Wayzata Planning Commission

Meeting Agenda

Monday, August 1, 2016

Community Room,
600 Rice Street East,
Wayzata, Minnesota

7:00 p.m.

1. Call to Order & Roll Call

2. Approval of Agenda

3. Approval of Minutes
a. Approval of July 6, 2016 Planning Commission Minutes
b. Approval of July 18, 2016 Planning Commission Minutes

4. Old Business Items:

a. Broadway Place – 326 and 332 Broadway Ave S
- Rezoning, Concurrent PUD Concept and General Plan of Development, Design Review, Variances, Shoreland Impact Plan/Conditional Use Permit, and Preliminary and Final Plat Subdivision

5. Public Hearing Items:
a. None

6. Other Items:
a. Review Adopted Tree Ordinance
b. Review of Development Activities

7. Adjournment

NOTES:

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

WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JULY 6, 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: Gruber, Gonzalez, Iverson, Murray, Flannigan and Gnos. Absent: Commissioner Young. Director of Planning and Building Jeff Thomson and City Attorney David Schelzel were also present.

AGENDA ITEM 2. Approval of Agenda

Commissioner Murray made a motion, seconded by Commissioner Gruber, to approve the July 6, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of May 2, 2016 Planning Commission Minutes

Commissioner Gonzalez made a motion, seconded by Commission Flannigan, to approve the May 2, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

b.) Approval of May 16, 2016 Planning Commission Minutes

Commissioner Gruber made a motion, seconded by Commission Flannigan, to approve the May 16, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

c.) Approval of June 6, 2016 Planning Commission Minutes

Commissioner Flannigan made a motion, seconded by Commission Murray, to approve the June 6, 2016 Planning Commission Minutes as presented. The motion carried 5-ayes and 1-abstain (Gonzalez).

AGENDA ITEM 4. Old Business Items:

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

i. Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated the applicant, Peterssen/Keller Architecture, and the property owner, Abbey Road Realty, have submitted a development application to

combine the two (2) existing parcels at 320 and 346 Ferndale Road into a single lot of record. The existing houses on both of the lots would be demolished, and one (1) new single-family home would be constructed on the combined lot. The Planning Commission reviewed the development application and held a public hearing at its June 20, 2016 meeting. After discussing the application at the June 20, 2016 meeting, the Planning Commission directed Staff to prepare a draft Planning Commission Report and Recommendation recommending approval of the development application. Mr. Thomson reviewed the conditions of approval in draft Report and Recommendation prepared by staff and advised the Planning Commission to adopt the draft Planning Commission Report and Recommendation if it met with their approval.

Commissioner Gonzalez made a motion, seconded by Commissioner Gruber, to adopt the Planning Commission Report and Recommendation, as presented, recommending approval of the Preliminary and Final Plat Subdivision at 320 and 346 Ferndale Road South subject to the conditions outlined in the Report. The motion carried unanimously.

<u>AGENDA ITEM 5.</u> New Business Items:

b.) McLean Residence – 141 Woodale Ave

i. **Review of House Plans**

Mr. Thomson stated the applicant, D.T. Construction, has submitted building plans for construction of a new home at 141 Wooddale Avenue. The property is part of the Anchor Bank/Walgreens PUD that was approved by the City Council in January 2014. The City Council resolution approving the PUD and subdivision included a condition that the future owner of the residential lot 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." He reviewed the project location, surrounding land uses, and applicable code provisions for the Planning Commission to review. Mr. Thomson stated that the applicant has submitted a revised survey to address concerns of the west property line setback. The west property line is the external lot line of the PUD District, and therefore the minimum 20-foot front yard setback is required from this property line. The revised survey does comply with all of the setbacks for the property.

Commissioner Gruber asked if the builder for this home would be the same as the builder for the home at 155 Wooddale Avenue.

Mr. Thomson stated there were different builders for all three of the lots in this development.

Commissioner Gonzalez asked if there were samples of the building materials available for the Planning Commission to review.

Mr. Thomson stated the materials on the front elevation are a hardy board product and board and baton product and this is similar to the products used for the 155 Wooddale Ave project. The

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applicant can provide information on the materials that would be used for the sides and back of the home.

Commissioner Gonzalez asked if the rear boundary had been established.

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

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

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

Commissioner Gruber made a motion, seconded by Commissioner Gonzalez, to recommend the City Council approve the preliminary house plans for 141 Wooddale Ave, based on the findings 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. The motion carried unanimously.

