desirable and creative environment than might be possible through the strict application of zoning and subdivision regulations of the City. Allowing for the increased number of homes at the site allows Lake West to provide more public benefits to the City while keeping development costs low. As part of this proposed development, the plan includes a proposed trail that provides access to the natural beauty of the wetlands. Further, the clustering of homes provides a greater sound and visual barrier to the properties to the south. The landscaping and berming in front of the properties as well as the angled layout will provide attractive highway frontage for the City. Shared driveways and the angled layout increases the amount of usable yard space for future homeowners. The angled houses improve the views for homeowners, making it more desirable than a typical layout.

REZONING

Section 801.03.2 requires the Planning Commission to consider seven provisions when amending the Zoning Ordinance.

1. *The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.*

As noted above, rezoning to a PUD is consistent with the specific policies and provisions of the official City Comprehensive Plan. The proposed PUD meets the overall goals for the residential development, will help increase property values to the surrounding homes.

2. *The proposed use's conformity with present and future land uses of the area.*

The proposed PUD conforms to present and future land uses in the area. The proposed density of the project is consistent with the low-density standards described in the Comprehensive Plan, despite having a medium-density zoning designation. The proposed homes will be of high quality design that will be beneficial to surrounding property owners. The design and layout of the homes will increase the attractiveness of the community as a whole.

3. *The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).*

Rezoning to a PUD will conform to performance standards as allowed by PUD developments. The PUD offers flexibility that will reduce curb cuts, limit tree loss, increase wetland protections, and be consistent with the intent of the R-2 Zoning District.

4. *The proposed use's effect on the area in which it is proposed.*

Rezoning to a PUD will have a positive effect on the area where it is proposed. The homes will provide a buffer to adjacent undesirable highway uses; the proposed trail will increase walkability, and the high-quality architecture and landscaping will enhance the overall appearance of the neighborhood and the view of the City from the highway.

5. *The proposed use's impact upon property value in the area in which it is proposed.*

Rezoning to a PUD will increase property values in the area. The homes surrounding this parcel generally range in value from the \$200,000 - \$400,000s. We anticipate that the new homes will sell at a higher price point than this range due to the modern layout, energy efficiency, higher quality finishes and the targeted consumer demographic.

6. *Traffic generation by the proposed use in relation to capabilities of streets serving the property.*

The proposed rezoning will have little impact on the streets serving the property. The street is currently a frontage road that services the neighborhood and surrounding properties. The addition of six homes will have no significant impact on the surrounding neighborhood's streets or traffic.

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

Rezoning to a PUD will have little impact on the existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity. The parcel is currently in a residential zoning district and the number of homes proposed adds minimal demand to the existing city service demand.

PRELIMINARY PLAT

Section 805.14.E of the Subdivision Ordinance provides 8 items for the Planning Commission to review when considering approval of a preliminary plat. The proposed preliminary plat addresses these as follows:

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

As noted above, the proposed subdivision is consistent with the intent and density standards of 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.*

Building pads preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets. As a result of PUD flexibility, building pads preserve the wetland, maximize tree preservation and enhance the appearance and character of the community through high quality design.

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.*

Building pads are selected and located with respect to natural topography to minimize filing or grading. As a result of the PUD, buildings and driveways can be located more

efficiently - closer to the front of the lot, which will minimize the amount of fill that will need to be brought to the site.

- 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.*

Existing stands of significant trees are retained where possible. Building pads that result from a subdivision or lot combination are sensitively integrated into existing trees. The proposed PUD minimizes tree loss and is designed to protect larger trees on site, and removes approximately the same number of trees as a traditional subdivision.

- 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.*

The creation of a lot or lots does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas. The lot layout and proposed homes improve the appearance of the neighborhood and the City. The homes provide a transition and buffer from the commercial and highway uses across the street to the residential homes to the south, while preserving the natural features of the site.

- 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.*

The design of a lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character. The angled layout of the proposed homes helps preserve the natural features of the site while making the best use of a property that is adjacent to the highway. The wooded area and the wetland provide an additional buffer to the homes to the South. The homes and preservation of these features helps the transition from highway uses to residential uses.

- 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.*

The lot sizes that result from the subdivision are not dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area. The lot sizes are consistent with a low-density pattern and vary only slightly from what is allowed in the R-2 zoning district. The lot sizes and shapes are primarily rectangular, but angled in some places to accommodate the existing lift station on site.

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.*

The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed are similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area. Lake West is proposing a high-end housing product that will be attractive, have a scale that, when viewed in an ensemble, is similar in appearance to the scale of surrounding homes and will use varied and high quality construction materials that help incorporate the homes into the neighborhood.

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.*

While the design standards described in Section 9 of the Zoning Code do not apply to residential developments, Lake West and the builder will work with the Design Review Board and City Council to ensure that the design standards of the community are addressed.

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

The proposed lot layout and building pads conform with all performance standards contained herein, with the exception of requested PUD flexibility for a high-end

development that maximizes the site through the use of clustered single family home development.

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.*

The proposed subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed. In fact, as noted above, Lake West anticipates that the homes will be valued at a higher market rate than surrounding properties and will help increase property values of homes in the neighborhood.

12. *The proposed subdivision or lot combination shall be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity.*

The proposed subdivision will be accommodated with existing public services, primarily related to transportation and utility systems, and will not overburden the City's service capacity. Lake West is proposing minimal utility infrastructure that will utilize the existing City grid and is not proposing any new transportation facilities.

SUMMARY

We respectfully request approval of a PUD Rezoning and a Preliminary Plat to allow for the construction of six single-family homes on Holdridge Terrace and Wayzata Boulevard. We ask that we be scheduled for consideration at the Planning Commission on May 16, 2016 and City Council on June 7, 2016.

CONTACT INFORMATION

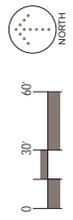
This document was prepared by:

Landform

105 South Fifth Street, Suite 513

Minneapolis, MN 55401

Any additional questions regarding this application can be directed to Reid Schulz at rschulz@landform.net or 612.638.0261.



HOLDRIDGE TOWNHOMES
WAYZETA MINNESOTA

- L A N D F O R M**
From Site to Finish
- (Red) Existing Landform
 - (Orange) Proposed Landform
 - (Green) Wetland
 - (Blue) Water

CONCEPT PLAN
4/15/2016

LANDFORM DESIGN, INC. 10000 UNIVERSITY AVENUE, SUITE 100, MINNETONKA, MN 55369

Lake West Development
 13400 HIGHWAY 7
 MINNETONKA, MN 55345
 952-930-3000

WELLS & COMPANY
 ARCHITECTS
 PO BOX 8589
 MINNETONKA, MN 55345
 www.thedesigngroup.com
 612-666-2032

PROJECT TITLE:
HOLDRIDGE HOMES
 A NEW HOUSING DEVELOPMENT
 WAYZATA, MN

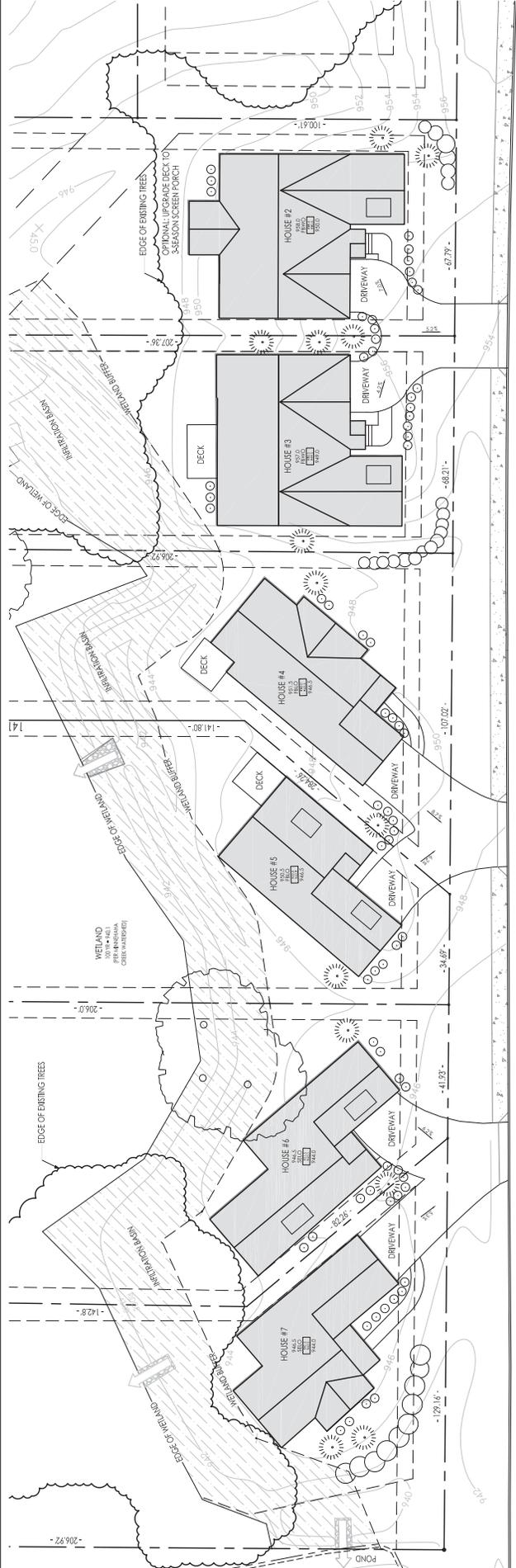
SHEET TITLE:
HOLDRIDGE HOMES
 REFERENCE PLAN / MASTER PLAN
 WAYZATA, MN
 SCALE: 1/16" = 1'-0"

PROJECT #: 02-2015
 DRAWN BY: WELLS
 CHECKED BY: WELLS
 DATE: _____
 ISSUE: _____

It is the policy of this firm to provide the best possible service to our clients. We are committed to the highest quality of work and to the timely completion of all projects. We are also committed to the highest standards of ethical conduct and to the highest standards of professional responsibility. We are a member of the American Institute of Architects (AIA) and the Minnesota State Bar Association.

WELLS & COMPANY
 ARCHITECTS
 PO BOX 8589
 MINNETONKA, MN 55345
 612-666-2032

SHEET NO:
A1



GENERAL NOTE:
 THE SITE PLAN AND GRADING DRAWING FOR GRADING SHALL BE USED TO DETERMINE THE EXISTING AND PROPOSED ELEVATIONS OF THE GROUND SURFACE AND THE PROPOSED FINISH GRADE. THE FINISH GRADE SHALL BE USED TO DETERMINE THE EXISTING AND PROPOSED ELEVATIONS OF THE ROADS AND SIDEWALKS. THE FINISH GRADE SHALL BE USED TO DETERMINE THE EXISTING AND PROPOSED ELEVATIONS OF THE ROADS AND SIDEWALKS. THE FINISH GRADE SHALL BE USED TO DETERMINE THE EXISTING AND PROPOSED ELEVATIONS OF THE ROADS AND SIDEWALKS.

FOR ZONING APPROVAL ONLY.

07-05-2016CC PACKET
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DEVELOPER:
LAKE WEST DEVELOPMENT CO., LLC.
 1500 HIGHWAY 7
 MINNETONKA, MN 55345
 TEL: (952) 833-3000



PROJECT:
HOLDRIDGE HOMES
 WAYZATA, MN

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 - 002 - PRELIMINARY PLAT
 - 003 - EXISTING CONDITIONS
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 - 005 - SITE PLAN WITH PERMITS
 - 006 - GRADING, DRAINAGE, & EROSION CONTROL
 - 007 - UTILITIES
 - 008 - CONSTRUCTION DETAILS
 - 009 - TREE PROTECTION PLAN
 - 010 - LANDSCAPE PLAN

ISSUE / REVISION HISTORY

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PROJECT MANAGER REVIEW

DATE: 04-15-2016

CERTIFICATION

PRELIMINARY PLAT RESUBMITTAL

DATE: 04-15-2016

PRELIMINARY

NOT FOR CONSTRUCTION

LANDFORM

105 South Fifth Avenue
 Tel: 612-252-9070
 10000 Hennepin Avenue
 Minneapolis, MN 55412
 Web: landform.net

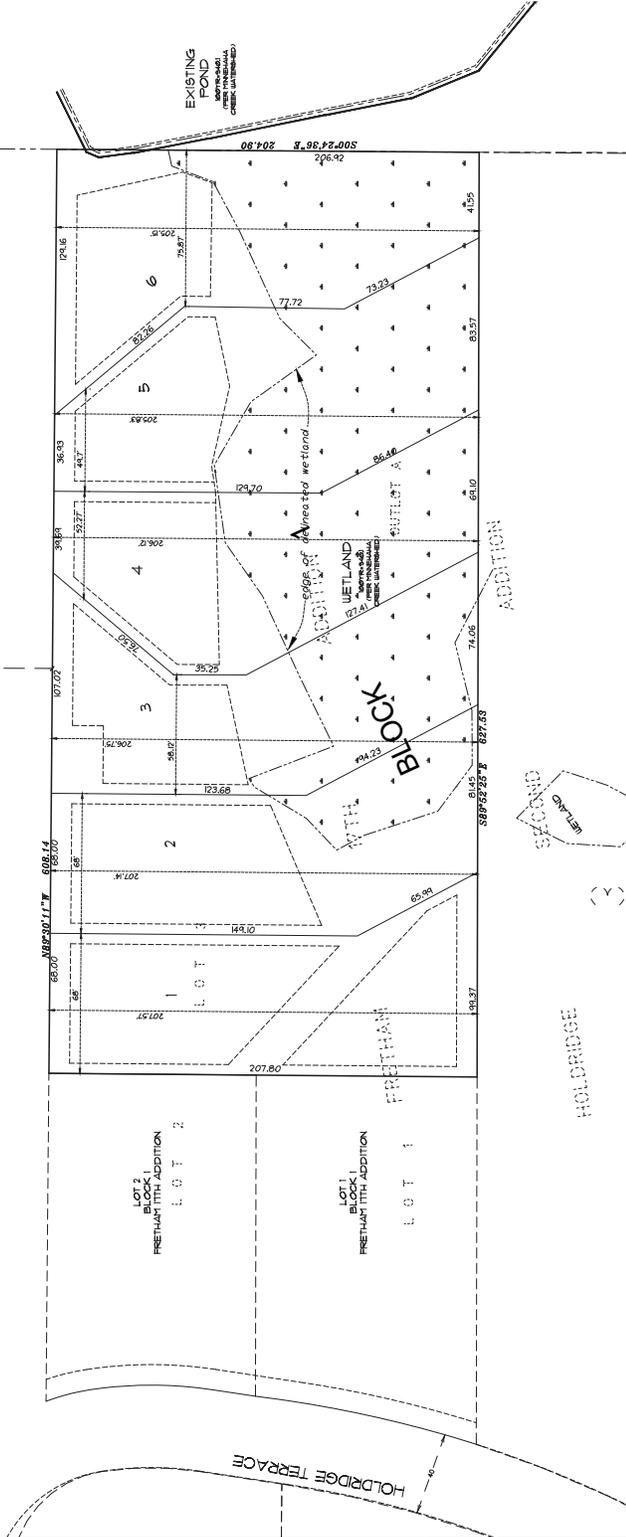
TELEPHONE: 612-252-9070
 PROJECT NO: LWD16008

PRELIMINARY PLAT
C02

SHEET NO. 2117

INTERSTATE 394

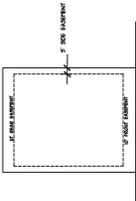
WAYZATA BLVD.



TOTAL GROSS AREA = 2.0 AC
 WETLAND AREA = 28.5 AC
 NET AREA = 0.3

LOT 5, BLOCK 1, RESUBMIT WITH ADDITION
 OUTLOT A, BLOCK 1, RESUBMIT WITH ADDITION

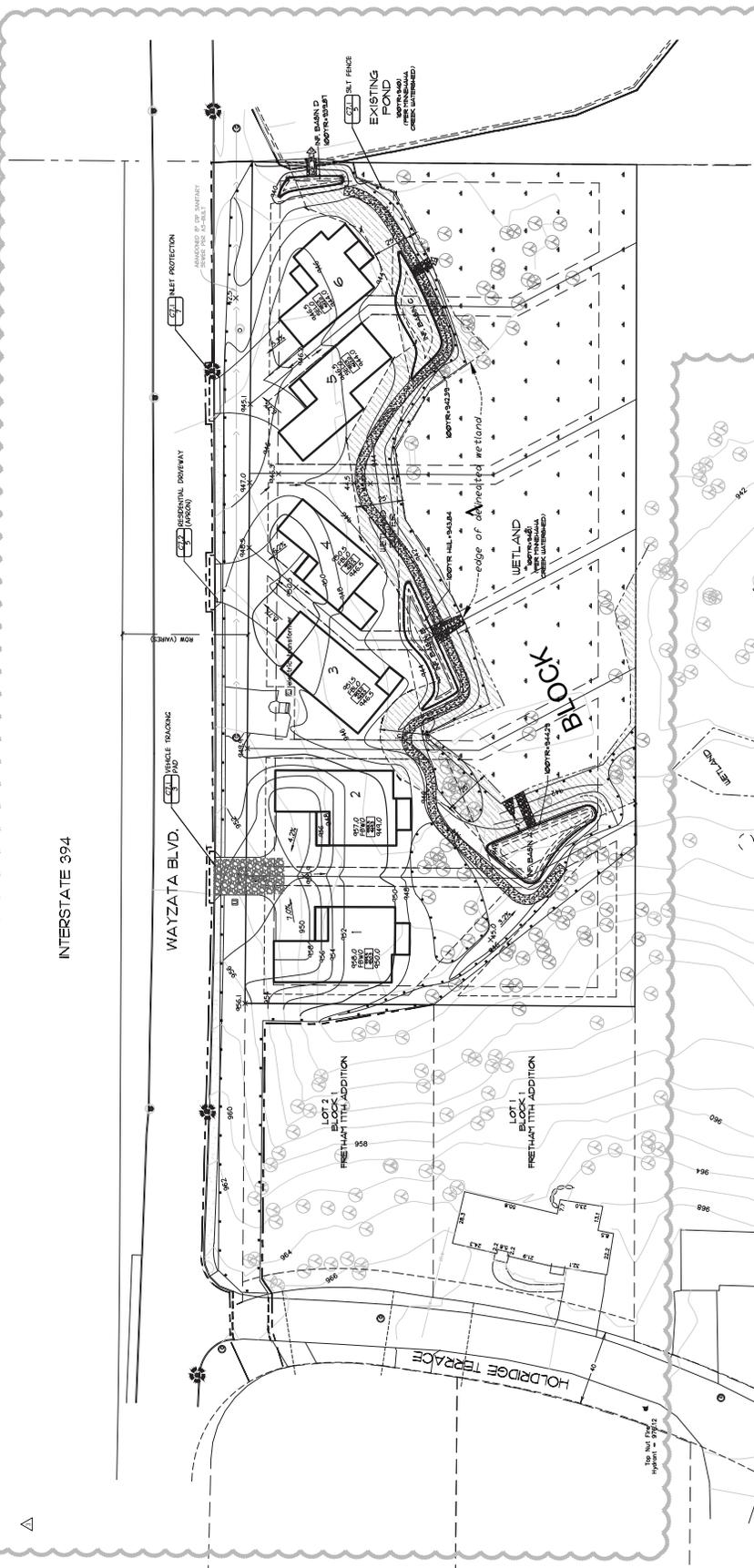
TYPICAL EASEMENTS



0 30 60



Know what's Below.
 Call before you dig.



LOT GRADE ALTERATION

Lot #	Start (Sta. Ft)	Fill (Cu. Yds)	Fill (Cu. Ft)	Total Alteration
1	14,115	967	26,682	+1,593 FT
2	14,115	957	26,889	+1,88 FT
3	12,794	700	18,800	+1,47 FT
4	17,885	587	16,677	+1,38 FT
5	17,885	587	16,677	+1,38 FT
6	17,314	397	10,719	+0,62 FT

REAR ELEVATION
 : REAR FLOOR ELEVATION
 : FIRST FLOOR ELEVATION
 : FINISH GRADE ELEVATION
 : MOIST GRADE ELEVATION



EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- INSTALL EROSION PREVENTION SHEETS FOR PERMANENT TURF AND LANDSCAPE ESTABLISHMENT.
- HYDRAULIC TAILINGS AND OTHER PRACTICES MUST BE USED ON SLOPES OF 3:1 OR STEEPER.
- AT LEAST ONE INCH OF COVER OR ORGANIC MATTER MUST BE SPREAD AND INCORPORATED INTO THE UNDERLYING SOIL DURING FINAL SITE TREATMENT WHEREVER TOPSOIL HAS BEEN REMOVED.
- TOPSOIL HAS BEEN REMOVED, THEREIN NITROGEN, PHOSPHORUS AND ORGANIC MATTER SHALL BE ANALYZED AND ALL EROSION AND SEDIMENT CONTROL FACILITIES AND SOIL STABILIZATION MATERIALS SHALL BE INSTALLED AND MAINTAINED UNTIL VEGETATION IS ESTABLISHED.

GRADING NOTES

- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING GRADING.
- REMOVE EXISTING GRADING AREAS AND EXPOSED SUFFICIENT QUANTITY FOR RECONSTRUCTION AND STABILIZATION. EXPOSED AREAS SHALL BE STABILIZED WITH EROSION PREVENTION SHEETS AND VEGETATION.
- REMOVE SURFACE AND GROUND WATER FROM EXCAVATIONS. PROVIDE FINAL LOTS OF STABLE FOUNDATION MATERIAL. EXPOSED SOILS ARE WET AND UNSTABLE.
- REFER TO STRUCTURAL SPECIFICATIONS FOR REINFORCEMENT REQUIREMENTS FOR RAILING.
- AN IMPROPER TESTING BORE SHALL VERIFY THE REMOVAL OF ORGANIC AND UNSTABLE SOILS. SOIL CORRECTION AND COMPACTION AND PROVIDE PERIODIC REPORTS TO THE ENGINEER.
- DO NOT COMPACT ALL USING LIFT. UNDESIRABLE MIXTURES OF SOIL TYPE AND COMPACTION EQUIPMENT TO OBTAIN SPECIFIED COMPACTION THROUGHOUT THE LIFT.
- COMPACT MATERIAL IN PAVED AREAS TO 90% OF THEORETICAL DENSITY. STANDARD MOULDED SAND SHALL BE USED TO OBTAIN DENSITY. WHERE FULL DEPTH EXCEEDS 10 FEET, LOT TO BE COMPACTED BY HOTROLLERS.

LEGEND

SYMBOL	DESCRIPTION	ESTIMATED QUANTITY
(Symbol)	SILT PROTECTION	
(Symbol)	SILT FENCE	
(Symbol)	VEHICLE TRACKING PAD	
(Symbol)	CONSTRUCTION LOTS	
(Symbol)	SHORT LINE	
(Symbol)	FREE PROTECTION FENCING	

TYPICAL INFILTRATION BASIN DETAIL

NO SCALE

811
 Know what's Below. Call before you dig.

NO SCALE

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DEVELOPER
LAKE WEST DEVELOPMENT CO., LLC
 1500 HIGHWAY 7
 MINNETONKA, MN 55345
 TEL: 952.833.8888

MUNICIPALITY



PROJECT
HOLDRIDGE HOMES
 WAYZATA, MN

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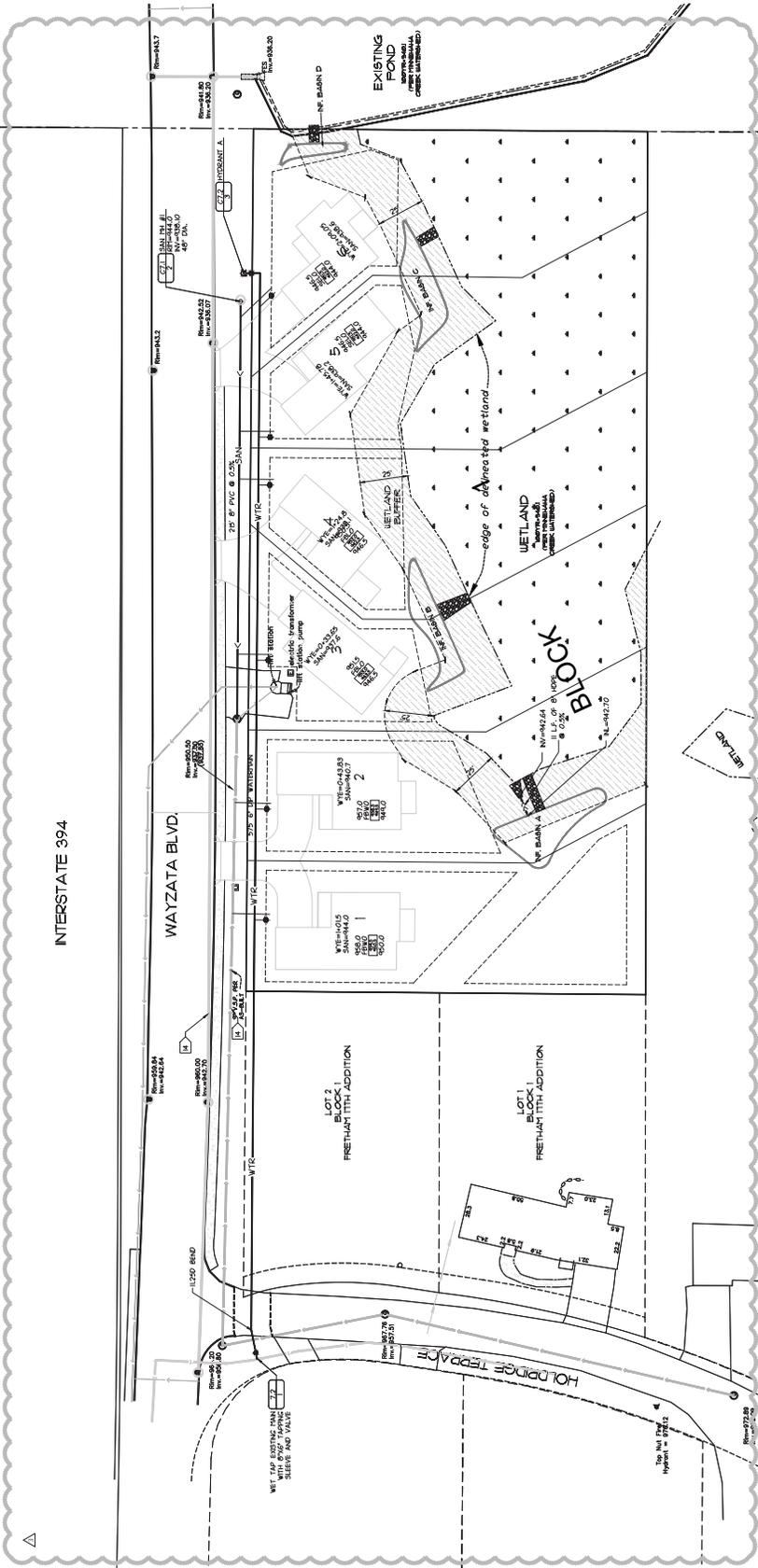
PROJECT MANAGER REVIEW

CERTIFICATION

DATE: 04-15-2016

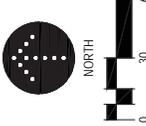
PROJECT NO: 15010008

SCALE: AS SHOWN



UTILITIES

1. PIPE MATERIALS
 a. OF PVC SCHEDULE 40 (ASTM D3025, D2458 & 6991)
 b. SANITARY SERVICE
 c. OF PVC SCHEDULE 40 (ASTM D2458, D2459, D2460)
 d. WATER SERVICE
 e. OF HDPE
 2. CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING.
 3. COORDINATE WITH PRIVATE UTILITIES TO PROVIDE ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES TO LOTS.
 4. PROVIDE PROTECTIVE CASING TO PROTECT ADJACENT PROPERTY FROM DAMAGE DURING UTILITY INSTALLATION.
 5. PIPE LENGTHS SHOWN ARE FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE OR END OF END SECTION.
 6. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF WAYZATA STANDARDS OF UTILITY. REFER TO CITY OF WAYZATA STANDARDS OF UTILITY FOR REQUIREMENTS OF UTILITY. REFER TO CITY OF WAYZATA STANDARDS OF UTILITY FOR REQUIREMENTS OF UTILITY.
 7. INSTALL TRACER WIRE WITH ALL NON-CONDUCTIVE UTILITIES.
 8. CONNECT TO CITY UTILITIES IN ACCORDANCE WITH CITY OF WAYZATA STANDARDS.
 9. CONTACT CITY OF WAYZATA PUBLIC WORKS AT 952-464-5860 FOR WET TAP INSPECTION.
 10. MAINTAIN 7.5 FEET OF COVER ON WATER.
11. CONTRACTOR TO PROVIDE ALL UTILITY CROSSING PRIOR TO CONSTRUCTION OF NEW CONSTRUCTION. CONTRACTOR TO PROVIDE ALL UTILITY CROSSING PRIOR TO CONSTRUCTION OF NEW CONSTRUCTION. CONTRACTOR TO PROVIDE ALL UTILITY CROSSING PRIOR TO CONSTRUCTION OF NEW CONSTRUCTION.
12. THE WATER DISTRIBUTION SYSTEM SHALL BE DIMENSIONED PER MINNESOTA RULES, PART 6207.0100.
13. SANITARY SERVICES ARE BASED OFF OF CITY 45-INCH SHOTS.
14. EXISTING SERVICE SHALL BE MAINTAINED AND NOT REMOVED.
15. CONNECT INTO EXISTING SANITARY MAIN WITH PVC W/TE AND FERRIS COUPLERS (N=0455710)



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1000	CONTRACT

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PROJECT MANAGER REVIEW
 CERTIFICATION

PRELIMINARY PLAT RESUBMITTAL
 04-15-2016

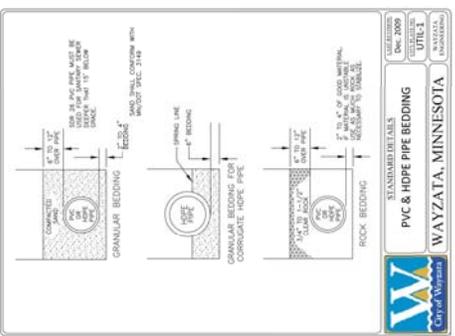
PRELIMINARY CONSTRUCTION NOT FOR PERMIT

LAKE WEST DEVELOPMENT CO., LLC
 1500 HIGHWAY 7
 MINNETONKA, MN 55345
 TEL: 953.38.3886

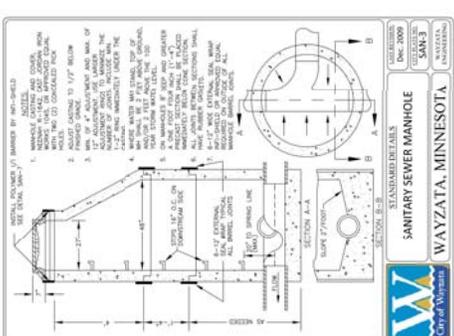
PROJECT NO. 15015006

CIVIL DETAILS
C7.1

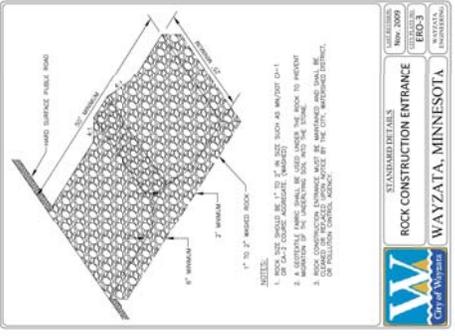
SHEET NO. 871.2



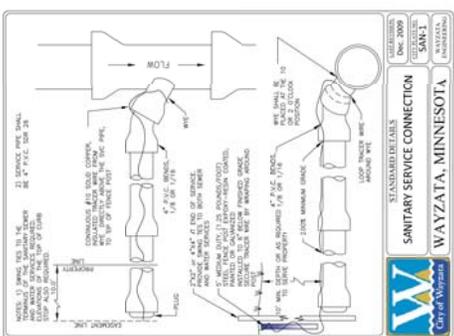
1 PVC AND HDPE PIPE BEDDING NO SCALE



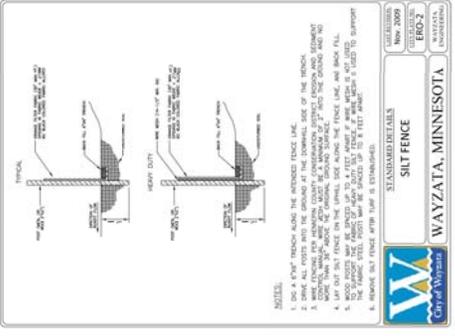
2 SANITARY SEWER MANHOLE NO SCALE



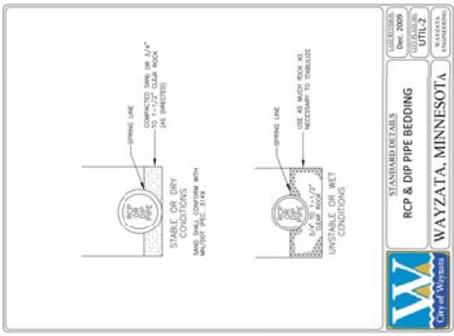
3 ROCK CONSTRUCTION ENTRANCE NO SCALE



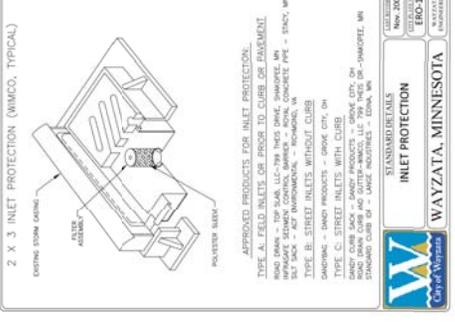
4 SANITARY SERVICE CONNECTION NO SCALE



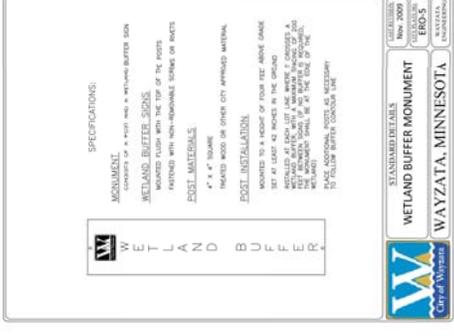
5 SILT FENCE NO SCALE



6 RCP AND DIP PIPE BEDDING NO SCALE



7 INLET PROTECTION NO SCALE



8 WETLAND BUFFER MONUMENT NO SCALE

DEVELOPER
LAKE WEST DEVELOPMENT CO., LLC.
 1400 W. GARDENWAY
 MANICOTA, WISCONSIN
 TEL: (920) 213-3800

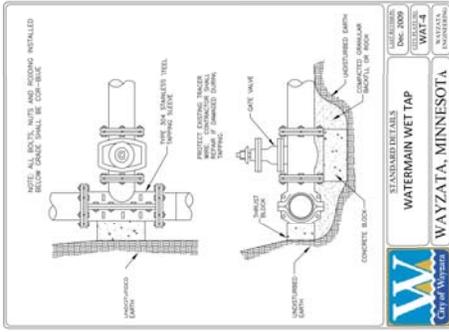
MUNICIPALITY
City of Wayzata
 11150 EIGHTH AVE
 WAYZATA, MN 55391

PROJECT
HOLDRIDGE HOMES
 WAYZATA, MN

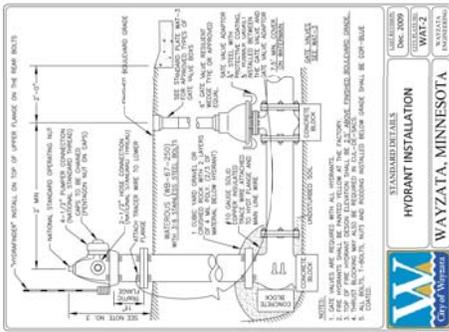
SHEET INDEX

- WAT-1 100% TITLE SHEET
- WAT-2 WATERMAIN WET TAP
- WAT-3 GATE VALVE & BOX
- WAT-4 WATER SERVICE CONNECTION
- CONCRETE DRIVEWAY
- HYDRANT
- HYDRANT INSTALLATION
- WATERMAIN WET TAP
- GATE VALVE & BOX
- WATER SERVICE CONNECTION

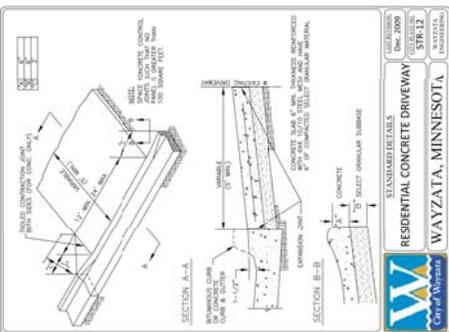
STANDARD DETAILS
 DEC. 2009
WAYZATA, MINNESOTA



1 WATERMAIN WET TAP NO SCALE



3 HYDRANT NO SCALE



5 CONCRETE DRIVEWAY NO SCALE

ISSUE REVISION HISTORY

NO.	DATE	DESCRIPTION
1	04-15-2016	ISSUE FOR PERMIT
2	04-15-2016	REVISED PER CITY COMMENTS
3	04-15-2016	REVISED PER CITY COMMENTS

PROJECT MANAGER REVIEW

CERTIFICATION

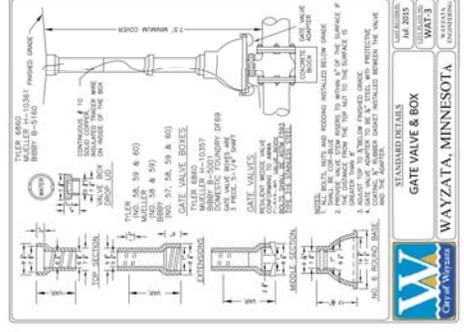
NOT FOR CONSTRUCTION

PRELIMINARY PLAT RESUBMITTAL
 04-15-2016

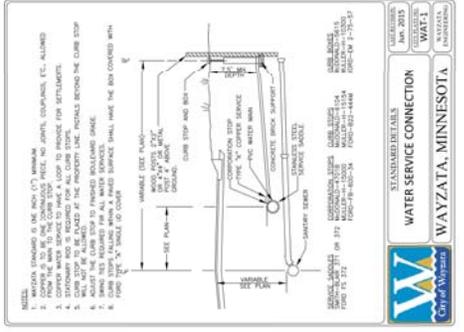
LANDFORM
 100 South Fifth Avenue
 Suite 513
 Minneapolis, MN 55401
 TEL: (612) 338-8888
 PROJECT NO. LWD16008

STANDARD DETAILS
 DEC. 2009
WAYZATA, MINNESOTA

CIVIL DETAILS
C7.2



2 GATE VALVE AND BOX NO SCALE



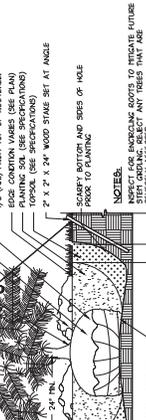
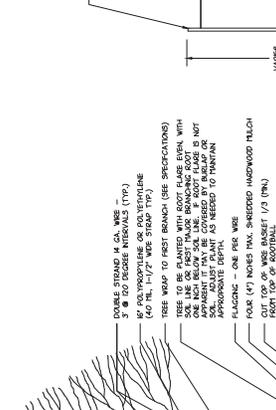
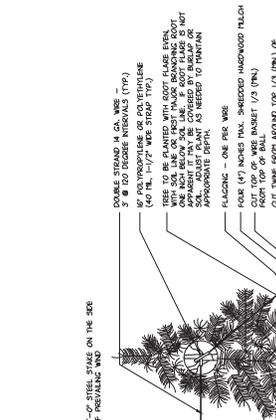
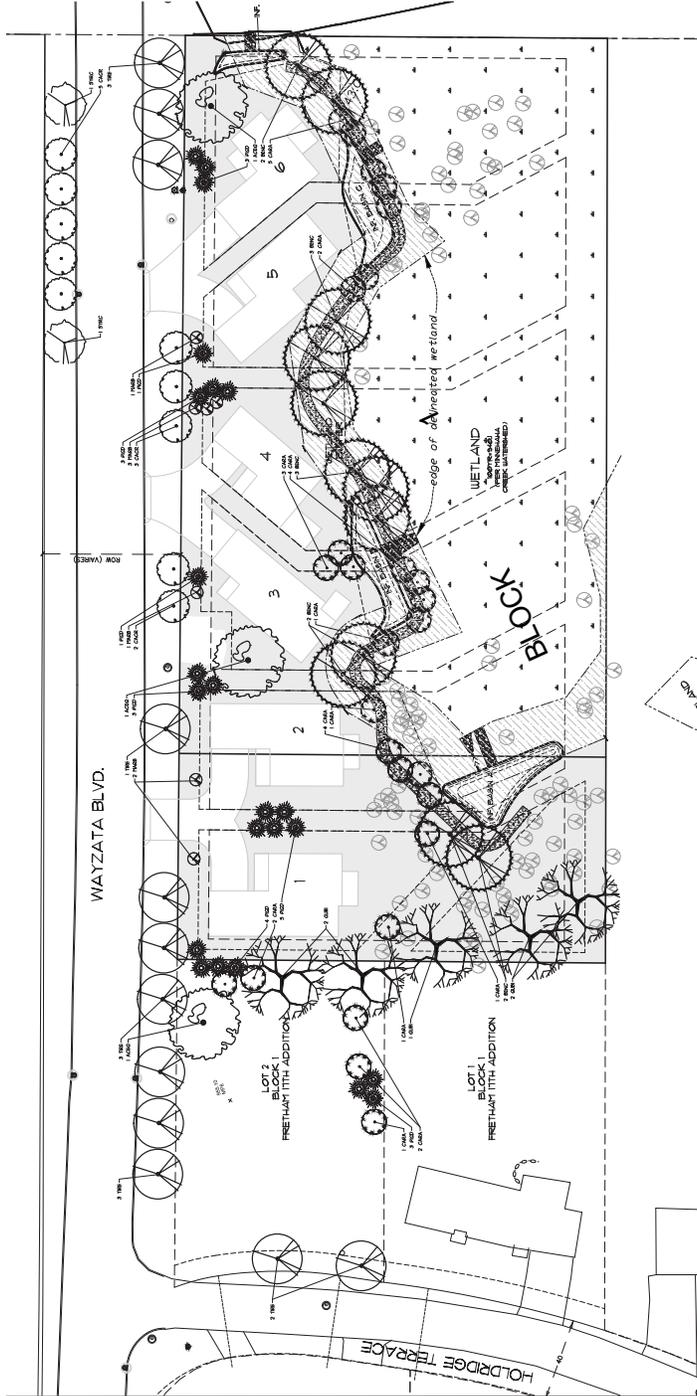
4 WATER SERVICE CONNECTION NO SCALE

GENERAL NOTES

- FOR CONSTRUCTION STAFFING AND SCHEDULING SERVICES CONTACT LANDFORM PROFESSIONAL SERVICES AT 612.935.5070.