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

<u>AGENDA ITEM 6.</u> Public Hearing Items:

a.) Gardner Place – 350 Gardner St E

i. Preliminary and Final Plat Subdivision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant's representative, Mr. Steve Bohl, 550 Far Hill Road, Wayzata, provided historical background on the property and the proposed development. He stated they had done some testing, and he does not believe there is a sizable dump on the site. He explained they were proposing a private driveway because of the challenges with creating a city street due to the topography and grading of the property. The proposed driveway would be built to the requirements of fire safety. He clarified the three homes presented would be the three homes that would be built on the lots. They are currently working on trying to drop the second home 1 to 2 feet in order to drop the height of the retaining wall proposed for 5 to7 feet to 4 to 5 feet. He acknowledged that the neighbors have expressed concerns, and they are working to ensure the proposal works for the neighborhood. He explained the property currently has a non-conforming private driveway, and they are proposing to make some improvements to this and keep it as a private driveway. They would prefer to have a variance request approved, rather than having the project go through the Planned Unit Development (PUD) process for the private street. This street would not be the responsibility of the City because it would be private and would be managed by an easement between the property owners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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north platted neighborhood of Wayzata have access to a public street. There are four (4) other shared driveways in the north neighborhoods. Anywhere there is a shared driveway in this area it serves two (2) homes only. She expressed concerns about who would be responsible for maintaining the driveway and for snow removal, where the trash and recycling pickup would occur for these new homes, and if her home would be expected to be a part of the new homeowners' association. She stated the project location was in conflict with the preliminary plat criteria of the City's Subdivision Ordinance in that: the creation of a lot or lots shall not adversely impact the scale, pattern, or character of the City, neighborhoods, or its commercial areas; 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 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; and 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. She stated there are no other locations in Wayzata where four (4) homes share a driveway, the parcels in this area are larger due to the topography, and a significant character of Wayzata is the large heritage trees and removal of these would impact the neighborhood. The City right-of-way has several large trees that provide a significant site and sound barrier for the neighborhood and these are owned by the City, not the applicant, and this is in conflict with the criteria that: 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; existing stand 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; and 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. She stated the proposed plan would drastically change the topography of the land. The ground level would be raised up to 5-feet and require significant retaining walls and this is in conflict of the criteria that the building pads that result from subdivisions or lot combinations shall be selected and located with respect to natural topography to minimize filing or grading. She expressed concerns about safety because there would be a large number of trucks going to and from the property and there are several children under the age of 10 in this area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Gonzalez requested a storm water runoff plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Preliminary and Final Plat Subdivision with Variances

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

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adding conditions regarding these new homes. The applicant would need to work out the private easements for the utilities.

Chair Iverson opened the public hearing at 9:23 p.m.

Applicant's representative, Mr. Peter Benincasa, Executive Real Estate Professionals, 8749 Helswig Trail, Brooklyn Park, stated the property has a shared easement due to the driveway and the utilities, and most of the homes that share the driveway were granted a variance. Many of the trees that would be removed are damaged and falling down. They are looking to subdivide the property and the developers can submit applications for the Commission to review to ensure these homes would meet the City's requirements.

Kristi Oman, 250 Bushaway Road, Wayzata, stated the neighbors are supportive of the project.

Chair Iverson closed the public hearing at 9:27 p.m.

Commissioner Gonzalez stated she would like to see the property staked out with property lines and proposed building sites. She clarified the private street that was constructed was part of a PUD and this had been approved because the private street was saving hundreds of trees. The City's code requires that a private road be approved only if it is part of a PUD or through a variance application. Since neither one of these are part of the application the Commission would not be able to make a recommendation.

Mr. Thomson stated the Commission can provide feedback on the plans, and the applicant would need to come back to the Commission with the appropriate revisions and an amended application.

Commissioner Gonzalez asked what the practical difficulties were that would allow the Commission the ability to grant a variance.

Ms. Oman stated the lots are configured so to allow for the lowest impact on the trees. They do not want to impact the aesthetics and appeal of the property. She could configure the properties to meet the requirements of the ordinances but there would be a significant impact on the trees.

Commissioner Flannigan asked the applicant if there were letters of support from neighbors.

Ms. Oman stated she would to provide this. She pointed out that there were no residents at the public hearing to speak negatively about the project.

Mr. Benincasa stated the changes to Highway 101 and the loss of an entry point to the property from that road also drive the request for a private street.

Mr. Thomson stated staff could bring a draft report and recommendation on the project to the next meeting of the Commission, and at that point, the Commission could also hold a an additional public hearing on the new requests added to the application.

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Commissioner Gonzalez requested the applicant provide a reasonable explanation why the lot width variances should be granted. She stated the Code states that a variance can be granted when there are practical difficulties that are unique to the site and not created by the applicant. Economic reasons cannot be the driving force.

Chair Iverson asked if the Commission if they supported the variance request for the lot widths.

Commissioner Gonzalez made a motion, seconded Gnos by Commissioner to direct staff to prepare a draft Report and Recommendation, with appropriate findings, recommending approval of the Application, as may be amended, for consideration at the next meeting, and ask the applicant revise the application to include a request for a variance for the private road, and a written report showing appropriate hardship for the variance requests. The motion carried unanimously.