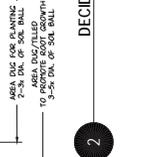
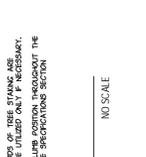
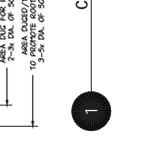
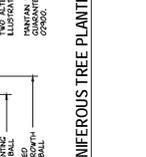
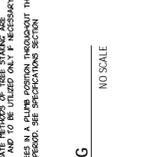
LANDSCAPE NOTES

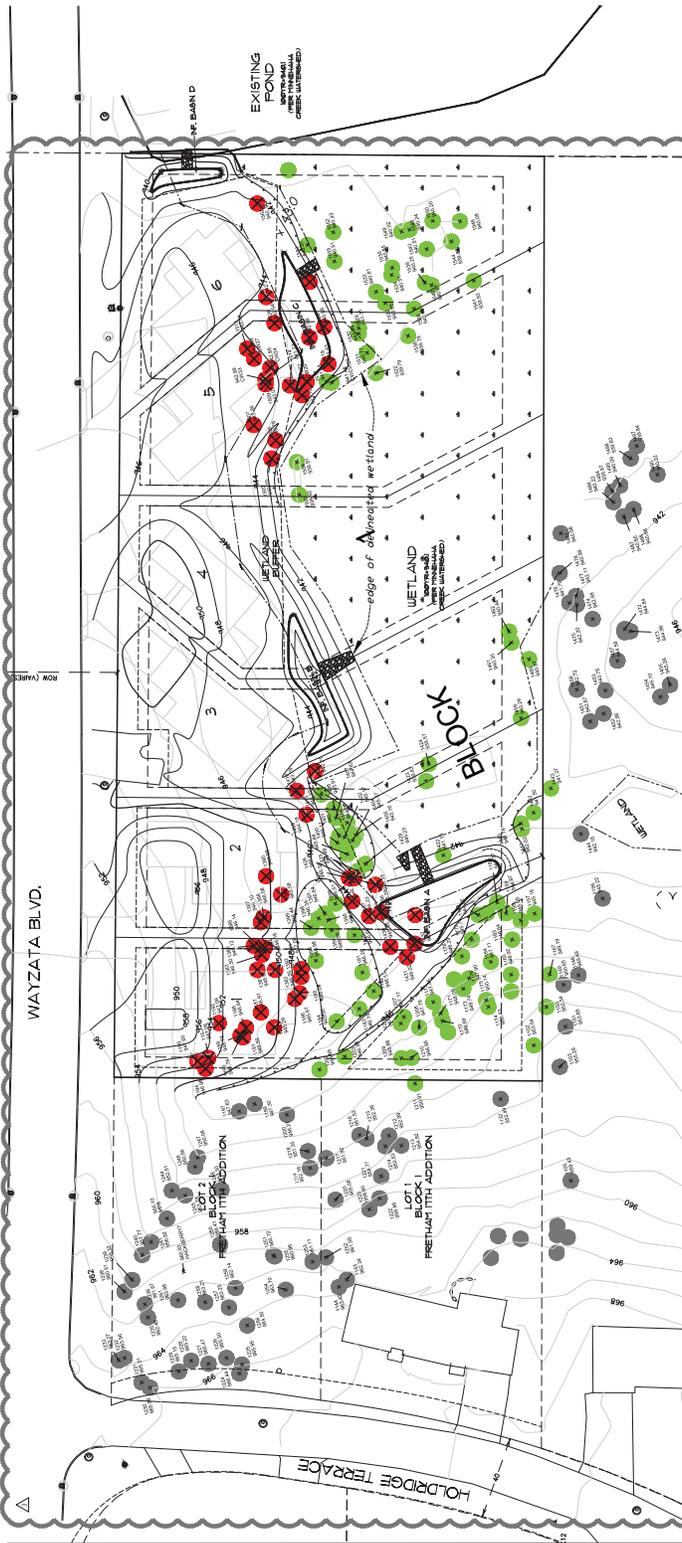
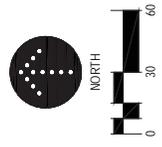
- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING.
- COORDINATE INSTALLATION WITH CONTRACTORS PERFORMING RELATED WORK.
- PLANT MATERIAL SHALL BE SUPPLIED BY THE LANDSCAPE ARCHITECT. ALL PLANT MATERIAL SHALL BE OF THE HIGHEST QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION.
- PLANT MATERIAL SHALL CONFORM TO THE AMERICAN ASSOCIATION OF LANDSCAPE ARCHITECTS (AAS) STANDARD SPECIFICATIONS FOR PLANT MATERIAL. ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION.
- PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION.
- PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION.
- SPREAD A MINIMUM OF 6 INCHES OF TOPSOIL AND SEED ALL TREE AREAS DISTURBED BY CONSTRUCTION.
- FOLLOW FINISH GRADING AND PLANTING INSTRUCTIONS FOR ESTABLISHMENT OF PLANT MATERIAL. FOLLOW FINISH GRADING AND PLANTING INSTRUCTIONS FOR ESTABLISHMENT OF PLANT MATERIAL.
- INSTALL A 4'-0" BARRIER SCHEDULED HARDWOOD BARK MULCH 1/2" THICK AROUND TREES TO PREVENT SOIL LOSS AND MAINTAIN MOISTURE. MAINTAIN MULCH DEPTH AS NOTED OR RECOMMENDED. MAINTAIN MULCH DEPTH AS NOTED OR RECOMMENDED.



PLANT SCHEDULE

KEY	COUNT	SCIENTIFIC NAME	COMMON NAME	MATURE HEIGHT	PLANTING SIZE	ROOT BALL DIAMETER
1	1	PARQUETIA STENNISII	PARQUETIA STENNISII	10' H x 6\"/>		
2	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
3	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
4	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
5	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
6	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
7	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
8	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
9	1	QUERCUS LAEVIS	WHITE OAK	12' H x 6\"/>		
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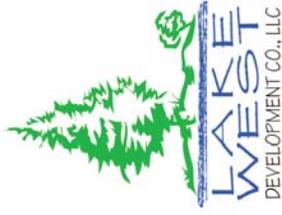




LEGEND

- POP TREE REMOVAL (Red X)
- TREE SAVED (Green circle)
- TREE OFFER (Yellow circle)
- TREE PROTECTION FENCE (Black line)

Point	Species	Size (in)	Saved	Removed	Point	Species	Size (in)	Saved	Removed	Point	Species	Size (in)	Saved	Removed	Point	Species	Size (in)	Saved	Removed
1102	ASH	10	X		1408	ASH	13	X		1524	BOXELDER	12	X		1644	ASH	14	X	
1103	SPRUCE	7	X		1409	ASH	10	X		1525	BOXELDER	10	X		1645	ASH	10	X	
1104	SPRUCE	10	X		1410	ASH	20	X		1526	BOXELDER	11	X		1646	ASH	10	X	
1105	SPRUCE	10	X		1411	BOXELDER	18	X		1527	ASH	11	X		1647	ASH	10	X	
1106	SPRUCE	10	X		1412	BOXELDER	15	X		1528	ASH	10	X		1648	ASH	10	X	
1107	SPRUCE	7	X		1413	BOXELDER	18	X		1529	ASH	10	X		1649	ASH	10	X	
1108	SPRUCE	10	X		1414	ASH	15	X		1530	ASH	8	X		1650	ASH	10	X	
1109	SPRUCE	10	X		1415	ASH	15	X		1531	ASH	7	X		1651	ASH	10	X	
1110	SPRUCE	10	X		1416	ASH	15	X		1532	ASH	8	X		1652	ASH	10	X	
1111	SPRUCE	10	X		1417	ASH	8	X		1533	ASH	10	X		1653	ASH	10	X	
1112	SPRUCE	10	X		1418	ASH	8	X		1534	ASH	12	X		1654	ASH	10	X	
1113	SPRUCE	10	X		1419	ASH	12	X		1535	ASH	12	X		1655	ASH	10	X	
1114	SPRUCE	10	X		1420	ASH	12	X		1536	ASH	10	X		1656	ASH	10	X	
1115	SPRUCE	10	X		1421	ASH	12	X		1537	ASH	10	X		1657	ASH	10	X	
1116	SPRUCE	10	X		1422	ASH	12	X		1538	ASH	10	X		1658	ASH	10	X	
1117	SPRUCE	10	X		1423	ASH	12	X		1539	ASH	8	X		1659	ASH	10	X	
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1121	SPRUCE	10	X		1427	ASH	12	X		1543	ASH	10	X		1663	ASH	10	X	
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1123	SPRUCE	10	X		1429	ASH	12	X		1545	ASH	10	X		1665	ASH	10	X	
1124	SPRUCE	10	X		1430	ASH	12	X		1546	ASH	8	X		1666	ASH	10	X	
1125	SPRUCE	10	X		1431	ASH	18	X		1547	ASH	8	X		1667	ASH	10	X	
1126	SPRUCE	10	X		1432	ASH	18	X		1548	BOXELDER	6	X		1668	ASH	10	X	
1127	SPRUCE	10	X		1433	ASH	18	X		1549	ELM	7	X		1669	ASH	10	X	
1128	SPRUCE	10	X		1434	ASH	18	X		1550	ELM	7	X		1670	ASH	10	X	
1129	SPRUCE	10	X		1435	ASH	18	X		1551	BOXELDER	10	X		1671	ASH	10	X	
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1131	SPRUCE	10	X		1437	ASH	18	X		1553	ASH	12	X		1673	ASH	10	X	
1132	SPRUCE	10	X		1438	ASH	18	X		1554	ASH	12	X		1674	ASH	10	X	
1133	SPRUCE	10	X		1439	ASH	18	X		1555	ASH	7	X		1675	ASH	10	X	
1134	SPRUCE	10	X		1440	ASH	18	X		1556	ASH	7	X		1676	ASH	10	X	
1135	SPRUCE	10	X		1441	ASH	18	X		1557	ASH	7	X		1677	ASH	10	X	
1136	SPRUCE	10	X		1442	ASH	18	X		1558	ASH	7	X		1678	ASH	10	X	
1137	SPRUCE	10	X		1443	ASH	18	X		1559	ASH	7	X		1679	ASH	10	X	
1138	SPRUCE	10	X		1444	ASH	18	X		1560	ASH	7	X		1680	ASH	10	X	
1139	SPRUCE	10	X		1445	ASH	18	X		1561	ASH	7	X		1681	ASH	10	X	
1140	SPRUCE	10	X		1446	ASH	18	X		1562	ASH	7	X		1682	ASH	10	X	
1141	SPRUCE	10	X		1447	ASH	18	X		1563	ASH	7	X		1683	ASH	10	X	
1142	SPRUCE	10	X		1448	ASH	18	X		1564	ASH	7	X		1684	ASH	10	X	
1143	SPRUCE	10	X		1449	ASH	18	X		1565	ASH	7	X		1685	ASH	10	X	
1144	SPRUCE	10	X		1450	ASH	18	X		1566	ASH	7	X		1686	ASH	10	X	
1145	SPRUCE	10	X		1451	ASH	18	X		1567	ASH	7	X		1687	ASH	10	X	
1146	SPRUCE	10	X		1452	ASH	18	X		1568	ASH	7	X		1688	ASH	10	X	
1147	SPRUCE	10	X		1453	ASH	18	X		1569	ASH	7	X		1689	ASH	10	X	
1148	SPRUCE	10	X		1454	ASH	18	X		1570	ASH	7	X		1690	ASH	10	X	
1149	SPRUCE	10	X		1455	ASH	18	X		1571	CHERRY	9	X		1691	ASH	10	X	
1150	SPRUCE	10	X		1456	ASH	18	X		1572	CHERRY	9	X		1692	ASH	10	X	
1151	SPRUCE	10	X		1457	BOXELDER	8	X		1573	CHERRY	9	X		1693	ASH	10	X	
1152	SPRUCE	10	X		1458	BOXELDER	8	X		1574	CHERRY	9	X		1694	ASH	10	X	
1153	SPRUCE	10	X		1459	BOXELDER	8	X		1575	CHERRY	9	X		1695	ASH	10	X	
1154	SPRUCE	10	X		1460	BOXELDER	8	X		1576	CHERRY	9	X		1696	ASH	10	X	
1155	SPRUCE	10	X		1461	BOXELDER	8	X		1577	CHERRY	9	X		1697	ASH	10	X	
1156	SPRUCE	10	X		1462	BOXELDER	8	X		1578	CHERRY	9	X		1698	ASH	10	X	
1157	SPRUCE	10	X		1463	BOXELDER	8	X		1579	CHERRY	9	X		1699	ASH	10	X	
1158	SPRUCE	10	X		1464	BOXELDER	8	X		1580	CHERRY	9	X		1700	ASH	10	X	
1159	SPRUCE	10	X		1465	BOXELDER	8	X		1581	CHERRY	9	X		1701	ASH	10	X	
1160	SPRUCE	10	X		1466	BOXELDER	8	X		1582	CHERRY	9	X		1702	ASH	10	X	
1161	SPRUCE	10	X		1467	BOXELDER	8	X		1583	CHERRY	9	X		1703	ASH	10	X	
1162	SPRUCE	10	X		1468	BOXELDER	8	X		1584	CHERRY	9	X		1704	ASH	10	X	
1163	SPRUCE	10	X		1469	BOXELDER	8	X		1585	CHERRY	9	X		1705	ASH	10	X	
1164	SPRUCE	10	X		1470	BOXELDER	8	X		1586	CHERRY	9	X		1706	ASH	10	X	
1165	SPRUCE	10	X		1471	BOXELDER	8	X		1587	CHERRY	9	X		1707	ASH	10	X	
1166	SPRUCE	10	X		1472	BOXELDER	8	X		1588	CHERRY	9	X		1708	ASH	10	X	
1167	SPRUCE	10	X		1473	BOXELDER	8	X		1589	CHERRY	9	X		1709	ASH	10	X	
1168	SPRUCE	10	X		1474	BOXELDER	8	X		1590	CHERRY	9	X		1710	ASH	10	X	
1169	SPRUCE	10	X		1475	BOXELDER	8	X		1591	CHERRY	9	X		1711	ASH	10	X	
1170	SPRUCE	10	X		1476	BOXELDER	8	X		1592	CHERRY	9	X		1712	ASH	10	X	
1171	SPRUCE	10	X		1477	BOXELDER	8	X		1593	CHERRY	9	X		1713	ASH	10	X	
1172	SPRUCE	10	X		1478	BOXELDER	8	X		1594	CHERRY	9	X		1714	ASH	10	X	
1173	SPRUCE	10	X		1479	BOXELDER	8	X		1595	CHERRY	9	X		1715	ASH	10	X	
1174	SPRUCE	10	X		1480	BOXELDER	8	X		1596	CHERRY	9	X		1716	ASH	10	X	
1175	SPRUCE	10	X		1481	BOXELDER	8	X		1597	CHERRY	9	X		1717	ASH	10	X	
1176	SPRUCE	10	X		1482	BOXELDER	8	X		1598	CHERRY	9	X		1718	ASH	10	X	
1177	SPRUCE	10	X		1483	BOXELDER	8	X		1599	CHERRY	9	X		1719	ASH	10	X	
1178	SPRUCE	10	X		1484	BOXELDER	8	X		1600	CHERRY	9	X		1720	ASH	10	X	
1179	SPRUCE	10	X		1485	BOXELDER	8	X		1601	CHERRY	9	X		1721	ASH	10	X	
1																			



SITE ANALYSIS

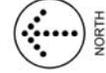
OF LOTS = 10
 MODEL A = 6 LOTS
 MODEL B = 2 LOTS
 MODEL C (CUSTOM) = 1 LOT
 FRONT SETBACK = 20 FT
 REAR SETBACK (CORNER) = 20 FT
 SIDE SETBACK (CORNER) = 20 FT
 REAR SETBACK = 20 FT

WETLAND MANAGEMENT

WETLAND TYPE = MANAGE 2
 WETLAND BUFFER = 20 FT
 BUFFER PROVIDED = 24 FT
 AVERAGE BUFFER = 30 FT
 BUFFER PROVIDED = 30.5 FT

LEGEND

- = GREEN SPACE (LANDSCAPE AREA)
- = TREE PRESERVATION
- = BEERT



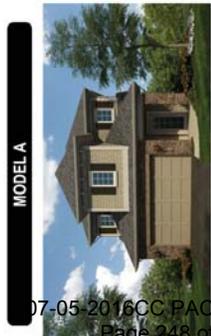
L A N D F O R M
 From Site to Finish

CONCEPT B
 MEDIUM FAMILY RESIDENTIAL

05.13.2015

DIMENSIONS

MODEL A = 30'W X 50'D
 MODEL B = 40'W X 50'D
 MODEL C = 34'W X 60'D



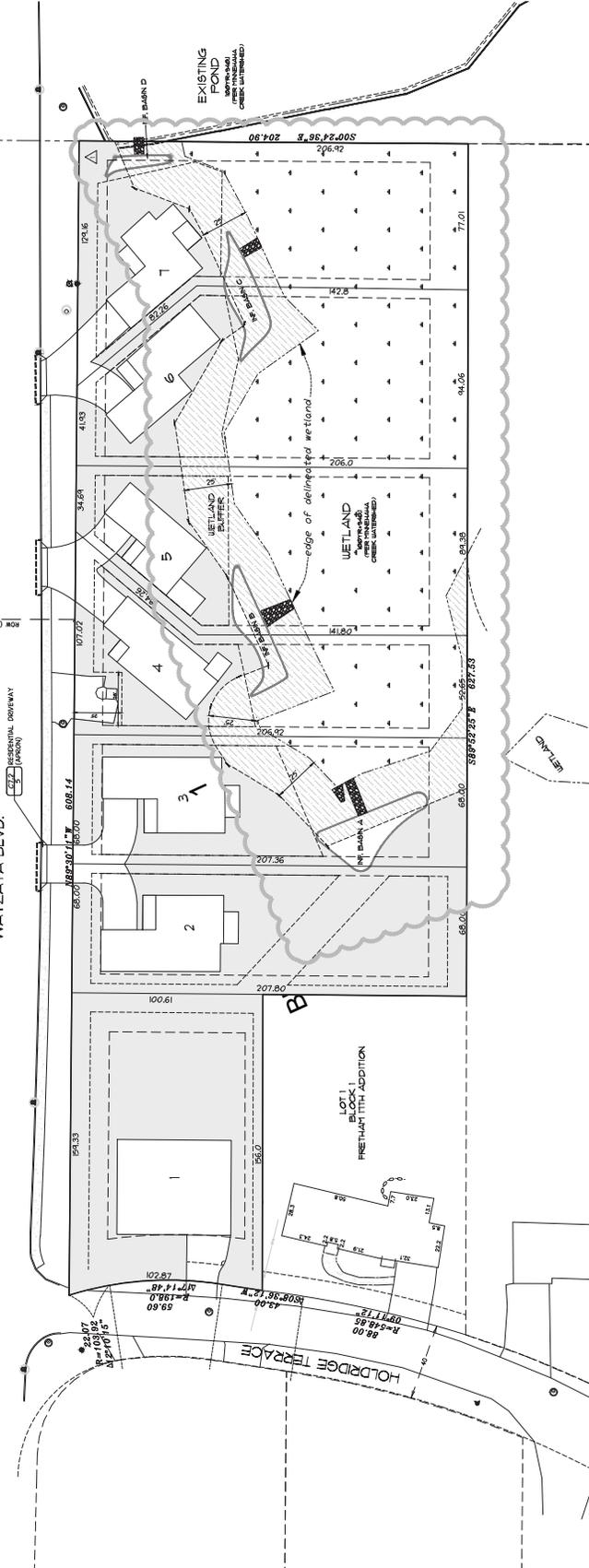
MODEL A

MODEL B

Attachment D

INTERSTATE 394

WAYZATA BLVD.



SITE PLAN NOTES

1. ALL NECESSARY PERMITS FOR CONSTRUCTION WITHIN OR USE OF PUBLIC RIGHT-OF-WAY.
2. THE DIGITAL FILE CAN BE OBTAINED FROM THE ENGINEER, SHALL BE USED FOR STAKING.
3. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA PROVIDED TO THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA PROVIDED TO THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA PROVIDED TO THE ENGINEER.
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5. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA PROVIDED TO THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE DATA PROVIDED TO THE ENGINEER.

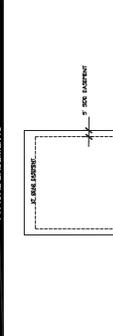
LOT SUMMARY

PARCEL ID	PARCEL SIZE	PROPOSED ZONING
LOT 1	14.10 SF	PUD
LOT 2	14.10 SF	PUD
LOT 3	14.10 SF	PUD
LOT 4	14.10 SF	PUD
LOT 5	14.10 SF	PUD
LOT 6	14.10 SF	PUD
LOT 7	14.10 SF	PUD

ZONING SUMMARY

THE PROPERTY IS CURRENTLY ZONED (R-2) (RESIDENTIAL SINGLE-FAMILY). THE PROPOSED ZONING IS (PUD) (PLANNED UNIT DEVELOPMENT). THE PROPOSED ZONING IS (PUD) (PLANNED UNIT DEVELOPMENT). THE PROPOSED ZONING IS (PUD) (PLANNED UNIT DEVELOPMENT).

TYPICAL EASEMENTS



AREA SUMMARY

TOTAL GROSS AREA = 2.46 AC
 TOTAL NET AREA = 1.71 AC
 TOTAL SINGLE-FAMILY LOTS = 7 UNITS
 TOTAL DENSITY = 4.1 UNITS/AC
 NET DENSITY = 4.1 UNITS/AC

DEVELOPER

LAKE WEST DEVELOPMENT CO., LLC
 1500 HANCOCK WAY
 MINNETONKA, MN 55345
 TEL: (952) 833-3800

MUNICIPALITY



PROJECT

HOLDRIDGE HOMES
 WAYZATA, MN

SHEET INDEX

- 001 OVERALL SITE PLAN
- 002 EXISTING CONDITIONS
- 003 SITE PLAN WITH PERMITS
- 004 GRADING, DRAINAGE, & EROSION CONTROL
- 005 UTILITIES
- 006 CONSTRUCTION DETAILS
- 007 CONSTRUCTION DETAILS
- 008 TREE PRESERVATION PLAN

ISSUE/REVISION HISTORY

NO.	DATE	DESCRIPTION
1	08/11/2015	ISSUE FOR PERMITS
2	08/11/2015	ISSUE FOR PERMITS

PROJECT MANAGER REVIEW

DATE: _____

CERTIFICATION

DATE: _____

PRELIMINARY
CONSTRUCTION
 NOT FOR CONSTRUCTION

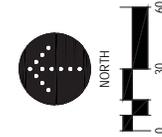
CITY COMMENTS

12-11-2015

LANDFORM
 185 South Fifth Avenue TEL: 612-252-2070
 185 South Fifth Avenue FAX: 612-252-2070
 Minneapolis, MN 55401 Web: landform.com

FILE NAME: C:\PROJECTS\2015\2015-0001\PROJECT NO.: 15015000

SITE PLAN
C2.1



**WAYZATA PLANNING COMMISSION
MEETING MINUTES
JANUARY 4, 2016**

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AGENDA ITEM 1. Call to Order and Roll Call

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

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

a.) Approval of the December 7th Planning Commission Minutes

Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber, to approve the December 7, 2015 Planning Commission Minutes as presented. The motion carried unanimously.

b.) Approval of the December 21st Planning Commission Minutes

Commissioner Gruber stated on page 3, line 32, the word “widows” should be changed to “windows”.

Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez, to approve the December 21, 2015 Planning Commission Minutes as presented with Commissioner Gruber’s change. The motion carried unanimously.

AGENDA ITEM 2. Regular Agenda Public Hearing Items:

**a.) Holdridge Homes – 1405, 1407 and unaddressed parcel on Holdridge Terrace
i. PUD Rezoning, Concurrent PUD Concept Plan and General Plan of Development, Preliminary Plat**

Mr. Thomson stated the applicant and property owner, Lake West Development, LLC has submitted a Development Application requesting rezoning from R-2/Medium Density Single Family Residential to PUD/Planned Unit Development, Concurrent PUD Concept Plan and General Plan Development approval, and preliminary plat review to subdivide the properties at 1405 and 1407 Holdridge Terrace, and an unaddressed parcel on Holdridge Terrace for a seven (7) lot single-family residential development. He stated the density would be consistent with the current Comprehensive Plan land use designation for this property. He reviewed the plans submitted with the Development Application. Mr. Thomson stated the Applicant would provide an extension to the sewer and water to provide services to all six (6) of the newly formed lots. He reviewed proposed Project and compared the plans to the R-2 lot standards and setback requirements. He explained the purpose of a PUD as outlined in City Ordinance 801.33.1.

1
2 Commissioner Gonzalez asked what the proposed side yard setback between the homes would be
3 and if lot coverage information had been provided.

4
5 Mr. Thomson stated the side yard setback varies between the lots from 16 feet to 5 feet. The
6 specific home footprints have not been provided but based on the impervious surface
7 calculations, the lots would comply with the City's lot coverage requirements.

8
9 Chair Iverson asked if heights for the homes had been provided.

10
11 Mr. Thomson stated the specific building heights are not indicated on the plans, and the Planning
12 Commission could request this information be provided when the Commission reviews the
13 project again.

14
15 Commissioner Gonzalez asked how much fill the Applicant planned on bringing to the site. She
16 also stated that the information provided by the Applicant was difficult to read, and she requested
17 that future applications provide more legible information for review.

18
19 Chair Iverson stated based on her calculations, approximately 300 truckloads would be removed
20 from the site and 40,000 cubic feet of dirt would need to be brought to the site.

21
22 Commissioner Gruber asked if the proposed homes would be on slabs or have foundations.

23
24 Mr. Thomson stated based on the plans submitted the homes are proposed to have basements.

25
26 Mr. Reid Schultz, Landform Professional Services, 105 South 5th Avenue, Minneapolis, on
27 behalf of the Applicant, provided additional background on the property and why the Applicant
28 was back in front of the Planning Commission because a 3-lot subdivision was previously
29 approved. He reviewed architectural renderings of possible homes for the properties. He
30 explained the homes were proposed to be slanted in order to maximize the views of the wetlands
31 and screening from Wayzata Boulevard. The homes would have either lookout basements or
32 walkout basements. He explained the Wetland Plan provided with the Application does meet the
33 City's standards for wetland buffers. If the current wetland areas do not have adequate
34 vegetation, they would provide additional native vegetation and grasses to enhance the buffer.
35 Once the construction has been completed, signs would be posted indicating this was a wetland
36 area and residents could not mow the area.

37
38 Commissioner Gruber asked about the amount of trees that would be removed from the site.

39
40 Mr. Schultz stated the Application documents had been provided to the City electronically if the
41 Planning Commission needed to review these in greater detail. The Applicant is proposing
42 approximately 26% of the significant trees would be removed. Mr. Schultz stated this is less
43 than the tree loss that could occur if these lots were built on as they currently are arranged. He
44 noted with the PUD process, the Planning Commission and City Council does have the ability to
45 limit the amount of tree loss. He stated this proposal provides more affordable housing in
46 Wayzata.

1
2 Commissioner Flannigan asked what the proposed homes would be valued at, and if a builder
3 had been selected for the Project.

4
5 Mr. Schultz stated the home values have not been determined yet and they have not identified a
6 builder at this time.

7
8 Chair Iverson opened the public hearing at 7:32 p.m.

9
10 Ms. Merrily Babcock, 337 Reno Street, Wayzata, stated she had been unable to read the tree
11 survey provided with the Application, and had been unable to get a larger copy at City Hall. She
12 stated 116 or approximately 50% of the trees marked on the survey are Ash trees that would die
13 due to the Emerald Ash Borer, and this is in addition to the 26% they are proposing to remove.
14 She stated that the Applicant is proposing to remove trees that include a 42-inch oak tree that
15 would be 250-300 years old, a 25-inch oak, 30-inch oak, 33-inch cottonwood tree, 24-inch
16 cottonwood tree, 27-inch cottonwood tree, and a 20-inch cottonwood tree. If the Applicant is
17 bringing in as much fill as they are proposing, she does not see a plan to protect other trees. She
18 stated that this is the entrance to Wayzata, and if this is substandard building where only the
19 backs of the homes would be seen, it would not be improving Wayzata. She recommended the
20 Planning Commission review the material on the homes, prior to any homes being constructed.
21 She asked who would police the wetland buffer once the project was complete to ensure the
22 wetlands are protected. She stated there is a stream on this property, and she does not see where
23 the Applicant has taken this into consideration. She said there is a State Statute that swamps
24 cannot be filled, but it appears this is what the Applicant would be doing with the fill that is
25 brought in and there are no mitigation methods in place. The removal of all the trees would also
26 be degrading the neighborhood due to the gases and noise coming off the Highway.

27
28 Mr. Judd Nelson, 1515 Holdridge Terrace, Wayzata, stated he would like to see the DNR
29 involved with the protection of the wetlands on the property. He would like more clarification
30 on the prices of the proposed homes because they are saying they would be affordable, but they
31 do not know what they would be priced at. He also expressed concerns on the preservation of
32 the trees on the property because the more trees that are lost, the more noise there would be from
33 the highway.

34
35 Ms. Andrea Rey, 1409 Holdridge Terrace, Wayzata, expressed concerns about the density that
36 was being proposed, and the value of the homes that would be built. She said more houses will
37 increase the traffic and the more trees that are removed, the more noise they would have from the
38 highway.

39
40 Chair Iverson closed the public hearing at 7:45 p.m.

41
42 Commissioner Gruber stated there are eight (8) provisions in the Zoning Ordinance that include
43 criteria for evaluating a proposed PUD. She stated she would not be able to make a
44 recommendation to the City Council until all of these have been addressed, and she has not heard
45 enough information from the Developer. She expressed concerns about the density, with seven
46 (7) homes proposed for the property. The Developer is only showing two (2) styles of homes

1 that would be built on these parcels, and she would like to see more variety. She also does not
2 like having the backs of the homes being seen as the entrance to Wayzata. She would like to see
3 more creativity from the Developer to meet the ordinance's criteria for a PUD.

4
5 Commissioner Gonzalez added that a PUD should not be used as a way to not comply with the
6 City's Zoning Regulations and Ordinances. She stated the Project is not in compliance with the
7 City's Comprehensive Plan for maintaining and enhancing tree coverage. The Applicant is
8 removing several trees, several of the Ash trees would be lost, and a number of trees would be
9 damaged due to the amount of fill brought onto the site. She stated she did like the use of shared
10 driveways to reduce hardcover but she had been unable to really evaluate the Application
11 because the copies provided were not legible. As the Application is presented, she would not
12 recommend approval; however, she had not been able to review all of the details of the
13 Application. She would like to have the tree preservation plan include details on how the
14 Applicant plans to protect those trees that would remain. She would also like to see a Landscape
15 Plan, and more details about the wetland buffer including covenants or easements.

16
17 Commissioner Young stated at this time he would not recommend approval because the
18 Application contains several deviations from the Zoning Ordinance, and does not meet the
19 standards for a PUD. The trees in this area are a significant benefit to the City, and he would not
20 support removing that many trees.

21
22 Commissioner Flannigan stated it is the Applicant's responsibility to know what they are
23 proposing and they are unable to provide the fair market value of the homes they are proposing
24 for these parcels. He stated that this is a part of what the Commission is considering.

25
26 Commissioner Murray stated the Application was less than aesthetically pleasing, and a couple
27 of the homes will be very close together. This Application does not fit in this area due to the loss
28 of trees and does not fit in with the current homes in the area.

29
30 Commissioner Young asked what would potentially happen on this site if there was not a PUD
31 approved.

32
33 Mr. Thomson stated the current lot configuration allows two (2) new homes to be constructed on
34 the properties, one on each lot, and potentially a third on the easterly lot. These homes would be
35 subject to the setback requirements and wetland requirements. They could potentially have a
36 larger footprint. He explained the impact on the trees may be less in this scenario because there
37 would be less units, but this would not be known until plans were presented.

38
39 Commissioner Gruber asked why the City originally zoned this area as R-2.

40
41 Mr. Nelson stated when Highway 12 was upgraded to Highway 394, the government took land
42 from this area.

43
44 Chair Iverson expressed concerns about the buildable use of these parcels, and stated there
45 should be additional work done with the DNR regarding the wetlands on the property. She
46 stated the PUD Ordinance also requires common open space, and there is no open space included

1 in the Application. She stated her biggest concerns are density and how close the homes are to
 2 each other. She explained the Commission would like additional information on: the lot
 3 coverage; height and square footage of the homes; value of the homes; the building materials; if
 4 the homes would be rentals or owner occupied; the wetland buffer;; and noise impacts to the
 5 neighboring homes once trees are removed. She also requested a larger set of plans, so that the
 6 Commission can review the trees that would be removed, and a Landscape Plan. She asked if
 7 the Applicant considered ways to layout the homes so that the garages were not shown. She also
 8 asked the Applicant to provide additional information on how each of the provisions of the PUD
 9 Ordinance are being met, and to provide a Tree Preservation Plan including protection of the
 10 remaining trees.

11
 12 Mr. Curt Fretham, Lake West Development, 14525 Highway 7, Minnetonka, for the Applicant,
 13 stated they were looking at different development plans because these parcels are next to a
 14 Highway. High density is usually located next to highways, but they had felt less density,
 15 smaller, more affordable homes would be appropriate in this area. They have not decided on a
 16 builder yet so he would be hesitant to put a value on the homes at this time, but would estimate
 17 \$400,000 to \$600,000.

18
 19 Mr. Thomson stated the Commission could direct staff to prepare a draft report and
 20 recommendation to review and possibly adopt at their next meeting, or continue review and ask
 21 the Applicant to come back with the additional information requested by the Commission during
 22 this evening's meeting.

23
 24 Commissioner Gruber made a motion, Seconded by Commissioner Gonzalez to continue the
 25 Application to the next Planning Commission meeting to allow the Applicant time to provide the
 26 additional information requested to the Commission. The motion carried unanimously.
 27
 28

29 **AGENDA ITEM 3. Regular Agenda Old Business Items:**

30
 31 a.) None.
 32
 33

34 **AGENDA ITEM 4. Other Items:**

35
 36 a.) **Review of Development Activities**
 37

38 Mr. Thomson stated the agenda for the next Planning Commission meeting includes a review of
 39 proposed changes to the Parking Ordinance. The next community Lake Effect meeting is
 40 scheduled for January 12. The City Council is scheduled to review the design contract for the
 41 Mill Street parking ramp at its January 5 meeting.
 42

43 b.) **Election of Chair and Vice-Chair**
 44

45 Mr. Thomson reviewed the process for electing the Chair and Vice-Chair of the Planning
 46 Commission , as required under the Commission's bylaws.

1 the grading within the drip line of the trees that would be preserved on the southwest corner of
2 the property must be reviewed and approved by the City Engineer.

3
4 Commissioner Flannigan stated he would also support the project.

5
6 Chair Iverson stated she would like to see a condition for approval added that a landscape plan is
7 included.

8
9 Commissioner Gonzalez made a motion, Seconded by Commissioner Murray to recommend the
10 Applicant include with the application to the City Council a grading and drainage plan and a
11 landscape plan, and recommend approval of the preliminary house plans for 181 Huntington
12 Avenue S. based on the finding that the design meets the standards of City Code Section
13 805.14.E, and satisfies the condition of Resolution No 06-2016 approving the Huntington
14 Heights subdivision. The motion carried unanimously.

15
16
17 **AGENDA ITEM 5. Public Hearing Items:**

18
19 **a.) Holdridge Homes – 1407 and unaddressed parcel on Holdridge Terrace**

20 **i. PUD Rezoning, Concurrent PUD Concept Plan and General Plan of**
21 **Development, Preliminary Plat**

22
23 Mr. Thomson stated the applicant and property owner, Lake West Development, LLC, has
24 submitted a development application requesting rezoning from R-2/Medium Density Single
25 Family Residential to PUD/Planned Unit Development, Concurrent PUD Concept Plan and
26 General Plan of Development approval, and preliminary plat review to subdivide the properties
27 at 1407 Holdridge Terrace and an unaddressed parcel on Holdridge Terrace for a six (6) lot
28 single-family residential development. He reviewed the property background including previous
29 development plans. He reviewed the information the Planning Commission had previously
30 requested including lot coverage, building height and size of homes, value of homes, building
31 materials, wetland buffers, grading and drainage plan, and tree preservation plan. He explained
32 through the PUD the applicant was requesting to reduce the front yard setback, reduce the lot
33 width requirement, and reduce the side yard setback.

34
35 Commissioner Gonzalez asked if the homes on the outsides of the subdivision meet the setback
36 requirements for the R2 District. She asked if the applicant should have a variance application
37 for the front yard setback because this would not meet the periphery or outside boundaries
38 requirement for the development.

39
40 Mr. Thomson explained the front yard setback for the periphery or outside boundaries of the
41 entire development would be less than the PUD requires and it could be interpreted that a
42 variance would be required because they are not meeting this requirement with the front yard
43 setbacks.

44
45 Chair Iverson stated the application is incomplete because the height for the homes is not
46 specified, there is no data on lot coverage, and there is not a complete landscaping plan.

1
2 Mr. Thomson explained if there was missing or additional information the Planning Commission
3 would like then they can request it. He stated because this is a new plan it would be beneficial
4 for the Commission to discuss whether a PUD is warranted for this application.

5
6 Commissioner Young stated it is not clear why a PUD would be applicable.
7

8 Mr. Curt Fretham, Lakewest Development, 14525 MN 7 #265, Minnetonka, reviewed the
9 background of the project and how they got to a six (6) lot development in the area. He
10 explained that he had been unaware that a Variance Application would be required with the PUD
11 application and he would submit this if needed. He stated the Landscape Plan had been included
12 and they would be planting more than the City would require. He stated having 6 lots instead of
13 4 lots would help drive the land cost down so they could allow for the additional landscaping.
14

15 Commissioner Flannigan asked what the selling price would be for these properties.
16

17 Mr. Fretham stated they expected the homes to sell for about \$600,000. They would be able to
18 provide the Commission with more detail once they know that the Commission supports the
19 project.
20

21 Commissioner Flannigan stated he would like to see these homes priced to give a different home
22 owner option within the City.
23

24 Commissioner Murray asked about the access to each home and how they would exit these
25 properties.
26

27 Mr. Fretham stated there is additional work that needs to be done on the driveway configurations
28 for Lots 3-6 because the turning radius is not quite enough. Lot 1-2 the homeowner would need
29 to back into the neighboring driveway then go forward to exit the property.
30

31 Commissioner Flannigan asked if there was a stream that ran through the property.
32

33 Mr. Thomson explained there had been a wetland delineation done and there was no stream
34 identified as part of this study.
35

36 Mr. Fretham stated they have worked with a third party regarding the wetlands and they do not
37 intend to impact the wetlands and will preserve the boundary that is established.
38

39 Chair Iverson stated she would like to have information regarding the Wetland Conservation Act
40 included in future packets to ensure it is protected or removed as wetlands if needed.
41

42 Mr. Thomson stated the City is the local Government that enforces the State, Federal, and
43 Watershed regulations. The core portion of these regulations is determining where the wetlands
44 are or the wetland delineation and this has been done for this project.
45

1 Commissioner Gonzalez stated the PUD Ordinance requires the provision for a common open
2 space. She asked what the applicant intended to do to meet with requirement.

3
4 Mr. Fretham stated the trail easement area and the wetlands would be the common open space.
5 The trail would be a walking trail that would be located outside of the wetland area. They would
6 like to keep the trail natural to the environment and plan to use wood chips as the trail material.

7
8 Mr. Thomson stated it would be for the Planning Commission to discuss if this would meet the
9 requirement. This requirement is not intended to provide public park space.

10
11 Commissioner Gonzalez asked who would be responsible for maintaining the conservation
12 easement.

13
14 Mr. Thomson stated this is the responsibility of the homeowner to maintain these areas in
15 accordance to the conservation easement requirements.

16
17 Commissioner Gonzalez asked why the homes on lots 3-6 were slanted on the property.

18
19 Mr. Fretham stated the wetlands prevent the homes from being laid facing the street, they were
20 trying to comply with the City's desire that the developer be creative in their design and the
21 massing would be more appealing.

22
23 Commissioner Gonzalez asked what the proposed square footage would be for these homes. Mr.
24 Fretham stated the homes were expected to be 2500+ square feet above grade in size.

25
26 Chair Iverson expressed concerns about the soil conditions where the trail would be located and
27 the amount of fill that would be brought to the site.

28
29 Mr. Fretham stated if the soil conditions are not stable they would bring in material to make it
30 stable and they would raise the trail if needed to meet the City's requirements for maintaining the
31 water table. He also explained the amount of fill that would be brought to the site would not be
32 excessive and would be within the normal range for any development.

33
34 Commissioner Gruber asked why the developer was seeking a PUD. Mr. Fretham stated there
35 had been resistance from the City Council on doing something commercial or high density with
36 these properties and found this would be a mid-ground compromise. The additional two parcels
37 would allow them to do more landscaping and add more architectural details to the homes. This
38 would make the price points lower for homes in Wayzata which would comply with the PUD
39 Ordinance. They feel they would have to provide several added features to the homes in order to
40 compensate for the location of these homes along the frontage road.

41
42 Chair Iverson opened the public hearing at 8:31 p.m.

43
44 Ms. Brooke Nelson, 1515 Holdridge Terrace, Wayzata, expressed concerns how close the homes
45 were to the wetland buffer.

46

1 Ms. Kathy Brown, 1515 Holdridge Terrace, Wayzata, expressed concerns with the amount of
2 trees that would be removed with the reduced setbacks. Removing more trees would increase the
3 amount of noise current residents in the area have from the highway. She asked where the trail
4 would enter the neighborhood. She does like the angled homes but does not want them to be low
5 income in her neighborhood.

6
7 Mr. Thomson stated the trail would be contained on the property and would not enter into the
8 neighborhood.

9
10 Chair Iverson closed the public hearing at 8:33 p.m.

11
12 Commissioner Young stated the applicant has taken the intent of the PUD seriously. These
13 homes would be offered at a more affordable price point for those wishing to live in Wayzata
14 and when going through the purpose and general standards of the PUD relative to current zoning
15 this is the only standard being met. There is not enough differential over the current R2 Zoning
16 to warrant a PUD. He does not believe 5-feet between the homes would be enough and this
17 project does not meet the standards of a PUD. He also expressed concerns about the number of
18 trees that would be removed. He would not support this application.

19
20 Commissioner Gruber was not sure why the City would zone this area residential because it is
21 close to a wetland and the applicant has been working to create a residential development in this
22 area. The current proposal does not meet all of the standards for a PUD.

23
24 Commissioner Gonzalez stated the PUD allows the City the flexibility to allow more density on
25 a site and have the internal buildings closer together. The setback between the homes is not what
26 she is concerned about. The PUD Ordinance does require that the periphery setback meet the
27 requirements of the underlying ordinance and this project does not meet the front setback. Six
28 (6) homes in this small area was too much density. A PUD is not justified with this project
29 because the City is not getting anything in exchange. The land needs to be developed with
30 caution because of the wetlands.

31
32 Commissioner Murray stated he would like to have homes in this area but this project does not
33 meet the PUD criteria.

34
35 Commissioner Flannigan stated he struggles with this project and the balance of the loss of trees,
36 the orientation of the product, the value of the home, and the impact to the wetlands. He does
37 not believe a PUD is justified for this project.

38
39 Chair Iverson stated the density is too much and does not believe the project meets the
40 requirements of a PUD. She would like to see homes with more glass in the rear to view the
41 wetlands and a low profile to the street. She would like to see 3-4 homes in this area. There are
42 other options that could be explored beyond what has been presented at this time.

43
44 Commissioner Flannigan made a motion, Seconded by Commission Murray to direct Staff to
45 prepare a Report and Recommendation recommending Denial of the PUD Rezoning, Concurrent

1 PUD Concept Plan and General Plan of Development, and Preliminary Plat for Holdridge Homes
2 at 1407 and unaddressed parcel on Holdridge Terrace. The motion carried unanimously.
3
4

5 **AGENDA ITEM 6. Old Business Items:**
6

7 a.) None.
8
9

10 **AGENDA ITEM 7. Other Items:**
11

12 a.) Review of Development Activities
13

14 Mr. Thomson stated the City Council would be reviewing the Unitarian Church project and
15 discussion on the Tree Preservation Ordinance at their May 17 meeting. The new City Manager
16 Jeff Dahl has started and there will be an open house to meet with him on May 17. The next
17 Planning Commission agenda will include revised plans for Meyer Place at Ferndale, 529 Indian
18 Mound E for a 5-unit condominium building, and an impervious surface variance request for a
19 property on Ferndale Road.
20

21 b.) Other Items
22

23 Commissioner Young provided an update of the Lake Effect discussion during the last City
24 Council meeting.
25
26

27 **AGENDA ITEM 8. Adjournment.**
28

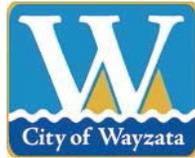
29 Commissioner Young made a motion, seconded by Commissioner Gruber to adjourn the
30 Planning Commission. The motion carried unanimously.
31

32 The Planning Commission meeting was adjourned at 8:50 p.m.
33

34 Respectfully submitted,
35

36 Tina Borg

37 *TimeSaver Off Site Secretarial, Inc.*



WAYZATA PLANNING COMMISSION

June 20, 2016

REPORT AND RECOMMENDATION OF DENIAL OF PLANNED UNIT DEVELOPMENT, PUD REZONING AND PRELIMINARY PLAT AT 1407 HOLDRIDGE TERRACE

SUMMARY OF RECOMMENDATIONS

1. **Denial** of Concurrent PUD Concept Plan and General Plan of Development for a six lot single-family residential development
 2. **Denial** of Rezoning from R-2/Medium Density Single Family Residential District to PUD/Planned Unit Development District
 3. **Denial** of Preliminary Plat subdividing two existing lots into six lots
-

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Lake West Development, LCC (the “Applicant”) has submitted a development application (the “Application”) for a proposed six lot single-family residential PUD development on the properties at 1407 Holdridge Terrace and an unaddressed parcel on Holdridge Terrace (collectively, the “Project”).
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of the following:
 - A. Concurrent PUD Concept Plan and General Plan of Development approval for a six lot single-family residential development (the “PUD”).
 - B. Rezoning from the existing zoning of R-2/Medium Density Single Family Residential District to PUD/Planned Unit Development District (the “Rezoning” or “Zoning Amendment”).
 - C. Preliminary Plat that would subdivide the two existing lots into six lots (the “Subdivision” or “Preliminary Plat”).
Code Section 805.14)

1.3 Property. The addresses, property identification numbers and owner of the parcels comprising the subject property (the “Property”) are:

1407 Holdridge Terrace	04-117-22-32-0035	Lake West Development, LCC
Unaddressed Parcel	04-117-22-32-0036	Lake West Development, LLC

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

Zoning	R-2/Medium Density Single-Family Residential
Comp Plan	Low Density Single Family

1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on May 5, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on May 5, 2016. The required public hearing was held at the May 16, 2016 Planning Commission meeting.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

A. Intent and Purpose of PUDs. The PUD process, outlined in Section 801.33 of the Zoning Ordinance, allows deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., for the purpose of encouraging:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
3. More convenience in location and design of development and service facilities.
4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of any PUD application. These are:
1. Health Safety and Welfare; Intent and Purpose of PUDs; Discretion of Council. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of this Section, it may approve a PUD permit, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive

Plan, and contain provisions to assure the continued operation and maintenance of such.

6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The 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.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
 14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- C. Residential Area PUD Standards. Section 801.33.3 sets forth area standards for PUDs which have a residential component. 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. In addition to the other standards for PUDs, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.
- D. Simultaneous Concept and General Plans. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of the PUD Ordinance.
- 2.2 Zoning Ordinance Amendments (Text and Map) / Rezoning.

City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance and Official Zoning Map. Minn. Stat. Sec. 462.357; Wayzata City Code Sec. 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. Sec. 462.357, Subd. 4. The existing provisions of the

Zoning Ordinance are presumed to be constitutional and otherwise valid. The City has broad discretion in whether to grant or deny a request to rezone. An applicant is only legally entitled to a change in the Zoning Ordinance if they can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

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

2.3 Subdivision / Preliminary Plat

Review and approval of lot combinations and subdivisions of property are governed by the City's Subdivision Ordinance, Ch. 805 of City Code. In reviewing such requests, 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 found in Section 805.14.E:

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

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

The Subdivision Ordinance also requires the City Council to deny any preliminary plat of a proposed subdivision deemed premature for development. Section 805.16. The burden is on the applicant to show that the proposed subdivision is

not premature. Section 805.18. Under Section 805.17 of the Subdivision Ordinance, a subdivision may be deemed premature should any of the conditions listed in Section 805.17 exist, including inadequate drainage, inadequate water supply, inadequate roads, inadequate waste disposal systems, and inconsistency with the Comprehensive Plan, in ability to provide public improvements, and MEQB policies.

Section 3. FINDINGS

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

3.1 PUD.

- A. Intent and Purpose of PUDs. The PUD represented in the Application (the "Proposed PUD") does not conform with all of the factors outlined in Section 33 of the Zoning Ordinance that represent the overall intent and purpose of a PUD in that Proposed PUD:
1. Does not represent a greater variety in type, design, and placement of structures, or the conservation of land on the Property.
 2. Does not appear to represent higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. Does not preserve or enhance desirable site characteristics, including the natural topography and geologic features, and wetlands, mature trees and vegetation, but instead have negative impact on such features.
 4. Does not show a development pattern in harmony with the objectives of the Wayzata Comprehensive Plan but rather appears to be a means to vary applicable planning and zoning principles of the applicable current zoning district.
 5. Would not result in a more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

- B. General Standards. The Proposed PUD does not satisfy all of the general standards listed in Section 801.33.2.A of the Zoning Ordinance and in Section 2.1 of this Report.
1. Health Safety and Welfare; Intent and Purpose of PUDs; Discretion of Council. The Proposed PUD would have a negative effect on the health, safety and welfare of residents of the community and the surrounding area in that removal of trees and other natural buffers for a dense six lot residential development along the frontage road would negatively impact the views, noise levels and traffic flows in the surrounding area. In addition, the height, scale, design and aesthetics of the Proposed PUD do not reflect the “small town” character and aesthetics of Wayzata, given the density of the six proposed residences in a small area. The Proposed PUD does not conform with the overall intent and purpose of Section 33 of the PUD Ordinance as noted elsewhere in this Report. Even if the Council determines that the Proposed PUD was in conformance with the overall intent and purpose of a PUD, the Council is not required to approve this or any PUD, and based on the other findings of this Report, the Planning Commission recommends that the Proposed PUD be denied.
 2. Density. The Proposed PUD’s six new residential buildings would exceed the current density for the location and be out of scale with the amount of lot area for the Property. Although the City Council has the authority to allow increased density beyond what is permitted in the underlying zoning district, the City Council is not required to approve additional density and the Planning Commission does not believe the significant amount of density requested is appropriate.
 3. Greater Flexibility of PUD Not Justified. The Property is currently zoned R-2/Medium Density Single Family Residential. The Project deviates from the requirements of the R-2 zoning district. The PUD Ordinance allows the City Council to approve deviations from the lot area, width and depth, and setback requirements. However, it is not the intent of the PUD ordinance to waive the standards for a development project. Rather, a PUD allows modifications of the strict standards for projects that meet a specific purpose, as outlined in Section 3 of this Report.

3.2 Zoning Ordinance Amendment / Rezoning.

- A. Rezoning to PUD is contingent on approval of the requested PUD, which the Planning Commission recommends denying for reasons stated in the preceding sections of this Report.

- B. The uses associated with the requested Rezoning will have adverse effects, including on the residential area in which it is proposed, as noted elsewhere in this Report.

3.3 Subdivision / Preliminary Plat.

- A. Goals. The Subdivision is not consistent with all of the goals of the Subdivision Ordinance.

1. The lots and building pads associated with the Subdivision would not respect the scale, character and pattern of the existing neighborhood. As noted elsewhere in this Report, the lots would not conform with the minimum lot size of the current zoning district, and would not be reflective of the size and layout of adjacent properties and the surrounding neighborhood.
2. While the Applicant would be required to make a Parkland dedication pursuant to the Subdivision Ordinance, there would nonetheless be a significant loss of trees, and natural vegetation and topography that give the wooded neighborhood its distinctive natural character and provide important sound and visual buffers for the neighborhood.

- B. Criteria for Approval.

1. The lots would not meet the standards of the current zoning district without a rezoning to PUD.
2. The building pads associated with the Project would negatively impact sensitive areas of trees, and natural vegetation and topography that give the wooded neighborhood its distinctive natural character and provide important sound and visual buffers for the neighborhood.
3. Existing stands of significant trees and natural vegetation would be lost. The Application materials show that approximately 55 trees would need to be removed as a result of the Project.
4. The Proposed Subdivision would adversely impact the scale, pattern or character of the surrounding neighborhood, as it would result in the loss of natural vegetation and topography that give the wooded neighborhood its distinctive natural character and provide important sound and visual buffers for the neighborhood. It would also not be consistent with the surrounding area in terms of creating 6 new smaller lots which do not fit the scale, pattern and character of the surrounding neighborhood.

5. The design of the lots, the proposed building pads, and the site layout of the Proposed Subdivision is not reflective of the surrounding lots and neighborhood character, as noted elsewhere in this Section.
- C. The Subdivision is contingent on approval of the requested Rezoning and PUD, both of which the Planning Commission recommends denying for reasons stated in the preceding sections of this Report.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the (1) PUD; (2) Rezoning; and (3) Subdivision/Preliminary Plat requested in the Application.

Adopted by the Wayzata Planning Commission this 20th day of June 2016.

Voting In Favor: Gonzalez, Gruver, Iverson, Murray, Flannigan
Voting Against: None
Abstaining: None
Absent: Gnos, Young

Chair, Planning Commission

DRAFT RESOLUTION NO. 21-2016

**RESOLUTION DENYING PUD, REZONING, AND PRELIMINARY PLAT
AT 1407 HOLDRIDGE TERRACE AND UNADDRESSED PARCEL**

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

Section 1. BACKGROUND

1.1. Development Application. Lake West Development, LLC (the “Applicant”) has submitted an development application (the “Application”) for property at 1407 Holdridge Terrace and adjacent unaddressed parcel requesting approval of (1) a concurrent PUD Concept Plan and General Plan of Development (collectively, the “PUD”); (2) a related zoning amendment to rezone property from R-2/Medium Density Single Family Residential to PUD/Planned Unit Development (the “Zoning Amendment” or “Rezoning”); and (3) a related preliminary plat reflecting a subdivision of property (“Preliminary Plat”). The Application is for a proposed project to construct six new single-family homes (the “Project”).

1.2. Property. The addresses, property identification numbers and owner of the property involved in the Project (the “Property”) are:

1407 Holdridge Terrace	04-117-22-32-0035	Lake West Development, LLC
Unaddressed Parcel	04-117-22-32-0036	Lake West Development, LLC

1.3. Land Use. The Property is located within the R-2/Medium Density and Single-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.

1.4. Notice and Public Hearing. Notice of a Public Hearing on the Application was published in the *Sun Sailor* on May 5, 2016. A copy of the Notice of Public Hearing on the Subdivision was also mailed to all property owners located within 350 feet of the Property on May 5, 2016. The required Public Hearing was held during the May 16, 2016 Planning Commission meeting.

1.5. Planning Commission Action. The Planning Commission reviewed the Application at its May 16, 2016 meeting. At its June 20, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending denial of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the

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

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

the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.

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

2.2 Zoning Ordinance Amendments (Text and Map) / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon the following factors:

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

2.3 Subdivision / Preliminary and Final Plats.

Chapter 805 of the Wayzata City Code, (the "Subdivision Ordinance") sets forth the procedure and substantive review criteria for applications for a subdivision. Before any plat can be recorded or of any validity, it must be referred to the City Planning Commission and approved by the City Council as having fulfilled the requirements of the Subdivision Ordinance. Section 805.03. Section 805.15 of the Wayzata Subdivision Ordinance allows the City to review a proposed preliminary and final plat simultaneously. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:

- A. Goals. Under Section 805.2.b of the Subdivision Ordinance, subdivisions approved under the Subdivision Ordinance must be guided by the following:
 - 1. Preserve and enhance Wayzata's "small town" character (Comprehensive Plan).

2. Respect the existing scale, character and pattern of the City, recognizing existing neighborhoods and commercial areas (Wayzata Physical Plan).
 3. Support a pedestrian environment at a human, not automotive scale (Wayzata Physical Plan).
 4. Relate development/redevelopment to the natural characteristics of the land to enhance the development through the preservation of attractive natural amenities (i.e., lakes, wetlands, creeks, wooded areas, slopes, etc.) (Comprehensive Plan).
- B. Criteria for Approval. Under Section 805.14.e of the Subdivision Ordinance, the Planning Commission must consider the possible adverse effects of a preliminary plat and report its findings and recommendation to City Council. Its judgment must be based upon, but not limited to, the following factors:
- A. The proposed subdivision or lot combination shall be consistent with the Wayzata Comprehensive Plan.
 - B. Building pads that result from a subdivision or lot combination shall preserve sensitive areas such as lakes, streams, wetlands, wildlife habitat, trees and vegetation, scenic points, historical locations, or similar community assets.
 - C. Building pads that result from subdivision or lot combination shall be selected and located with respect to natural topography to minimize filing or grading.
 - D. Existing stands of significant trees shall be retained where possible. Building pads that result from a subdivision or lot combination shall be sensitively integrated into existing trees.
 - E. The creation of a lot or lots shall not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.
 - F. The design of a lot, the building pad, and the site layout shall respond to and be reflective of the surrounding lots and neighborhood character.
 - G. The lot size that results from a subdivision or lot combination shall not be dissimilar from adjacent lots or lots found in the surrounding neighborhood or commercial area.

- H. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of a building proposed on a lot to be divided or combined shall be similar to the characteristics and quality of existing development in the City, a neighborhood or commercial area.
- I. The design, scale and massing of buildings proposed on a subdivided or combined lot shall be subject to the architectural guidelines and criteria for the Downtown Architectural District, Commercial and Institutional Architectural Districts, and Residential Architectural Districts and the Design Review Board/City Council review process outline in Section 9 of the Wayzata Zoning Ordinance.
- J. The proposed lot layout and building pads shall conform to all performance standards contained herein.
- K. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

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.

Section 3. FINDINGS

The City Council of the City of Wayzata hereby confirms and memorializes that the (1) PUD; (2) Rezoning; and (3) Preliminary Plat requested as part of the Application do not meet the applicable requirements of Wayzata's Zoning Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD.

- A. Intent and Purpose of PUDs. The PUD represented in the Application (the "Proposed PUD") does not conform with all of the factors outlined in Section 33 of the Zoning Ordinance that represent the overall intent and purpose of a PUD in that Proposed PUD:
 - 1. Does not represent a greater variety in type, design, and placement of structures, or the conservation of land on the Property.
 - 2. Does not represent higher standards of site and building

design through the use of trained and experienced land planners, architects, landscape architects, and engineers.

3. Does not preserve or enhance desirable site characteristics, including the natural topography and geologic features, and wetlands, mature trees and vegetation, but instead have negative impact on such features.
4. Does not show a development pattern in harmony with the objectives of the Wayzata Comprehensive Plan but rather appears to be a means to vary applicable planning and zoning principles of the applicable current zoning district.
5. Would not result in a more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

B. General Standards. The Proposed PUD does not satisfy all of the general standards listed in Section 801.33.2.A of the Zoning Ordinance and in Section 2.1 of this Resolution.

1. Health Safety and Welfare; Intent and Purpose of PUDs; Discretion of Council. The Proposed PUD would have a negative effect on the health, safety and welfare of residents of the community and the surrounding area in that removal of trees and other natural buffers for a dense six lot residential development along the frontage road would negatively impact the views, noise levels and traffic flows in the surrounding area. In addition, the height, scale, design and aesthetics of the Proposed PUD do not reflect the “small town” character and aesthetics of Wayzata, given the density of the six proposed residences in a small area. The Proposed PUD does not conform with the overall intent and purpose of Section 33 of the PUD Ordinance as noted elsewhere in this Resolution.
2. Density. The Proposed PUD’s six new residential buildings would exceed the current density for the location and be out of scale with the amount of lot area for the Property. Although the City Council has the authority to allow increased density beyond what is permitted in the underlying zoning district, the City Council is not required to approve additional density and the Planning Commission does not believe the significant amount of density requested is appropriate.
3. Greater Flexibility of PUD Not Justified. The Property is currently zoned R-2/Medium Density Single Family Residential. The Project deviates from the requirements of the R-2 zoning district. The PUD

Ordinance allows the City Council to approve deviations from the lot area, width and depth, and setback requirements. However, it is not the intent of the PUD ordinance to waive the standards for a development project. Rather, a PUD allows modifications of the strict standards for projects that meet a specific purpose, as outlined in Section 3 of this Resolution.

3.2 Zoning Ordinance Amendment / Rezoning.

- A. The uses associated with the requested Rezoning will have adverse effects, including on the residential area in which it is proposed, as noted elsewhere in this Resolution
- B. Rezoning to PUD is contingent on approval of the requested PUD, thus unless the PUD is approved, the Property should not be rezoned as requested.

3.3 Subdivision / Preliminary Plat.

- A. Goals. The Subdivision is not consistent with all of the goals of the Subdivision Ordinance.
 - 1. The lots and building pads associated with the Subdivision would not respect the scale, character and pattern of the existing neighborhood. As noted elsewhere in this Resolution, the lots would not conform with the minimum lot size of the current zoning district, and would not be reflective of the size and layout of adjacent properties and the surrounding neighborhood.
 - 2. While the Applicant would be required to make a Parkland dedication pursuant to the Subdivision Ordinance, there would nonetheless be significant loss of trees, and natural vegetation and topography that give the wooded neighborhood its distinctive natural character and provide important sound and visual buffers for the neighborhood.
- B. Criteria for Approval.
 - 1. The lots would not meet the standards of the current zoning district without a rezoning to PUD.
 - 2. The building pads associated with the Project would negatively impact sensitive areas of trees, and natural vegetation and topography that give the wooded neighborhood its distinctive natural character and provide important sound and visual buffers for the neighborhood.

3. Existing stands of significant trees and natural vegetation would be lost. The Application materials show that approximately 55 trees would need to be removed as a result of the Project.
 4. The Proposed Subdivision would adversely impact the scale, pattern or character of the surrounding neighborhood, as it would result in the loss of natural vegetation and topography that give the wooded neighborhood its distinctive natural character and provide important sound and visual buffers for the neighborhood. It would also not be consistent with the surrounding area in terms of creating 6 new smaller lots which do not fit the scale, pattern and character of the surrounding neighborhood.
 5. The design of the lots, the proposed building pads, and the site layout of the Proposed Subdivision is not reflective of the surrounding lots and neighborhood character, as noted elsewhere in this Section.
- C. The Subdivision is contingent on approval of the requested Rezoning and PUD, thus it should not be approved without those approvals.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (1) PUD; (2) Rezoning; and (3) Preliminary Plat requested in the Application are hereby **DENIED**.

Adopted by the Wayzata City Council this 5th day of July, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

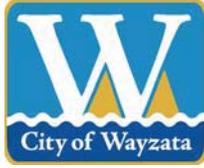
Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2016.

Becky Malone, Deputy City Clerk
SEAL

000043/315009/2416119_1



**Planning Report
City Council
July 5, 2016**

Project Name: Beacon Five
Applicant Ron Clark Construction
Addresses of Request: 529 Indian Mound E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: June 14, 2016

Development Application

Introduction

The applicant, Ron Clark Construction, has submitted a development application to develop the property located at 529 Indian Mound E. The project includes the construction of a three story mixed use building consisting of five residential condominiums, 600 square feet of office space, and 11 underground parking.

Property Information

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

Address	PID	Owner
529 Indian Mound E	06-117-22-24-0067	R.E.C, Inc.

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

Current zoning:	C-1/Office and Limited Commercial District
Comp plan designation:	Mixed Use Commercial
Total site area:	10,897 square feet (0.25 acres)

Project Location

The property is located on Indian Mound E between Walker Avenue and Minnetonka Avenue.

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 C-1 to PUD/Planned Unit Development: The property is currently zoned C-1, and the applicant is requesting a rezoning to PUD.
- B. PUD Concept Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concept plan review prior to submitting the full development application for general plan of development and design review.
- C. Variance from the maximum building height requirement: The maximum building height in the PUD zoning district is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 38.9 feet in height, which requires a variance.
- D. Shoreland Impact Plan/Conditional Use Permit for the building height: In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit.

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	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
East	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
South	Wayzata Place Condominiums	C-4/Central Business District	Central Business District
West	Garrison Landing (under construction)	PUD/Planned Unit Development	Mixed Use Commercial

Public Hearing Notice

The public hearing notice was published in the *Wayzata Sun Sailor* on May 26, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on May 26, 2016. The Planning Commission held the public hearing at its meeting on June 6, 2016.

Analysis of Application

Planned Unit Development Process

The Planned Unit Development zoning district is unique compared to a standard zoning district in that the development plans that are submitted with an application and approved by the City Council, are the regulating documents for the zoning of the property. Any future changes to the development must be consistent with the approved plans, or the property must apply to amend the PUD.

In Wayzata, there is a two phase review of a PUD request. The first phase of PUD review is the concept plan, which provides a general schematic design of the project, but does not need to provide all of the detailed engineering and architectural design of the buildings. The intent of the concept plan is to review the larger project characteristics such as consistency with the Comprehensive Plan, consistency with the purpose and intent of the PUD district, and compliance with the general standards outlined in the PUD zoning district. The second phase of a PUD review is the general plan, which is a more detailed review of the site and building design.

On recent project, the City has received applications for concurrent review of both the concept and general plans of development, which is allowed by the PUD ordinance. In this case, City staff, the Planning Commission, and the City Council review both the general framework of the PUD and the details of the project at the same time. The applicant is requesting review of only the concept plans for the current application. If the City Council approves the PUD rezoning and concept plans (including the other land use applications), the applicant would submit the general plan and design review for future review by City staff, the Planning Commission, and the City Council.

City staff has reviewed the pertinent information and City Code requirements for the PUD concept plan, and provides the following analysis and information:

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Mixed Use Commercial. The Mixed Use Commercial land use category was created to reflect the reality that many traditional service commercial uses along the Wayzata Blvd. and Central Avenue corridors, in addition to smaller commercial parcels within the Bluff neighborhood, may wish to evolve over time to include a mixture of commercial, limited office, and residential uses. This Mixed Use Commercial category provides flexibility to property owners who wish to incorporate a residential component with retail or other commercial uses on their site.

Zoning

The property is currently zoned C-1/Office and Limited Commercial District. The following table outlines the requirements of the C-1, PUD, and Shoreland District:

	C-1 Zoning	PUD Zoning	Shoreland Overlay District	Proposed PUD
Permitted Uses	Mixed use with upper story residential and ground floor office or service commercial	Shall be consistent with the Comp Plan	N/A	Mixed use building with office and residential
Density	N/A	Shall be consistent with the Comp Plan	N/A	20 units/acre
Height	3 stories and 35 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet	38.9 ft.
Floor Area Ratio	2.0	No maximum	N/A	1.4 approx)
Impervious Surface	No maximum	No maximum	25% 75% with stormwater management 100% with shoreland impact plan/CUP	60%
Lot Coverage	50%	No maximum	N/A	50%
Setbacks	10 ft. all	Same as	N/A	Front: 20 ft.

	property lines	imposed by zoning district		Sides: 10 ft. Rear: 25 ft
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The proposed project would meet all of the C-1 zoning district requirements except for permitted uses and building height. The C-1 zoning district requires office and service commercial uses on the main level, and only allows residential uses on the upper floors. The proposed building one have 600 square feet of office and one residential unit on the main level, and four residential units on the upper two stories. The proposed building height of 38.9 feet would require a variance from both the C-1 and PUD requirements. Therefore, the applicant is requesting the PUD rezoning to allow flexibility to the main level uses in the building. If the building included office or service commercial uses on the main level, the PUD zoning would not be required.

The PUD zoning district is an ordinance that can be used to allow for greater flexibility in development by incorporating design modifications from the strict application of the standard zoning district requirements. It is not the intent of the PUD ordinance to not apply any standards to a development project. Rather, it allows modifications of the strict standards for projects that meet a specific purpose, as outlined in “Applicable Code Provisions” section of this report. In addition, the PUD zoning district establishes general standards for a PUD, which are also outlined below.

Building Height

In addition to the PUD requests, the applicant is also requesting approval of a height variance and shoreland impact plan/conditional use permit to exceed the maximum building height of the PUD zoning and Shoreland Overlay districts. Both the PUD zoning district and Shoreland Overlay district establish a maximum building height of 35 feet. By ordinance, the building height is measured from the average grade around the building to the top of the coping of a flat roof. The proposed building would be 36.9 feet from average grade to the top of the flat roof. But the proposed building would also have a two foot tall parapet wall along the perimeter of the building. By definition, the building height is measured to the coping on the parapet. Therefore, the code defined building height is 38.9 feet. The proposal requires a variance from the C-1 building height requirement and a shoreland impact plan/conditional use permit for the Shoreland Overlay district requirement.

Planning Commission Review

The Planning Commission held a public hearing and reviewed the development application at its meeting on June 6, 2016. The Planning Commission generally commented that the applicant has demonstrated that the project would meet the purpose and intent of the Planned Unit Development ordinance, and that the proposed PUD and height variance are justified based on the topography of the site and the high water table. On June 20, 2016, the Planning Commission voted three (3) in favor, one (1) opposed, and one (1) abstention to adopt a Report and Recommendation which recommends approval of the project, subject to the following conditions:

- A. The Applicant or Owner must submit a development application for general plan of development within six (6) months of City Council approval of the concept plan of development, unless the City Council approves a time extension. The general plan of development application must include the following:
 - 1. Landscape plan that complies with City Code Section 801.33.2.A.12 and City Code Section 801.91.19
 - 2. Grading, drainage and erosion control plan, SWPP, and stormwater management plan that complies with City Code Section 801.91.19
- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

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.

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

- 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 sets forth the general standards for review of a PUD application. These are:

- A. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
- B. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.

- C. Ownership. Applicant/s must own all of the property to be included in the PUD.
- D. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.
- E. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
- F. Common Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
- G. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
- H. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
- I. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
- J. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
- K. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.

Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria 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.

Shoreland Impact Plan/Conditional Use Permit: Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Action Steps

Adopt the draft Resolution No. 22-2016, which approves the PUD, rezoning, height variance, and shoreland impact plan/CUP for 529 Indian Mound E.

Attachments

- Attachment A: Applicant's Narrative
- Attachment B: PUD Plans
- Attachment C: Draft June 6, 2016 Planning Commission Meeting Minutes
- Attachment D: Planning Commission Report and Recommendation
- Attachment E: Draft City Council Resolution No. 22-2016

Thursday, April 14, 2016

Jeff Thomson
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: Beacon Five

Subject: City Application Submittal

Dear Jeff,

Attached is our application for the proposed Beacon Five Condo/Office Building. Tim Whitten from Whitten Associates is the project Architect and designer and will be handling the application and City Meeting Process.

The site is 10,897.43 square feet located at 529 Indian Mound Street East and owned by Ron Clark Construction.

The existing zoning is C-1A, NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT. This application requests a rezoning to Planned Unit Development Concept Plan.

A previous concept was presented to the Planning Commission and City Council that included 5 residential condominiums as three story building over structured parking. This proposal did not include an office component.

After reviewing the comments from the Planning Commission, City Council and Neighbors this Concept plan was redesigned in response.

The revised proposal now includes 5 Condominiums, Office, and Common Area with 11 enclosed parking spaces.

This revised concept has several notable differences and additions including:

- An approximately 600 square foot Office space has been added with a separate entrance from Indian Mound Street East. This is a similar size Office as our WayPoint project with 8 Condominiums.
- The building size has been reduced to 50% of the site area.
- The roof top patio of the previous proposal has been removed eliminating a request for a Conditional Use Permit for stairs and elevator penthouse taller than five feet.
- The building massing now steps back at the third level opposed to cantilevering forward.

The requests for approval to the City are as noted below:

- 1) A Rezoning of the property to a Planned Unit Development District.
- 2) A Shoreland Conditional Use Permit for impervious surface coverage above 25%, this proposal shows approx. 60% impervious surface coverage.
- 3) A Variance for building height above 35 feet, we are requesting a roof height of 37' with parapets up to 39'.
 - a. Our hardship is that existing grade of the site rises 12 feet from the southwest corner to the northeast corner.
 - b. We have limited access to the site, the only location for the access to the Lower Level parking garage is from Indian Mound St. E. The City Ordinance states a maximum driveway slope of 10%, this limits the depth of the garage slab as does the existing water table.
 - c. As a reference the adjacent Garrison Landings project received a height variance up to 40 feet.

In compliance with the City procedures for "Concept Plan of Development submitted for a PUD" we have included the below listed information for your review and approval:

- 1) General Information
 - a. Landowner:
 - i. R.E.C. Inc./dba Ron Clark Construction
 - ii. 7500 West 78th Street Edina, MN 55439
 - b. Applicant Name
 - i. Beacon Five LLC
 - ii. 7500 West 78th Street Edina, MN 55439
 - c. Land Planner/Project Architect:
 - i. Whitten Associates, Inc.
 - ii. 4159 Heatherton Place Minnetonka, MN 55435
 - d. Engineer & Surveyor:
 - i. Alliant Engineering, Inc.
 - ii. 233 Park Avenue South Minneapolis, MN 55415
 - e. Evidence of property ownership
 - i. See attached copy of Title Insurance for Property
- 2) Present Status
 - a. Address & Legal Description of Property:
 - i. 529 Indian Mound Street East
 - b. Existing Zoning Classification:
 - i. The existing zoning is C-1A, NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT. This application requests a rezoning to Planned Unit Development Concept Plan.
 - c. Map of Adjacent Properties:
 - i. See attached documents from Whitten Associates

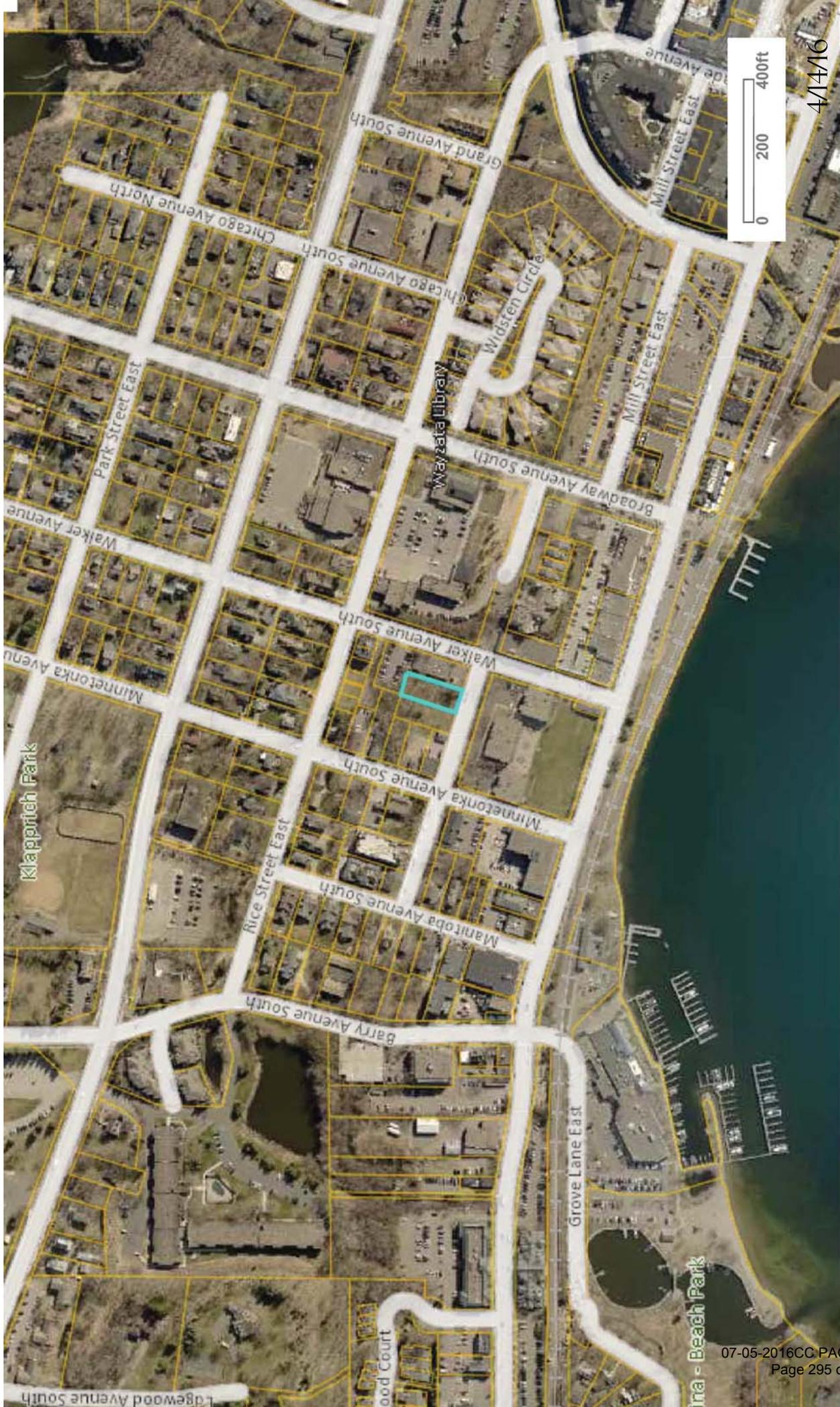
- 3) A written statement generally describing the proposed PUD
 - a. See introduction of this letter.
- 4) Site Conditions
 - a. See attached Survey from Alliant Engineering
 - b. Soil Conditions
 - i. See attached soils information from Braun Engineering
- 5) Schematic Drawings
 - a. See attached documents from Whitten Associates
- 6) A Statement of the total estimated number of dwelling units or Square Footage
 - a. Site Area is identified on Survey from Alliant Engineering
 - b. Building Areas & SF are identified on Whitten Associates Plans
- 7) Schedule for Development
 - a. 04/15/16 City Application Submittal
 - b. 05/16/16 Planning Commission Meeting
 - c. 06/07/16 City Council Meeting
 - d. 08/01/16 Final City Approvals & Construction Documents
 - e. 09/01/16 Building Permit
 - f. 09/01/17 Estimated Building Completion and Occupancy
- 8) Public or Common Space
 - a. No Public Space is included on our project.
- 9) Project Restrictive Covenants
 - a. The five living units will be part of a homeowners association which will be developed as part of our project documents and recorded prior to first occupancy.
- 10) Schematic Utility Plans
 - a. See attached Site Plan from Alliant Engineering
- 11) Additional information required by Planning Commission

Thank you for your consideration and we look forward to presenting **Beacon Five**.

Sincerely,

Michael Roebuck
Ron Clark Construction

Timothy Whitten
Whitten Associates



4/14/16



WHITTEN ASSOCIATES, INC.

BEACON FIVE, WAYZATA, MN

RON CLARK CONSTRUCTION



4/14/16

WAYPOINT

GARRISON LANDING

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Page 296 c

WHITTEN ASSOCIATES, INC. BEACON FIVE, WAYZATA, MN RON CLARK CONSTRUCTION

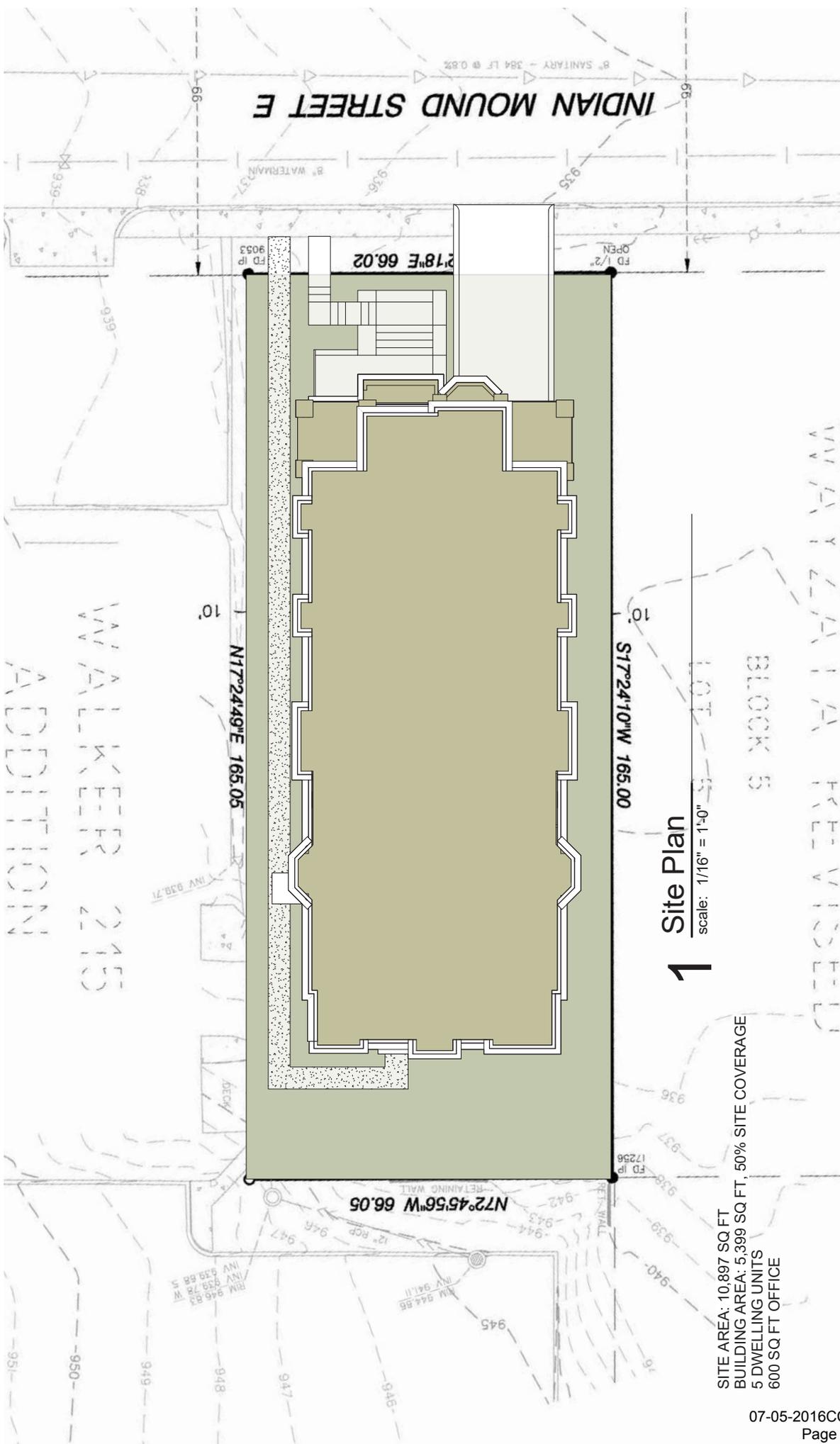


4/14/16

RON CLARK CONSTRUCTION

BEACON FIVE, WAYZATA, MN

WHITTEN ASSOCIATES, INC.