Commissioner Flannigan requested written confirmation from neighbors that they support the project.

AGENDA ITEM 7. Other Items:

a.) Review of Development Activities

Mr. Thomson stated the July 18 agenda is scheduled to include the two carry over items from this meeting, and the redevelopment application for the Gold Mine and Mail Center properties on Broadway Avenue.

b.) Other Items

Mr. Thomson stated the City Council reviewed the Mill Street Ramp project on July 5, and did vote to approve the schematic design and move into final design of the ramp. The Council also adopted the first reading of the Tree Ordinance.

City Attorney Schelzel stated the adoption of the Tree Ordinance would affect the types of items the City requests with development applications, including a Tree Preservation Plan as defined in the new ordinance.

Mr. Thomson sated once the ordinance has been adopted, staff would review the changes under the ordinance and related procedures with the Planning Commission.

Mr. Thomson noted that the City Council tabled the Meyer Dairy project, and that the project at 529 Indian Mound was approved. The six (6) lot subdivision on Holdridge Road was reviewed by the City Council, and the Council denied the project.

Commissioner Gnos asked if there would be an application coming for the “pink” building on Lake Street. They are advertising the property.

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Mr. Thomson stated the City has not received a formal development application for this property.

<u>AGENDA ITEM 8.</u> Adjournment.

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

The Planning Commission meeting was adjourned at 9:52 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.

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WAYZATA PLANNING COMMISSION
DRAFT MEETING MINUTES
JULY 18, 2016

AGENDA ITEM 1. Call to Order and Roll Call

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

Present at roll call were Commissioners: Young, Gruber, Gonzalez, Flannigan and Gnos. Absent and excused: Commissioners Iverson and Murray. 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 July 18, 2016 meeting agenda as presented. The motion carried unanimously.

AGENDA ITEM 3. Approval of Minutes

a.) Approval of June 20, 2016 Planning Commission Minutes

Commissioner Gonzalez made a motion, seconded by Commission Gnos to approve the June 20, 2016 Planning Commission Minutes as presented. The motion carried unanimously.

AGENDA ITEM 4. Public Hearing Items:

a.) Frenchwood Third Addition – 250 and 270 Bushaway Rd
i. Preliminary and Final Plat Subdivision with Variances

Director of Planning and Building Thomson stated the applicant, Zev and Kristi Oman and Robert Bolling, has submitted a development application to subdivide the properties at 250 and 270 Bushaway Rd. The applicant is proposing to subdivide the two (2) existing lots into four (4) single-family residential lots. The two (2) existing homes would remain and two (2) new homes would be constructed. As part of the submitted development application, the applicant is requesting approval of a concurrent preliminary and final plat subdivision, lot width variances, and a variance from the subdivision ordinance to allow use of a private street. The Planning Commission reviewed the development application and held a public hearing at its meeting on July 6, 2016. At the meeting, the Commission asked the applicant to amend the application based on the private street requirements of the Subdivision Ordinance, and submit a written statement on the rationale for the requested variances. The Planning Commission also directed staff to prepare a draft Report and Recommendation recommending approval of the application for review at its next meeting. Mr. Thomson reported that the applicant has amended the

application to request a variance from the private street prohibition of the Subdivision Ordinance, and has submitted a letter detailing the reasons for the variance request. He explained the public hearing at tonight's meeting would be for the variance request to allow use of a private roadway, and that the public hearing held at the last meeting covered the other requests of the application. He reviewed the proposed conditions of an approval recommendation for the development. He stated that Tree Preservation Plans must be prepared for each of the new homes and submitted to the City for review as required by the City's pending new tree preservation ordinance.

Commissioner Gonzalez asked if the tree preservation ordinance would be part of the Zoning Ordinance.

Mr. Thomson stated the portion of the tree preservation ordinance that pertains to subdivisions is included in the Zoning Ordinance.

Commissioner Gruber opened the public hearing at 7:09 p.m.

There being no one wishing to address the Planning Commission, Commissioner Gruber closed the public hearing at 7:10 p.m.

Commissioner Flannigan asked for background on the existing private street.

Mr. Thomson stated the private street serves the two (2) existing homes on Bushaway Rd and all of the Enchanted Woods development. He was unable to give details on the specific approvals that were granted at the time of the Enchanted Woods development.

Commissioner Gonzalez stated the variance was approved for the private street because the City was able to save hundreds of trees and the Fire Marshal's concerns had been addressed by widening the road slightly. The Enchanted Woods project was approved as a PUD, and the private street was approved as part of the PUD. She explained that the access to Bushaway Road had been cutoff as well.