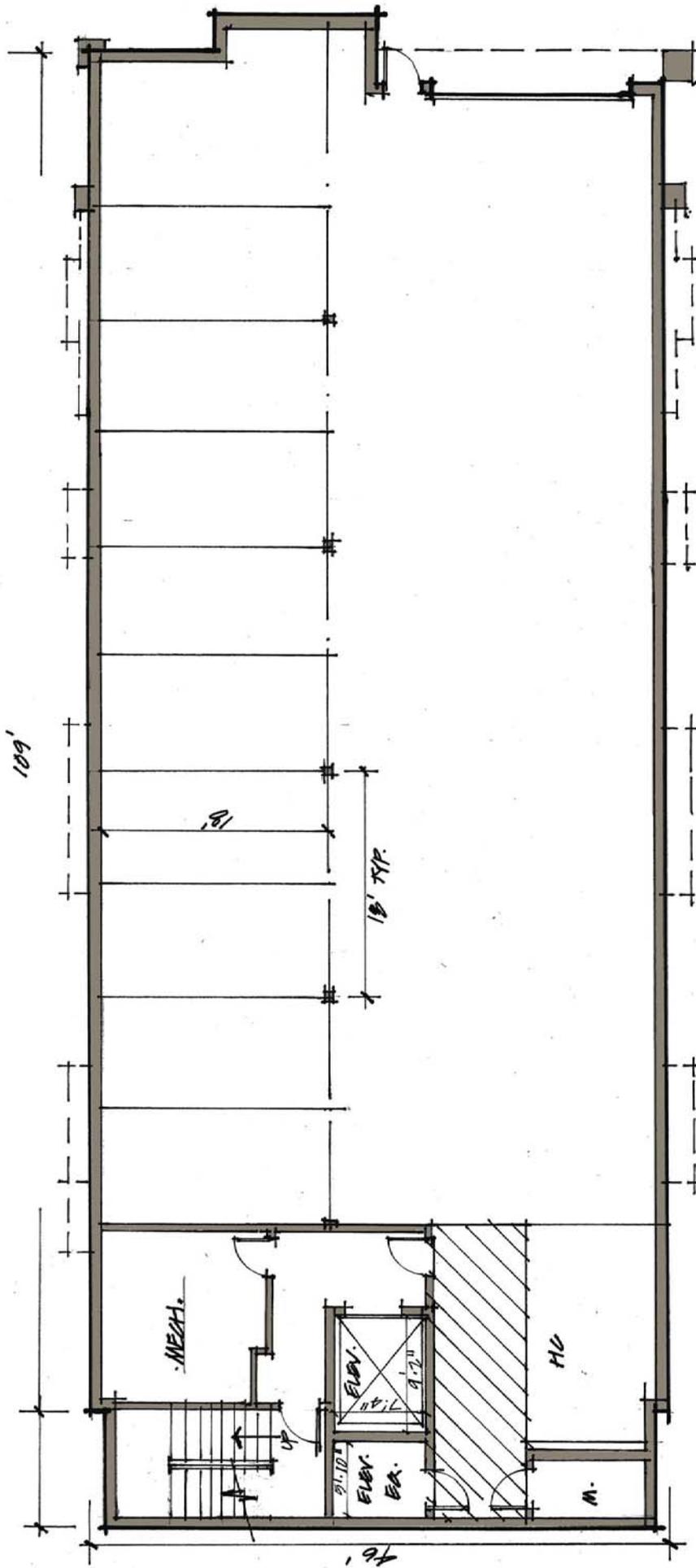
1 Site Plan

scale: 1/16" = 1'-0"

SITE AREA: 10,897 SQ FT
 BUILDING AREA: 5,399 SQ FT, 50% SITE COVERAGE
 5 DWELLING UNITS
 600 SQ FT OFFICE

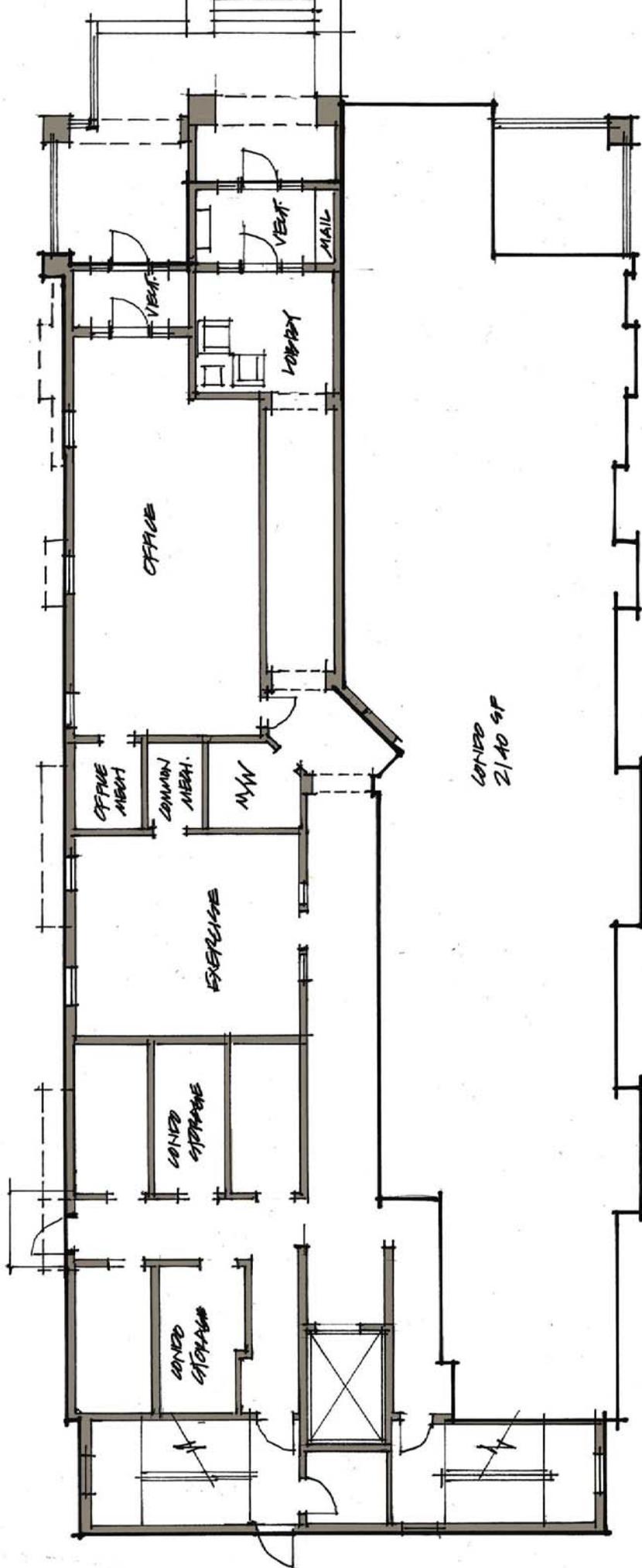
14 APR 2016

WHITTEN ASSOCIATES, INC. BEACON FIVE, WAYZATA, MN RON CLARK CONSTRUCTION



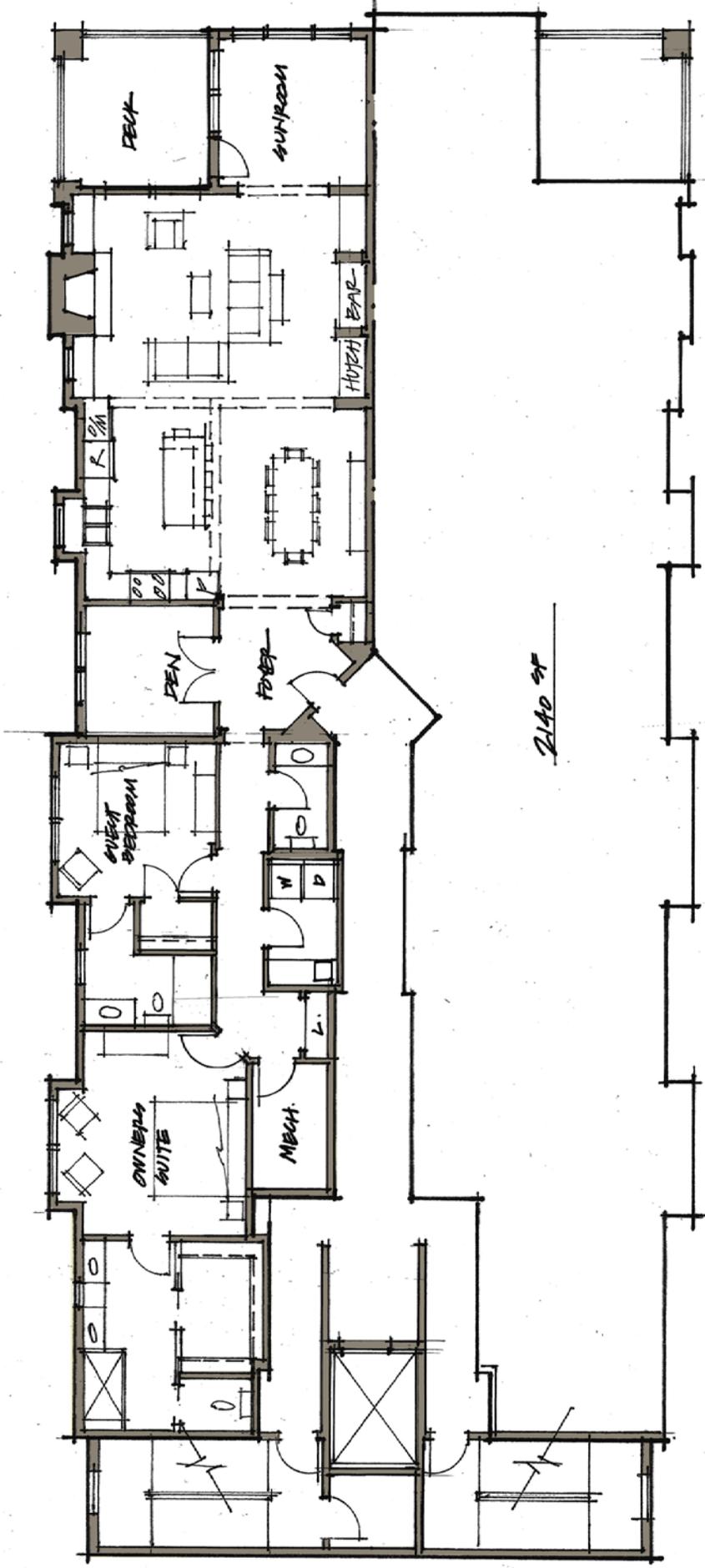
PARKING LEVEL
1/8" = 1'-0"

4/14/16



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

4/14/16



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

4/14/16



1 3D VIEW 1

scale:



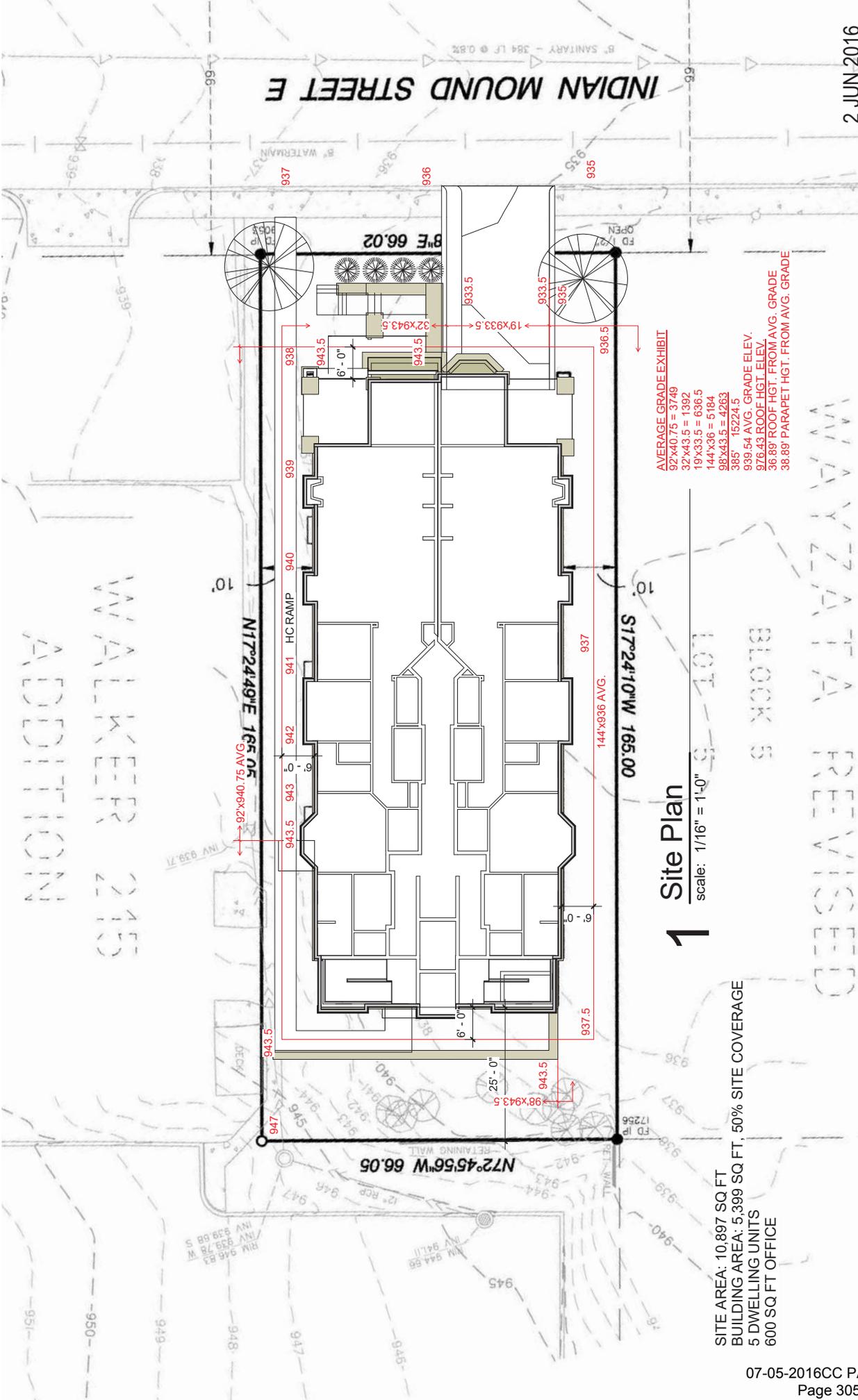
1 3D VIEW 2

scale:



STREETSCAPE AT INDIAN MOUND

4/14/16



INDIAN MOUND STREET E

2 JUN 2016

RON CLARK CONSTRUCTION

AVERAGE GRADE EXHIBIT

- 92'x40.75' = 3749
- 32'x43.5' = 1392
- 19'x33.5' = 636.5
- 144'x36' = 5184
- 98'x43.5' = 4263
- 385' = 15224.5
- 939.54 AVG. GRADE ELEV.
- 976.43 ROOF HGT. ELEV.
- 36.88' ROOF HGT. FROM AVG. GRADE
- 36.89' PARAPET HGT. FROM AVG. GRADE

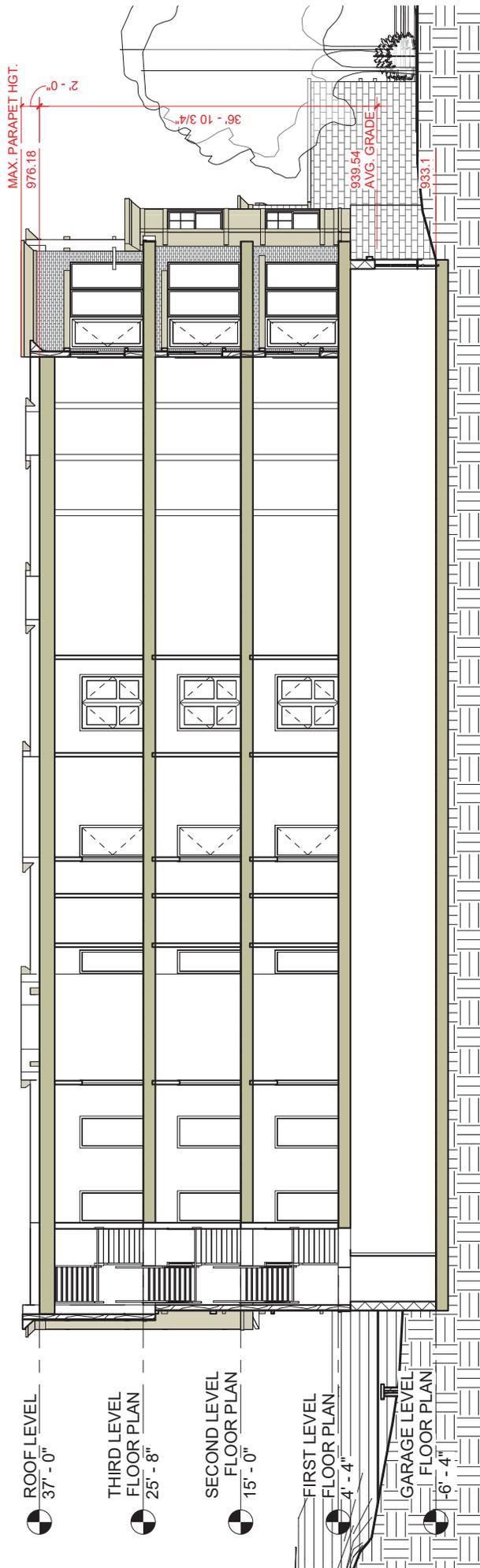
1 Site Plan

scale: 1/16" = 1'-0"

SITE AREA: 10,897 SQ FT
 BUILDING AREA: 5,399 SQ FT, 50% SITE COVERAGE
 5 DWELLING UNITS
 600 SQ FT OFFICE

BEACON FIVE, WAYZATA, MN

WHITTEN ASSOCIATES, INC.



1 BUILDING SECTION
 scale: 3/32" = 1'-0"

- ROOF LEVEL 37' - 0"
- THIRD LEVEL FLOOR PLAN 25' - 8"
- SECOND LEVEL FLOOR PLAN 15' - 0"
- FIRST LEVEL FLOOR PLAN 4' - 4"
- GARAGE LEVEL FLOOR PLAN 6' - 4"

2 JUN 2016

WHITTEN ASSOCIATES, INC. BEACON FIVE, WAYZATA, MN **RON CLARK CONSTRUCTION**

1 Commissioner Flannigan stated the road does present safety concerns and there are practical
2 difficulties. He would support this application.

3
4 Chair Iverson stated she would support this application.

5
6 Commissioner Murray made a motion, Seconded by Commissioner Young to prepare a Planning
7 Commission Report and Recommendation to be presented to the City Council, recommending
8 approval for the variance for impervious surface coverage at 353 Park St. E., based on the
9 finding that the proposal would reduce safety concerns, is keeping with the character of the
10 neighborhood, and would preserve a heritage tree in the front of the property. The motion
11 carried unanimously.

12
13 **c.) Beacon Five – 529 Indian Mound E**

14 **i. Rezoning, PUD Concept Plan, height variance, and Shoreland Impact**
15 **Plan/Conditional Use Permit**

16
17 Commissioner Flannigan recused himself from discussion on this application due to a conflict of
18 interest.

19
20 Mr. Thomson stated the applicant, Ron Clark Construction, has submitted a development
21 application to develop the property located at 529 Indian Mound E. The project includes the
22 construction of a three story mixed use building consisting of five residential condominiums, 600
23 square-feet of office space, and 11 underground parking stalls. He explained the applicant was
24 requesting a rezoning from C-1 to PUD/Planned Unit Development, a PUD Concept Plan of
25 Development review, a variance from the maximum building height requirement, and a
26 Shoreland Impact Plan/Conditional Use Permit for the building height. He stated the maximum
27 building height in the PUD zoning district is 35-feet and 3-stories, whichever is less. The
28 proposed building would be 3-stories in height, but would be 38.9-feet in height and this required
29 a variance. He reviewed the Planned Unit Development process, the Comprehensive Plan, the
30 applicable code provisions, and the standards for a PUD and variance. He explained a PUD
31 Concept versus General Plans and the steps that need to be followed for these.

32
33 Commissioner Young asked if the office component had a separate exterior entrance.

34
35 Mr. Thomson stated the office entrance would have a separate entrance off the street then the
36 residential area.

37
38 Mr. Tim Whitten, Whitten Associates Architects, 4159 Heatherton Place, Minnetonka, stated the
39 main issue is the height of the proposed building and he reviewed why they are proposing this
40 building height. He explained they were using elevating parapet in key locations to give the
41 building more interest. The building is proposed to be 37-feet. The property does present
42 problems because it is narrow at 46-feet to work with. The access to the underground parking
43 can only be located in the front of the building and they are not able to have more than a 10%
44 grade to the street according to City Ordinance. The topography of the site also provides
45 challenges because of the elevation increase.

1 Commissioner Young asked if the addition of the Office space was something the owner wanted.

2
3 Mr. Whitten stated through the workshop it had been indicated that the City Council would
4 prefer an office component. The owner would prefer to use this space to provide a common
5 space or additional amenity to the residence.

6
7 Commissioner Gruber asked what the price point would be for the five units.

8
9 Mr. Whitten stated the units would average 2150 square-feet and be priced just under \$500 per
10 square-foot.

11
12 Chair Iverson opened the public hearing at 8:05 p.m.

13
14 Mr. Robert Johnson, 560 Indian Mound St., Wayzata, stated asked if the parking would be
15 adequate because there was a parking shortage in Wayzata. He asked if there was an estimate on
16 the number of employees and tenants and how many parking stalls this would require.

17
18 Mr. Whitten stated there are 5 units and they are expecting that these would be occupied by
19 singles or couples with no children. The office is small so there would probably only be one
20 employee. Each unit has two enclosed parking stalls and there is one for the office for a total of
21 11 underground parking stalls. There is off street parking in front of the building that would be
22 available to residents as well. They met with the Wayzata Place Association and presented their
23 proposal.

24
25 Chair Iverson closed the public hearing at 8:09 p.m.

26
27 Commissioner Young stated this was a good plan for this property. The project would qualify
28 for a PUD based on the difficulties with the property including the grading on the site and the
29 water table. The building is sitting higher to accommodate underground parking for the facility.
30 The office component may not be needed and this could be incorporated into the main entrance
31 for the building. He stated he would support the architecture of the building.

32
33 Commissioner Gruber stated the property is difficult to develop and she would support the height
34 variance in order to provide the elevation parapet that enhances the look of the building. She
35 does not have concerns about the office component and she would support what the City Council
36 requested for the property.

37
38 Commissioner Murray stated he would like the property to exclude the office space but if this is
39 something the City Council has requested then he would support it.

40
41 Chair Iverson stated the design and height of the building work for the property. The City
42 Council would need to discuss if the office component is needed or if this space could be utilized
43 for a common space for the residents.

44
45 Commissioner Young asked if there was a way for the Planning Commission to recommend the
46 City Council review the project with flexibility on the office component.

1
2 Mr. Thomson stated the Staff Report and minutes would reflect the Commission's comments on
3 the office space. He explained the office component had been brought up during the City
4 Council workshop because the property is designated as a mixed use and a 100% residential
5 building would not be consistent with the Comprehensive Plan.

6
7 Chair Iverson asked if the property could have a retail component rather than office.

8
9 Mr. Thomson stated the space could be office or service commercial.

10
11 Commissioner Gruber stated the PUD General Standards state the PUD project must provide
12 common private or public open space and facilities sufficient enough to meet minimum
13 requirements established by the Comprehensive Plan and contain provisions to assure the
14 continued operation and maintenance of this. She stated the proposed project does not include
15 any common space.

16
17 Mr. Whitten stated they do have common private common space within the facility.

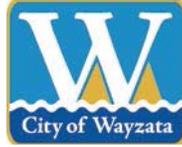
18
19 Commissioner Young made a motion, Seconded by Commissioner Murray to direct Staff to
20 prepare a Planning Commission Report and Recommendation, with appropriate findings,
21 reflecting a recommendation of approval on the application for review and adoption at the next
22 Planning Commission meeting. The motion carried unanimously.

23
24
25 **AGENDA ITEM 5. Old Business Items:**

26
27 **a.) Meyer Place on Ferndale – 105 Lake St E**

28 **i. Rezoning, Concurrent PUD Concept and General Plan of Development,**
29 **Design Review, Variance, and Shoreland Impact Plan/Conditional Use**
30 **Permit**

31
32 Mr. Thomson stated the applicant, Homestead Partners, and the property owner, Meyer
33 Properties have submitted a development application to redevelop the Meyer Brothers Dairy site
34 105 Lake St. E. The development application includes demolition of the existing vacant
35 commercial building and construction of a 3-story building with a rooftop penthouse for a
36 rooftop terrace. The building would include 23 residential condominium units and 59 enclosed
37 parking spaces. The applicant is requesting rezoning from C-4A to PUD/Planned Unit
38 Development, concurrent PUD concept and General Plan of Development review, Design
39 review, Variance from the maximum building height requirement, Shoreland Impact
40 Plan/Conditional Use Permit for the building height, and Conditional Use Permit for the
41 penthouse structure. He reviewed the revisions in the application since the May 2, 2016
42 Planning Commission meeting. He reviewed the analysis of the application including the
43 Comprehensive Plan, zoning, building height, design review, parking, and site access and
44 circulation. He stated the unoccupied penthouse terrace and penthouse area of the building
45 would not be considered a story because it is mechanical, staircases, storage, and elevator space
46 and is not occupied.



WAYZATA PLANNING COMMISSION

June 20, 2016

REPORT AND RECOMMENDATION ON APPLICATION FOR REZONING, PUD CONCEPT PLAN OF DEVELOPMENT, BUILDING HEIGHT VARIANCE AND SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT AT 529 INDIAN MOUND E

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 Project. Ron Clark Construction (the “Applicant”) and R.E.C, Inc. (the “Owner”) have submitted a development application requesting rezoning, PUD concept plan of development review, variance from the maximum building height requirement, and shoreland impact plan/conditional use permit for the building height (the “Application”) at 529 Indian Mound East (the “Property”).
- 1.2 Application Request. As part of the Application, the Applicant and Owner are requesting approval of the following items:
- A. Rezoning from C-1 to PUD/Planned Unit Development: The property is currently zoned C-1, and the applicant is requesting a rezoning to PUD.
 - B. PUD Concept Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concept plan review prior to submitting the full development application for general plan of development and design review.
 - C. Variance from the maximum building height requirement: The maximum building height in the PUD zoning district is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 38.9 feet in height, which requires a variance.
 - D. Shoreland Impact Plan/Conditional Use Permit for the building height: In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit.
- 1.3 Property. The property identification number and owner of the affected property (the “Property”) are:

529 Indian Mound E	06-117-22-24-0067	R.E.C, Inc.
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- 1.4 Land Use. 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	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
East	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
South	Wayzata Place Condominiums	C-4/Central Business District	Central Business District
West	Garrison Landing (under construction)	PUD/Planned Unit Development	Mixed Use Commercial

- 1.5 Notice and Public Hearing. The notice of public hearing on the Application was published in the *Wayzata Sun Sailor* on May 26, 2016, and notices were mailed to all properties within 350 feet of the Property on May 26, 2016. The required public hearing was held at the June 6, 2016 Planning Commission meeting.
- 1.6 Planning Commission Action. The Planning Commission reviewed the Application and held a public hearing on June 6, 2016. The Planning Commission voted four (4) in favor and zero (0) opposed to direct staff to prepare a draft Planning Commission Report and Recommendation recommending approval of the Subdivision with conditions.

Section 2. STANDARDS

- 2.1 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.

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

- 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.
Section 805.37 of the Subdivision Ordinance requires a parkland dedication of land or fee in lieu for new single family lots at the time of recording of the Final Plat. As the proposed Subdivision creates one (1) new lot, the Applicant would be required to dedicate land or pay a fee in lieu for the one (1) new lot.

2.3 PUD General Standards. Section 801.33.2.A sets forth the general standards for review of a PUD application. These are:

- A. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
- B. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
- C. Ownership. Applicant/s must own all of the property to be included in the PUD.
- D. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.
- E. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
- F. Common Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
- G. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
- H. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.

- I. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
 - J. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
 - K. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.
- 2.4 Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria 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.
- 2.5 Shoreland Impact Plan/Conditional Use Permit: Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

Section 3. FINDINGS

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

- 3.1 Amendments to Zoning Ordinance: The rezoning would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:
- A. The Application is consistent with the Comprehensive Plan land use designation of the property, and meets the policies of the Comp Plan.
 - B. The Application is consistent with current and future land uses in the area.
 - C. The Application would meet the performance standards outlined in the Zoning Ordinance.
 - D. The Application would not adversely impacts surrounding properties.
 - E. The Application would not impact property values in the area.

- F. The existing transportation facilities can meet the traffic demand of the Application.
 - G. The Applicant would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- 3.2 Purpose of PUDs: The Application meets the purpose and intent of the PUD zoning district.
- A. The Application results in higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - B. The Application would include a mixed use building consisting of residential condominiums and office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 - C. The Application creates a more desirable and creative environment than would be possible under the existing C-1/Office and Limited Commercial District, which does not allow for residential uses on the ground floor. The ground floor residential unit creates a more desirable and creative environment.
- 3.3 PUD General Standards. The Application meets all of the PUD general standards listed in Section 801.33.2.A and in Section 2.3 of this Report and Recommendation, except for the Landscaping requirements. The Application includes review of the concept plan of development. The Applicant has not submitted a development application for general plan of development. If the City Council approves the concept plan, the Applicant would need to submit a general plan including a landscape plan for review by the Planning Commission and City Council. The general plan of development and landscaping requirement outlined in City Code Section 801.33.2.A.12 are included as conditions of approval in Section 4.1 of this Report and Recommendation.
- 3.4 Variance Standards: The Application meets the variance standards:
- A. The variance is in harmony with the purpose and intent of the zoning ordinance, and is consistent with the comprehensive plan.
 - B. The Applicant has demonstrated that there are practical difficulties in complying with the building height requirement, as outlined in Section 3.4.C below.

- C. There are practical difficulties in complying with the maximum building height requirement. The increased building height is a result of providing vehicular access to the underground parking garage. The underground parking garage could be lowered so that the building would meet the maximum height requirement. However, given the topography of the site and the elevation of the public street adjacent to the Property, the driveway would be too steep to provide safe vehicle access. The topography of the site and the elevation of the public street are circumstances unique to the property. In addition, the variance would not adversely impact the character of the neighborhood. The building height of the proposed building is the same as the height of the Garrison Landing building that is under construction on the property adjacent to the west.
 - D. The variance is requested based on the topography and elevation of the public street, not based on economic factors.
 - E. The Applicant is not proposing earth sheltered construction.
 - F. The variance is from the building height requirement, not from the use requirements of the zoning district.
- 3.5 Shoreland Impact Plan/Conditional Use Permit: The Application includes review of the concept plan of development. The Applicant has not submitted a development application for general plan of development. If the City Council, approves the concept plan, the Applicant would need to submit a general plan of development for review by the Planning Commission and City Council. The general plan of development would include provisions for sediment control, water management, and maintenance of landscaped features. The general plan of development and items required under City Code Section 801.91.19 are included as conditions of approval in Section 4.1 of this Report and Recommendation.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in Section 3 of this Report, the Planning Commission recommends approval of the Application as set forth in Attachment A, subject to all of the following conditions:
- A. The Applicant or Owner must submit a development application for general plan of development within six (6) months of City Council approval of the concept plan of development, unless the City Council approves a time extension. The general plan of development application must include the following:
 - 1. Landscape plan that complies with City Code Section 801.33.2.A.12 and City Code Section 801.91.19

2. Grading, drainage and erosion control plan, SWPP, and stormwater management plan that complies with City Code Section 801.91.19
- B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 20th day of June, 2016.

Chair, Planning Commission

Attachment A

Application

DRAFT RESOLUTION NO. 22-2016

**RESOLUTION APPROVING PUD, REZONING, HEIGHT VARIANCE AND
SHORELAND IMPACT PLAN FOR 529 INDIAN MOUND EAST**

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

Section 1. BACKGROUND

- 1.1. Development Application. Ron Clark Construction (the “Applicant”) and R.E.C, Inc. (the “Owner”) have submitted a development application requesting rezoning, PUD concept plan of development review, variance from the maximum building height requirement, and shoreland impact plan/conditional use permit for the building height (the “Application”) at 529 Indian Mound East (the “Property”). The project includes the construction of a three story mixed use building on the Property, consisting of five residential condominiums, 600 square feet of office space, and 11 underground parking spaces (the “Project”).
- 1.2. Application Requests. As part of the Application, the Applicant and Owner are requesting approval of the following items:
 - A. PUD Concept Plan of Development for New Residential Development (the “PUD” or “PUD Concept Plan”): The Project would be built according to an approved PUD for the Property. The Applicant is requesting concept plan review prior to submitting the full development application for general plan of development and design review.
 - B. Rezoning from C-4A to PUD/Planned Unit Development (the “Rezoning” or “Zoning Amendment”): In connection with approval of the PUD, the Property would be rezoned to PUD District.
 - C. Variance from the Maximum Building Height Limit (the “Height Variance”): The maximum building height in the PUD Zoning District is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 38.9 feet in height, thus requiring a variance.
 - D. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the “Shoreland CUP”): In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit.
- 1.3. Property. The property identification numbers and owners for the Property involved in the proposed Application is as follows:

529 Indian Mound E	06-117-22-24-0067	R.E.C., Inc.
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- 1.4 Land Use. The Property is zoned C-1/Office and Limited Commercial District and guided for Mixed Use Commercial in the Comprehensive Plan. 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	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
East	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
South	Wayzata Place Condominiums	C-4/Central Business District	Central Business District
West	Garrison Landing (under construction)	PUD/Planned Unit Development	Mixed Use Commercial

- 1.5 Notice and Public Hearing. The notice of public hearing on the Application was published in the *Sun Sailor* on May 26, 2016, and notices were mailed to all properties within 350 feet of the Property on May 26, 2016. The required public hearing was held at the June 6, 2016 Planning Commission meeting.
- 1.6 Planning Commission Action. The Planning Commission reviewed the Application at its June 6, 2016 meeting. At its June 20, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending approval of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

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

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of

residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.

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

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

2.2 Zoning Ordinance Amendments (Text and Map) / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

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

2.3 Variances. Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The variance review criteria are as follows:

- A. Variances shall only be permitted when they are:
 - (i) in harmony with the general purposes and intent of the Zoning Ordinance; and
 - (ii) consistent with the Comprehensive Plan.
- B. Variances may be granted when the Applicant for the variance establishes that there are practical difficulties in complying with 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 Zoning Ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property, and not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.
- D. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- E. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14, when in harmony with 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.

2.4 Shoreland Impact Plan/Conditional Use Permit. Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.

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

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.

- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (1) PUD; (2) Rezoning; (3) Height Variance; and (4) Shoreland CUP requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

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

- A. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
- B. The PUD includes a mixed use building consisting of residential condominiums and office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
- C. The PUD creates a more desirable and creative environment than would be possible under the existing C-1/Office and Limited Commercial District, which does not allow for residential uses on the ground floor. The ground floor residential unit creates a more desirable and creative environment.

In addition, the PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance, except for the landscaping requirements. The Applicant has not submitted a development application for general plan of development. The Applicant will need to submit a general plan including a landscape plan for review by the Planning Commission and City Council. An acceptable PUD general plan of development and landscaping requirement outlined in City Code Section 801.33.2.A.12 are required for Project approval.

3.2 Zoning Ordinance Amendments / Rezoning. The Rezoning for the proposed use (the “Proposed Use”) would not have an adverse effect on surrounding properties or the community, and meets the standards for a zoning ordinance amendment:

- A. The Proposed Use is consistent with the Comprehensive Plan land use designation of the Property, and meets the policies of the Comp Plan.
- B. The Proposed Use is consistent with current and future land uses in the area.
- C. The Proposed Use would meet the performance standards outlined in the Zoning Ordinance.
- D. The Proposed Use would not adversely impact surrounding properties.
- E. The Proposed Use would not impact property values in the area.
- F. The existing transportation facilities can meet the traffic demand of the Proposed Use.
- G. The Proposed Use would not exceed service capacity of public services and facilities including parks, schools, streets, and utilities, and the City’s service capacity.

3.3 Height Variance. The Height Variance meets the standards for granting a variance:

- A. The Height Variance is in harmony with the purpose and intent of the zoning ordinance, and is consistent with the comprehensive plan.
- B. The Applicant has demonstrated that there are practical difficulties in complying with the applicable building height requirement.
- C. There are practical difficulties in complying with the maximum building height requirement in that the need for the increased building height for the Project is a result of providing vehicular access to the underground parking garage. The underground parking garage could be lowered so that the building would meet the maximum height requirement. However, given the topography of the Property and the elevation of the public street adjacent to the Property, the driveway would be too steep to provide safe vehicle access. The topography of the site and the elevation of the public street are circumstances unique to the Property and not created by the landowner. In addition, the Height Variance would not adversely impact the character of the neighborhood. The building height of the proposed building is the same as the height of the Garrison Landing building that is under construction on the property adjacent to the west.

- D. The Height Variance is requested based on the topography and elevation of the public street, not based on economic factors.
 - F. The Applicant is not proposing earth sheltered construction.
 - E. The Height Variance is from the building height, not from the use requirements of the zoning district.
- 3.4 Shoreland Impact Plan/Conditional Use Permit. The Application includes review of a PUD Concept Plan of development. The Applicant has not submitted a development application for general plan of development. As a condition of approval, the Applicant will need to submit a general plan of development for future review by the Planning Commission and City Council. The general plan of development must include provisions for sediment control, water management, and maintenance of landscaped features

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (1) PUD; (2) Rezoning; (3) Height Variance; and (4) Shoreland CUP requested as part of the Application are hereby **APPROVED**, subject to all of the following conditions:
- A. The Applicant or Owner must submit a development application for PUD General Plan of Development within six (6) months of City Council approval of the effective date of this Resolution, unless the City Council approves a time extension as provided for in the Zoning Ordinance. The General Plan of Development application must include the following (in addition to all other requirements under the Zoning Ordinance):
 - 1. Landscape plan that complies with City Code Section 801.33.2.A.12 and City Code Section 801.91.19; and
 - 2. Grading, drainage and erosion control plan, SWPP, and stormwater management plan that complies with City Code Section 801.91.19.
 - B. All expenses of the City of Wayzata, including consultant, expert, legal, and planning incurred in the processing, review of, and action on the Application must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 5th day of July, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

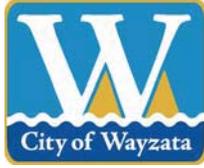
Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2016.

Becky Malone, Deputy City Clerk
SEAL



**Planning Report
City Council
July 5, 2016**

Project Name: Meyer Place on Ferndale
Applicant Homestead Partners, LLC
Addresses of Request: 105 Lake Street E
Prepared by: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: July 26, 2016

Development Application

Introduction

The applicant, Homestead Partners, and the property owner, Meyer Properties have submitted a development application to redevelop the Meyer Brothers Dairy site at 105 Lake Street E. The development application includes demolition of the existing vacant commercial building and construction of a three story building with a rooftop penthouse for a roof top terrace. The building would include 23 residential condominium units and 59 enclosed parking spaces. The applicant has submitted revised plans for the project, which are included on Attachment A.

Property Information

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

Address	PID	Owner
105 Lake Street E	06-117-22-23-0034	Meyer Properties

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

Current zoning:	C-4A/Limited Central Business District
Comp plan designation:	Central Business District
Total site area:	42,943 square feet (0.99 acres)

Project Location

The property is located on the northeast corner of the Lake St E/Ferndale Rd S intersection.

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 C-4A to PUD/Planned Unit Development: The property is currently zoned C-4A, and the applicant is requesting a rezoning to PUD.
- B. Concurrent PUD Concept and General Plan of Development Review: A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concurrent review of both the concept plan and general plan.
- C. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5.
- D. Conditional Use Permit for the penthouse structure: The zoning ordinance establishes a maximum height of 40 feet for mechanical spaces and elevator penthouses. The proposed building includes a penthouse structure to serve a rooftop terrace which would be 13 feet above the roof the building with a total height of 48 feet. This requires a conditional use permit.

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	Ferndale Ridge townhomes	PUD/Planned Unit Development	Medium Density Multiple Family
East	Wayzata Bay Car Wash	C-4A/Limited Central Business District	Central Business District
South	TCF office building	PUD/Planned Unit Development	Central Business District
West	Office building	PUD/Planned Unit Development	Central Business District

Analysis of Application

Comprehensive Plan

The Comprehensive Plan land use designation for the subject property is Central Business District. The objective of the Central Business District land use category is to promote a diversity of retail, office, service, and residential land uses at a high level of development quality to enhance it as a regional destination. The Comprehensive Plan includes the follow “1st Tier” priorities for the Central Business District:

- Allow a mix of commercial, office, and residential uses that strengthen the CBD as the shopping, employment, and entertainment destination of Wayzata.
- Update development standards continually to assure the highest development quality possible for the Central Business District.
- Complement the CBD and its strong sense of place through land use choices, urban design principles, traffic, parking, and architectural style.
- Investigate strategies to increase retail vitality throughout the CBD. 2.5 Define and evaluate on-street/off-street parking needs consistent with land use, and requirements within the CBD so as to emphasize circulation ease and access control.
- Continue to provide a safe, comfortable, and attractive pedestrian scale environment through the enhancement of the pedestrian circulation system by improving sidewalks, walkways and street furniture; mitigating conflicts with traffic and street intersections, and by providing proper demarcation and sign control.
- Enhance the image and identity of the CBD by emphasizing street trees and landscaping elements.

- Plan for an orderly transition between the CBD development and adjacent residential neighborhoods.
- Accommodate traffic without negatively compromising the integrity of the downtown and its adjacent neighborhoods.
- Consider complementing abutting edges, both residential and retail/commercial.
- Consider public financial support that is fiscally responsible and provides value to the City's infrastructure and community systems.
- Consider ways to assist with redevelopment when properties become a liability to the community.
- Commercial buildings on Lake Street, west of Barry Avenue, should not be required to have a first floor retail use, although it is allowed and encouraged. Transparency requirements under the Lake Street District of the Design Standards remain in effect.
- Identify ecological and water quality impacts on the lake and other water bodies caused by proposed land use developments, for example stormwater runoff, and work to mitigate these impacts.

In addition, the Comprehensive Plan includes the following “2nd Tier” priorities:

- Plan development of parking so that it is not a focal point but rather placed behind buildings with appropriate buffers and landscaping.
- Adjust City's Zoning Ordinance to address concerns of sun-orientation on southern side of Lake Street by requiring upper story setbacks for all new construction to avoid shading the north side of Lake Street.
- Continue to evaluate ways to encourage a variety of housing options for upper-story housing.
- Consider 3rd story' uses with appropriate considerations for design and scale. Commercial and residential uses are allowed as a third story, but the third story must be set back significantly more from the front facade of the floor below.

Zoning

The Property is currently zoned C-4A/Limited Central Business District. The proposed project deviates from the requirements of the C-4A zoning district. Specifically, the C-4A district has a maximum building height requirement of 30 feet or 2 stories, whichever is less. In addition, the C-4A district requires that at least 50 percent of the building frontage on the Lake Street ground level must be used for retail or service commercial

uses, and new buildings on Lake Street must be developed with more than one of the following uses: retail, service, residential, and office. The applicant has requested a rezoning to PUD for two reasons. The first reason is to allow for a taller building than is permitted in the C-4A zoning district. The second reason is that the proposed building would be 100 percent residential use, and would not meet the retail, service, and mixed use requirements of the C-4A zoning district.

The PUD zoning district is an ordinance that can be used to allow for greater flexibility in development by incorporating design modifications from the strict application of the standard zoning district requirements. It is not the intent of the PUD ordinance to not apply any standards to a development project. Rather, it allows modifications of the strict standards for projects that meet a specific purpose, as outlined in “Applicable Code Provisions” section of this report. In addition, the PUD zoning district establishes general standards for a PUD, which are also outlined below.

Building Height

The proposed building would be three stories and 35 feet in height. In addition to the three stories of condominiums, the proposed building also includes a rooftop terrace that would be served by a penthouse structure. The penthouse structure includes an elevator, two staircases for access, a corridor to access the staircase, and bathrooms. The elevator, staircases, and corridor are required by the building code if there is an occupy-able space on the roof. The state building code does not consider a penthouse structure as a story of the building. The height of the building, as defined in the City’s zoning ordinance, is measured to the top of a flat roof of the highest story, which would be 35 feet, which complies with the maximum height requirement in the PUD district.

The proposed penthouse structure extends 10 feet above the roof elevation with an additional 3 feet in height for the elevator overrun. The zoning ordinance establishes a maximum building height for mechanical spaces and elevator penthouses of 40 feet or five feet greater than the maximum building height, whichever is greater. The maximum height for the penthouse structure is therefore 40 feet, which the proposed structure would exceed by 5 feet to the penthouse roof and 8 feet to the elevator overrun. The proposed building requires a conditional use permit for the penthouse structure.

Design Review

The project is subject to the design standards for the Lake Street design district. A updated design review critique of the revised plans is included as Attachment B. The proposed project does not meet several of the design standards. The following summarizes the items that do not meet the design standards. The detailed information is included in the design review critique:

- Building recession: The third level of the proposed building is partially recessed from the second level. The third level along Lake Street is stepped back 10 feet for most, but not the entire length of the Lake Street elevation. The third level along Ferndale is not stepped back from the second level at all. The design standards require the entire third floor to be recessed from the lower floors. In

addition, the second story must be recessed for 25 percent of the façade length, and the proposed second story is not recessed from the first level.

- Ground level expression: The proposed building does not include the required elements to distinguish the ground floor from the upper floors.
- Ferndale sidewalk: The proposed site plan includes a 12-foot wide sidewalk along Lake Street that would meet the design standards and the City's Lake Street sidewalk specifications. However, the Ferndale Road streetscape includes a 6-foot wide concrete sidewalk. The design standards require a sidewalk of at least 12 feet in width of exposes aggregate surface along all street frontages. There is not currently a sidewalk along either side of Ferndale Road that the proposed sidewalk could connect to. However, the Ferndale Road sidewalk would still require a deviation from the design standard.
- Mechanical equipment on the roof: The proposed plans include mechanical equipment that would be located on the roof of the building that would be screened by the penthouse structure and a parapet screening wall. The design standards for the Lake Street District state that there may be no mechanical equipment on the roof deck and all such equipment must be located within the interior of the structure.
- Roof color: The proposed building would have a flat roof which would be comprised of a tan colored membrane. The tan color would not meet the design standards which require a dark colored flat roof.
- Boulevard trees along Lake Street: The boulevard trees along Lake Street are placed 38 feet apart, which is greater than the 26 feet specified in the design standards.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. For a multiple family development, the parking ordinance requires a minimum of two fee-free spaces for each dwelling unit, of which one must be enclosed. The proposed building consists of 23 dwelling units and 59 enclosed parking spaces within an underground parking garage. In addition, there would be 6 guest parking stalls in a surface parking stall located behind the building. The surface parking lot would be screened from the property to the north by a hedge of 8-foot tall arborvitae that would be planted along the north property line. The proposed project provides 2.5 stalls per dwelling unit, plus 6 additional guest parking stalls, which meets the requirements of the City's parking ordinance.

Site Access and Circulation

The proposed site plan includes one driveway access on the east side of the site from Lake Street. The driveway would provide access to the guest surface parking stalls and

to the underground parking garage entrance, which would be located along the back side of the building.

Planning Commission Review

The Planning Commission initially reviewed the development application and held the public hearing at its meeting on May 2, 2016. At that time, the applicant was proposing a four story building with the same number of condominium units. Based on the Planning Commission review and feedback, the applicant revised the development plans, which included:

- Increased the building setback from the north property line to meet the 20-foot setback requirement
- Reduced the building height from 4 stories to 3 stories
- Increased the number of underground parking stalls from 48 stalls to 59 stalls
- Relocated surface parking stalls from underneath the upper levels of the building to the back of the building.
- Updated the landscape plans to provide enhanced streetscaping along Lake Street, including a wider sidewalk consisting of the City's sidewalk specifications, additional trees planted with tree grates, and enhanced landscaping along the ground level of the building and at the building entrance.

The Planning Commission reviewed the revised plans at its meeting on June 6th. The Planning Commission provided positive feedback regarding the changes that the applicant made to the project, but continued to express concerns about the height of the building, density of the project, overall design of the building, and justification of all of the deviations from the design standards. The Planning Commission also discussed not including retail and service uses on the first floor of the building. Based on their concerns, on June 20th, the Planning Commission voted five (5) in favor and zero (0) opposed to adopt a Report and Recommendation recommending denial of the project.

Public Comments

City staff sent public hearing notices to 210 surrounding property owners, and we received several email correspondence on the project. The public comments were all received prior to the May 2nd Planning Commission public hearing. The comments are included in the attachments.

Revised Plans

Since the Planning Commission meeting, the applicant has submitted revised plans for the project for the Council's consideration. The revised plans include the following changes:

- Reducing the building height from 35.4 feet to 35 feet to comply with the maximum height requirement in the PUD zoning district.

- Reducing the height of the rooftop penthouse structure and elevator overrun from a total height of 51.4 feet to 48 feet.
- Reducing the overall size of the penthouse structure
- Reducing the depth of the building by five feet to remove the building from the right of way of Lake Street
- Modifications to the building materials to increase the use of stone and provide a darker color for the exterior of the third story
- Add additional boulevard trees along Lake Street to meet the spacing requirements of the design standards.

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.

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

the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:

- 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 sets forth the general standards for review of a PUD application. These are:

- A. Health Safety and Welfare. In reviewing the PUD application, the Council shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area.
- B. Intent and Purpose of PUDs. In reviewing the PUD application, the Council shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the Zoning Ordinance.
- C. Ownership. Applicant/s must own all of the property to be included in the PUD.
- D. Comprehensive Plan. The PUD project must be consistent with the City's Comprehensive Plan.

- E. Sanitary Sewer Plan. The PUD project must be consistent with the City's Sanitary Sewer Plan.
- F. Common Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
- G. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
- H. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
- I. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
- J. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
- K. Setbacks. The front, rear and side yard restrictions on the periphery of the PUD shall be the same as imposed in the respective districts.

Concurrent PUD Plan – 801.33.5. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The applicant shall comply with all provisions of this section applicable to submission of General Plan of Development. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of Section 801.33.6 hereof.

Design Standards City Code §801.09: The design standards set forth in Section 9 of the Wayzata City Zoning Ordinance are referred to collectively as the “Design Standards” or the “Standards”. The purpose of the Design Standards is to shape the City's physical form and to promote the quality, character and compatibility of new development in the City. The Standards function to:

- A. To guide the expansion and renovation of existing structures and the construction of new buildings and parking, within the commercial districts of the City;
- B. To assist the City in reviewing development proposals;
- C. To improve the City's public spaces including its streets, sidewalks, walkways, streetscape, and landscape treatments.

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

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

Action Steps

Adopt the draft Resolution No. 23-2016, which denies the PUD, Rezoning, Project Design, and Conditional Use Permit for the Meyer Place on Ferndale project at 105 Lake St E.

Attachments

- Attachment A: Revised Plans
- Attachment B: Design Review Critique
- Attachment C: Public Comments
- Attachment D: Draft May 2, 2016 Planning Commission Meeting Minutes
- Attachment E: Draft June 6, 2016 Planning Commission Meeting Minutes
- Attachment F: Planning Commission Report and Recommendation

- Attachment G: Draft City Council Resolution No. 23-2016



VIEW FROM LAKE ST AND FERNDALE

6/28/16



VIEW FROM SOUTHEAST CORNER

6/28/16



VIEW AT MAIN ENTRANCE

6/28/16



DETAIL VIEW AT SOUTHEAST CORNER

6/28/16



VIEW FROM NORTHEAST CORNER

6/28/16

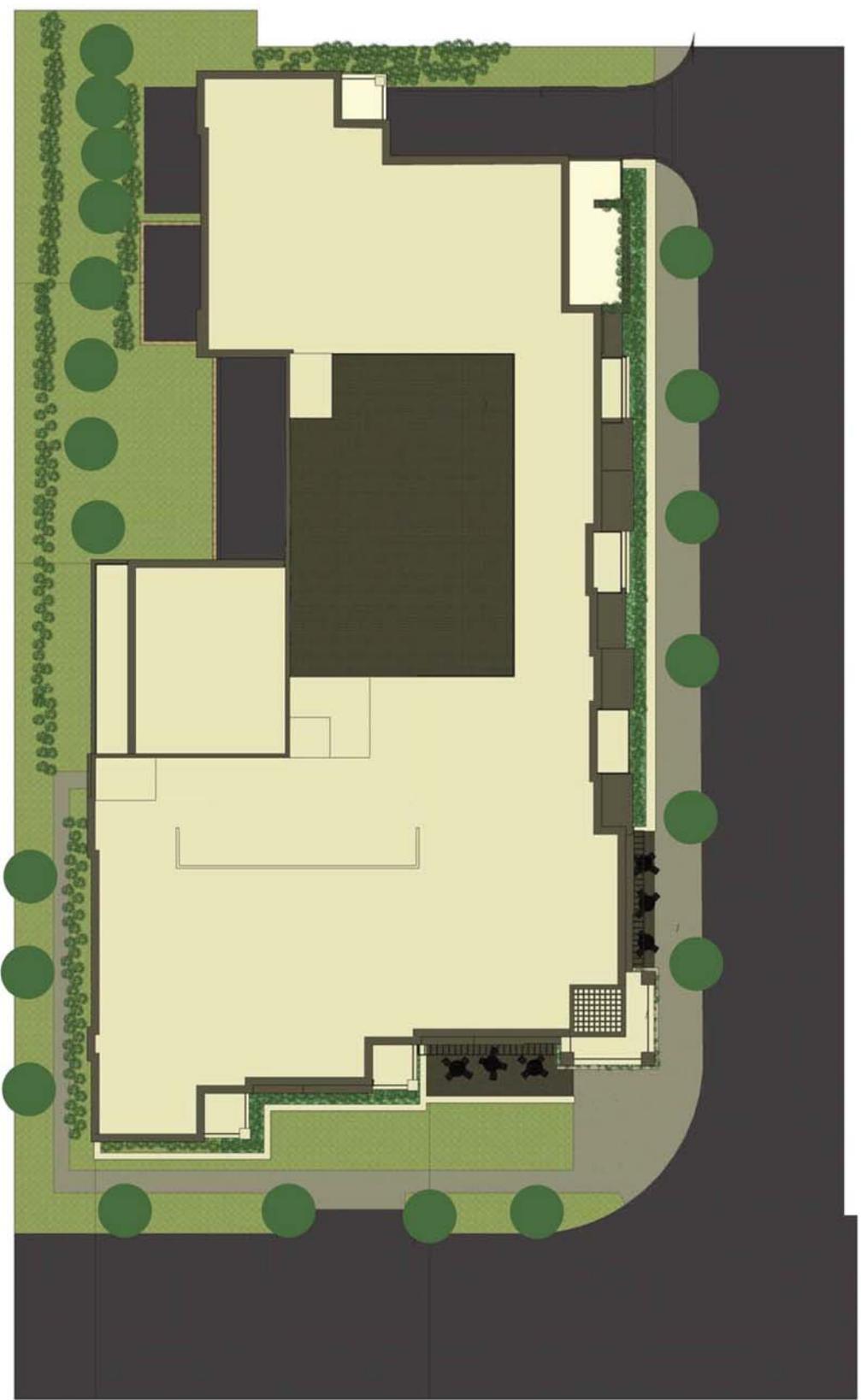


CURRENT DESIGN 6/28



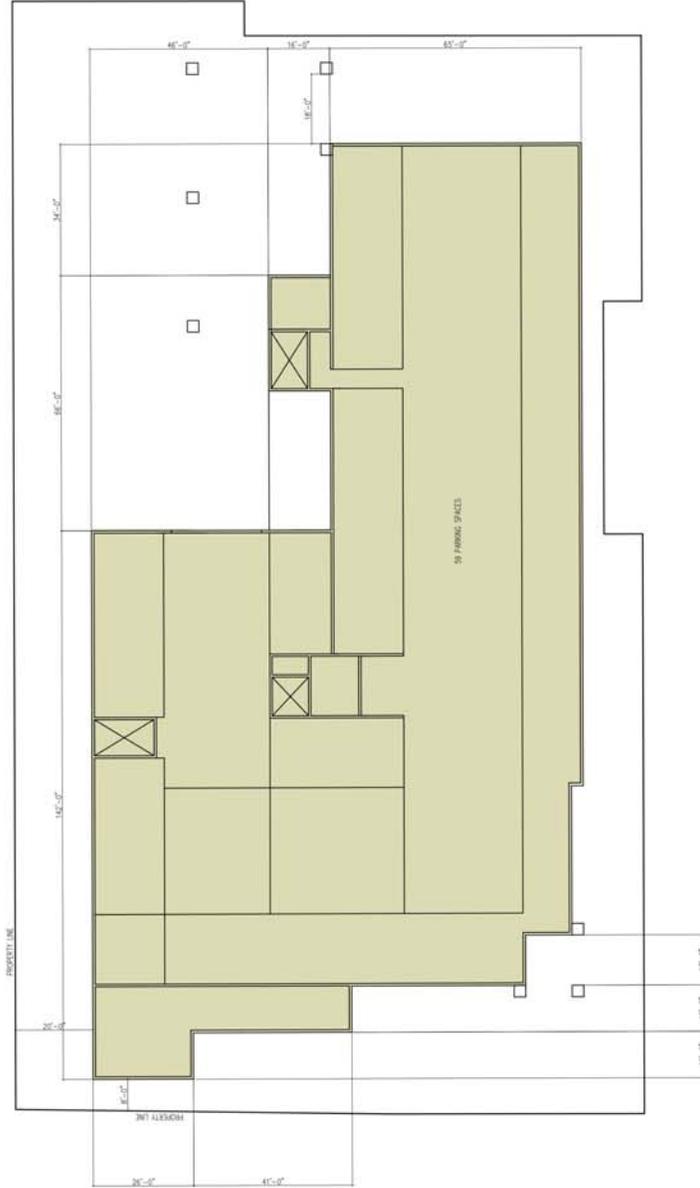
PREVIOUS DESIGN 5/26

6/28/16



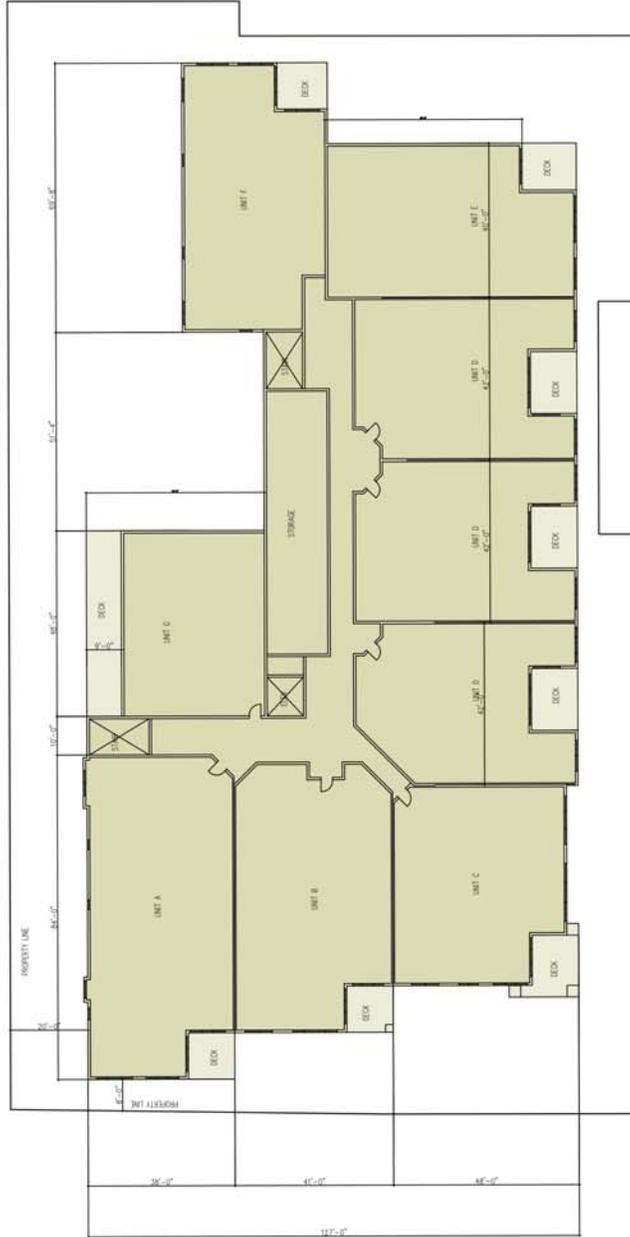
SITE PLAN

6/28/16



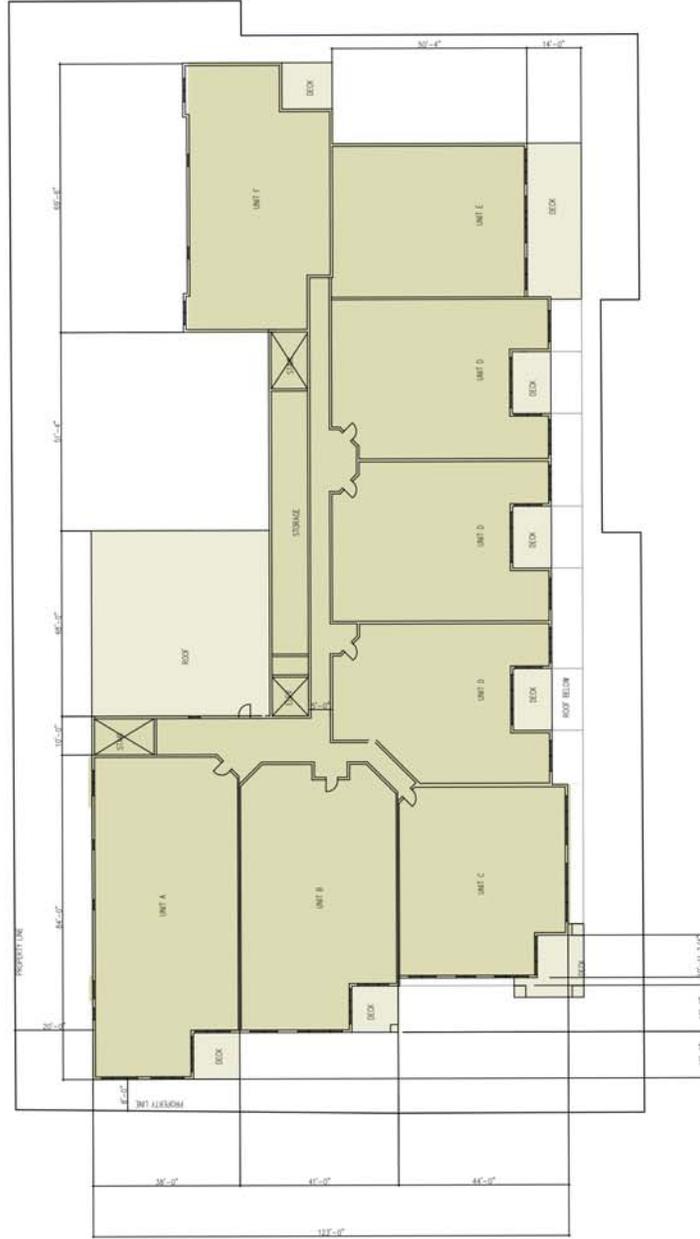
PARKING LEVEL PLAN
1/32"=1'-0"

6/27/16



SECOND LEVEL PLAN
1/32"=1'-0"

6/27/16



THIRD LEVEL PLAN
 1/32"=1'-0"

6/27/16



SOUTH ELEVATION

6/28/16



WEST ELEVATION

6/28/16



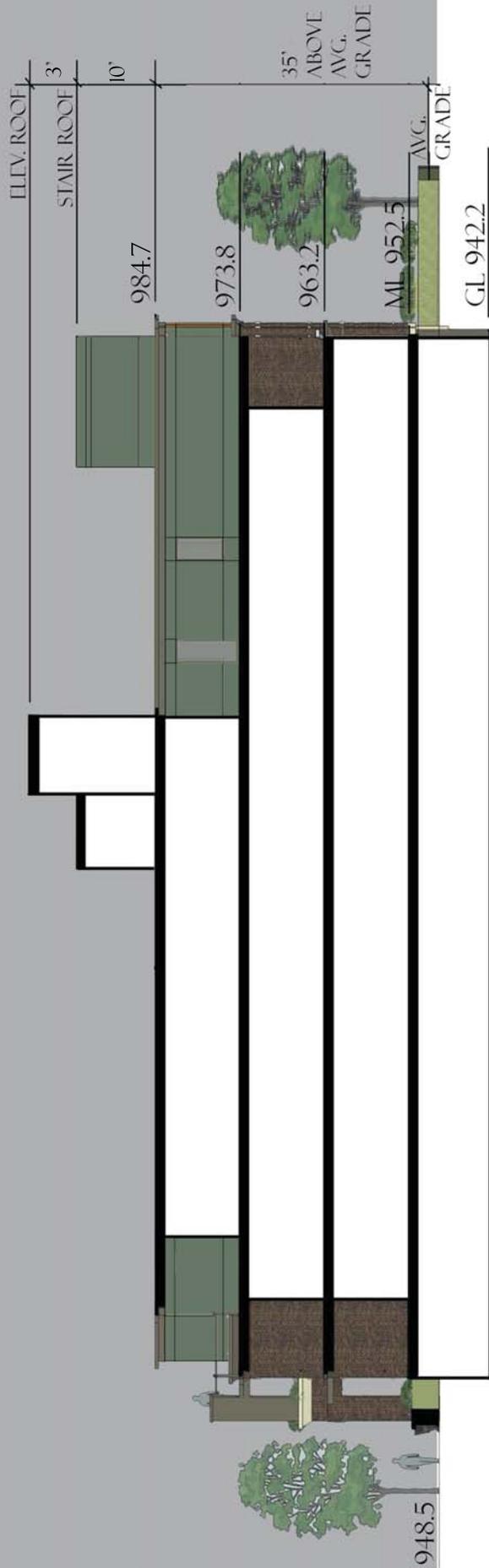
NORTH ELEVATION

6/28/16



EAST ELEVATION

6/28/16



SECTION

6/28/16



DESCRIPTION	PROPOSED	EXISTING
PROPOSED BUILDING	[Symbol]	[Symbol]
LAKE ST SIDEWALK SPEC A	[Symbol]	[Symbol]
LAKE ST SIDEWALK SPEC B	[Symbol]	[Symbol]
PROPOSED PLANTERS	[Symbol]	[Symbol]
PROPOSED ROW TREE	[Symbol]	[Symbol]
PROPOSED BOULEVARD SOD	[Symbol]	[Symbol]
PROPOSED SITE POST CONSTRUCTION SOD	[Symbol]	[Symbol]

Company	Name	Address
Developer	Homestead Partners	Jason Brownell 625 15th Ave S, Hopkins, MN 55343
Architect	Whitman Associates	14199 Hennepin Pk, Minneapolis, MN 55245
Engineer	Whitman Associates	14199 Hennepin Pk, Minneapolis, MN 55245
Land Planner	Whitman Associates	14199 Hennepin Pk, Minneapolis, MN 55245
Engineer	Sathre-Bergquist, Inc.	Robert McLeod 150 South Broadway, Wayzata, MN 55391
Surveyor	Sathre-Bergquist, Inc.	Dave Panambur 150 South Broadway, Wayzata, MN 55391

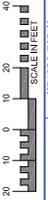
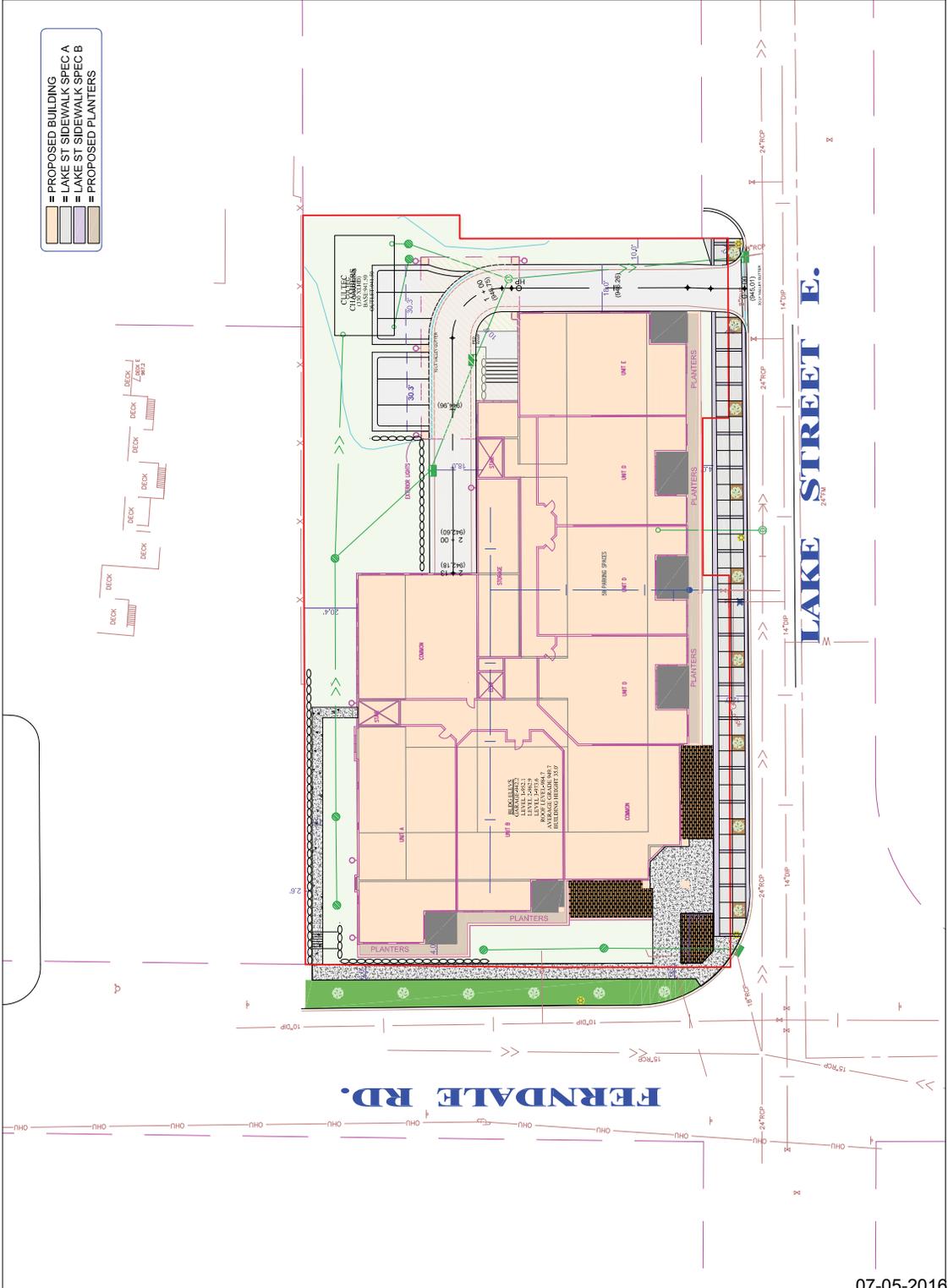
SHEET	Description
SP	Site Plan
AA	ALTA
FP	Final Plan
GP/EC	Grading & Erosion Control Plan
UP	Utility Plan

PROPOSED ROW TREE
PROPOSED BOULEVARD SOD
PROPOSED SITE POST CONSTRUCTION SOD
[Symbol]
[Symbol]
[Symbol]

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 490-0000 FAX: (952) 490-0001 EMAIL: INFO@SATHRE-BERGQUIST.COM WWW.SATHRE-BERGQUIST.COM	DEVELOPER HOMESTEAD PARTNERS, LLC 1500 W. ANNE STREET, LLC HOPKINS, MN 55343 CONTACT: JASON BROWNELL PHONE: (612) 270-9701 FAX: (612) 270-9702 EMAIL: JLBROWNELL@HOMESTEAD.COM WWW.HOMESTEADPARTNERS.COM

FILE NO. 3785-003
 SITE AND LANDSCAPE PLAN
 MEYER PLACE AT FERNDALE
 HOMESTEAD PARTNERS, LLC.

- [Symbol] PROPOSED BUILDING
- [Symbol] LAKE ST SIDEWALK SPEC A
- [Symbol] LAKE ST SIDEWALK SPEC B
- [Symbol] PROPOSED PLANTERS

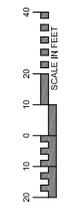
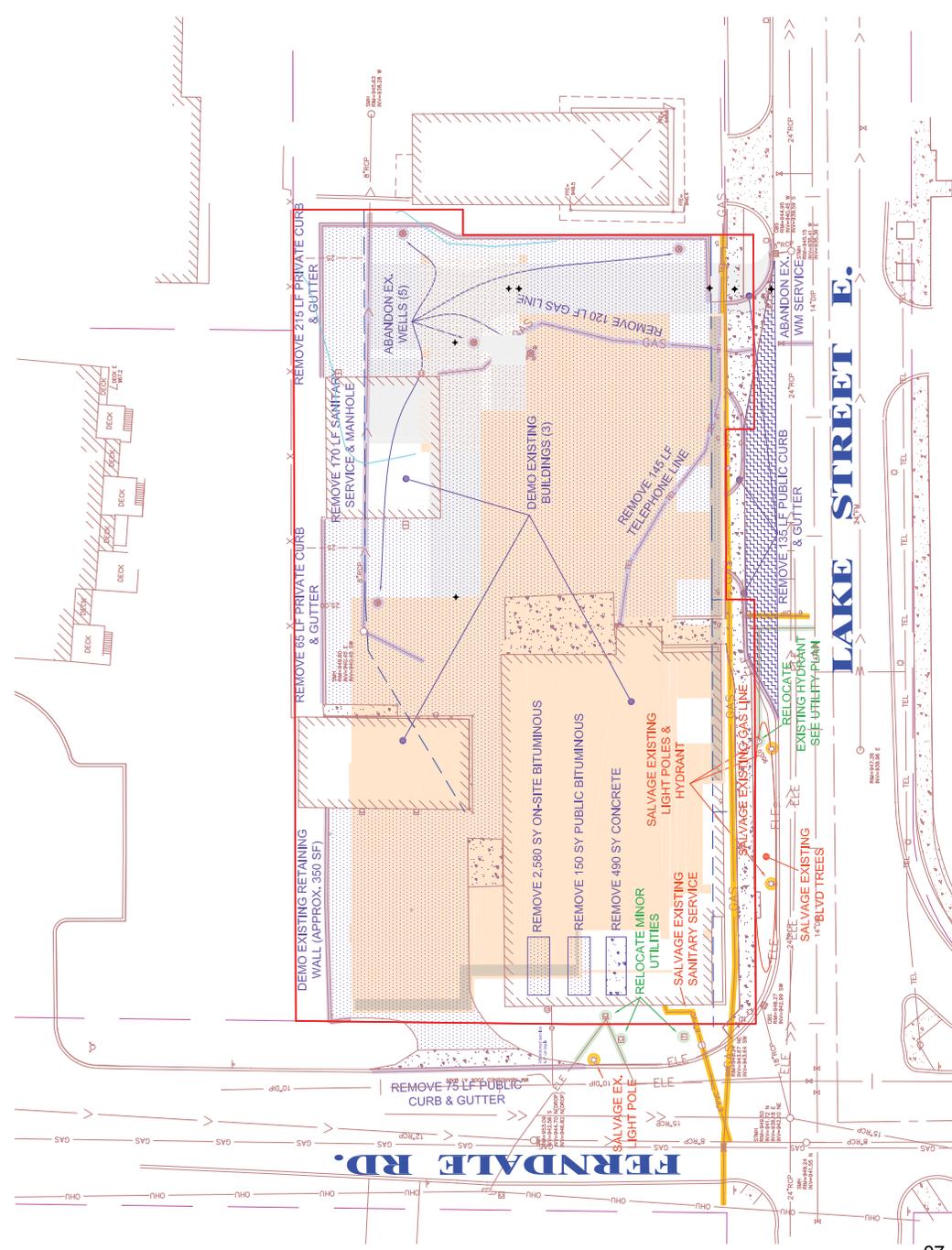


CITY PROJECT NO. _____
 WAYZATA, MINNESOTA
 SATHRE-BERGQUIST, INC.
 150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 490-0000

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 Robert S. Sathre
 ROBERT S. SATHRE, P.E.
 Lic. No. 14718

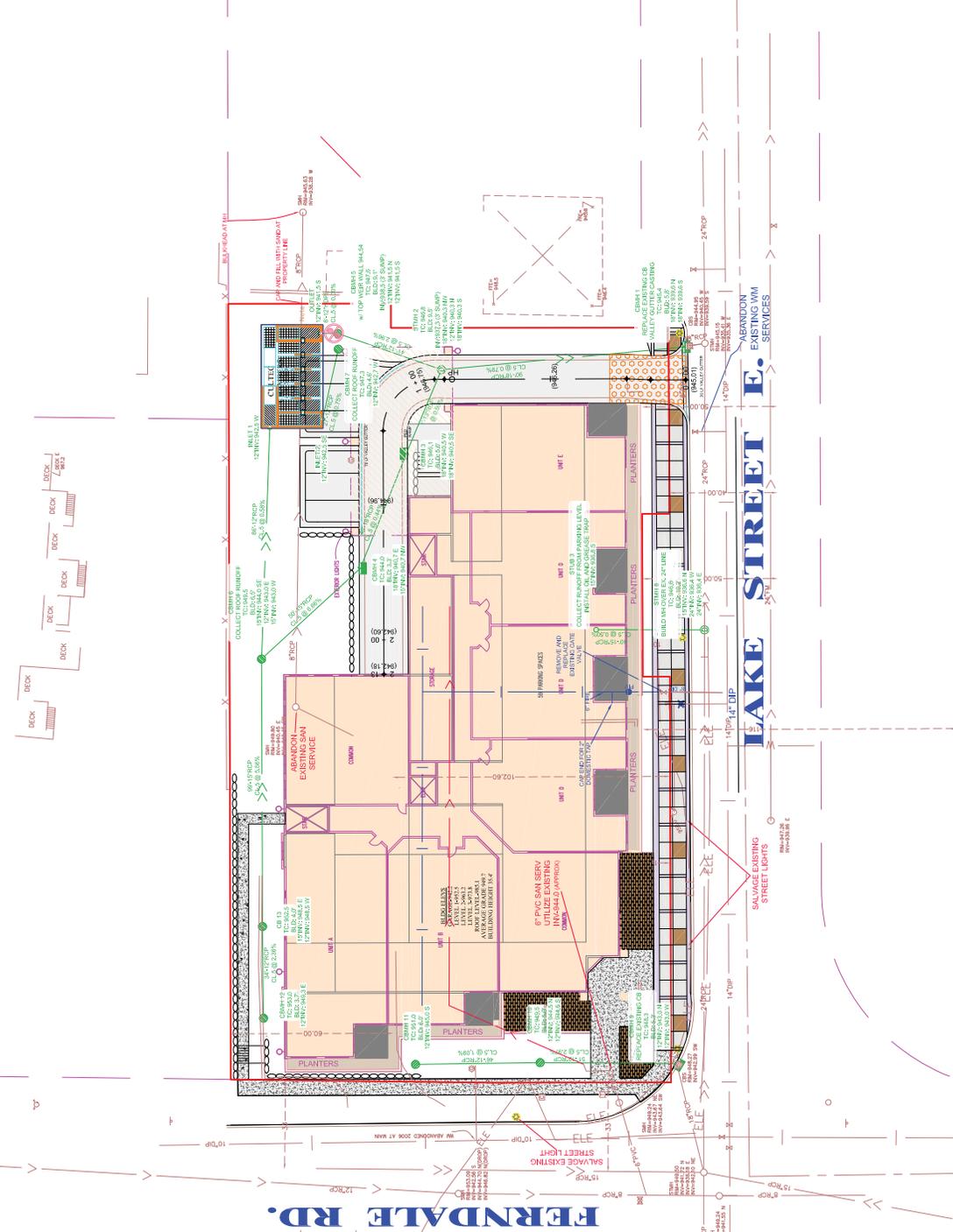
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NO.	DATE	BY	REVISIONS
01	07/20/18	TOW	LETTER REVIEW
02	08/01/18	TOW	BUILDING DESIGN CHANGE
03	08/07/18	TOW	LANDSCAPE DESIGN CHANGE
04	08/28/18	CAW	ELIMINATE UTILIZATION
05	08/09/18	TOW	BUILDING DESIGN CHANGE
06	08/23/18	TOW	BUILDING DESIGN CHANGE



REVISIONS NO. BY DATE 01 TCW 07/20/16 02 TCW 07/20/16 03 TCW 07/20/16 04 CAW 04/28/18 05 TCW 05/09/18 06 TCW 06/23/18		REVISIONS NO. BY DATE 01 TCW 07/20/16 02 TCW 07/20/16 03 TCW 07/20/16 04 CAW 04/28/18 05 TCW 05/09/18 06 TCW 06/23/18	
DEMOLITION PLAN MEYER PLACE AT FERNDALE HOMESTEAD PARTNERS, LLC.		CITY PROJECT NO. WAYZATA, MINNESOTA	
SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN 55391 (652) 475-6000		I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. Robert S. Maces LICENSE NO. 14718	
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UTILITY PLAN

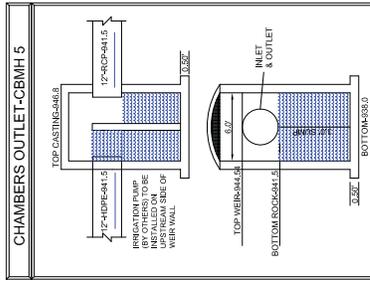
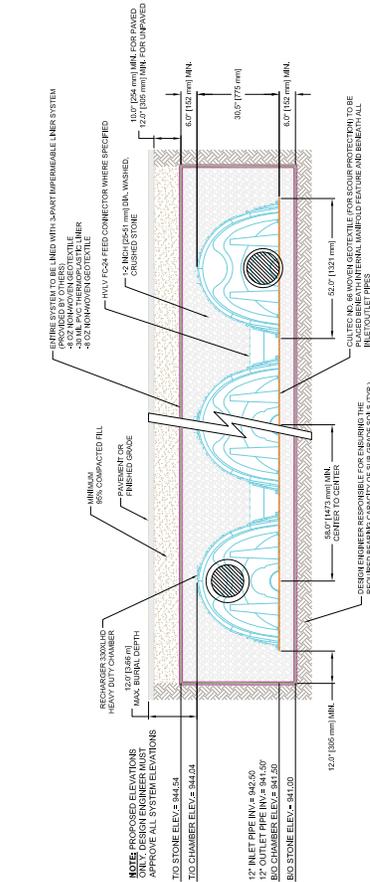


<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>07/20/18</td> <td>TCW</td> </tr> <tr> <td>02</td> <td>08/01/18</td> <td>TCW</td> </tr> <tr> <td>03</td> <td>08/15/18</td> <td>TCW</td> </tr> <tr> <td>04</td> <td>08/28/18</td> <td>CAW</td> </tr> <tr> <td>05</td> <td>09/07/18</td> <td>TCW</td> </tr> <tr> <td>06</td> <td>09/21/18</td> <td>TCW</td> </tr> </tbody> </table>	NO.	DATE	BY	01	07/20/18	TCW	02	08/01/18	TCW	03	08/15/18	TCW	04	08/28/18	CAW	05	09/07/18	TCW	06	09/21/18	TCW	<p>USE INCLUDING COPYING, DISTRIBUTION, AND/OR CONFORMANCE OF INFORMATION OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF SATHRE-BERGQUIST, INC. ANY UNAUTHORIZED REPRODUCTION OR USE OF THIS INFORMATION WITHOUT THE WRITTEN PERMISSION OF SATHRE-BERGQUIST, INC. SHALL BE PROHIBITED AND SHALL BE AT THE USER'S SOLE RISK. SATHRE-BERGQUIST, INC. SHALL NOT BE RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLICIT USE.</p>	<p>CITY PROJECT NO. —</p> <p>WAYZATA, MINNESOTA</p>	<p>UTILITY PLAN</p> <p>MEYER PLACE AT FERNDALE</p> <p>HOMESTEAD PARTNERS, LLC.</p>	<p>FILE NO. 37885-003</p> <p>UP</p> <p>UP</p>
NO.	DATE	BY																							
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<p>DESIGNED BY: TCW</p> <p>CHECKED BY: CAW</p> <p>DATE: 09/21/18</p>	<p>REVISIONS</p> <p>LETTER REVIEW</p> <p>TITLE SHEET</p> <p>BUILDING DESIGN CHANGE</p> <p>PLANNING INFILTRATION</p> <p>BUILDING DESIGN CHANGE</p> <p>BUILDING DESIGN CHANGE</p>	<p>STATE OF MINNESOTA</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>ROBERTO S. MOUSTAD, P.E.</p> <p>Lic. No. 14178</p>	<p>SATHRE-BERGQUIST, INC.</p> <p>160 SOUTH BROADWAY, WAYZATA, MN 55391 (651) 475-6000</p>	<p>MEYER PLACE AT FERNDALE 37885-003</p>																					

UTILITY NOTES:

1. PROVIDE 1/2" DIA. SANITARY SEWER SERVICE
2. INSTALL NEW 6" DIP WATERMAIN SERVICE (6" DIP WET TAP INTO EXISTING 10" DIP)
3. ALL DIP FOR SERVICE LATERALS SHALL BE POLY-WRAPPED AND ALL BOLTS USED SHALL BE STAINLESS STEEL.
4. SEE CULTEC SPECIFICATIONS FOR THE UNDERGROUND STORMWATER SYSTEM.
5. CULTEC SYSTEM SHALL PROVIDE STORAGE VOLUME FOR RAIN WATER TO BE USED IN THE IRRIGATION SYSTEM. STORMWATER SHALL NOT BE INFILTRATED.
6. EXISTING WATER SERVICES TO BE ABANDONED AT MAIN. ANY ABANDONED WATERMAIN TO BE FILLED WITH FLOWABLE FILL AND BULKHEAD.
7. PROVIDE CITY A COPY OF WELL SEALING DOCUMENTATION

CULTEC CHAMBER



REVISIONS	NO.	DATE	BY	DESCRIPTION
LETTER REVIEW	01	07/20/18	TOW	
FOR PERMITS	02	08/01/18	TOW	
BUILDING DESIGN CHANGE	03	03/27/18	TOW	
ELIMINATE INFILTRATION	04	04/28/18	CAW	
BUILDING DESIGN CHANGE	05	05/09/18	TOW	
BUILDING DESIGN CHANGE	06	06/23/18	TOW	

REVISIONS NAME: _____ DRAWN BY: _____ CHECKED BY: _____ DATE: _____	CITY PROJECT NO.: _____ WAYZATA, MINNESOTA	FILE NO.: 37895-003 UP UP
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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. _____ ROBERTO S. JOLIST VALDERRAMA, P.E. Lic. No. 14718	SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MN 55391 (652) 475-6000	UTILITY PLAN MEYER PLACE AT FERNDALE HOMESTEAD PARTNERS, LLC.
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MAYER PLACE SHADOW STUDY

10:00AM, DECEMBER, 21ST



**Meyer Place on Ferndale – 105 Lake St E
 Design Critique (Revised Based on Architectural Plans dated 5/26/2016 and Civil Plans dated 5/27/2016)
 June 2, 2016**

Building Uses	Comments	Compliance
<p>801.09.2.1 – Lake Street District All new buildings east of Barry Avenue on Lake Street shall have retail usage at least eighty percent (80%) of the ground floor facing Lake Street. The remaining twenty percent (20%) of the ground floor frontage may only be used for walkways, public access, or public facilities. Retail activities shall comprise a total of at least fifty percent (50%) of the usage of the total building footprint.</p>	<p>The site is located west of Barry Avenue.</p>	<p>Not Applicable</p>
<p>Building Recesses</p>		
<p>801.09.3.1.A – All Districts Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level</p>	<p>The proposed building utilizes recesses and changes in materials to break up the façade.</p>	<p>Yes</p>
<p>801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.</p>	<p>The project includes planters along the Lake Street and Ferndale road frontages and pavers at the intersection adjacent to the main entrance. There is an existing bench along Lake Street. If the proposed design review is approved, a condition of approval should be included that the existing sidewalk bench be salvage and reinstalled along Lake Street.</p>	<p>Evaluate</p>

	Comments	Compliance
<p>Building Width</p> <p>801.09.4.1 All Districts – New Buildings</p> <p>In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:</p> <ol style="list-style-type: none"> 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements 	<p>The proposed building includes special treatment at the building entrance and articulation of the façade as the building includes varying building lines and recessions. In addition, the proposed building includes a rhythm of elements along each building elevation.</p>	<p>Yes</p>

Upper Story Setbacks		
<p><u>801.09.5.1.A – All Districts – New Buildings</u></p> <p>Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.</p>	<p>The third level is partially, but not fully, recessed from the second level. The third story on Lake Street is stepped back from the second level, except for the west corner of the building has a minimal step back between the second and third level. The third level along Ferndale is not stepped back from the second level at all.</p>	<p>No</p>
<p><u>801.09.5.1.B – All Districts – New Buildings</u></p> <p>The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.</p>	<p>The second story is not recessed from the first level of the building.</p>	<p>No</p>
<p><u>801.09.5.1.C – All Districts – New Buildings</u></p> <p>Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.</p>	<p>The applicant has applied for a height variance from the maximum height of 35 feet in the PUD district to 35.4 feet and a Conditional Use Permit for the penthouse structure with a height of 51.4 feet. The applicant has submitted a shadow study to know the wintertime shading on surrounding properties. The planning commission should evaluate the impacts of the height variance on sun orientation, solar access, views of Lake Minnetonka, and impacts on neighboring properties.</p>	<p>Evaluate</p>

Roof Design			
<p><u>801.09.6.1 – All Districts</u> “Green” roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.</p>		<p>The proposed building does not include any green roofs.</p>	<p>Not Applicable</p>
<p><u>801.09.6.2.A – All Districts – Roof Materials</u> The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors.</p>		<p>The proposed building has a flat roof which would consist of a tan membrane material.</p>	<p>No</p>
<p><u>801.09.6.2.B – All Districts – Roof Materials</u> The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.</p>			