City Attorney Schelzel stated that at the last Planning Commission meeting, the applicant had stated the recent construction on County Road 101 had effectively blocked access to the property.

Mr. Peter Benincasa, applicant's representative, Executive Real Estate Professionals, 8749 Helswig Trail, Brooklynn Park, clarified the Carriage House is part of the property and for 50-years there was a road that came up to the driveways. There was a house built adjacent to the road that came in and when they put in their driveway there was no easement put in. It came close, so they moved it over and closed off the road, and the County went with it and closed off the access from County Road 101 during the recent construction on the road.

Commissioner Young stated he would abstain from the final vote on the recommendation because he had not been present at the first meeting regarding the application.

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Commissioner Gonzalez clarified she would support the variances requested because they would save several trees.

Commissioner Gonzalez made a motion, seconded by Commissioner Gnos to adopt the Report and Recommendation, as presented, recommending approval of the Preliminary and Final Plat, Lot Width Variances, and Private Street Variance at 250 and 270 Bushaway Road with the conditions of approval in the Report. The motion carried 4-ayes; 1 abstain (Young).

b.) Broadway Place – 326 and 332 Broadway Ave S

i. Rezoning, Concurrent PUD Concept and General Plan of Development, Design Review, Variances, Shoreland Impact Plan/Conditional Use Permit, and Preliminary and Final Plat Subdivision

Director of Planning and Building Thomson stated the applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, had submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Avenue S. The development application includes demolition of the two (2) existing buildings and construction of a three story mixed use building, which would consist of retail uses on the ground level and office uses on the upper two levels. The property is currently zoned C-4B, and the applicant is requesting a rezoning to a PUD and concurrent review of both a Concept Plan and General Plan. The maximum building height in the PUD rezoning district is 35-feet and 3-stories, whichever is less. The proposed building would be 3-stories but 38-feet in height, which requires a variance. 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 over 35-feet may be allowed through approval of a Shoreland Impact Plan/Conditional use Permit. The Shoreland Overlay district also establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a Shoreland Impact Plan/Conditional Use Permit. The proposed plan would have an impervious surface coverage of approximately 96%. The applicant's proposal to combine the two (2) lots into one (1) also requires subdivision review and approval. Mr. Thomson reviewed the Design Standards deviations outlined in the Design Critique based on architectural plans in the application dated 6/17/16 and Civil Plans dated 6/16/16. Mr. Thomson reviewed the deviations from the Design Standards, including the upper story setbacks of the second and third floor, exterior building materials, and sidewalk and streetscape improvements. In addition, the sidewalk materials should be changed to be exposed aggregate with concrete bands. Mr. Thomson noted that the project requires 52 parking stalls. He further explained that the City Council has directed staff to initiate the Mobility District concurrently with the City's Mill Street parking ramp project. The Mobility District would allow property owners to utilize excess parking in the parking ramp to meet parking requirements for changes in use and redevelopment of their property. The property owner would pay the City annually for the number of parking stalls in the ramp that were required by the property uses. Mr. Thomson noted that the Mill Street parking ramp project is still going through the City Council review and approval process. If the City approves this project, there may be an opportunity to coordinate the work on the applicant's project with the Mill Street Ramp construction to minimize the impacts on the neighborhood.

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Commissioner Gruber clarified the Mobility District had not been approved by the City Council yet.

Mr. Thomson stated this was correct and it was part of the Mill Street ramp project. It would take several months to work through the process of establishing this district.

Commissioner Gonzalez asked if the applicant could work with owners of the Carisch Ramp to provide parking.

Mr. Thomson stated there is a public easement over the Carisch Ramp but this expires in 2017. He was unaware of any conversations between the applicant and the owner of the Carisch ramp. The project has been moving forward based on the Mill Street parking ramp option.

Commissioner Gonzalez stated the south elevation would be a solid wall and the building on the corner has a balcony with some windows. She expressed concerns that the project would be built on the property line and this would block in the owner of that property.

Commissioner Flannigan asked why the 12-foot sidewalk was required.

Mr. Thomson stated the City's Engineering Guidelines call for the material requirements and the Design Standards establish the required widths of the sidewalks. The 12-foot sidewalk does allow for the planting of trees.

Commissioner Gonzalez asked if a 5-foot wide sidewalk complied with the ADA requirements.

Mr. Thomson stated staff would verify this.

Commissioner Young asked what the height was of the surrounding buildings.

Mr. Thomson stated he did not have this information at this time and they would request it.