Screening of Rooftop Equipment			
<p><u>801.09.7.1 – Lake Street and Bluff Districts</u> No mechanical equipment for a building may be located on the roof deck. All such mechanical equipment must be located within the interior of the structure.</p>		<p>The applicant is proposing to locate mechanical units on the roof of the building which would be centered on the roof and fully surrounded by the upper level of the building and a parapet screening wall.</p>	<p>No</p>

	Comments	Compliance
<p>Facade Transparency</p> <p>801.09.8.2 – Lake Street District No less than fifty percent (50%) of the ground level façade of any building fronting Lake Street shall be transparent glass. No less than twenty-five percent (25%) of the ground level side and rear façade facing a public right of way, parking area or open space shall be transparent glass.</p>	<p>The proposed building contains at least 50% transparent glass on the ground level along Lake Street and Ferndale Road.</p>	<p>Yes</p>
<p>Ground Level Expression</p> <p>801.09.9.1 – All Districts In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements:</p> <ol style="list-style-type: none"> 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels 	<p>The proposed building only includes a canopy and balcony floors along a portion of the building which would distinguish between the found floor and the second floor.</p>	<p>No</p>

<p>Entries</p> <p>801.09.10.1 – All Districts The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.</p>	<p>The proposed plans include planters and window boxes along both Lake Street and Ferndale Rd.</p>	<p>Yes</p>

Building Materials and Quality			
<p><u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials:</p> <ol style="list-style-type: none"> 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: <ol style="list-style-type: none"> a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco 	<p>The non-glass surfaces of the building are primarily comprised of brick, stone and stucco. The plans indicated that at least 90% of the building elevations would be comprised of these materials.</p>		<p>Yes</p>
<p><u>801.09.11.1.B – Façade Coverage – All Districts</u> The primary opaque surface materials of all free standing buildings must be the same on all facades of the building.</p>	<p>The proposed building includes the same materials, brick, stone and stucco, on all four sides of the building.</p>		<p>Yes</p>
<p><u>801.09.11.1.C – Type of Brick – All Districts</u> On all facades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.</p>	<p>The plans indicated that a standard size brick would be used.</p>		<p>Yes</p>

<p><u>801.09.11.1.D – Façade Detail – All Districts</u></p> <p>1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints.</p> <p>2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.</p>	<p>If the proposed design review is approved, this should be included as a condition of approval.</p>	<p>Yes</p>
<p><u>801.09.11.1.E – Brick Joints – All Districts</u></p> <p>1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick.</p> <p>2. All brick walls must be built to avoid efflorescence</p>	<p>The brick will include a charcoal concave mortar no larger than ¼ inch.</p>	<p>Yes</p>
<p><u>801.09.11.1.F – Stone Joints – All Districts</u></p> <p>Stone joints shall be no larger than one-fourth (1/4) inch.</p>	<p>If the proposed design review is approved, this should be included as a condition of approval.</p>	<p>Yes</p>

<p>801.09.11.1.G – Accent Materials – All Districts Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade:</p> <ol style="list-style-type: none"> 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS 	<p>The accent materials consist of precast stone lintels and sills, aluminum parapet flashing, fiber cement board cornices and deck columns, and dark metal trellises.</p>	<p>Yes</p>
<p>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</p> <ol style="list-style-type: none"> 1. Only the following materials may be used for parapets, flashing and coping: <ol style="list-style-type: none"> a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches. 	<p>The proposed coping and flashing would meet these requirements.</p>	<p>Yes</p>

<p><u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used:</p> <ul style="list-style-type: none"> a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings <p>2. Backlit awnings are prohibited.</p> <p>3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.</p>	<p>The proposed building plans do not include any awnings.</p>	<p>Not Applicable</p>
<p><u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.</p>	<p>The proposed building includes balconies that would be accessible and usable by persons living in the building.</p>	<p>Yes</p>
<p><u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects</p>	<p>The proposed glass would not be mirrored, reflective, or darkened.</p>	<p>Yes</p>
<p><u>801.09.11.1.L – Door Systems – All Districts</u> Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.</p>	<p>The proposed entry doors would be glass.</p>	<p>Yes</p>

	Comments	Compliance
<p>Franchise Architecture</p>		
<p><u>801.09.12.1 – All Districts</u> A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application</p>	<p>The proposed building would not be franchise architecture.</p>	<p>Not Applicable.</p>

	Comments	Compliance
<p>Walkways</p> <p>801.09.13.1 – Lake Street District</p> <p>A. Continuous sidewalks at least twelve (12) feet in width shall be provided along all public street frontages.</p> <p>B. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward.</p> <p>C. Buildings with street frontage exceeding fifty (50) feet shall have at least one (1) bench.</p> <p>D. All sidewalk surfaces must match the exposed aggregate/brick accent sidewalks on Lake Street.</p>	<p>The proposed site plan includes a 12-foot Sidewalk along Lake Street that would meet the City's Lake Street sidewalk specifications of exposed aggregate surface with concrete accents. There would be three street lights along Lake Street spaced more than 100 feet apart. If the proposed design review is approved, a condition of approval should be included that the existing sidewalk bench be salvage and reinstalled along Lake Street.</p> <p>The Ferndale Road street frontage includes adding a 6-foot wide concrete sidewalk with a landscaped boulevard with street trees between the road and the sidewalk.</p>	<p>No. The streetscaping along Lake Street meets the requirements, but the sidewalk on Ferndale does not.</p>

	Comments	Compliance
<p>Landscaping</p> <p>801.09.14.1 – All Districts</p> <p>A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.</p> <p>B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.</p> <p>C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.</p> <p>D. Streetscaping shall include all of the following:</p> <ol style="list-style-type: none"> 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers 	<p>The proposed landscape plan includes window boxes with seasonal plantings at the building entrance and along Lake Street and Ferndale Road. The proposed streetscaping along Lake Street includes six hackberry trees that would be located in tree grates within the sidewalk. The streetscaping along Ferndale Road includes six hackberry trees that would be located in the landscaped boulevard between the sidewalk and the street. All of the street trees would be 3 caliper inches in size. If the proposed design review is approved, a condition of approval should be included that the existing bench be salvaged and reinstalled along the Lake Street sidewalk.</p>	<p>No</p>

<p>801.09.14.2 – Lake Street District</p> <p>A. Established Lake Street landscape treatments shall be followed in accordance with the specifications of the Wayzata Engineering Guidelines set forth in Wayzata City Code. Exposed aggregate with brick accent sidewalks shall be used.</p> <p>B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.</p>	<p>The proposed sidewalk along Lake Street meets the City's guidelines and specifications for width and materials.</p> <p>The proposed boulevard trees along Lake Street would be planted 38 feet on center from each other.</p>	<p>No</p>
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	Comments	Compliance
<p>Parking Lot Landscaping 801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.</p>	<p>There would be six surface parking stalls located in the back of the building and not along the street.</p>	<p>Not Applicable</p>
<p>Surface Parking 801.09.16.1 – All Districts A. Off-street parking shall be located to the rear of buildings. When parking must be located in a side yard adjacent to the street, a landscaped buffer shall be provided in accordance with the Design Standards. The street frontage occupied by parking shall not exceed sixty (60) feet per property. B. Side-by-side parking lots creating a parking area frontage longer than sixty (60) feet are prohibited, except where a heavily landscaped buffer of at least twenty (20) feet wide completely separates both lots. C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property. D. Front yard parking is prohibited. E. There shall be no corner parking.</p>	<p>There would be six surface parking stalls located in the back of the building and not along the street.</p>	<p>Yes</p>

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

<p>801.09.17.2 – Lake Street District</p> <p>A. If any part of a parking structure abuts Lake Street, that entire portion of the ground floor façade shall be occupied by at least eighty percent (80%) retail usage, extending to a depth of at least thirty (30) feet.</p> <p>B. The ground floor level of a parking structure shall not come within forty (40) feet of Lake Street.</p> <p>C. The top decks of parking structures visible from adjacent properties shall be designed with trellises and landscaping sufficient to screen at least fifty percent (50%) of the visible area.</p>	<p>This section is not applicable, as there is no parking ramp associated with the project.</p>	<p>Not Applicable</p>
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Signs	Comments	Compliance
<p><u>801.09.18.1 – All Districts</u> A. <u>Compatibility</u> 1. Signs shall be architecturally compatible with the style, composition, materials, colors and details of the building, and with other signs on nearby buildings. Signs shall be an integral part of the building and site design.</p> <p>2. A sign plan shall be developed for buildings which house more than one (1) business. Signs need not match, but shall be compatible with one another. Franchise or national chains must comply with these Sign Standards to create signs compatible with their context.</p> <p>3. When illuminated signs are proposed, only the text and/or logo portion of the sign may be illuminated. Illuminated signs must be compatible with the location. Illumination of the sign to highlight architectural details is permitted. Fixtures shall be small, shielded, and directed towards the sign rather than toward the street, so as to minimize glare for pedestrians and adjacent properties.</p> <p>4. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance.</p>	<p>The building includes two wall signs on the ground floor elevation of the building, which would be located at the main entrance to the building at Lake Street and Ferndale Road.</p>	<p>Yes</p>

<p>801.09.18.2 – Permitted Signs – Lake Street District A. Only the following types of signs are permitted in the Lake Street District:</p> <ol style="list-style-type: none"> 1. Awning, canopy or marquee signs 2. Wall signs 3. Monument or ground signs 4. Projecting signs 5. Window signs (small accent signs) 6. Roof signs if located on pitched-roof buildings, below the peak of the roof 	<p>The proposed signs are both wall signs.</p>	<p>Yes</p>
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	Comments	Compliance
<p>Parking Lot and Building Lighting</p> <p>801.09.19.1 – All Districts</p> <p>A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare.</p> <p>B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution.</p> <p>C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets.</p> <p>D. Light posts shall be of a dark color.</p> <p>E. Lighting fixtures shall be compatible with the architecture of the building.</p> <p>F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards.</p> <p>G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.</p>	<p>The lighting for the surface parking lot is not included in the plans. The building elevations include an exterior light example, which would be a down-cast wall sconce attached to the building. The site plan includes three street lines along Lake Street, spaced more than 100 feet apart. The one existing street light along Ferndale Road would be salvaged and reinstalled in its current location. If the proposed design review is approved, a condition of approval should be included that the street lights must meet the City's light standards, as they are located in the City's right of way.</p>	<p>Evaluate</p>

From: [Patricia Arnold](#)
To: [Jeff Thomson](#)
Subject: Meyers Dairy redevelopment
Date: Wednesday, April 27, 2016 10:55:40 AM

Dear Mr. Thomson,

I am writing to express my deep concerns regarding the proposed development on the Meyers Dairy site. The site is just to the south of my townhouse.

My first concern is the sheer size of the project. I understand that the proposal calls for four stories. A building that size on that corner is very much out of proportion to the rest of the buildings. It will tower over our townhouses and be very much of an intrusion into the privacy of my neighbors who overlook the site. The current zoning does not allow for a four story structure. By allowing four stories on that site we will be opening the door to an entire block of four story structures on the lake front.

My second concern is the set back. I understand that the builder has requested a variance. For the privacy of my neighbors, I am asking you to disallow the variance.

I have had an opportunity to view the design proposal. The red brick and stucco is, I believe, out of step with Wayzata. It is very similar to the low cost condo and apartment structures in Hopkins and St. Louis Park. Surely a more imaginative and architecturally detailed building would be to Wayzata's advantage. The condo behind the post office and the one across from it as well as the John Laurent buildings just to the west of Meyers Dairy are good examples of the kind of architecture that would be welcome!

We do not object to a condominium on the site. We do object to a four story, red brick and stucco structure that will be intrusive.

I have been a resident of Wayzata and Deephaven for more than 45 years. I know that change is inevitable and I welcome some change to the current site. We have dealt with the eyesore of Meyer's Dairy for many years. My hope is that anything new on that site will be within the zoning limits and will be architecturally appealing.

Thank you,

Pat Arnold

Jeff Thomson

From: Peggy Douglas <peggydouglas@mchsi.com>
Sent: Wednesday, April 27, 2016 10:55 AM
To: Jeff Thomson
Subject: Meyer Place

I would like to go on record regarding Meyer Place. I agree that that property needs to be developed, but I want to make sure that we get it right as it is a major gateway into Wayzata.

I am against 4 stories. I would like to have the required 20 foot setback on the North. I think the architecture needs some additional work especially on the back side. And it could use some finishing touches such as "French" balconies.

I think the first floor retail/office requirement is outdated. Retail and office needs have changed (not just Wayzata) dramatically since our Comp Plan was done almost 10 years ago.

I could definitely support 3 stories residential with some architectural improvements.

Sent from my iPhone

Jeff Thomson

From: lakelora@aol.com
Sent: Thursday, April 28, 2016 12:08 AM
To: Jeff Thomson
Subject: Proposed Meyer Dairy Development

Hello Jeff,

We live at 117 Edgewood Ct. in the Ferndale Ridge complex. We will be out of town for the upcoming hearing on development of the Meyer Dairy property so are sending this note to voice some concerns.

Our concerns center on the 4 story height and reduced set backs on the proposed building. The building will in essence be a large wall on our complex's west end. It will reduce light, restrict views, and loom large in the windows of our homes. These factors could ultimately reduce enjoyment of our homes and property values.

Although we have concerns with the proposed design, we do fully support development of the Meyers Dairy property. We also realize some variances will likely be needed to make a project feasible. Our hope is that adjustments can be made to the proposal to reduce the negative impact on our property; for example, limit building to 3 stories and increase setbacks.

Thank you for letting us voice our concerns,

Wayne & Lora Lake

Jeff Thomson

From: Ada Nuhn <ada.nuhn@icloud.com>
Sent: Thursday, April 28, 2016 10:20 PM
To: Jeff Thomson
Cc: Ada Nuhn
Subject: Meyer Building Project

I am concerned that the variances do not adhere to existing zoning.
Variances from the 3 story maximum building height and setbacks from the north property line.

Jeff Thomson

From: Jrpaddon@aol.com
Sent: Thursday, April 28, 2016 12:30 PM
To: Jeff Thomson
Subject: Meyer Place Project

Hello Jeff:

As a resident in the Edgewood Crt. property, I wanted to share a couple of thoughts reg. the proposed new Meyer development.

I have concerns reg the height of 4 floors, as I think it would negatively impact Ferndale Ridge.

My other concern is the request for a reduced building setback to the Ferndale Ridge property.

The proposal seems too massive.

However, I am in favor of the project and is a movement in the right direction for this prime location. I think a 3 story building is a great resolution.

Just wanted to share my sentiments as a neighbor Jeff.

Best. Jim

121 and 141 Edgewood Crt.

James R. Paddon | President

JRPaddon Associates, Inc. | 701 Washington Avenue North, Suite 350 | Minneapolis, MN 55401

t | 612.333.7351x11

Jeff Thomson

From: Chris Plantan <chris.plantan@gmail.com>
Sent: Friday, April 29, 2016 9:52 AM
To: Jeff Thomson
Subject: Planning Commission Meeting

Good Morning Jeff,

I'm sure you are getting a lot of emails regarding the Meyer Place Project and the concern the neighbors have. I am a resident of the Highlands neighborhood and while I am concerned about the project and have opinions, I am certain the commission will make the right decisions for the residents.

I would like to voice my concern for the pedestrian in Wayzata. In some areas, it is downright dangerous so the anticipation of bringing new residents and more development is concerning. Especially on Ferndale. Is there a way to address the lack of a sidewalk or designated walking area along Ferndale from Wayzata Boulevard to Lake Street? Or have that at least be part of the development of the Meyer Place plans? The city has taken great care and consideration for the biking community and has not done the same for pedestrians.

Thank you for your consideration.
Kindly,
Chris

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CHRIS PLANTAN
T: 612 749 7444

chris.plantan@gmail.com

Date: April 27th, 2016

To: Planning Commission/City Council- c/o Jeffrey Thomson

From: Marty & Virginia Reagan

Subject: Development Hearing for 105 Lake Street East.
Request from Homestead Partners.

Dear members of the Wayzata City Council and Planning Commission, pursuant to your notice requesting comments on the proposed development of the aforementioned property we would like to submit the following comments.

We currently own a townhouse at 101 Edgewood Ct. in Ferndale Ridge, which is located just on the North side of the proposed development. As we look out of our South kitchen window we look right at the existing Meyer property. So we concur with the City Council that this property needs to be developed and the area cleaned up and be a pleasing entry into the wonderful city of Wayzata. Having said that the magnitude and size of the proposed development and the variances that would be required bases the existing zoning would certainly be a strategic change by the Council and not in the best interest of the existing Ferndale Ridge neighbors who reside on the North side of the property. We feel these requested variances would be a very precedent setting decision by the Council for future development in the city of Wayzata and we would hope the Council does not yield to the variances requested by the developer. We would certainly like to see the Meyer property developed into a project that is aesthetically pleasing and adds value to the Wayzata community without detracting from the Ferndale Ridge property or quality of life. Hopefully those are reasonable goals.

Thanks for giving us the opportunity to be heard.

Jeff Thomson

From: Frederick <fcrichter@mchsi.com>
Sent: Wednesday, April 27, 2016 2:04 PM
To: Jeff Thomson
Cc: Peggy Douglas; Dave Carland; Dave Schmit
Subject: Meyer Project

Mr. Thomson:

In an effort to clarify my opinion of Homestead Partners request to construct a new residential condominium building at 105 Lake Street East (Meyer Place), I offer the following comments in response to the Public Hearing Notice.

1. I support the residential use of the project and lack of commercial/retail. I also support thoughtful zoning variances from the existing C-4A Limited CBD Zoning District.
2. I have met with the developers and suggested changes to their plans of building massing and north property line set backs which they have accommodated. The square plan has been changed to an L shaped configuration fronting on Lake Street and Ferndale which has improved the massing for the greater and immediate communities.
3. The building materials, upper floor set backs and articulation of the Lake and Ferndale Facades are improved from the original proposal and acceptable in my opinion. I have requested they incorporate more of the Lake and Ferndale Facade details to the North Elevation.
4. As I stated in my Jan 27, 2016 e mail and to the Developers the four level scheme lacks my understanding of community support. It is too out of context to the two level office character of the West End of Lake Street. A well designed three level residential building over parking that is partially below grade can fit in.

Hopefully a three level scheme can be worked out which can be acceptable to the Developers and the City. This project is an important addition to the West End of Wayzata's Lake Street replacing a vacant blighted property offering vehicular traffic entering Wayzata's Lake Street from the west a positive new first impression while reinforcing the pedestrian character of Lake Street.

Respectfully Submitted,

Frederick Richter AIA
103 Edgewood Ct
Wayzata MN 55391
fcrichter@mchsi.com

Jeff Thomson

From: Gary Petersen <pphilip88@yahoo.com>
Sent: Thursday, April 28, 2016 4:02 PM
To: Jeff Thomson
Cc: Kris Petersen
Subject: Meyer Place retail

Jeff

My wife and I live at 205 Ferndale Rd South in WAYZATA. We are almost directly across from the Dairy. We are opposed to retail in any new building approved for the site. Lack of parking is one issue, but more obvious is the overwhelming traffic that already exists on Ferndale. The area is a residential area and walking to the village on Ferndale is scary if two cars are passing. We have 13 grandkids and hate to even have them play in the front yard! Our opinion is that retail, for the most part, should stay east of Barry Ave. Please share this with the planning commission members.

Thank you!

Gary Petersen
952-451-0284

Sent from my iPhone

Jeff Thomson

From: Judy Bois <jbois@mchsi.com>
Sent: Thursday, April 28, 2016 7:35 AM
To: Jeff Thomson
Subject: Public Hearing Notice regarding a new residential condominium building at 105 Lake Street East

Mr. Thomson,

I am a resident of Wayzata and live at 125 Edgewood Ct. I am not opposed to the project but believe it should be more closely adhere to what is permitted under the existing zoning. I am concerned about the setback and height of the condominium.

Thank you for your time.

Judy Bois

Sent from my iPad

Jeff Thomson

From: Ed Spencer Jr. <espencerjr@affinitycapital.net>
Sent: Monday, May 02, 2016 8:09 AM
To: Jeff Thomson
Subject: 105 Lake Street East

Hi Jeff. My wife Val and I live at 180 Lakeview Lane and our son Teddy lives at 113 Highland. We are writing to express our concern about the setback and building height variances being requested for the project at 105 Lake Street East. I think giving the variance will directly impact neighbors around the property. If granted it will also set a dangerous precedent for future development along the west end of Wayzata. I appreciate your expressing our concerns at the meeting tonight. Thanks.

Ed

Jeff Thomson

From: M Mac <marthasmclaughlin@gmail.com>
Sent: Monday, May 02, 2016 9:32 AM
To: Jeff Thomson
Subject: Re: Hearing on 105 East Lake St

TO: Jeff Thomson, Director of Planning and Building

May 2, 2016

SUBJECT: Variances for 105 Lake Street East Proposed Condos

The purpose of my email is to respond to Homestead Partners' proposed condominium development at 105 Lake Street East.

I understand that development is good for the vitality of the town, and I do not oppose development. However, it is very important to stand by the codes and ordinances of the Town. I oppose a height variance, as such a building will obstruct the views of the lake for existing homes and obstruct the joyful sounds of lake activity. (There is also the added concern that sometimes the stated height of the building does not include elevator shafts and other roof top constructions that are even taller than the defined "building height".)

I also oppose a variance to the north property line, as that is unfair to the town house owners directly to the north. (If I understand the location of the north property line.) We want to be very careful not to hurt the property values of existing Wayzata home owners.

I regret that I cannot attend tonight's meeting but hope this email suffices to notify the Planning Commission of our opinion regarding variances. By opening the door to a taller-than-allowed building, we risk that development will snowball into ever-taller buildings lining Lake Street. Wayzata is a lovely, lively town, and we want it to remain vibrant, but taller buildings are not the answer.

Thank you for your consideration,

Martha McLaughlin

234 Edgewood Ave

On May 1, 2016, at 5:27 PM, Jeff Thomson <jthomson@wayzata.org> wrote:

Hi Martha,

Thanks for your email. Unfortunately the email went into my junk folder, and so I did not see it until after the planning commission packet was distributed. If you send me an email, I will provide your email to the planning commission at the meeting on Monday.

Regards,

Jeff Thomson

-----Original Message-----

From: Gmail [<mailto:marthasmclaughlin@gmail.com>]

Sent: Wednesday, April 27, 2016 8:12 PM

To: Jeff Thomson

Subject: Hearing on 105 East Lake St

Dear Jeffrey,

Thank you for the public hearing notice for the Homestead Partners project proposed for 105 Lake Street East.

I will not be in town but would like to share my concerns and objections to variances from maximum building height and setbacks. Who do I email to have my objections noted?

Thank you in advance for your assistance.

Martha McLaughlin

234 Edgewood Ave

612-501-2550

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
MAY 2, 2016

AGENDA ITEM 1. Call to Order and Roll Call

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

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

AGENDA ITEM 2. Approval of Agenda

Commissioner Gonzalez made a motion, Seconded by Commissioner Flannigan to approve the May 2, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes:

a.) None.

AGENDA ITEM 4. Regular Agenda Public Hearing Items:

a.) **Meyer Place on Ferndale – 105 Lake St. E**

i. **Rezoning, Concurrent PUD Concept and General Plan of Development, Design Review, Variances, and Shoreland Impact Plan/Conditional Use Permit**

Mr. Thomson stated Homestead Partners and Meyer Properties have submitted a development application to redevelop the Meyer Brothers Dairy site at 105 Lake Street E. The development application includes demolition of the existing vacant commercial building and construction of a new 4-story building. The building would include 23 residential condominium units and 48 enclosed parking spaces. He reviewed the application requests including rezoning from C-4A to PUD/Planned Unit Development, concurrent PUD Concept and General Plan of Development review, Design review, variance from the maximum building height requirement, variance from the setback requirement from the north property line, and Shoreland Impact Plan/Conditional Use Permit for the building height. He reviewed the Comprehensive Plan priorities that applied to this project. He reviewed the items in the application that do not meet the Design Standard including the building recession, ground level expression, Lake Street sidewalk width, and seasonal landscaping and streetscaping. He stated the items that require additional information from the applicant and evaluation from the Planning Commission include street level landscape courtyards, seating areas and gathering areas, the building articulation, the building height, roof

1 material and color, façade coverage, type of brick, accent materials, glass building materials, and
2 the parking lot and building lighting.

3
4 Mr. Rick Packer, President for Homestead Partners, 525 15th Ave. S., Hopkins, provided
5 background on the Meyer Dairy site, information on the year over year retail statistics for
6 downtown Wayzata and the project's building redesign. He clarified they would work with the
7 City to change the sidewalk width from 6-feet to 12-feet and they could also make changes to
8 accommodate the 20-foot setback from the north property line so the project would not require a
9 setback variance. He reviewed depictions of the proposal in 2015 compared to what they are
10 proposing at this time. He provided information on the heights of other buildings around the
11 proposed project. He clarified they would be able to use different exterior materials but this
12 would need to be part of a PUD because alternative materials are not included in the Design
13 Standards.

14
15 Commissioner Flannigan clarified the setback variance request would be removed from the
16 request. He asked why the developer was proposing a project that did not comply with the City's
17 Codes and Ordinances.

18
19 Mr. Packer stated the driving factors include economics and the desires of the property owner.
20 The proposed building provides an opportunity to build an exceptional building along Lake
21 Street to represent the City of Wayzata. Mr. Packer stated that a stacked 3-foot building would
22 be cheap to build and not meet the aesthetic goals of the City for this property.

23
24 Commissioner Flannigan asked how many units would be lost if the fourth story were not
25 allowed or if the project would not proceed if they could not include a fourth floor.

26
27 Mr. Packer stated they have a 3-story plan prepared that would include the same number of units
28 as the building being proposed. He would not be able to decide tonight if they would proceed
29 with this plan if the current proposal is recommended for denial.

30
31 Chair Iverson asked what the square footage cost would be per unit.

32
33 Mr. Jeff Schoenwetter, JMS Custom Homes, stated the finished units would retail around \$550
34 per square foot.

35
36 Mr. Tim Whitten, Whitten Associates, stated they felt having the first two floors having more of
37 a brownstone feel would be better suited along Lake Street. He clarified the required setbacks
38 for each level does dictate the design of the building. They tried not to design a building around
39 approval but rather a good design. It is difficult to fit 23-units into a 3-story building without it
40 looking like a box. He explained even if the building were 3-stories with a roof top deck the
41 building would need to accommodate two (2) staircases and an elevator. This make it just as tall
42 as what is being proposed.

43
44 Commissioner Flannigan asked what the cost for remediation was for cleaning up the chemicals
45 and asbestos on the site.

46

1 Mr. Packer stated the remediation will be about \$400,000 and they have applied for grants to
2 assist with this cost.

3
4 Chair Iverson asked what the material would be for the green roof and if this would be usable for
5 residents.

6
7 Mr. Whitten stated the rooftop patio is a float paver system and is usable by the residents. They
8 have not determined the type of railing they would use because this will depend on the building
9 materials they are allowed to use. They are considering cable or glass for this feature and it
10 would not be along the edge of the roof.

11
12 Commissioner Gonzalez asked where the equipment for the elevator would be housed.

13
14 Mr. Packer stated the equipment would internal on the fourth floor. The air conditioners would
15 be on the ground floor.

16
17 Commissioner Gonzalez asked if 5 guest parking stalls would be sufficient for 23 units.

18
19 Mr. Whitten stated they have the 5-guest stalls along with the on street parking and 2-stalls per
20 unit.

21
22 Commissioner Gonzalez asked what the setback was on the east side of the property.

23
24 Mr. Whitten stated this setback was 10-feet.

25
26 Chair Iverson opened the public hearing at 8:03 p.m.

27
28 Commissioner Gonzalez asked if the City Engineer had reviewed the storm water runoff
29 management plan and if he had concerns.

30
31 Mr. Thomson stated the City Engineer had reviewed the plans and due to the environmental
32 contamination on the site, the applicant may not be able to do the infiltration they are proposing.
33 The applicant will need to review the comments from the PCA.

34
35 Ms. Peggy Douglas, 133 Edgewood Court, Wayzata, expressed concerns about this building
36 being the gateway to Wayzata. This is a massive building and allowing this building to be 4-
37 stories opens up the possibility of all of Lake Street being 4-stories. She does not have concerns
38 that the building would not contain retail space. She asked why this particular building required
39 23-units when other recent developments only required 9-11-units to make the project work
40 economically. She stated she would like to see more architectural elements in the building as
41 well.

42
43 Mr. Chris Hickman, 484 Highcroft Road, Wayzata, stated the setbacks are important so that
44 when you enter the City you do not see a monster building. He stated he is against having a 4-
45 story building in this location. He stated he would accept this building not containing office or
46 retail space. He stated he did not believe the sale price for the parcel was high enough to justify

1 a retail sale price over \$500/square foot. He stated eliminating the top 4-units should not break
2 the project.

3
4 Mr. David Carland, 130 Edgewood Court, Wayzata, stated residents would like to see something
5 appropriate developed on this property. He stated just because the property is an eye-sore this
6 should not give the developer or the City the right to make new rules. He expressed concerns
7 about the size and mass and would not support a 4-story building.

8
9 Ms. Susan Yage, 110 Edgewood Court, Wayzata, stated the City established their Codes and
10 Ordinances for a reason and they should be adhered to. She does not want to have a 4-story
11 building in this location. She would like to see something designed that better reflects Wayzata.

12
13 Chair Iverson closed the public hearing at 8:15 p.m.

14
15 Mr. Thomson stated the Commissioner had received several email comments from residents and
16 these were included in the material for the record.

17
18 Chair Iverson stated the two large issues the Commission should review are the Design
19 Standards and the building height. If the Planning Commission does not support the height of
20 the building then they would not need to discuss the Design Standards at this time. The property
21 is currently zoned for a 2-story building.

22
23 Commissioner Young stated the Commission would need to decide if a PUD was warranted for
24 this project prior to determining if a 4-story building should be allowed. He generally likes what
25 is being proposed and he would support granting a PUD for this project. The current zoning
26 requires a retail component that would not be in the best interest of the community and a PUD
27 allows the City the flexibility to remove this requirement. The PUD would also allow for 3-
28 stories.

29
30 Chair Iverson asked if the Commission could consider a PUD for a 2-story building.

31
32 City Attorney Schelzel stated the application is for a PUD for a 4-story building and this is what
33 the Planning Commission is considering. If the application were for a PUD with a 2-story
34 building then the Planning Commission would consider that option. A PUD does not have to be
35 3-stories but it can be up to 3-stories.

36
37 Commissioner Gonzalez clarified when the City Council approved the Bay Center project the
38 PUD requirements were rewritten to ensure that buildings would be 3-stories or 35-feet and she
39 has learned that the City needs to enforce the Ordinances as written or rewrite them if they are
40 granting too many variances. The PUD Ordinance states that the project must meet the
41 requirements of the Comprehensive Plan. The Comp Plan requires the City to plan for an
42 orderly transition between the central business development and adjacent residential
43 neighborhoods. A 4-story building next to single-family homes and townhomes is too massive.
44 The City also needs to consider density and if the streets can accommodate the additional traffic.
45 She stated a PUD may be acceptable but the applicant would need to meet the requirements of

1 the PUD Ordinance including the maximum height of 3-stories or 35-feet. She would not
2 support a 4-story building.

3
4 Commissioner Flannigan stated the PUD option should be approved with a 3-story maximum
5 height.

6
7 Commissioner Young asked why the developer wanted 23-units.

8
9 Mr. Whitten stated the developer had used the formula established by the City that determines
10 the number of units based on the number of acres and enclosed parking stalls.

11
12 Chair Iverson stated the City does not have a lot of green space and she asked the developer if
13 they had discussed ways to incorporate more green space in this project.

14
15 Mr. Whitten explained they have additional green space on the roofs and the “L” shape of the
16 building allows for additional green space on the ground level. The ground level green space is
17 approximately 70-feet in length and an average of 40-feet in width.

18
19 Commissioner Murray agreed that the use of a PUD was warranted by the project. He would not
20 support a 4-story building.

21
22 Commissioner Gonzalez stated another reason she would not support the variance for the
23 building height because as presented this application does not meet the requirements of the
24 Variance Ordinance because they have not demonstrated that there are practical difficulties not
25 created by the applicant and it is mostly based on economic considerations.

26
27 Chair Iverson clarified the Commission is recommending denial for the PUD request for a 4-
28 story building.

29
30 Commissioner Gonzalez stated she does not have enough information to make a
31 recommendation on the Shoreland Impact Plan/Conditional Use Permit. She would like to have
32 comments from the City Engineer on the Storm Water Management Plan.

33
34 Chair Iverson stated the lighting plan for the parking was also missing from the application.

35
36 Mr. Thomson suggested the applicant provide the additional information the Commission would
37 need in order to review the Design Standards and provide general feedback and direction for the
38 applicant to consider for the next meeting.

39
40 Chair Iverson stated she would like to see the applicant address the ground level expression, any
41 revised plans should who the change in the sidewalk width to 12-feet, and information on
42 seasonal landscaping and streetscaping. The application does not include plans for the
43 streetscape improvements, the required number of building articulations, the building height und
44 the PUD, information on roof material and color, facade coverage, the type of brick and accent
45 materials, additional information on the glass building materials, and a lighting plan for the
46 parking lot and building lighting. The Commission would like to have these items prior to

1 making additional decisions regarding the project. Section 801.09.11.1b states the primary
 2 opaque surface material on all freestanding buildings must be the same on all facades of the
 3 building. She would like to see documentation on how the sun orientation, solar access, and
 4 views to Lake Minnetonka would be affected by the project.

5
 6 Commissioner Young stated he would support a PUD to redevelop the property and he agrees
 7 that a 3-story building would be more appropriate in this location and this would require the
 8 applicant to change the application. The Commission has done a comprehensive design critic for
 9 the applicant. He would like to see the applicant choose to present an application for a PUD that
 10 conforms more closely to the design critic that has been created.

11
 12 Chair Iverson asked the applicant if he would prefer to revise the application based on the
 13 Commission's recommendations or move the application forward with a recommendation of
 14 denial from the Planning Commission.

15
 16 Mr. Packer stated he would like to see the matter tabled at this time and they would review the
 17 application and provide the additional information the Commission has requested.

18
 19 Commissioner Gonzalez made a motion, seconded by Commissioner Young to continue
 20 consideration of the application for Meyer Place on Ferndale to the next Planning Commission
 21 meeting. The motion carried unanimously.

22
 23 The Planning Commission recessed at 8:45 p.m.

24
 25 The Planning Commission reconvened at 8:50 p.m.

26
 27
 28 **AGENDA ITEM 5. Regular Agenda Old Business Items:**

29
 30 a.) None.

31
 32
 33 **AGENDA ITEM 6. Other Items:**

34
 35 a.) Review of Development Activities

36
 37 Mr. Thomson stated there are currently 8-10 active development applications at this time. The
 38 Planning Commission will have three (3) applications on the next agenda including Holdridge
 39 Terrace, 529 Indian Mound E., and an impervious surface variance request on Ferndale Road.
 40 At the next City Council meeting the City Council will be reviewing the Tree Ordinance and an
 41 encroachment permit request for Gianni's, and the Resolution taking action on the Lake Effect
 42 project.

43
 44
 45 b.) Other Items

1
2 Mr. Thomson stated the Staff Report and minutes would reflect the Commission's comments on
3 the office space. He explained the office component had been brought up during the City
4 Council workshop because the property is designated as a mixed use and a 100% residential
5 building would not be consistent with the Comprehensive Plan.

6
7 Chair Iverson asked if the property could have a retail component rather than office.

8
9 Mr. Thomson stated the space could be office or service commercial.

10
11 Commissioner Gruber stated the PUD General Standards state the PUD project must provide
12 common private or public open space and facilities sufficient enough to meet minimum
13 requirements established by the Comprehensive Plan and contain provisions to assure the
14 continued operation and maintenance of this. She stated the proposed project does not include
15 any common space.

16
17 Mr. Whitten stated they do have common private common space within the facility.

18
19 Commissioner Young made a motion, Seconded by Commissioner Murray to direct Staff to
20 prepare a Planning Commission Report and Recommendation, with appropriate findings,
21 reflecting a recommendation of approval on the application for review and adoption at the next
22 Planning Commission meeting. The motion carried unanimously.

23
24
25 **AGENDA ITEM 5. Old Business Items:**

26
27 **a.) Meyer Place on Ferndale – 105 Lake St E**

28 **i. Rezoning, Concurrent PUD Concept and General Plan of Development,**
29 **Design Review, Variance, and Shoreland Impact Plan/Conditional Use**
30 **Permit**

31
32 Mr. Thomson stated the applicant, Homestead Partners, and the property owner, Meyer
33 Properties have submitted a development application to redevelop the Meyer Brothers Dairy site
34 105 Lake St. E. The development application includes demolition of the existing vacant
35 commercial building and construction of a 3-story building with a rooftop penthouse for a
36 rooftop terrace. The building would include 23 residential condominium units and 59 enclosed
37 parking spaces. The applicant is requesting rezoning from C-4A to PUD/Planned Unit
38 Development, concurrent PUD concept and General Plan of Development review, Design
39 review, Variance from the maximum building height requirement, Shoreland Impact
40 Plan/Conditional Use Permit for the building height, and Conditional Use Permit for the
41 penthouse structure. He reviewed the revisions in the application since the May 2, 2016
42 Planning Commission meeting. He reviewed the analysis of the application including the
43 Comprehensive Plan, zoning, building height, design review, parking, and site access and
44 circulation. He stated the unoccupied penthouse terrace and penthouse area of the building
45 would not be considered a story because it is mechanical, staircases, storage, and elevator space
46 and is not occupied.

1
2 Chair Iverson asked if the elevator and rooftop penthouse would be needed if there was not a
3 rooftop terrace.

4
5 Mr. Thomson stated the elevator would still be needed to reach the second and third floors but it
6 would not need to go to the roof and thus extend 5-feet over the top of the rooftop penthouse
7 structure. The rooftop terrace is driving the elements on the fourth floor. He reviewed the
8 design deviations the applicant was requesting, the Civil Engineering plans, the grading plan, and
9 the landscaping plan.

10
11 Mr. Rick Packer, Homestead Partners, 525 15th Ave. S., Hopkins, stated they had redone the
12 design based on Commission comments during the May 2 meeting. The proposal does meet a
13 majority of the City's Ordinances and addresses many of the concerns brought up by the
14 Commission and residents. They did increase parking and meet all the infiltration, impervious
15 surface, and lot coverage requirements. He explained they are completing screening the
16 mechanical equipment.

17
18 Commissioner Murray asked what consideration there had been for the location of the stairs and
19 elevators for the rooftop access to reduce the amount of structure above.

20
21 Mr. Whitten stated the stairway locations are dictate by code and the elevator is centrally located
22 for the residents of the building. The rooftop terrace requires two exits and the elevator is
23 required to meet ADA requirements. He explained the mechanical equipment they are
24 requesting to house on the top floor are the air conditioning units for the third floor units.

25
26 Commissioner Flannigan asked what was driving the need for a rooftop deck.

27
28 Mr. Whitten stated the rooftop terrace was something that residents were interested in having and
29 the Design Standards encourage outdoor space.

30
31 Commissioner Flannigan asked if residents would be impacted by the sound from the mechanical
32 systems on the roof and if geothermal had been considered.

33
34 Mr. Whitten stated there would be more noise impact if the system were on the ground level. He
35 stated they had considered geothermal but it had been determined this would not work for this
36 particular property.

37
38 Commissioner Gruber asked if the additional 11 underground parking stalls were intended for
39 guests.

40
41 Mr. Whitten explained the intention was for the residents of this project to impact the
42 neighboring community as little as possible and they have found in projects this size two parking
43 stalls per unit is not enough. This will allow residents additional underground parking so they
44 are not on the streets. He clarified the Design Standards state a slanted rook should be dark in
45 color but if the Commission wants their flat roof dark they will make that change. He explained
46 the building would be stepped back almost completely across Lake Street and where it is not

1 stepped back is to create more of a presence on the corner. The building also steps back along
2 Ferndale along the second floor and this makes the design more appealing for the building flow
3 and streetscape.

4
5 Commissioner Young stated this project was better than the four story project previously
6 proposed. He does not have concerns about the design variations being requested but he does
7 have concerns about the height variance request. The request is for 4/10 of a foot but there is
8 also the penthouse structure that is 11-feet over the 40-feet that is allowed. It is setback but is
9 height and mass that will be part of this building. He stated the rooftop terrace allows for the
10 third floor to be all condominiums and this is an economic driver.

11
12 Commissioner Gruber expressed concerns about the height and the density of the property. 23
13 units in this area is massive.

14
15 Commissioner Murray stated this proposed is better than the previous submission but he has
16 concerns about the extra height being requested to accommodate a rooftop terrace. From an
17 amenities standpoint the rooftop terrace would be a great feature.

18
19 Commissioner Flannigan stated the look of the design appears to be too blocky and too big for
20 this corner. He would approve the rooftop terrace and rooftop mechanical with proper screening.
21 He would approve the narrower sidewalk along Ferndale but he does question how similar this
22 project would be to the structure on the other side of town. He stated the rear of the building
23 does not provide a good view for residents.

24
25 Chair Iverson stated there had been a comment at the public hearing that the City only has one
26 chance to make this a great project for the City and the proposal is out of proportion to the other
27 buildings in the area. The scale and the mass of this project is too large for this area and the
28 design is not innovative. She would like to see something that has more of a lake feel. The
29 proposal does not fit the intent of the neighborhood. There are options that could be softer for
30 this area. She would challenge the applicants to look at the project and be innovative. The back
31 of the building is institutional looking and this is not a good view for the residents in the back.
32 She would like to see more charm and Wayzata charm brought back. She would not approve the
33 project at this time because there are too many deviations and the penthouse looks and feels like
34 a fourth floor.

35
36 Commissioner Flannigan stated removing retail from this property does cut off the retail
37 potential for this area. If there is no retail in this development, then the next project will ask to
38 have retail removed.

39
40 Commissioner Young stated this area is a mixed use and removing the spirit of the zone would
41 have lasting impacts. This is a prominent corner and they should look more at the development
42 to create an anchor for the City.

43
44 Commissioner Flannigan stated removing the retail impacts the City's tax base long term.
45

1 Mr. Thomson clarified the Commission would like to see something that meets the goals and
2 objectives of the zoning district.

3
4 Chair Iverson stated at the previous meeting the Commission and public had expressed concerns
5 about size, mass, and scale and they are discussing those same things with this proposal. She
6 asked if the City would want to schedule another workshop to get additional answers on this
7 application.

8
9 Commissioner Young stated there is not support for this proposal. The applicant has taken the
10 Commission's input when they reduced the height of the building and they are working in good
11 faith with the City. The PUD should allow the City to ask for enhancements and he would like
12 to see the City continue to work with the applicant to get a good project.

13
14 Commissioner Young made a motion, seconded by Commissioner Gruber to direct Staff to
15 prepare a Planning Commission Report and Recommendation with appropriate findings as
16 outlined by the Commission, recommending denial of the Rezoning, Concurrent PUD Concept
17 and General Plan of Development, Design Review, Variance, and Shoreland Impact
18 Plan/Conditional Use Permit for Meyer Place on Ferndale located at 105 Lake St E. for review
19 and adoption at the next Planning Commission meeting. The motion carried unanimously.

20
21
22 **AGENDA ITEM 6. Other Items:**

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

25
26 Mr. Thomson stated on June 7th the City Council would be doing a workshop that would include
27 an update on the Mill Street Ramp Project and at their regular meeting they will be reviewing the
28 new home on 181 Huntington.

29
30 **b.) Other Items**

31
32 Mr. Thomson provided an update on from the last City Council meeting including the Unitarian
33 Church project and their discussions for the Tree Ordinance. The Tree Ordinance is scheduled
34 for another City Council meeting in July.

35
36
37 **AGENDA ITEM 8. Adjournment.**

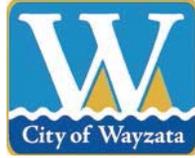
38
39 Commissioner Flannigan made a motion, seconded by Commissioner Young to adjourn the
40 Planning Commission. The motion carried unanimously.

41
42 The Planning Commission meeting was adjourned at 9:24 p.m.

43
44 Respectfully submitted,

45 Tina Borg

46 *TimeSaver Off Site Secretarial, Inc.*



WAYZATA PLANNING COMMISSION

June 20, 2016

REPORT AND RECOMMENDATION OF DENIAL OF PUD REZONING, PLANNED UNIT DEVELOPMENT PLAN, DESIGN REVIEW, BUILDING HEIGHT VARIANCE, SHORELAND IMPACT PLAN/CONDITIONAL USE PERMIT, AND CONDITIONAL USE PERMIT FOR PENTHOUSE AT 105 LAKE STREET EAST

SUMMARY OF RECOMMENDATIONS

1. **Denial** of Concurrent PUD Concept Plan and General Plan of Development
 2. **Denial** of Rezoning from C-4A/Limited Central Business District to PUD/Planned Unit Development District
 3. **Denial** of Design Review
 4. **Denial** of Height Variance from 35 feet to 35.4 feet
 5. **Denial** of Shoreland Impact Plan/Conditional Use Permit to exceed to maximum height of 35 feet in the Shoreland Overlay District
 6. **Denial** of the Conditional Use Permit for a penthouse structure that is greater than five feet above the maximum building height.
-

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

- 1.1 **Project.** Homestead Partners (the “Applicant”) has submitted a development application (the “Application”) for redevelopment of the Meyer Brothers Dairy site located at 105 Lake Street East (the “Property”). The development application includes demolition of the existing vacant commercial building and construction of a three story building with a rooftop penthouse for a roof top terrace. The building would include 23 residential condominium units and 59 enclosed parking spaces (collectively, the “Project”).
- 1.2 **Application Requests.** As part of the Application, the Applicant is requesting approval of the following:
 - A. **Concurrent PUD Concept and General Plan of Development Review:** A rezoning to PUD requires both concept and general plan of development review. The applicant is requesting concurrent review of both the concept plan and general plan (the “PUD”).

- B. Rezoning from C-4A to PUD/Planned Unit Development: The property is currently zoned C-4A, and the applicant is requesting a rezoning to PUD (the “Rezoning” or “Zoning Amendment”).
 - C. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5 (the “Design Review”).
 - D. Variance from the maximum building height requirement: The maximum building height in the PUD zoning district is 35 feet and 3 stories, whichever is less. The proposed building would be 3 stories in height, but would be 35.4 feet in height, which requires a variance (the “Height Variance”).
 - E. Shoreland Impact Plan/Conditional Use Permit for the building height: In addition to the PUD zoning district, the shoreland overlay district also includes a maximum height requirement of 35 feet. The shoreland ordinance states that building heights of over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit (the “Shoreland Impact Plan/Conditional Use Permit”).
 - F. Conditional Use Permit for the penthouse structure: The zoning ordinance establishes a maximum height of 40 feet for mechanical spaces and elevator penthouses. The proposed building includes a penthouse structure to serve a rooftop terrace which would be 16 feet above the roof the building with a total height of 51.4 feet (the “Conditional Use Permit”).
- 1.3 Property. The addresses, property identification numbers and owner of the parcels comprising the subject property (the “Property”) are:

105 Lake Street E	06-117-22-23-0034	Meyer Properties
-------------------	-------------------	------------------

- 1.4 Zoning and Land Use Designations. The Property falls within the following districts:

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

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on April 21, 2016. A copy of the notice was mailed to all property owners located with 350 feet of the Property on April 21, 2016. The required public hearing was held at the May 2, 2016 Planning Commission meeting.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

A. Intent and Purpose of PUDs. The PUD process, outlined in Section 801.33 of the Zoning Ordinance, allows deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., for the purpose of encouraging:

1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
3. More convenience in location and design of development and service facilities.
4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

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

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

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

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

8. Density. The 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.
 9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
 10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
 11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
 12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
 13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
 14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.
- C. Residential Area PUD Standards. Section 801.33.3 sets forth area standards for PUDs which have a residential component. 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. In addition to the other standards for PUDs, City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety and welfare of the community and the surrounding area.

- D. Simultaneous Concept and General Plans. In cases of single stage PUDs or for projects of limited size and scope, the applicant may, at the discretion of the Zoning Administrator, submit the General Plan of Development for the proposed PUD simultaneously with the submission of a Concept Plan. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny a General Plan of Development in accordance with the provisions of the PUD Ordinance.

2.2 Zoning Ordinance Amendments (Text and Map) / Rezoning.

City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance and Official Zoning Map. Minn. Stat. Sec. 462.357; Wayzata City Code Sec. 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. Sec. 462.357, Subd. 4. The existing provisions of the Zoning Ordinance are presumed to be constitutional and otherwise valid. The City has broad discretion in whether to grant or deny a request to rezone. An applicant is only legally entitled to a change in the Zoning Ordinance if they can demonstrate that the existing zoning is unsupported by any rational basis related to the public health, safety and welfare. Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Section 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's conformity with present and future land uses of the area.
- C. The proposed use's conformity with all performance standards contained in the Zoning Ordinance (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.

- E. The proposed use's impact upon property value in the area in which it is proposed.
 - F. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
 - G. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.
- 2.3 Design Standards City Code §801.09: The design standards set forth in Section 9 of the Wayzata City Zoning Ordinance are referred to collectively as the "Design Standards" or the "Standards". The purpose of the Design Standards is to shape the City's physical form and to promote the quality, character and compatibility of new development in the City. The Standards function to:
- A. To guide the expansion and renovation of existing structures and the construction of new buildings and parking, within the commercial districts of the City;
 - B. To assist the City in reviewing development proposals;
 - C. To improve the City's public spaces including its streets, sidewalks, walkways, streetscape, and landscape treatments.
- 2.4 Variance Standards: Section 801.05.1.C provides the criteria for reviewing variances from the Zoning Ordinance. The Variance requested in the Application is a Setback Variance. The variance review criteria 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.
- 2.5 Shoreland Impact Plan/Conditional Use Permit: Section 801.91.19 states that landowners or developers desiring to develop land or construct any dwelling or any other artificial obstruction on land located within any Shoreland District within the City of Wayzata shall first submit a conditional use permit application as regulated by Section 801.04 of this Ordinance and a plan of development, hereinafter referred to as "Shoreland Impact Plan", which shall set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the shoreland impact plan shall be to eliminate and minimize as much as possible potential pollution, erosion and siltation.
- 2.6 Conditional Use Permits: City Code Section 801.04.2.F. states that the Planning Commission and City Council shall consider possible adverse effects of the proposed conditional use. Their judgment shall be based upon (but not limited to) the following factors:
- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.

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

Section 3. FINDINGS

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

3.1 PUD.

- A. Intent and Purpose of PUDs. The PUD represented in the Application does not conform with all of the factors outlined in Section 33 of the Zoning Ordinance that represent the overall intent and purpose of a PUD in that Proposed PUD:
 - 1. Does not represent a greater variety in type, design, and placement of structures, or the conservation of land on the Property.
 - 2. Does not appear to represent higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. Does not preserve or enhance desirable site characteristics, including the natural topography and geologic features, and wetlands, mature trees and vegetation, but instead have negative impact on such features.
 - 4. Does not show a development pattern in harmony with the objectives of the Wayzata Comprehensive Plan but rather appears to be a means to vary applicable planning and zoning principles of the applicable current zoning district.

5. Would not result in a more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. The PUD does not satisfy all of the general standards listed in Section 801.33.2.A of the Zoning Ordinance and in Section 2.1 of this Report.
1. Greater Flexibility of PUD Not Justified. The Project deviates from the requirements of the current zoning district. The Property is currently zoned C-4A/Limited Central Business District. The C-4A district establishes a maximum building height of two (2) stories and thirty (30) feet, and the proposed building would be three (3) stories and 35.4 feet in height. It is not the intent of the PUD ordinance to waive the standards for a development project. Rather, a PUD allows modifications of the strict standards for projects that meet a specific purpose, as outlined in Section 3 of this Report. As outlined above, the Project does not meet the Purpose of the PUD Ordinance, and therefore the flexibility on building height is not justified.
 2. Building Height: The Project exceeds the maximum building height of the PUD district of 35 feet.
- 3.2 Zoning Ordinance Amendment / Rezoning.
- A. Rezoning to PUD is contingent on approval of the requested PUD, which the Planning Commission recommends denying for reasons stated in the preceding sections of this Report.
 - B. The uses associated with the requested Rezoning will have adverse effects, including on the residential area in which it is proposed, as noted elsewhere in this Report.
- 6.3 Design Review: The Project does not meet all of the Design Standards outlined in City Code Section 801.09, and the Applicant has not demonstrated that the negative impact of granting a deviation is outweighed by the factors outlined in City Code Section 801.09.21.1.A:
- A. Building recession: The third level of the proposed building is partially recessed from the second level. The third level along Lake Street is stepped back 10 feet for most, but not the entire length of the Lake Street elevation. The third level along Ferndale is not stepped back from the second level at all. The design standards require the entire third floor to be recessed from the lower floors. In addition, the second story must be recessed for 25

percent of the façade length, and the proposed second story is not recessed from the first level.

- B. Ground level expression: The proposed building does not include the required elements to distinguish the ground floor from the upper floors.
- C. Ferndale sidewalk: The proposed site plan includes a 12-foot wide sidewalk along Lake Street that would meet the design standards and the City's Lake Street sidewalk specifications. However, the Ferndale Road streetscape includes a 6-foot wide concrete sidewalk. The design standards require a sidewalk of at least 12 feet in width of exposes aggregate surface along all street frontages. There is not currently a sidewalk along either side of Ferndale Road that the proposed sidewalk could connect to. However, the Ferndale Road sidewalk would still require a deviation from the design standard.
- D. Mechanical equipment on the roof: The proposed plans include mechanical equipment that would be located on the roof of the building that would be screened by the penthouse structure and a parapet screening wall. The design standards for the Lake Street District state that there may be no mechanical equipment on the roof deck and all such equipment must be located within the interior of the structure.
- E. Roof color: The proposed building would have a flat roof which would be comprised of a tan colored membrane. The tan color would not meet the design standards which require a dark colored flat roof.
- F. Boulevard trees along Lake Street: The boulevard trees along Lake Street are placed 38 feet apart, which is greater than the 26 feet specified in the design standards.

3.4 Height Variance.

- A. The Height Variance is contingent on approval of the requested PUD, which the Planning Commission recommends denying for reasons stated in the preceding sections of this Report.
- B. The Applicant has not set forth the reasons that the Height Variance is justified under the criteria of City Code Section 801.05.1.C in order to make reasonable use of the land, structure or building.

3.5 Shoreland Impact Plan/Conditional Use Permit:

- A. Although the Shoreland Overlay district allows for a maximum building height of thirty five (35) feet, the underlying C-4A zoning only allows for a maximum building height of two (2) stories or thirty (30) feet, which the proposed

building would exceed. The Planning Commission recommends denying the requested PUD for reasons stated in the preceding sections of this Report.

3.6 Conditional Use Permit.

- A. The Conditional Use Permit is contingent on approval of the requested PUD, which the Planning Commission recommends denying for reasons stated in the preceding sections of this Report.

Section 4. RECOMMENDATION

- 4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **DENIAL** of the (1) PUD; (2) Rezoning; (3) Design Review; (4) Height Variance; (5) Shoreland Impact Plan/Conditional Use Permit; and (6) Conditional Use Permit requested in the Application.

Adopted by the Wayzata Planning Commission this 20th day of June 2016.

Voting In Favor: Gonzalez, Gruber, Iverson, Murray, Flannigan

Voting Against: None

Abstaining: None

Absent: Gnos, Young

Chair, Planning Commission

DRAFT RESOLUTION NO. 23-2016

RESOLUTION DENYING PUD, REZONING, PROJECT DESIGN, AND CONDITIONAL USE PERMIT FOR REDEVELOPMENT OF MEYER BROTHERS DAIRY SITE AT 105 LAKE STREET E

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

Section 1. BACKGROUND

1.1 Development Application. Homestead Partners, and the property owner, Meyer Properties (the “Applicant”) have submitted a development application (the “Application”) to redevelop the Meyer Brothers Dairy site at 105 Lake Street E. The development would involve the demolition of the existing vacant commercial building, and the subsequent construction of a new three story residential building with 23 residential condominium units and 59 enclosed parking spaces. The Application includes requests for approval of:

- A. PUD Concept and General Plan of Development for New Residential Development (the “PUD”): The Project would be built according to an approved PUD for the Property.
- B. Rezoning from C-4A to PUD/Planned Unit Development (the “Rezoning” or “Zoning Amendment”): In connection with approval of the PUD, the Property would be rezoned to PUD District.
- C. Project Design (the “Design”): The proposed new building requires design review and approval under the City’s Design Standards, Section 801.09.1.5 of the Zoning Ordinance.
- D. Conditional Use Permit for Penthouse Structure (the “Penthouse CUP”): The Zoning Ordinance establishes a maximum height of 40 feet for mechanical spaces and elevator penthouses. The proposed building includes a penthouse structure to serve a rooftop terrace which would be 13 feet above the roof the building with a total height of 48 feet. This requires a conditional use permit.

1.2 Property. The address, property identification number and owner of the property involved in the Project (the “Property”) are:

105 Lake Street E	06-117-22-23-0034	Meyer Properties
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1.3 Land Use. Uses in the general vicinity are Central Business District. The Property is zoned C-4A/Limited Central Business District and guided Central

Business District in the Comprehensive Plan. The adjacent properties are both zoned C-4A/Limited Central Business District and PUD/Planned Unit Development. The Property is subject to the design standards of the Lake Street District.

- 1.5 Notice and Public Hearing. Notice of a public hearing on the Application was published in the *Sun Sailor* on April 21, 2016. A copy of the notice was mailed to all property owners located within 350 feet of the Property on April 21, 2016. The required public hearing was held at the May 2, 2016 Planning Commission meeting.
- 1.6 Planning Commission Action. The Planning Commission reviewed the Application and held a public hearing at its May 4, 2015 meeting. At its meeting on June 20, 2016, the Planning Commission adopted a Report and Recommendation recommending denial of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
 1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.

5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)
 8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the

Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.

6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall

be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

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

2.2 Zoning Ordinance Amendments (Text and Map) / Rezoning.

In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon the following factors:

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

2.3 Design Standards. The design of all new buildings is subject to the review and approval of the Wayzata Planning Commission and City Council. City Code Section 801.09.1.5. The relevant design criteria for the "Lake District" which are applicable to the Project are included in the Design Critique attached to the Planning Commission Report and Recommendation. With the exception of Section 7 of the Design Standards, a deviation from any section of the Design Standards requires a finding by the City Council (after considering the Planning Commission's recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the City's Comprehensive Plan.
2. The extent to which the deviation permits greater conformity with other Standards, policies behind the Standards, or with other Zoning Ordinance standards.
3. The positive effect of the project on the area in which the project is proposed.
4. The alleviation of an undue burden, taking into account current leasing, housing and commercial conditions.
5. The accommodation of future possible uses contemplated by the Design Standards, the Zoning Ordinance or the Comprehensive Plan.
6. A national, state or local historic designation.
7. The project is the remodeling of an existing building which largely otherwise conforms to the Design Standards.

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

- A. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- B. The proposed use's compatibility with present and future uses of the area.
- C. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
- D. The proposed use's effect on the area in which it is proposed.

- E. The proposed use's impact upon property values in the area in which it is developed.
- F. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- G. The proposed use's impact upon existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (1) PUD; (2) Rezoning; (3) Design; and (4) Penthouse CUP requested as part of the Application do not meet the applicable requirements of Wayzata's Zoning Ordinance, based upon the following findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD.

- A. Intent and Purpose of PUDs. The PUD represented in the Application does not conform with all of the factors outlined in Section 33 of the Zoning Ordinance that represent the overall intent and purpose of a PUD in that Proposed PUD:
 - 1. Does not represent a greater variety in type, design, and placement of structures, or the conservation of land on the Property.
 - 2. Does not represent higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 - 3. Does not preserve or enhance desirable site characteristics, including the natural topography and geologic features, and wetlands, mature trees and vegetation, but instead have negative impact on such features.
 - 4. Does not show a development pattern in harmony with the objectives of the Wayzata Comprehensive Plan but rather appears to be a means to vary applicable planning and zoning principles of the applicable current zoning district.
 - 5. Would not result in a more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.

- B. General Standards. The PUD does not satisfy all of the general standards listed in Section 801.33.2.A of the Zoning Ordinance.
1. Greater Flexibility of PUD Not Justified. The Project deviates from the requirements of the current zoning district. The Property is currently zoned C-4A/Limited Central Business District. The C-4A district establishes a maximum building height of two (2) stories and thirty (30) feet, and the proposed building would be three (3) stories and 35.4 feet in height. It is not the intent of the PUD ordinance to waive the standards for a development project. Rather, a PUD allows modifications of the strict standards for projects that meet a specific purpose, as outlined in Section 3 of this Resolution. As outlined above, the Project does not meet the Purpose of the PUD Ordinance, and therefore the flexibility on building height is not justified.
 2. Building Height. The Project exceeds the maximum building height of the PUD district of 35 feet.

3.2 Zoning Ordinance Amendment / Rezoning.

- A. The uses associated with the requested Rezoning will have adverse effects, including on the residential area in which it is proposed, as noted elsewhere in this Resolution.
- B. Rezoning to PUD is contingent on approval of the requested PUD, thus unless the PUD is approved, the Property should not be rezoned as requested.

3.3 Design. The Project does not meet all of the Design Standards outlined in City Code Section 801.09, and the Applicant has not demonstrated that the negative impact of granting a deviation is outweighed by the factors outlined in City Code Section 801.09.21.1.A:

- A. Building recession: The third level of the proposed building is partially recessed from the second level. The third level along Lake Street is stepped back 10 feet for most, but not the entire length of the Lake Street elevation. The third level along Ferndale is not stepped back from the second level at all. The design standards require the entire third floor to be recessed from the lower floors. In addition, the second story must be recessed for 25 percent of the façade length, and the proposed second story is not recessed from the first level.
- B. Ground level expression: The proposed building does not include the required elements to distinguish the ground floor from the upper floors.
- C. Ferndale sidewalk: The proposed site plan includes a 12-foot wide sidewalk along Lake Street that would meet the design standards and the

City's Lake Street sidewalk specifications. However, the Ferndale Road streetscape includes a 6-foot wide concrete sidewalk. The design standards require a sidewalk of at least 12 feet in width of exposed aggregate surface along all street frontages. There is not currently a sidewalk along either side of Ferndale Road that the proposed sidewalk could connect to. However, the Ferndale Road sidewalk would still require a deviation from the design standard.

- D. Mechanical equipment on the roof: The proposed plans include mechanical equipment that would be located on the roof of the building that would be screened by the penthouse structure and a parapet screening wall. The design standards for the Lake Street District state that there may be no mechanical equipment on the roof deck and all such equipment must be located within the interior of the structure.
- E. Roof color: The proposed building would have a flat roof which would be comprised of a tan colored membrane. The tan color would not meet the design standards which require a dark colored flat roof.
- F. Boulevard trees along Lake Street: The boulevard trees along Lake Street are placed 38 feet apart, which is greater than the 26 feet specified in the design standards.

3.4 Conditional Use Permit for Penthouse.

- A. There will be adverse effects of the proposed conditional use as outlined in this section of this Resolution.
- B. The CUPs are contingent on approval of the requested PUD, thus unless the PUD is approved, CUPs should not be granted as requested.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (1) PUD; (2) Rezoning; (3) Design; and (4) Penthouse CUP requested in the Application are hereby **DENIED**.

Adopted by the Wayzata City Council this 5th day of July, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

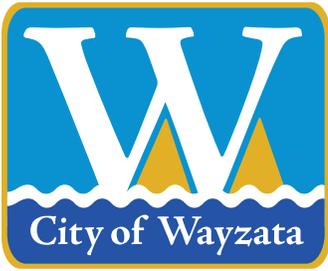
Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Wayzata, Minnesota, at a duly authorized meeting held on _____, 2016.

Becky Malone, Deputy City Clerk
SEAL

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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: June 29, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Tree Ordinance Amendment

Introduction

On November 4, 2015, the City Council reviewed a draft amendment to the tree preservation ordinance. The proposed ordinance amendment includes two separate sections of the city code. The maintenance and removal of trees chapter (Chapter 710) addresses maintenance and removal of trees throughout the community, and applies to tree removal on existing properties where no construction, development, or redevelopment is occurring. Chapter 710 also includes the tree pathogen control program (dutch elm disease and emerald ash borer) and abatement procedures. The tree preservation chapter (Chapter 801 Section 36) would be a new section of the zoning ordinance, and addresses the preservation of trees during development, such as construction, subdivision, or redevelopment.

City Council Feedback

On May 17, 2016, the City Council discussed the ordinance amendment and provided feedback to City staff on changes that should be made to the draft ordinances. Based on the feedback at the meeting, the following changes have been made to the ordinances:

Tree Removal Thresholds and Replacement Requirements

The tree removal thresholds and replacement requirements have not been changed. The ordinance has been clarified to apply the ordinance based on the type of project, and not on who is completing the project. The previous draft ordinance distinguished between developers and property owners, but there was a significant amount of overlap between the definitions that made certain situation unclear in how the ordinance would be applied. The following table summarizes the how the ordinance would apply to projects and the allowable tree removal thresholds:

Type of Project	Heritage Trees	Significant Trees
Subdivision, Public Infrastructure, Construction of single-family home on vacant lot; previously "Developer"	0% removal threshold for inches of heritage trees removed before mitigation is required	25% removal threshold for inches of significant trees removed before mitigation is required

Grading permit, design review, and expansions to existing single-family homes; previously "Property Owner"	0% removal threshold for inches of heritage trees removed before mitigation is required	10% removal threshold for inches of significant trees removed before mitigation is required
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In addition, the draft ordinance requires mitigation based on the type of tree removed. The following table summarizes the tree mitigation requirements, which have not been changed based on the Council discussion:

Type	Definition	Mitigation Requirement
Heritage Tree	Softwood deciduous tree that is 30 inches in dbh or greater; Hardwood deciduous tree that is 25 inches in dbh or greater; or Coniferous evergreen tree that is 25 inches in dbh or greater	2 inches of replacement trees for every one inch of heritage tree removed
Significant Tree	Hardwood deciduous tree that is at least 6 inches in dbh Softwood deciduous tree that is at least 12 inches in dbh; or Coniferous tree measuring at least 12 feet in height or 12 inches in dbh	1 inch of replacement tree for every one inch of significant tree removed beyond the allowable removal threshold

Acceptable Tree Replacement Species

The previous draft tree preservation ordinance provided specific requirements for types and species of trees that are allowed to be planted to meet the mitigation requirements. The revised ordinance establishes a minimum size for replacement trees and requires that a diversity of tree species be provided. However, the previous list of allowable tree replacement species has been changed to a recommended list of tree replacement species. In addition, the revised ordinance would prohibit the planting of any invasive species.

County and State Construction Projects

The previous draft ordinance would not require mitigation for trees removed for (1) collector or arterial roads, (2) regional recreational trails, (3) storm water infrastructure serving a regional drainage area, and (4) installation and maintenance of trunk utility infrastructure. Based on the Council's feedback, public infrastructure projects would be subject to the maximum tree removal threshold of 25% for significant trees before mitigation is required. Mitigation would be required for all heritage trees that are removed, and any significant trees that are removed beyond the allowable threshold.

The revised ordinance would allow for the City Council to waive the tree replacement requirement for public improvement projects if the Council determines that the replacement requirements would create an undue burden on the project, and that the public benefit of the

public improvement project would outweigh the benefit of the required tree replacement.

Pruning and Other Impacts to Trees

The City Council review included questions about how the draft ordinance addresses pruning of trees, and other impacts that do not directly result in the removal of a tree, but which would impact the long term health and survivability of a tree. The revised ordinance includes a definition of tree removal that would state that excessive pruning or other impacts that comprise the long term health or structural stability of a tree would be considered removing the tree.

Tree removal permit

The City Council discussion included comments that the City should not require a tree removal permit for tree removal on existing properties. Staff's understanding of the Council direction was that a tree removal permit should not be required in cases where a property owner is not proposing any construction. The draft ordinance would apply only in instances where construction activity is proposed, such as a grading permit, expansion to an existing home or commercial properties, and any development application. The tree removal on properties where no construction or development is proposed would not be subject to the draft ordinances. Staff wants to clarify that the Council supports this approach.

City Council Action

Attached for the Council's consideration are revised drafts to City Code Chapter 801, Section 36 regarding Tree Preservation and City Code Chapter 710 regarding Maintenance and Removal of Trees.

Attachments

- Attachment A: Draft City Code Chapter 801 Section 36
- Attachment B: Draft City Code Chapter 710 (clean copy)
- Attachment C: Draft City Code Chapter 710 (red-lined copy)
- Attachment D: November 4, 2015 City Council Meeting Minutes
- Attachment E: May 17, 2016 City Council Meeting Minutes

CITY OF WAYZATA
ZONING ORDINANCE
CHAPTER 801
SECTION 36
TREE PRESERVATION

Section 801.36:

- 801.36.1: Purpose and Intent**
- 801.36.2: Definitions**
- 801.36.3: Establishment of Tree Preservation Zone**
- 801.36.4: Applicability**
- 801.36.5: Process**
- 801.36.6: Tree Preservation Plan**
- 801.36.7: Tree Protection**
- 801.36.8: Tree Replacement**
- 801.36.9: Financial Guarantee**
- 801.36.10: Penalties**

1. Purpose and Intent

The Wayzata City Council finds it is in the best interest of the City to protect, preserve, and enhance the natural environment of the community and to encourage a resourceful and prudent approach to the development and alteration of wooded areas. In the interest of achieving these objectives, the City has established the comprehensive tree preservation regulations herein to promote the furtherance of the following:

- A. Protection and preservation of the environment and natural beauty of the City;
- B. Assurance of orderly development within wooded areas to minimize tree and habitat loss;
- C. Evaluation of the impacts to trees and wooded areas resulting from development;
- D. Establishment of minimal standards for tree preservation and the mitigation of environmental impacts resulting from tree removal;
- E. Provision of incentives for creative land use and environmentally compatible site design which preserves trees and minimizes tree removal and clear cutting during development; and

- F. Enforcement of tree preservation standards to promote and protect the public health, safety and welfare of the community.

2. Definitions

For purposes of this section, the following definitions shall apply:

- A. **“City Forester”** means that person appointed as City Forester by the Wayzata City Manager and meets the qualifications as a certified arborist of the International Society of Arboriculture.
- B. **“Coniferous Tree”** means a woody plant bearing seeds and cones oftentimes, but not always, retaining foliage throughout the year.
- C. **“Construction Area”** means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, or any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- D. **“Critical Root Zone”** means the area around a tree measured from the trunk of the tree with a radius that is equal to 1.5 feet (1.5’) for each one inch (1”) of DBH of the tree. For example, if a tree’s DBH is 10 inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).
- E. **“Deciduous Tree”** means a woody plant which has a defined crown, and which loses leaves annually.
- F. **“Diameter of Tree at Breast Height” or “DBH”** means the diameter of a tree as measured 4½ feet (54 inches) above the ground. Trees that branch near or below 4 ½ feet from the ground will be measured at the narrowest point below 4 ½ feet. Trunks that originate from the ground shall be considered separate trees. The City Forester shall have the final determination in the DBH calculation if there is a question of how it is to be measured.
- G. **“Hardwood Deciduous Tree”** means a Deciduous Tree recognized as hardwoods by the City Forester, including ironwood, catalpa, oak, maple (hard), walnut, ash, hickory, birch, black cherry, hackberry, locust and basswood.
- H. **“Healthy Tree”** means the average or better condition and vitality for the area as determined by the City Forester.
- I. **“Heritage Tree”** means a Healthy Softwood Deciduous Tree that is thirty inches (30”) or greater in DBH , a Healthy Hardwood Deciduous Tree that is twenty five inches (25”) or greater in DBH, or a Healthy Coniferous Tree that is twenty five inches (25”) or greater in DBH.

- J. **“Landscape Architect”** means a person licensed by the State of Minnesota as a landscape architect.
- K. **“Nursery Stock Dealer” or “Nursery Stock Grower”** means a person licensed by the State of Minnesota as a nursery stock dealer or a nursery stock grower.
- L. **“Public Infrastructure”** means the construction or maintenance of:
1. Collector or arterial roads as defined by the City Transportation Plan;
 2. Public recreational trails;
 3. Stormwater infrastructure;
 4. Installation or maintenance of trunk utility infrastructure as described in the Comprehensive Sewer or Water Plans; or
 5. Any essential service or public improvement.
- M. **“Removal” or “Tree Removal”** means:
1. Manual, mechanical, chemical, or abiotic or biotic (fire, water, insects or inoculation) methods which results in the physical removal of a tree;
 2. Grading impact, compaction, or other damage up to 40% of a tree’s Critical Root Zone, as
 3. Excessive pruning that severely impacts the long term survivability of the tree; or
 4. Any other impact to a tree that comprises the long term health or structural stability of a tree.
- N. **“Significant Tree”** means a Healthy Deciduous Hardwood Tree that is six inches (6”) or greater in DBH, a Healthy Softwood Deciduous Tree that is twelve inches (12”) or greater in DBH, or a Healthy Coniferous Tree that is twelve feet (12’) or greater in height or twelve inches (12”) or greater in DBH.
- O. **“Site Plan”** means the site plan established and described in this Chapter.
- P. **“Softwood Deciduous Tree”** means a Deciduous Tree recognized as softwoods by the City Forester, including cottonwood, poplar/aspens, box elder, willow, silver maple and elm.
- Q. **“Tree Preservation Plan”** means the tree preservation plan established and described in this Chapter.

- R. **“Tree Preservation Zone”** means the tree preservation zone established and described in this Chapter.

3. **Establishment of Tree Preservation Zone**

A Tree Preservation Zone is hereby established in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce storm water runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called “heat-island” effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City’s physical and aesthetic environment; provide a haven for birds, animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

The Tree Preservation Zone shall be applied to and superimposed upon all property within the City of Wayzata. The regulations and requirements imposed within the Tree Preservation Zone shall be in addition to the zoning districts within the existing and amended text and map of the Wayzata Zoning Ordinance, and the Floodplain, Shoreland, and Wetland regulations and requirements. In cases where there is a conflict between regulations applicable within such zones, the more restrictive requirements shall apply.

4. **Applicability**

The provisions of this Section shall apply to the following:

- A. Subdivision, Public Infrastructure, Construction of Single-Family Home: The following tree removal thresholds apply to Subdivision applications, Public Infrastructure projects, and construction of a single-family home on a vacant lot:
1. Heritage Trees: Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All possible measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent (0%) removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards within subsection 801.36.8, in addition to any other requirements hereunder.
 2. Significant Tree Removal by Developers: Although the City encourages preservation of the maximum amount of trees possible, the City recognizes that a certain amount of Significant Trees removal is sometimes necessary during development. Accordingly, twenty five percent (25%) of the existing DBH inches of Significant Trees can be

removed pursuant to a Tree Preservation Plan without obligation of replacement. Any tree removal beyond twenty five percent (25%) will require replacement in accordance with the standards of subsection 801.36.8.

3. Public Infrastructure: The City Council may waive the tree replacement requirements of this Section for Public Infrastructure projects if the City Council makes a finding that the tree replacement requirements hereof would create an undue financial or other burden on the project, and the public benefits of the Public Infrastructure project outweigh the benefits of the required tree replacement hereof.

B. Land Disturbance Permits, Design Review, and Expansions to Single-Family Homes: The following tree removal thresholds apply to projects that require a Land Disturbance Permit under City Code Section 409.05, projects that require Design Review under City Code Section 801.09.1.5.B., and expansions or additions to an existing single-family home:

1. Heritage Trees: Heritage Trees are valued and special trees for the City of Wayzata due to their size and age. All possible measures must be taken to preserve Heritage Trees. Heritage Tree removal may occur only when there is not a practical alternative. There shall be a zero percent (0%) removal threshold of Heritage Trees, meaning every DBH inch of Heritage Tree removed requires full replacement in accordance with the standards within subsection 801.36.8 in addition to any other requirements hereunder.
2. Significant Tree Removal: The City recognizes that additional tree removal may occur after the construction of new houses or commercial developments, or the expansion of existing homes or commercial developments, but to a lesser degree than the original development. Therefore, ten percent (10%) of the existing DBH inches of trees can be removed without obligation of replacement. Any removal beyond ten percent (10%) will require replacement in accordance with the standards within subsection 801.36.8.

C. Trees Exempt From Replacement Requirements: The following types of trees shall not be included as part of the tally of tree removals for purposes of calculating replacement in accordance with the standards within subsection 801.36.8:

1. Dead, Diseased, Dying, or Hazard Trees as determined by the City Forester; or
2. Trees that are transplanted from the site to another appropriate location within the City as approved by the City Forester; or

3. Trees that were planted as part of a commercial business such as a tree farm or nursery; or
4. Trees that are structurally unstable and pose a risk to people or permanent structures, as deemed by a certified arborist with a Tree Risk Assessment Qualification and the City Forester

5. Process

A. Construction of or Expansion to Single-Family Homes and Land Disturbance Permits: For construction of a single-family home, expansion to an existing single-family home, or a project that requires a Land Disturbance Permit, a Site Plan must be submitted to the City prior to any proposed tree removal. The Site Plan must include the following information:

1. Identify the Significant and Heritage Trees on the property.
2. Identify the Significant and Heritage Trees removed due to grading or construction.
3. Identify the Mandatory Protection measures in Section 801.36.6.A that will be used to protect the preserved trees during grading or construction.
4. Comply with the City's tree replacement procedure and requirements set forth in this section.

The Site Plan must receive the approval of the City Forester. Any denial of a Site Plan by the City Forester may be appealed to the City Council.

B. Subdivision, Public Infrastructure, and Design Review: Unless otherwise determined by the City Council, the following process for preserving trees shall be required for Subdivision applications, Public Infrastructure projects, and projects that require Design Review:

1. Prepare a Tree Preservation Plan that is incorporated on the grading plan, which meets the requirements of Section 801.36.5.
2. Implement the Tree Preservation Plan prior to and during site development.
3. Submit a financial guarantee for compliance with the approved Tree Preservation Plan in accordance with Section 801.36.9.
4. Comply with the City's tree replacement procedure and requirements set forth in this section.

5. The Tree Preservation Plan must be certified by a Forester, Landscape Architect, Nursery Stock Dealer or a Nursery Stock Grower.

6. Tree Preservation Plan

When a Tree Preservation Plan is required, an applicant is responsible for implementing the approved Tree Preservation Plan prior to and during site grading and plan development. The Tree Preservation Plan will be reviewed by the City Forester and any other relevant City staff to assess the best overall tree design for the project involved, taking into account the preservation, renewal and health of Significant and Heritage Trees, and ways to enhance the efforts to mitigate damage to the trees on the property and the natural environment. The applicant is encouraged to meet with City staff prior to submission of a Subdivision application, Public Infrastructure project, or Design Review application to determine the placement of buildings, parking, driveways, streets, storage and other physical features which result in the fewest Significant and Heritage Trees being destroyed or damaged. The Tree Preservation Plan must include the following items:

- A. The name(s) and address(es) of property owners and applicants
- B. Delineation of the buildings, structures, impervious surfaces, utilities, and other site improvements situated thereon or contemplated to be constructed thereon
- C. Delineation of all areas to be graded and limits of land disturbance, including the contouring of all areas to be graded
- D. Size, species, location and condition of all Significant and Heritage Trees located on the property as well as on adjacent properties where the Critical Root Zones of the trees are within the proposed Construction Area. The size of Deciduous Trees must be recorded in DBH and the size of Coniferous Trees must be recorded both in DBH and approximate height.
- E. Identification of all Dead, Diseased, Dying and Hazard Trees
- F. The Critical Root Zone of all Significant and Heritage Trees proposed to be preserved
- G. Identification of all Significant and Heritage Trees proposed to be removed within the Construction Area
- H. Identification of all Significant and Heritage Trees on all individual lots. The Developer must submit a list of all lot and block numbers identifying those lots.
- I. Measures to protect Heritage and Significant Trees as outlined in Section 801.36.6

- J. Size, species, and location of all replacement trees to be planted on the property in accordance with the tree replacement requirements
- K. Signature of the person preparing the plan and statement which includes acknowledgment of the fact the trees to be used as replacements are appropriate species with respect to survival of the replacement trees

7. Tree Protection

The following tree protection measures are required:

- A. Mandatory Protection: Measures to protect Significant and Heritage Trees must include:
 - 1. Installation of snow fencing, silt fence, or polyethylene laminate safety netting placed at the Critical Root Zone of Significant and Heritage Trees to be preserved on or adjacent to the property being developed.
 - 2. Identification of any oak trees requiring pruning between April 1 and July 15; any oak trees so pruned are required to have any cut areas sealed with an appropriate, non-petroleum based tree wound sealant, such as shellac.
- B. Discretionary Protection: Measures to preserve or protect Significant and Heritage Trees which may be required by the City include, but are not limited to:
 - 1. Installation of retaining walls or tree wells to preserve trees by eliminating the filling or cutting of soil within Critical Root Zones of Significant and Heritage Trees on or adjacent to the lot being developed.
 - 2. Placement of utilities in common trenches outside of the Critical Root Zone of Significant and Heritage Trees, or use of tunneled installation.
 - 3. Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
 - 4. Use of tree root aeration, fertilization, and irrigation systems when appropriate.
 - 5. Transplanting of Significant Trees into a protected area for later moving into permanent location within the Construction Area.
 - 6. Safety pruning for people working within the construction limits and for the trees involved.

8. Tree Replacement

- A. Tree Replacement Formula: Replacement of removed or disturbed trees in excess of the percentage allowed by this section shall be according to the following ratios:
1. For any removal that exceeds the percentage of allowable removal of Significant Trees as set in subsection 801.36.7, all Significant Trees shall be replaced at the ratio of one caliper inch (1") per one inch (1") of DBH removed.
 2. All Heritage Trees must be replaced at the ratio of two caliper inches (2") per one inch (1") of DBH removed.
- B. Size, Types and Diversification of Replacement Trees: Unless an approved Tree Preservation Plan sets forth a different requirement, all replacement trees must be of a similar species to those that are removed. A Tree Replacement plan must include a diversity of tree species that are suitable for the property given soil conditions, hydrology, topography, and tree pathogens. Replacement trees must be no less than the following sizes:
1. Deciduous Trees shall be no less than two and a half caliper inches (2.5"); and
 2. Coniferous Trees shall be no less than six feet (6') in height.
- C. Recommended Tree Replacement Species: In order to encourage a diverse tree canopy in the City, the following list of tree species are recommended for planting as part of a tree replacement plan:
- Arborvitae
 - Black cherry
 - Butternut
 - Cedar
 - Elm (disease resistant)
 - Fir
 - Hackberry
 - Hickory
 - Hemlock
 - Kentucky Coffee
 - Linden/Basswood
 - Maple (except Silver Maples)
 - Oak
 - Pine
 - Spruce (except Colorado Blue)
 - Tamarack
 - Walnut

- D. Prohibited Tree Replacement Species: The tree replacement plan may not include any tree species included in the Minnesota Department of Natural Resources Terrestrial Invasive Species List.
- E. Other Replacement Tree Requirements: Choice of replacement trees species and location of the trees should also take into account the following information:
 - 1. Soil Composition: Comparisons should be made between soil conditions and the ecology of the proposed species to make sure they are compatible.
 - 2. Spatial Requirements: The potential height and crown spread of the proposed replacement trees should be known. Generally, half of the adult tree crown diameter is the amount of distance a tree should be planted from any aboveground objects.
 - 3. Pathogen Problems: Appropriate replacement choices shall also consider insect and disease problems that may be common with particular species in the part of the state in which the City of Wayzata is located.
- E. Fee-In-Lieu Of Tree Replacement Or Replacement Trees Planted In Public Areas: The City recognizes that there may be instances where the total amount of tree replacement required under this section cannot occur on site. In those instances, the City may, at its option, accept a fee-in-lieu of tree replacement or allow the planting of replacement trees in public areas. Tree replacement is encouraged to happen on site as much as possible and fee in lieu-of-tree replacement should be used only when replacement on site is not feasible. The amount of fee-in-lieu of tree replacement will be determined annually by the City Council through the City fee schedule.

9. Financial Guarantee

- A. Financial Guarantee: The City may, at its option, withhold a certificate of occupancy or require cash escrow or a letter of credit satisfactory to the City in the amount of one hundred ten percent (110%) of the value of the tree replacement, securing the full performance of Tree Preservation Plan and the tree replacement plan. The amount of such security shall be calculated by the fee-in-lieu of tree replacement schedules. The financial security shall be sufficient to cover the costs of the replacement trees planted, including any needed replacement of the trees over a three (3) year period.
- B. Use of Financial Guarantee: If the property owner does not implement the approved Tree Preservation Plan or Site Plan, including the tree replacement plan, in accordance with the City Council or City Forester approval, the City may use the financial guarantee to correct or complete the work.

- C. Release of Financial Guarantee: At least once annually, the City Forester shall review the financial securities, inspect the applicable trees, and release the financial securities as necessary. The financial security shall be released based on the following schedule:
1. Upon installation of a healthy tree: 50% of the financial guarantee for that tree shall be released.
 2. First year inspection determining the installed tree is still healthy: 15% of the financial guarantee for that tree shall be released.
 3. Second year inspection determining the installed tree is still healthy: 15% of the financial guarantee for that tree shall be released.
 4. Third year inspection determining the installed tree is still healthy: 20% of the financial guarantee for that tree shall be released.

10. Penalties

- A. Intentional or Deliberate Damage: It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata in violation of this Section. Minn. Stat. §561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore. The City Forester and other City Staff shall not make any claims related to the structural integrity of any tree, and any assessments made related to a tree may not be relied upon by the property owner.
- B. Violation: Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" shall be as defined in Minn. Stat. §609.02, Subd. 3.

It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

CHAPTER 710

MAINTENANCE AND REMOVAL OF TREES

710.01. **Purpose.** The Wayzata City Council has determined the preservation of trees growing on public and private property are necessary to maintain the general welfare of the public and is set forth more fully in Section 710.13 of this Chapter, and Section 801.36 of the Zoning Ordinance. In order to maintain and enhance the quantity and quality of trees growing within the City, this Chapter is adopted to regulate the maintenance and removal of trees within the City of Wayzata by: (1) Defining the duties and responsibilities of the City Forester as the agent enforcing regulations relating to the planning, maintenance and removal of trees within the City of Wayzata; (2) Providing for the issuing of permits and/or licenses for any maintenance and/or removal of trees within the City of Wayzata; (3) Providing for the pruning and removal of trees on private property that endanger public safety; (4) Providing for standards and specifications of all policy concerning trees on public property; and (5) Providing for standards and specifications for care protection policy concerning trees within project construction limits.