Applicant's architect and representative, Mr. David Shea, 10 South 8th Street, Minneapolis, stated Mr. Beltz owns the property at 701 and he is going to continue that synergy into this property. They would like to see the smaller sidewalks, to be more inviting to pedestrian traffic and continue the walk ability of Wayzata from Lake Street to Broadway and onto Mill Street. He explained the architectural elements and the design elements that they were using in the building. The balconies form a canopy for the entrances and provide an access to outdoors for the office spaces. He stated the outdoor patio on the third floor would provide a unique option for the office spaces. They are matching the floor-to-floor heights of the 701 building. He stated they are taking the neighboring building into consideration along the north side. He explained the construction process that would be used to ensure the construction would not encroach on the neighboring building.

Commissioner Gonzalez stated there was equipment on the site currently doing borings between he existing buildings. She asked what the purpose was for this.

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Mr. Shea stated these were soil borings to determine what type of soil was there because they will be putting in footings, foundations and grade beams.

Commissioner Gonzalez stated there are boulevard trees. She asked if these would be preserved.

Mr. Shea stated they would make every effort to save these trees. They would provide additional information in the landscape plan.

Commissioner Gonzalez asked to see samples of the building materials.

Mr. Shea provided samples of some of the materials and stated that they would have a full board for the materials during the next meeting. He explained that they did not have a sample of the metal material at this time. The metal is an architectural material that can be formed to create the molding appearance on the outside of the building.

Commissioner Gonzalez asked what the practical difficulties were that would justify the Commission granting a building height variance.

Mr. Shea stated they are providing a reasonable height for a ground level retail space. If the ceilings are too low, it would not meet the requirements for retail space. They are also using the fascia to hide any elements that are on the roof.

Commissioner Gonzalez stated the application does not state there would be equipment on the roof.

Mr. Shea clarified they were going to use the fascia to hide recesses and water storage elements on the roof.

Commissioner Gruber asked Mr. Shea to describe the storm water management.

Commissioner Flannigan asked why Mr. Shea thought a 5-foot sidewalk was more walkable than a wider sidewalk.

Mr. Shea stated the felt that narrower sidewalks that opened to larger green space areas were more appealing. He can make the sidewalks larger but he would like to keep green areas along the building. The best thing for a livable city is to have green in it.

Applicant's civil engineer, Mr. Kenny Horns, with HGA, 420 N 5th St., Minneapolis, stated they had met with City Engineer Mike Kelly. Based on the footprint of the building and the size of the lot, there is a limit to the stormwater management practices that can be used. They are managing runoff from a rooftop only and not a parking lot. Runoff from rooftops typically has less pollutants and sediments than a parking lot. To manage the runoff, they are required to match to peak discharge rate for the 2, 10, and 100-year design storm events. This will be achieved through temporary storage of runoff on the roof. The roof would still drain within a 24-hour period. The hydrodynamic separator would address the sediment in the runoff. This

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equipment would be located in the alley. The applicant would work with the City to reach an agreement to locate this equipment in the alley right of way. He stated the challenge with the building is there are multiple entrances around the perimeter on Mill Street and Broadway. One of the design goals is to have all of the entrances at the same one floor elevation. There is a 3-foot difference in elevation on the street grades. Having all of the entrances at the same level is a challenge for grading. The 5-foot sidewalk meets accessibility requirements in terms of being less than a 5% slope and 2% cross slope. Along Mill Street there is a 4-foot area between the proposed sidewalk and the building and a 4-foot area from the sidewalk to the curb. If the sidewalk is widened there would be a steeper cross slope and this would not comply with being an accessible walk.

Commissioner Young asked if there were concerns about the amount of office space that was being proposed. Other developments that have come before the Commission are moving away from office space.

Mr. Shea stated the first floor retail makes sense given the location. There are very few small office spaces available, and they are offering a special office space with the amenities.

Commissioner Gruber opened the public hearing at 8:18 p.m.

Ms. Stacy Carisch, representing the Marquee Building on the 600 Block, asked what the Mobility District was.

Commissioner Gruber stated the Mobility District has not been created yet but it is a concept the City is working with and looking at to address the parking issues in the downtown area.

Mr. Thomson stated there is a public process the City would go through to create the Mobility District. It would be set up as a special service district. This would allow for the use of the Mill Street Ramp for businesses to meet their parking requirements, and it would create some services for the properties within the district, such as a public valet.

Ms. Carisch expressed concerns about parking. She stated parking would be very difficult if both the proposed project and the Mill Street Ramp are constructed together. The City needs to assist with policing the parking at the Carisch Ramp. Some things to consider are the how close the project would be to the road.

Commissioner Gruber closed the public hearing at 8:25 p.m.

Commissioner Gonzalez stated a PUD is not a tool to go around the Zoning Ordinance, and it needs to make sense for the City and the applicant. She would not support the 38-feet height variance. If the 35-foot height restriction is not meeting the needs of the community, then it should be reviewed and rewritten, rather than granting variances. If granted the zoning change to a PUD the applicant is gaining a floor so they should be able to comply with the height requirements. The surrounding buildings are at 38-feet, but they were all constructed prior to the current Zoning Ordinance going into effect.

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Commissioner Flannigan stated having a 2-story building in this location would look out of place because the surrounding buildings are 3-stories; so rezoning from C-4B to PUD would make sense.

Commissioner Gonzalez stated she would be willing to recommend a PUD for this project; however, she is not sure that the height variance is justified.

Commissioner Gruber inquired whether the Commissioners would generally support the rezoning request from C-4B to PUD because it would fit with the neighboring buildings.

Commissioner Young stated with the information provided and the height of the surrounding buildings, he would support the 38-foot height variance. This would be keeping with the aesthetics of the neighborhood.

Commissioner Gonzalez asked what the practical difficulties would be for not being able to meet the requirements of the ordinance. The project does not meet the requirements of the Variance Ordinance.

Commissioner Young stated the totality of what is being proposed is fair, and it would be a positive addition to the area.

Commissioner Gnos stated he would support the height variance because it would be in keeping with the character of the neighborhood.

Commissioner Flannigan asked what the grading was for the property.

Mr. Horns stated from the north side of the property to the east there is a 3-foot grade difference.

Commissioner Flannigan stated they applicant is trying to keep one level of entry around the building and to accomplish this they may have a standard point in the building that requires them to get to 38-feet. There is a standard that is required for retail space on the corner of Broadway and Lake Street. If the City requires retail on the first level, then they need to give the developer the ability to attain that standard.

Mr. Thomson stated the materials presented did not include a written statement on the practical difficulties, but they were stated during the meeting.

City Attorney Schelzel suggested the Commission request this information in writing from the applicant for the next meeting.

Commissioner Gruber asked if the design standards allow metal for the exterior.

Mr. Thomson stated the Design Standards pertain to the non-glass portions of the building, and metal is restricted to no more than 10% of those areas.

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Commissioner Gonzalez stated it would be difficult to recommend a deviation on the materials for the use of the metal because they do not have a sample of what the applicant would be using.

Mr. Shea stated they are using molded/cast alternative material. It is not large flat panels of metal.

Commissioner Gonzalez asked what color the roof would be. If they are not doing a dark roof they would need to make a case for this and request a deviation.

Mr. Shea stated they could go with either a white or dark roof. If they decide to use a white roof they will make a case for this.

Commissioner Gonzalez asked how the entrances would be landscaped. She explained the requirements in the Design Standards including the requirement for a bench and bicycle parking.

Mr. Shea stated they are in favor of greening up an urban environment and would work with the Design Standards. He explained they were requesting narrower sidewalks in order to comply with accessibility requirements. A wider sidewalk would increase the slope. If the sidewalks are narrow, then they can also include the landscaping the Commission has requested.

Commissioner Gonzalez cautioned Mr. Shea to work with City staff regarding the materials they would be using for the sidewalk.

Commissioner Flannigan expressed concerns about the width of the sidewalk. He asked the applicant to provide renderings that more closely represent what the area would look like.

Commissioner Gonzalez stated the Commission would like feedback from the City Engineer regarding the impervious surface request and if the storm water management plan would meet the requirements.

Applicant's representative, Dave Link, 2399 Wayzata Boulevard, Wayzata, stated Mr. Kelly reviewed the storm water management and classified it as a best in class practice.

Commissioner Flannigan asked about the building setbacks.

Mr. Thomson stated the C-4B does not have setback requirements so the project does comply. He suggested the Commission add a condition of approval the applicant work with the City for an encroachment agreement to allow the storm water management system to be in the City alley.

Commissioner Gonzalez asked what plans had been made in regards to trash bins.

Mr. Link stated the garbage would be housed in the 701 building and consolidated between the two.

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Mr. Thomson stated the design standards require the second floor to be setback 6-feet and they are showing 3-feet and the third floor should be recessed and the applicant is showing it the same as the second floor. These would require a deviation.

Commissioner Flannigan asked if the applicant would need to provide an explanation why the deviation was required.

Commissioner Young stated the intent of the setbacks for the second and third floor was to avoid large walls, and the applicant is breaking up these walls with design features, including windows and patios.

City Attorney Schelzel stated the aspects of the project that do not meet the Zoning Ordinance's design standards require deviations, not variances, so they are not subject to the same strict legal standards as a variance request. The applicant is not required to provide a narrative in the application about the reasons the deviation is justified under the criteria for a variance. The deviation must be based on one or more findings that justify the deviation, including the positive effect of the project in the area it's proposed. The Commission has heard from the applicant on the positive impacts the design would have on the surrounding area.

Vice Chair Gruber asked what additional information the Commission would like to see.

Commissioner Gonzalez stated they would need to bring a sample of the metal they are proposing to use and the missing information for the design standards.