(Ord. xxxx)

710.02. **Duties and Qualifications of the Forester.**

a. **Duties.** The Forester, as appointed by the City Manager, for the purposes of this Chapter shall identify diseased and hazardous trees that threaten the health and safety of the public and coordinate all activities of the City relating to the control and prevention of tree pathogens. It shall further be the duty of the Forester and the City Manager and/or his/her designee to identify and describe Significant Trees in any proposed subdivision or development project and to assist planners, developers, and architects in the development of a tree preservation plan for each construction development project.

b. **Qualifications of the Forester.** The qualifications of the Forester shall be, as a minimum, those qualifications prescribed for certified arborists by the International Society of Arboriculture.

(Ord. xxxx)

710.03. **Pathogen Control Program.** It is the intent of the City to conduct a program of plant pest control pursuant to the authority granted by Minn. Stat. §18.022. This Chapter provides full power and authority over all trees, plants and shrubs located within the street rights-of-way, parks and public places of the City; and to trees located on private property that constitute a hazard or threat as described herein; and trees that fall under the tree protection policy as described in Section 710.17 of this Chapter.

(Ord. xxxx)

710.04. **Nuisances Declared.** The following things hereby are declared to be public nuisances whenever they may be found within the City:

- a. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus (as defined by the Minnesota Department of Agriculture) or which harbors any of the elm bark beetles known by the Minnesota Department of Agriculture to transmit the disease.
- b. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed or sprayed with an effective Dutch Elm insecticide, or disposed of in a manner prescribed by the Commissioner of Agriculture.
- c. Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt disease fungus, as defined by the Minnesota Department of Agriculture.
- d. Any infected oak tree or part thereof, including logs, branches, stumps, firewood or other oak material unless all bark material is removed and disposed of in a manner prescribed by the Commissioner of Agriculture.
- e. Any ash tree at risk of infestation of the Emerald Ash Borer (EAB) as determined by the City Forester after considering Minnesota Department of Agriculture guidance.
- f. Any living or standing tree or shrub or part thereof infected to any degree by any organism to be controlled as set forth and described by the Commissioner of Agriculture.
- g. Any dead, dying, decaying or living tree, shrub or parts thereof that interferes with the public use of any public thoroughfare or right-of-way.

It shall be unlawful for any person to permit any public nuisance as defined in this Section to remain on any property owned or controlled by him within the City. Such a nuisance shall be abated in the manner prescribed by this Chapter. Abatement shall be at the discretion of the City Forester in accordance with all State Law and City Code.

(Ord. xxxx)

710.05. Inspection and Investigation. The City Forester shall inspect all premises and places within the City as often as practicable to determine whether any nuisances as described in this Chapter exist thereon. The Forester shall investigate all reported incidents of diseased trees within the City. The Forester or duly authorized representative(s) may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this Chapter. Except for cases of emergencies or the imminent threat of personal or property damage, the City shall notify the property owner at least five (5) days prior to the inspection through certified mail to the address listed on the Hennepin County tax records. The inspection may occur after five (5) days even if the certified letter is undeliverable or returned. The City Forester may, upon finding conditions indicating disease infestation is suspected and unconfirmed by a field diagnosis, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis or take such other steps for diagnosis as may be

recommended by the Commissioner. Except as provided in Section 710.08, or in the case of a positive field diagnosis, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

(Ord. xxxx)

710.06. Abatement of Nuisances. In abating the nuisances defined in Section 710.05, the Forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible spread of the disease. Such abatement shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

(Ord. 614 [5-27-1999])

710.07. Abatement Procedure. Whenever the Forester finds with reasonable certainty that an infestation defined in this Chapter exists in any tree or wood on any public or private property within the City, he shall proceed to abate said nuisance as follows:

- a.** If the Forester finds that the danger of infestation of other trees is not imminent the Forester shall notify in writing the person(s) owning or controlling the property upon which the nuisance is located that the nuisance must be abated within twenty one (21) days from the date of the mailing. If no action to abate the nuisance is taken within this period the Forester then shall make a written report of findings to the City Council. The Council shall take action to abate the nuisance, and it may proceed to recover the costs of such abatement as provided in Section 710.09.
- b.** If the Forester finds that the danger of infestation of other trees is imminent the Forester shall notify in writing the person(s) owning or controlling the property upon which the nuisance is located that the nuisance must be abated within seven (7) days from the date of the mailing, and shall report findings to the City Manager. If no action to abate the nuisance is taken within this period the Forester then shall make a written report of actions to the City Council, which may proceed to recover the costs of such abatement as provided in Section 710.09.
- c.** If the Forester finds that the danger of infestation of other trees is imminent the Forester shall notify in writing all persons owning or controlling property upon which is located trees in danger of becoming infested. Within this notice the Forester shall state that action, if any, which should be taken to protect the trees in danger of becoming infested and the period within which such action must be taken. If no such action is taken within this period the Forester then shall take appropriate action to protect these trees as an emergency measure and shall make a written report of this action to the City Council, which may proceed to recover the costs of such action as provided in Section 710.09.

(Ord. xxxx)

710.08. Special Assessment Procedure. Upon receipt of a report from the Forester required by Section 710.08, subsections a. through c., the City Council may pass a resolution to provide for recovering the costs of abatement of a nuisance and/or for recovering the costs of protecting threatened trees by a special assessment procedure. Before such a resolution may be approved, the City Manager shall notify all affected property owners by mail that such a procedure is under consideration prior to the meeting thereon. This notice shall state the time and place of the meeting, the abatement action proposed to be taken or already taken, the estimated or actual cost of such abatement and the proposed basis of assessing such cost. At this meeting all affected property owners shall have the right to be heard with reference to the proposed assessments and assessment procedure. The Council thereafter by resolution may approve such special assessments for the purposes specified herein.

The Forester shall keep a record of all abatement activities and all abatement costs for which special assessments are to be made or may be made, stating the description of the properties involved and the amounts chargeable to each property. On or before October 10th of each year the City Manager shall list the total unpaid charges for such abatement activities against each separate property to which they are attributable under this Chapter. The City Council then may spread the charges or any portion thereof against the property involved as a special assessment for certification to the Hennepin County Auditor and for collection the following year along with current taxes.

(Ord. 614 [5-27-1999])

710.9. Transporting Diseased Wood. It shall be unlawful for any person to transport within the City any diseased wood without first having obtained a permit therefore from the Forester. The Forester may grant such a permit only when the purposes of this Chapter will be served thereby. The transporting of diseased wood out of the City shall be governed by current State Statutes related to transportation of infected material.

(Ord. xxxx)

710.10. Interference Prohibited. It shall be unlawful for any person to prevent, delay or interfere with the Forester or duly authorized representative(s) while they are engaged in the performance of duties imposed by this Chapter.

(Ord. 614 [5-27-1999])

710.11. License Required. No person shall conduct as a business, the cutting, trimming, pruning, removal, spraying or other treatment of trees within the City without first having been issued a license therefore. Refer to Chapter 519, Section .01 of the City Code.

(Ord. 614 [5-27-1999])

710.12. Intentional or Deliberate Damage. It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata in violation of this Section. Minn. Stat.

§561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore. The City Forester and other City Staff shall not make any claims related to the structural integrity of any tree, and any assessments made related to a tree may not be relied upon by the property owner.

710.13. Violation. Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this Section. The term "misdemeanor" shall be as defined in Minn. Stat. §609.02, Subd. 3.

It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

710.14. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of the City Code, including this Chapter are severable, and if any phrase, clause, sentence, paragraph, or section of the City Code, including this Chapter, shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the City Code, including this Chapter.

(Ord. xxxx)

(7-21-81 Code; Chapter repealed and replaced by Ord. 574 [2-21-1995]; Ord. 588 [2-27-1997]; Chapter repealed and replaced by Ord. 614 [5-27-1999]; Ord. xxxx [xx-xx-2016])

CHAPTER 710
PLANTING,
MAINTENANCE AND REMOVAL OF TREES

710.01. Purpose. The Wayzata City Council has determined the preservation of trees growing on public and private property are necessary to maintain the general welfare of the public and is set forth more fully in Section 710.13 of this Chapter, and Section 801.36 of the Zoning Ordinance. In order to maintain and enhance the quantity and quality of trees growing within the City, this Chapter is adopted to regulate the ~~planting~~, maintenance and removal of trees within the City of Wayzata by: (1) Defining the duties and responsibilities of the City Forester as the agent enforcing regulations relating to the planning, ~~planting~~, maintenance and removal of trees within the City of Wayzata; (2) Providing for the issuing of permits and/or licenses for any maintenance and/or removal of trees within the City of Wayzata; (3) Providing for the pruning and removal of trees on private property that endanger public safety; (4) Providing for standards and specifications of all policy concerning trees on public property; ~~(5) Providing for standards and specifications of a care protection policy concerning trees in subdivision properties; and (6~~ and (5) Providing for standards and specifications for care protection policy concerning trees within project construction limits.

(Ord. ~~614 (5-27-1999)~~ xxx)

710.02. Definitions. ~~The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:~~

~~a. "Applicant" shall mean any person applying for any City permit or approval that would result in the construction or improvements on land within the City that contains Significant Trees.~~

~~b. "Forester" shall mean that person appointed as City Forester by the Wayzata City Manager.~~

~~c. "Preservation Plan" shall mean a plan which is prepared for a proposed development or redevelopment project by a Minnesota registered surveyor which sets forth the project area, locates proposed improvements and locates all Significant Trees located in the project area. It shall indicate which Significant Trees are to be preserved and which are to be removed as a result of the construction of the project. Significant Trees' diameters, heights (where applicable) and species shall be noted in the Preservation Plan.~~

~~d. "Code Enforcement Officer" shall mean the City Manager or designee.~~

~~e. "Significant Trees" shall mean healthy trees (as determined by the City Forester) which are six (6) inches in diameter (DBH) for deciduous trees or greater than eight (8) feet in height for coniferous trees.~~

~~f. "Preservation" shall mean maintaining in its natural condition and location any tree.~~

~~g. "DBH" shall mean diameter of trees at breast height. It is that point 4½ feet (54 inches) above the ground at which the diameter of a tree shall be measured.~~

~~h. shall mean~~

~~(Ord. 614 [5-27-1999])~~

~~**710.03. Duties and Qualifications of the Forester.**~~

~~a. **Duties.** The Forester, as appointed by the City Manager, for the purposes of this Chapter shall identify diseased and hazardous trees that threaten the health and safety of the public and coordinate all activities of the City relating to the control and prevention of tree ~~diseases~~pathogens. It shall further be the duty of the Forester and the City Manager and/or his/her designee to identify and describe ~~significant trees~~Significant Trees in any proposed subdivision or development project and to assist planners, developers, and architects in the development of a tree preservation plan for each construction development project.~~

~~b. **Qualifications of the Forester.** The qualifications of the Forester shall be, as a minimum, those qualifications prescribed for certified arborists by the MinnesotaInternational Society of Arboriculture ~~or by the Commissioner of Agriculture.~~~~

~~(Ord. 614 [5-27-1999])xxx~~

~~**710.04. Disease03. Pathogen Control Program.** It is the intent of the City to conduct a program of plant pest control pursuant to the authority granted by Minn. Stat. §18.022. This Chapter provides full power and authority over all trees, plants and shrubs located within the street rights-of-way, parks and public places of the City; and to trees located on private property that constitute a hazard or threat as described herein; and trees that fall under the tree protection policy as described in Section 710.17 of this Chapter.~~

~~(Ord. 614 [5-27-1999])xxx~~

~~**710.0504. Nuisances Declared.** The following things hereby are declared to be public nuisances whenever they may be found within the City:~~

~~a. Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus Ceratoeystis Ulmi (Buisman) Moreau (as defined by the Minnesota Department of Agriculture) or which harbors any of the elm bark beetles Seolytus Multistriatus (Eichh.) or Hylurgopinus Rufipes (Marsh). known by the Minnesota Department of Agriculture to transmit the disease.~~

~~b. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed or sprayed with an~~

effective Dutch Elm insecticide, or disposed of in a manner prescribed by the Commissioner of Agriculture.

- c. Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt disease fungus ~~Ceratoeystis Fagacearum~~, as defined by the Minnesota Department of Agriculture.
- d. Any infected oak tree or part thereof, including logs, branches, stumps, firewood or other oak material unless all bark material is removed and disposed of in a manner prescribed by the Commissioner of Agriculture.
- e. Any ash tree at risk of infestation of the Emerald Ash Borer (EAB) as determined by the City Forester after considering Minnesota Department of Agriculture guidance.
- f. Any living or standing tree or shrub or part thereof infected to any degree by any organism to be controlled as set forth and described by the Commissioner of Agriculture.
- g. Any dead, dying, decaying or living tree, shrub or parts thereof that interferes with the public use of any public thoroughfare or right-of-way.

It shall be unlawful for any person to permit any public nuisance as defined in this Section to remain on any property owned or controlled by him within the City. Such a nuisance shall be abated in the manner prescribed by this Chapter. Abatement shall be at the discretion of the City Forester in accordance with all State Law and City Code.

(Ord. ~~614 [5-27-1999]~~xxxx)

710.0605. Inspection and Investigation. The City Forester shall inspect all premises and places within the City as often as practicable to determine whether any nuisances as described in this Chapter exist thereon. The Forester shall investigate all reported incidents of diseased trees within the City. The Forester or duly authorized representative(s) may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this Chapter. Except for cases of emergencies or the imminent threat of personal or property damage, the City shall notify the property owner at least five (5) days prior to the inspection through certified mail to the address listed on the Hennepin County tax records. The inspection may occur after five (5) days even if the certified letter is undeliverable or returned. The City Forester ~~shall~~may, upon finding conditions indicating disease infestation is suspected and unconfirmed by a field diagnosis, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 710.08, or in the case of a positive field diagnosis, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

(Ord. ~~614 [5-27-1999]~~xxxx)

710.0706. Abatement of Nuisances. In abating the nuisances defined in Section 710.05, the Forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible spread of the disease. Such abatement shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

(Ord. 614 [5-27-1999])

710.0807. Abatement Procedure. Whenever the Forester finds with reasonable certainty that an infestation defined in this Chapter exists in any tree or wood on any public or private property within the City, he shall proceed to abate said nuisance as follows:

- a. If the Forester finds that the danger of infestation of other trees is not imminent the Forester shall notify in writing the person(s) owning or controlling the property upon which the nuisance is located that the nuisance must be abated within ~~fifteen (15)~~twenty one (21) days from the date of the mailing. If no action to abate the nuisance is taken within this period the Forester then shall make a written report of findings to the City Council. The Council shall take action to abate the nuisance, and it may proceed to recover the costs of such abatement as provided in Section 710.09.
- b. If the Forester finds that the danger of infestation of other trees is imminent the Forester shall notify in writing the person(s) owning or controlling the property upon which the nuisance is located that the nuisance must be abated within ~~five (5)~~seven (7) days from the date of the mailing, and shall report findings to the City Manager. If no action to abate the nuisance is taken within this period the Forester then shall make a written report of actions to the City Council, which may proceed to recover the costs of such abatement as provided in Section 710.09.
- c. If the Forester finds that the danger of infestation of other trees is imminent the Forester shall notify in writing all persons owning or controlling property upon which is located trees in danger of becoming infested. Within this notice the Forester shall state that action, if any, which should be taken to protect the trees in danger of becoming infested and the period within which such action must be taken. If no such action is taken within this period the Forester then shall take appropriate action to protect these trees as an emergency measure and shall make a written report of this action to the City Council, which may proceed to recover the costs of such action as provided in Section 710.09.

(Ord. ~~614 [5-27-1999]~~xxxx)

710.0908. Special Assessment Procedure. Upon receipt of a report from the Forester required by Section 710.08, subsections a. through c., the City Council may pass a resolution to provide for recovering the costs of abatement of a nuisance and/or for recovering the costs of protecting threatened trees by a special assessment procedure. Before such a resolution may be approved, the City Manager shall notify all affected property owners by mail that such a procedure is under consideration prior to the meeting thereon. This notice shall state the time and place of the meeting, the abatement action proposed to be taken or already taken, the estimated

or actual cost of such abatement and the proposed basis of assessing such cost. At this meeting all affected property owners shall have the right to be heard with reference to the proposed assessments and assessment procedure. The Council thereafter by resolution may approve such special assessments for the purposes specified herein.

The Forester shall keep a record of all abatement activities and all abatement costs for which special assessments are to be made or may be made, stating the description of the properties involved and the amounts chargeable to each property. On or before October 10th of each year the City Manager shall list the total unpaid charges for such abatement activities against each separate property to which they are attributable under this Chapter. The City Council then may spread the charges or any portion thereof against the property involved as a special assessment for certification to the Hennepin County Auditor and for collection the following year along with current taxes.

(Ord. 614 [5-27-1999])

710.10.9. Transporting Diseased Wood. It shall be unlawful for any person to transport within the City any diseased wood without first having obtained a permit therefore from the Forester. The Forester may grant such a permit only when the purposes of this Chapter will be served thereby. The transporting of diseased wood out of the City shall be governed by current State Statutes related to transportation of infected material.

(Ord. 614 [5-27-1999])~~xxxx~~

710.1110. Interference Prohibited. It shall be unlawful for any person to prevent, delay or interfere with the Forester or duly authorized representative(s) while they are engaged in the performance of duties imposed by this Chapter.

(Ord. 614 [5-27-1999])

710.1211. License Required. No person shall conduct as a business, the cutting, trimming, pruning, removal, spraying or other treatment of trees within the City without first having been issued a license therefore. Refer to Chapter 519, Section .01 of the City Code.

(Ord. 614 [5-27-1999])

~~**710.13. Establishment of Tree Preservation Zone.** A tree preservation zone is hereby established and applies to all property within the City of Wayzata in order to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce storm water runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide shade and the significant environmental benefit of counteracting the so-called "heat island" effect; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; protect and increase property values; conserve and enhance the City's physical and aesthetic environment;~~

provide a haven for birds, animals and flora to thrive; and generally protect and enhance the quality of life and the general welfare of the City.

(Ord. 614 [5-27-1999])

710.14. — Application. A tree preservation zone shall be applied to and superimposed upon all property contained herein existing or amended by the text and map of the Wayzata Zoning Ordinance. The regulations and requirements imposed by the Tree Preservation Zone shall be in addition to flood plain, shoreland and wetland regulations and requirements, and will all jointly apply to the property. If a conflict is created by the joint application of zones, the more restrictive requirements shall apply.

(Ord. 614 [5-27-1999])

710.15. — Restrictions. Within the Tree Preservation Zone, it shall be unlawful for any person or groups of persons to remove from privately owned land any tree or trees in excess of thirty two (32) inches diameter at breast height (DBH) per acre (43,560 square feet) in any twelve (12) month period without having first obtained a valid tree removal permit from the City. The removal rate for parcels which are less than one (1) acre or more than one (1) acre shall be mathematically proportionate (subject, however, to the maximum density of thirty two (32) inches diameter (DBH) for each acre). For example, up to sixteen (16) inches may be removed from a parcel which is one half (1/2) acre in size without a permit or up to sixty four (64) inches (but only up to thirty two (32) inches) diameter at breast height (DBH) for each acre) may be removed from a parcel which is two (2) acres in size without a permit. The removal of dead, diseased or hazardous trees from privately owned land shall not require a tree removal permit.

(Ord. 614 [5-27-1999])

710.16. — Permit.

a. — Any person with due authority desiring a permit to remove a tree as provided in Section 710.15 shall submit a written application to the Code Enforcement Officer. The application shall include the following information:

- (1) — Name and address of applicant.
- (2) — Status of the applicant with respect to the land.
- (3) — Written consent of the owner of the land, if the applicant is not the owner.
- (4) — Name of the person preparing any map, drawing or diagram submitted with the application.
- (5) — Location of the property, including a street address or legal description.

~~(6) — Diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the existing and proposed use of such area.~~

~~(7) — Location of all proposed or existing structures, driveways or other hard surfaces on the site.~~

~~(8) — Location of all trees and identification of size (DBH) and species.~~

~~(9) — Designation of all diseased or damaged trees.~~

~~(10) — Designation of any tree(s) obstructing any roadway, pavement, walkway or utility.~~

~~(11) — Any proposed grade changes that might adversely affect or endanger any tree(s) on the site and plans to protect them.~~

~~(12) — Designation of trees to be removed and trees to be maintained.~~

~~(13) — Purpose of tree removal (construction, driveway, recreation area, patio, building addition etc.).~~

~~(14) — All materials to be planted as replacement trees, indicating size, species and method of planting.~~

~~b. — Upon receipt of the application, the Code Enforcement Officer may visit and inspect the site and adjoining lands. If it is determined that the plan set forth in the application outlined in this Section will minimize the loss of Significant Tree(s) and will destroy no more trees than are necessary to achieve a proposed development or purpose, and will comply with the Standards for Preservation of Trees in New Construction or Redevelopment of Property set forth in Section 710.17.a. and Section 710.17.c., the permit application may be approved. If the Code Enforcement Officer determines otherwise, the application shall be denied.~~

~~e. — The applicant may appeal the Code Enforcement Officer's decision by providing written notice to the City Council, with the City Council's decision to be made by the first City Council meeting to be held on or after 30 days of the written notice to the Council.~~

~~(Ord. 614 [5-27-1999])~~

~~**710.17. — Standards for Preservation of Trees in New Construction or Redevelopment.**~~

~~a. — Owners, Contractors, Developers, Builders and Applicants shall exert their best good faith efforts, as outlined in the Development Agreement, to avoid damage to or the destruction of Significant Trees when designing, locating or grading for and building~~

~~improvements. This requirement shall be set forth in any development agreement and construction contracts entered into regarding the project.~~

~~**b.**—The applicant shall submit a Preservation Plan if improvements are to be constructed on property containing Significant Trees. The Preservation Plan shall be submitted along with all other materials required for the permit. The Preservation Plan shall be officially filed when the Code Enforcement Officer has received and examined the application and determined that all required information has been submitted and that the application is complete. Following the determination of “completeness,” the Preservation Plan shall be approved or denied by the Code Enforcement Officer within ten (10) business days unless the Preservation Plan is being submitted in conjunction with a land use application, in which case the City of Wayzata shall approve or deny the application within sixty (60) days from the date of its official submission unless notice of an extension is provided by the City or a time waiver is granted by the applicant.~~

~~**e.**—The Code Enforcement Officer’s review of the Preservation Plan shall be based upon the following criteria:~~

~~(1) —The applicant’s legal right to use the property.~~

~~(2) —The Preservation Plan minimizes the loss of Significant Trees and will destroy no more trees than are necessary to achieve a proposed development or purpose.~~

~~(3) —The ease with which the applicant can alter or revise a proposed improvement to accommodate existing trees.~~

~~(4) —The density of trees in the area and the effect of tree removal on property values of the neighborhood and on other existing vegetation.~~

~~(5) —Impact upon the urban and natural environment including:~~

~~(a) —Whether tree removal would substantially alter the water table or affect the stabilization of ground and surface water.~~

~~(b) —Whether tree removal would create susceptibility to erosion and siltation.~~

~~(c) —Whether tree removal would cause substantial damage to the existing biological and ecological systems.~~

~~(d) —Whether tree removal would affect noise pollution by increasing source noise levels to such a degree that a public nuisance may be anticipated or a violation of noise control ordinances will occur.~~

~~(e) — Whether tree removal will affect air quality by significantly affecting the natural cleansing of the atmosphere by vegetation.~~

~~(f) — Whether tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproduction or causing the migration of wildlife from adjacent or associated ecosystems.~~

~~(g) — Whether tree removal will increase the possibility of tree disease, wind damage and the loss of windbreak effect.~~

~~(6) — The heightened desirability of preserving tree cover in densely developed or densely populated areas.~~

~~(7) — The need for visual screening in transitional areas or relief from glare, blight, commercial or industrial ugliness or any other visual affront.~~

~~(8) — Whether the removal of the tree(s) is for the purpose of thinning a heavily wooded area where seventy-five (75) percent of the trees will still remain.~~

~~d. — If it is determined that the Preservation Plan complies with the criteria as set forth in part c. above, the Preservation Plan may be approved. If the Code Enforcement Officer determines otherwise, the Preservation Plan shall be denied.~~

~~e. — The applicant may appeal the Code Enforcement Officer's decision by providing written notice to the City Council, with the City Council's decision to be made by the first City Council meeting to be held on or after 30 days of the written notice to the Council.~~

~~f. — If a Preservation Plan is approved, a copy of that approved Preservation Plan shall be attached to any issued permit and a copy shall be retained at City offices.~~

~~g. — Prior to commencing construction of the improvements, applicant must implement some form of barricade such as snow fence or plastic fence, which is easily visible to a height of three feet (36") above ground to protect all trees to be preserved under the Preservation Plan. The barricade must incorporate 100% plus ten (10) feet of the tree(s) at the drip line or area to be preserved. No equipment or materials may be stored, parked, driven, moved or deposited within the area to be preserved. The positive protective measure such as fencing shall not be removed until all phases of construction have been completed and removal of protective measure has been approved by the Forester.~~

~~h. — Upon completion of grading and all construction, the Forester or Designee shall inspect the construction site for damage to trees that were to be preserved under the Preservation Plan. A report "Damage Report" shall be submitted to the Applicant as to~~

~~any trees required to be preserved under the Preservation Plan which have been destroyed or severely damaged because of the grading or construction activity.~~

~~i. — If the damage report identifies destroyed or severely damaged trees which were required to be preserved under the Preservation Plan, the applicant will be required to pay to the City of Wayzata the sum of two hundred (200) dollars per diameter inch or such greater amount as may be determined by the City Council for each such destroyed or damaged tree. Alternately, the City Council may, at its discretion, agree to tree replanting equaling the total caliper inches lost, species and quality, in lieu of a fine, or in conjunction with a reduced fine. Any such agreement shall specify the replacement tree(s) species and diameter. Applicant shall have the right to appeal the damage, report conclusions and resulting fine or replanting requirements in the same manner as set forth in part e. above.~~

~~j. — A certificate of occupancy shall not be issued until a final inspection of the property by the Code Enforcement Officer demonstrates compliance with the Preservation Plan and until such time as all levied fines have been paid or Security, subject to approval of the City Manager, has been posted by the applicant to secure performance. The Code Enforcement Officer may postpone the final inspection of the property if the Code Enforcement Officer determines that seasonal conditions prevent the determination of whether or not there has been compliance with the Preservation Plan. If the applicant appeals pursuant to part i. above, a Certificate of Occupancy may be issued prior to completion of the appeals process, so long as Security is posted.~~

~~k. — A tree will not be deemed to have been damaged under part h. above where the City verifies the applicant implements positive measures such as fencing, or other City approved methods, during the entire period of grading and construction and where there is no evidence of physical damage to the trees, including their root structure.~~

~~l. — The applicant's responsibility for the loss of trees on site subject to a Preservation Plan shall cease once the site grading and construction have been completed, the preservation has been verified, or any penalty fees have been paid or approved, replacement trees have been planted, and their growth has been well established for two (2) growing seasons. All monies collected pursuant to this Chapter shall be placed in the plant maintenance fund.~~

~~(Ord. 614 [5-27-1999])~~

710.18

710.12. **Intentional or Deliberate Damage.** It shall be unlawful for any person(s) to intentionally damage, destroy or adversely alter any living tree, deciduous or coniferous, on private land within the limits of the City of Wayzata ~~any tree or trees in excess of thirty-two (32) inches diameter at breast height (DBH) per acre (43,560 square feet) in any twelve (12) month~~

~~period without first having obtained a tree removal permit from the City as set forth in Section 710.16 of this Chapter. The removal rate for parcels which are less than one (1) acre or more than one (1) acre shall be mathematically proportionate (subject, however, to the maximum density of thirty two (32) inches diameter (DBH) for each acre.) This shall pertain to manual, mechanical, chemical, abiotic or biotic (fire, water, insects or inoculation) methods of any kind.~~in violation of this Section. Minn. Stat. §561.04 strictly prohibits intentional damage to trees on public property in any form and provides that whoever willfully and without lawful authority injures any tree, timber or shrub on City property is liable for treble the amount of damages which may be assessed therefore. The City Forester and other City Staff shall not make any claims related to the structural integrity of any tree, and any assessments made related to a tree may not be relied upon by the property owner.

~~(Ord. 627 [2-6-2001])~~

710.19. ~~13.~~ **Violation.** Unless expressly provided otherwise, it shall be a misdemeanor for any person to violate any provision of the City Code including this ~~Chapter~~Section, any rule or regulation adopted in pursuance of any such provision, or any order lawfully enforcing the City Code or this ~~Chapter~~Section. The term "misdemeanor" shall be as defined in Minn. Stat. §609.02, Subd. 3.

It shall also be a misdemeanor for any person to attempt to commit a misdemeanor or to cause, aid, assist, counsel or advise another to commit misdemeanor. Any person who commits a misdemeanor, upon conviction, shall be subject to the penalties therefore established by State Statute. Unless expressly provided otherwise, each act in violation of the City Code, including this Chapter, shall constitute a separate offense, and each and every day that such a violation occurs or continues shall constitute a separate offense.

~~(Ord. 627 [2-6-2001])~~

710.2014. **Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of the City Code, including this Chapter are severable, and if any phrase, clause, sentence, paragraph, or section of the City Code, including this Chapter, shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the City Code, including this Chapter.

~~(Ord. 627 [2-6-2001])~~xxx)

~~(7-21-81 Code; Chapter repealed and replaced by Ord. 574 [2-21-1995]; Ord. 588 [2-27-1997]; Chapter repealed and replaced by Ord. 614 [5-27-1999])~~; Ord. xxx [xx-xx-2016]

1
2 The Council recessed at 8:20 p.m. and reconvened at 8:26 p.m.
3

4 **c. Consider Resolution No. 39-2015 240 Manitoba Avenue South Variance**

5 Interim Planner Zweber reported on a variance request by applicant, David Frey, 240 Manitoba
6 Avenue South, to install a second stall on his garage. This proposed second stall would require
7 two variances: 1) a 20-foot rear yard setback requirement decreased to 10.2 feet; and, 2) a 30
8 percent lot coverage requirement increased to 31.4 percent for a residential structure in the C-1
9 Office and Limited Commercial District. The Planning Commission recommends approval of the
10 proposed Resolution.

11 Mr. David Frey, 240 Manitoba Avenue, stated the reason for his request is to have a place
12 to park in the winter.

13 The Council stated they support this variance request.

14 Mr. Tyacke made a motion, seconded by Mrs. McCarthy, to adopt Resolution 39-2015
15 approving a rear yard setback variance and a lot coverage variance at 240 Manitoba Avenue
16 South. The motion carried 5/0.
17

18 **b. Consider First Reading of Ordinance No. 757 – Tree Preservation**

19 Interim Planner Zweber reported the purpose of this proposed Ordinance is to update the City's
20 existing regulations on abatement of diseased trees and to create a new section of the zoning
21 ordinance that would protect and preserve the most valued trees in Wayzata, and provide a
22 framework for replacing such trees removed by developers and property owners.

23 Mr. Zweber reported on the differences between diseased tree abatement and healthy tree
24 preservation, when the proposed Tree Preservation Ordinance would go into effect and how the
25 Ordinance works. The Planning Commission recommended the following additions to the
26 Ordinance as drafted by staff: 1) To require the City Forester be a Certified Arborist by the
27 International Society of Arboriculture; 2) The removal of trees due to the Emerald Ash Borer
28 must be based on the Department of Agriculture guidance; 3) Under Protections for Utilities, the
29 phrase Critical Root Zone would replace Drip Line throughout the Ordinance; and, 4) Require the
30 Zoning Administrator review the financial securities at least once during the growing season and
31 perform inspections and release the securities when warranted.

32 The Council asked if there are guidelines about what the tree replacement formula should
33 be, and what would happen if a tree that is not slated to be removed is damaged during
34 construction. Mr. Zweber stated the Ordinance allows the City to negotiate with the developer
35 when trees are damaged and the City could also use Code enforcement, if needed. The tree
36 replacement formula is included in the Ordinance.

37 The Council asked what happens if homeowners want to replace trees that are damaged
38 during a storm with the same kind of tree but they are not on the list. Mr. Zweber stated because
39 they are dead or damaged due to a storm, the Ordinance does not require replacement. If the
40 homeowner damaged the trees during construction, they would then need to meet the criteria in
41 the Ordinance.

42 The Council asked about homeowners who are re-landscaping their property. Mr. Zweber
43 stated if the landscaping requires a grading permit, then the homeowner would have to meet the
44 criteria in the Ordinance. There are conditions in the Ordinance that would allow the City
45 Forester to approve a different type of tree that is not listed within the Ordinance.

46 A majority of the Council indicated they are not comfortable limiting the type of trees
47 homeowners are allowed to put on their property.

48 The Council noted that the City's Forester, Manuel Jordan, is working with other lake
49 communities to draft standards that contractors cannot exceed when trimming trees within the
50 community. Mr. Zweber stated that utility companies are not exempt from this Ordinance. Mr.
51 Schelzel stated anyone using land in Wayzata has to follow this Ordinance but that pruning and

1 maintenance of the tree canopy is different, and this Ordinance would not apply unless an entire
2 tree was removed.

3 Mrs. Anderson stated she does not see a formula for tree replacement that would be
4 applicable to County and State construction projects and suggested it be looked at more closely.
5 She also asked about the critical root zone and if it applies only to private property. Mr. Zweber
6 stated this Ordinance applies to any critical root zone, including public parks and adjacent
7 properties.

8 The Council asked how this Ordinance would apply to a commercial landowner that
9 wanted to remove trees for a lift station that benefitted the commercial property. Mr. Zweber
10 stated if that lift station was in the City's sewer plan as a piece of trunk infrastructure, it would be
11 exempt from replacement. If the lift station was not part of the City's sewer plan, it would not be
12 exempt.

13 The Council asked how this Ordinance would apply if the Lake Effect requests the
14 removal of trees for the purpose of view scape. Mr. Zweber stated it would require tree
15 replacement somewhere in the City, not necessarily on that site. It is up to the City Manager
16 where there is a need for trees.

17 Mr. Mullin stated he cannot support the Ordinance as drafted. It has many unintended
18 consequences for home and commercial construction and redevelopment. He does favor
19 landowners providing trees when they are removed.

20 Mrs. McCarthy stated the definitions of developer versus property owner seem to be
21 interchangeable. Mr. Zweber stated using the term developer assumes they are creating a new lot.
22 Mrs. McCarthy requested more clarity with these definitions within the Ordinance.

23 Mrs. McCarthy asked if a person is allowed to cut down all their trees under this
24 Ordinance. Mr. Zweber stated some removal is allowed and it is outlined in the Ordinance.

25 Mr. Willcox stated he does not agree with requiring the Forester qualifications in the
26 Ordinance, and would like it to state the qualifications are preferred. He also stated the potential
27 cost of removing large trees is expensive and he does not agree with the tree replacement formula
28 as it would impose a huge financial burden to a homeowner. Mr. Zweber replied there could be
29 two standards for replacement, one for homeowners and one for developers.

30 Ms. Nelson stated staff will need to address the definition of homeowner versus
31 developer.

32 Mr. Zweber summarized the concerns raised by the Council and the changes that Council
33 would like to see made to the proposed Ordinance.

34 Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to direct staff to prepare a
35 revised Ordinance addressing the following four items: 1) the possibility of a formula for tree
36 replacement with County and State Construction projects; 2) Change list of trees allowed to trees
37 that are not allowed; 3) Provide more information on replacement ratios in other cities; and, 4)
38 Qualifications for Arborist possibly be preferred, but not required. The motion carried 5/0.
39

40 **d. Consider Proposal from Forecast for Public Art located in Circle A/Lake Street**
41 **Roundabout and Review Draft Citywide Public Art Policy**

42 Management/Planning Intern Peters reported Forecast Public Arts submitted a proposal to assist
43 the City in developing strategies, formulating the call for artists, contracting with selected artists,
44 overseeing design/construction projects, and preparing documentation in regard to the Circle
45 A/Lake Street Roundabout public art project. Staff is requesting approval to enter into a
46 consulting contract with Forecast Art, based on the Consulting Services Scope.

47 Management/Planning Intern Peters reported on a draft of the Public Art Policy for the
48 City of Wayzata. The intent of this policy is to guide the City in the Circle A/Lake Street
49 Roundabout project as well as future projects as needed.

50 The Council requested clarification on some of the language under list of tasks provided
51 by Forecast Public Art. Ms. Nelson reported there is about \$75,000 available for the project.

1 Mr. Lauer reported that similar to past years, MMKR has identified “Segregation of
2 Duties” as a weakness in internal control over financial reporting. This is primarily caused by the
3 limited size of the City’s office staff. There were also some issues related to Minnesota Legal
4 Compliance findings regarding the withholding certificate and prompt payment of claims. This
5 has not happened in the past and is not seen as a problem.

6 Mr. Tyacke inquired about the GASB 68 long-term pension liability and if there is a
7 reserve level minimum the City is required to keep. Mr. Lauer stated it is basically a promise to
8 pay retirees benefits. It is recognition that the liability is not fully funded and this can be
9 generated through increased rates of contributions or reducing benefits to future employees. It
10 does not affect the City’s financial rating. Mr. Mullin clarified it reflects our proportional share of
11 the State’s liability and is not a unique circumstance to Wayzata.

12 Mrs. McCarthy asked staff if the findings are discussed to make sure they are not
13 repeated. She requested staff let the Council know if additional support is needed. City Manager
14 Dahl stated there will always be a few invoices that slip through the cracks, but it has not been a
15 common theme.

16 Mr. Lauer completed the presentation of the Audit Report and answered questions of the
17 Council relating for the Report.

18 Mr. Tyacke asked referred to page 404 and asked if the funds with HRA are restricted or
19 treated as cash. Mr. Lauer replied it is all restricted for economic development.

20
21 **c. Consideration of Tree Preservation Ordinance**

22 Director of Planning and Building Thompson provided a brief report on the Tree Preservation
23 ordinance. The draft ordinance includes two important components: tree removal thresholds and
24 replacement requirements. He requested Council discussion and direction on three things:

- 25 1) Does the City Council support changing the acceptable tree replacement species in the
26 draft ordinance to a list of recommended tree species?
27 2) Does the City Council want to amend the draft ordinance to apply the tree removal
28 thresholds and mitigation requirement to regional infrastructure?
29 3) Does the City Council want to modify the tree removal thresholds of the tree replacement
30 ratios in the draft tree ordinance?

31 Mr. Thomson reported in the draft ordinance, there is a list of 17 tree species that are
32 acceptable species and listed as a strict requirement, but at the last meeting during which the
33 ordinance was considered, the Council had expressed this provision to be too restrictive. A
34 potential change to the ordinance could keep the 17 tree species listed as recommendations and
35 not have them be a strict requirement. There would also be an addition of prohibiting the planting
36 of invasive species.

37 Mrs. McCarthy expressed concern that people do not generally consult the City ordinance
38 when they decide to plant a tree to see what is recommended. She suggested language that
39 communicates a person can plant one of the recommended 17 trees or trees of another variety
40 upon approval by the City Arborist. Attorney Schelzel clarified this proposed ordinance would
41 apply to developers replacing trees, not a homeowner who just wants to plant trees.

42 Mrs. Anderson stated there are challenges with enforcing the restrictions on the specific
43 types of trees that people are allowed to plant. People do not want to be told what they can plant
44 on their private property. She is comfortable telling people they have to replace their trees, but not
45 what they need to replace it with. She supports restrictions on planting invasive species as they
46 are harmful to the community.

47 Mr. Tyacke commented he is okay with the 17 recommended species and restricting
48 invasive species. He referred to page 413, the first paragraph. It states the replacement of heritage
49 trees must be of the same species and replacement of significant trees must consist of 25 percent
50 coniferous trees and 25 percent deciduous trees. He asked if the 25 percent requirements would
51 come from the list of 17 acceptable trees. Mr. Thomson stated the revised language could remove

1 all the percentages and replace it with a recommended list of trees. There may be value in adding
 2 back standards to get to the goal which is to provide diversity in tree species. There can be
 3 general statements that require a diversity of species.

4 Mayor Pro Tem Mullin commented he has concern about being too limited. He is
 5 comfortable with a recommended list of species and restrictions on planting invasive species. The
 6 intention is to get trees replaced of good stature and quality in developments where they have
 7 been cut down.

8 Mr. Thomson asked the Council if the draft ordinance should apply to other
 9 governmental agencies as they come in to do regional projects in the community, and what are
 10 the potential impacts to the City if these requirements are included.

11 Mrs. Anderson commented when trees were removed for Bushaway Road, the trees were
 12 replaced with the minimum standard because the City did not have a policy in place with specific
 13 requirements. Because of this, she does not accept the language in the draft ordinance.

14 Mr. Schelzel stated according to the draft ordinance, a project like Bushaway would be
 15 exempt from the requirements of the ordinance. The Council should decide if they want to make
 16 it apply with some exceptions, or include flexibility that the City can waive if it is a project that
 17 involves the City.

18 After Council discussion, Mr. Schelzel summarized the Council would want the
 19 ordinance to apply to any user of land within the City, but give the City the ability to waive it if it
 20 is another governmental agency project that the City is partnering with. Mayor Pro Tem Mullin
 21 added it also needs to be decided if it is a staff decision or a Council decision.

22 Mr. Thomson asked for Council's feedback on changing the threshold requirements or
 23 tree replacement ratios in the draft tree ordinance.

24 The Council agreed they are comfortable with the standards as written. Mr. Tyacke
 25 suggested creating a procedure where people can ask for a lesser requirement if needed.

26 Mr. Thomson stated if a developer cannot do the tree replacement on site, they are
 27 required to pay the City to replace the trees somewhere else. Additional language will also be
 28 added regarding the definition of pruning, tree removal permit, administration and standards,
 29 removal of trees on existing properties, and definition of diseased, dead, dying or hazard trees.
 30 He also commented the restriction of 32 inches per acre per year is inconsistent with the 10
 31 percent threshold for existing properties and also needs to be addressed.

32 Mrs. Anderson stated it is too restrictive to require a homeowner to apply for a tree
 33 removal permit if they wanted to remove a tree on their property. She suggested staff change that
 34 requirement as it is too hard to enforce.

35 Mr. Thomson advised these suggestions will be incorporated into the draft ordinance and
 36 brought back to the Council for review.

37
 38 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

39 **a. Draft Minutes Clarification**

40 In response to a question from Mrs. Anderson, City Attorney Schelzel stated the reason the
 41 minutes in the Council packet have a draft stamp on them is because they are unapproved draft
 42 minutes when they go into the packet. When they are approved by the Council, they become the
 43 official minutes of the meeting.
 44

45 **b. Upcoming meetings**

46 Mr. Dahl noted upcoming meetings on:

- 47 • Bushaway Road - Thursday, May 19 at City Hall at 10:00 a.m.
- 48 • Workshop – Tuesday, May 24 at 5:30 p.m.
- 49 • Regular City Council Meetings – June 7 and June 14 (instead of June 21) at 6:00 p.m.
- 50 • Dig-it – Saturday, May 21 at Public Works at 8:00 a.m.