Mr. Thomson summarized the Commission's discussion that staff should work with the applicant on the design standards issues discussed by the Commission. He noted the Commission requests a narrative from the applicant be added to the application outlining the practical difficulties justifying approval of the height variance. Staff will discuss sidewalk widths and the roofing material with the applicant.

Commissioner Young made a motion, seconded by Commissioner Gnos to direct staff to prepare a draft Report and Recommendation recommending approval of the rezoning from C-4B to PUD/Planned Unit Development, Concurrent PUD Concept and General Plan of Development Review, Design, Variance from the maximum building height requirement, Shoreland Impact Plan/Conditional Use Permit for the building height, Shoreland Impact Plan/Conditional Use Permit for impervious surface, and Preliminary and Final Plat Subdivision to combine lots at 326 and 332 Broadway Ave S, subject to the conditions of approval outlined in the Commission's discussions, and requesting that the applicant provide the additional information requested by the Commission. The motion carried 4 ayes; 1 nay (Gonzalez)

Commissioner Gonzalez stated the reason she would not support the motion and direction on the recommendation was that project as proposed and the application as presented was not complete. She did not have enough information to recommend approval of the variance because there was no narrative in the application.

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AGENDA ITEM 5. Other Items:

a.) Review of Development Activities

Mr. Thomson stated the City Council is scheduled to have the second reading of the Tree Ordinance on its agenda for the July 19 Council meeting. The City Council is also scheduled to review the 141 Wooddale project, the Meyer Place on Ferndale project, and the 320 and 346 Ferndale Road lot combination at that meeting. He stated the applicant for the Gardner Place subdivision will be reviewing the comments of the Commission and determining how they would like to move forward. The agenda for the next Planning Commission meeting is scheduled to include Zoning Ordinance amendments related to the proposed Mill Street parking ramp, and Zoning Ordinance amendments related to changes made during the last legislative session regarding temporary health care housing.

AGENDA ITEM 6. Adjournment.

Commissioner Young made a motion, seconded by Commissioner Gonzalez to adjourn the meeting. The motion carried unanimously.

The July 18, 2016 Planning Commission meeting was adjourned at 9:17 p.m.

Respectfully submitted,

Tina Borg
TimeSaver Off Site Secretarial, Inc.

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

Mayor:
Ken Willcox

City Council:
Bridget Anderson
Johanna McCarthy
Andrew Mullin
Steven Tyacke

City Manager:
Jeffrey Dahl

Date: July 29, 2016

To: Planning Commission

From: Jeff Thomson, Director of Planning and Building

Subject: Broadway Place

Application Information
The applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S. The development application includes demolition of the two existing commercial buildings and construction of a three story mixed use building which would consist of retail uses on the ground level and office uses on the upper two levels.

Planning Commission Review
The Planning Commission reviewed the development application and held a public hearing at its meeting on July 18, 2016. After discussing the application, the Planning Commission asked the applicant to provide additional information regarding the roof top mechanical equipment, sidewalk widths on Broadway and Mill Street, and height comparison to the 701 Lake St building. The Commission also asked the applicant to respond to the design critique, outline the reasons for the deviations from the design standards, and provide written justification for the height variance. After discussing the application, the Planning Commission directed staff to prepare a Planning Commission Report and Recommendation recommending approval of the development application.

Additional Information
The applicant has submitted the additional information requested by the Planning Commission. In addition, the applicant submitted revised plans for the project which include increased sidewalk widths along both Broadway and Mill Street. The previous plans included 5-foot sidewalks along both street frontages. The Mill Street sidewalk has been widened to 13 feet, from the edge of the existing parking lot to the base of the proposed building. The sidewalk along Broadway Avenue has been widened to 8.6 feet adjacent to the building, but remains 5 feet wide along the north side of the right of way. The sidewalk could be increased to the required 12 feet; however, it would result in removal of the large tree on the southwest corner and the landscaped seating area.

Design Review
Based on the updated information provided by the applicant and the revised plans, the proposal requires the following deviations from the design standards:

- Building recession: The design standards require that the third story of the building be recessed from the lower floors for the entire length of the building along a public right of way. The third story of the proposed building is recessed 10 feet from the second story along most of the right of way frontages from Broadway Avenue and Mil Street. The only portion of the third story that is not recessed is the northwest corner of the building. In addition, the second story must be recessed for 25% of the length of the building. The second story along Broadway Avenue is recessed for 40% of the length of the building and the second story along Mill Street is recessed for 30% of the length of the building. However, the second story is recessed only 3 feet from the first floor façade, not the 6 feet required by the design standards.

- Exterior building materials: The exterior materials of the proposed building would consist of brick, cast stone, and metal paneling/detailing. Brick and cast stone are permitted exterior building materials. However, the metal panels would comprise 35% of the non-glass surfaces of the north elevation and 40% of the west elevation, which exceeds the maximum of 10% established by the design standards.

- Sidewalks and streetscape: The design standards require a continuous sidewalk of at least 12 feet in width along all public street frontages. The applicant is proposing a sidewalk between 5 feet and 8.6 feet in width along Broadway Avenue. The sidewalk could be widened to 12 feet, however that would result in removal of a large tree on the southwest corner of the site, and the existing landscaping and decorative brick.

- Roof Top Mechanicals: The proposed plans include mechanical equipment on the roof of the building, which would be fully surrounded by the parapet and cornice of the building. The design standards for the Lake Street district state that no mechanical equipment for a building may be located on the roof deck.

Planning Commission Action

City staff has drafted the attached Planning Commission Report and Recommendation. The Report and Recommendation recommends the following:

- Approval of Concurrent PUD Concept and General Plan of Development
- Approval of Rezoning from C-4B to PUD/Planned Unit Development
- Approval of Design of Project with the requested Design Deviations
- Approval of Building Height Variance
- Approval of Shoreland Impact Plan/CUP for Building Height
- Approval of Shoreland Impact Plan/CUP for Impervious Surface
- Approval of Preliminary and Final Plat Subdivision

Staff recommends that the Planning Commission adopt the draft Planning Commission Report and Recommendation.

Attachments

- July 18, 2016 Planning Report
- Applicant's Narrative
- Proposed Plans
- Update Design Critique
- Draft Planning Commission Report and Recommendation

Planning Report
Wayzata Planning Commission
July 18, 2016

Project Name:	Broadway Place
Applicant	Beltz Enterprises, LLC
Addresses of Request:	326 and 332 Broadway Ave S
Prepared by:	Jeff Thomson, Director of Planning and Building
Planning Commission Review:	July 18, 2016
City Council Review:	TBD
"60 Day" Deadline:	August 18, 2016

Development Application

Introduction
The applicant, Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC, have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S. The development application includes demolition of the two existing commercial buildings and construction of a three story mixed use building which would consist of retail uses on the ground level and office uses on the upper two levels.

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

Address	PID	Owner
326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

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

Current zoning:	C-4B/Central Business District
Comp plan designation:	Central Business District
Total site area:	7,518 square feet (0.17 acres)

Project Location
The property is located on the southeast corner of the Broadway Ave/Mill Street E intersection.

Map 1: Project Location

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

A. Rezoning from C-4B to PUD/Planned Unit Development: The property is currently zoned C-4B, 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. 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 feet in height, which requires a 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.

F. Shoreland Impact Plan/Conditional Use Permit for impervious surface: The shoreland overlay district also establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit. The proposed plan would have an impervious surface coverage of approximately 96%.

G. Preliminary and Final Plat Subdivision to combine the lots: The City's subdivision ordinance defines subdivision as the division of land into two or more lots or combination of two or more lots. The applicant's proposal to combine the two existing lots into one lot requires subdivision review and approval.

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	Mill Street municipal parking lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District
South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

Public Hearing Notice
The public hearing notice was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016.

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 al1 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-4B/Central Business District. The following table outlines the zoning standards for the C-4B, PUD, and shoreland overlay districts:

	C-4B Zoning	PUD Zoning	Shoreland Overlay District	Proposed PUD
Height	2 stories and 30 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet	38 feet*
Floor Area Ratio	2.0	No maximum	N/A	2.66 (approx.)
Impervious Surface	No maximum	No maximum	25% 75% with stormwater management 100% with shoreland impact plan/CUP	96%** (approx.)
Setbacks	None	Same as imposed by zoning district	N/A	The proposed building would be set back 0 feet from all property lines.

*Variance required
**Shoreland impact plan/conditional use permit required

In addition to the zoning standards outlined above, the permitted uses in the C-4B zoning district include retail and service establishments in the ground level of the building that deal directly with the customer for whom the goods or services are

furnished, and retail, service, office, laboratories, schools, or residential dwelling units within upper levels of the building. The PUD zoning district states that uses within the building must be consistent with the Comprehensive Plan land use designation. The proposed building would consist of retail uses on the ground level and office uses on the upper two levels, which would comply with the C-4B zoning district and the Central Business District land use designation in the Comprehensive Plan.

The proposed project includes three deviations from the requirements of the C-4B zoning district. First, the C-4B district has a maximum building height requirement of 30 feet or 2 stories, whichever is less. The applicant's request to rezone the property to PUD would allow a 3 story building with a maximum height of 35 feet. In addition to the PUD zoning for the increased building height, the applicant is also requesting a variance to exceed the 35-foot maximum height of the PUD district.

The second deviation from the C-4B district requirements is to the maximum floor area ratio (FAR) of 2.0. However, the PUD district does not include a maximum FAR. The proposed building would have an FAR of approximately 2.66.

The third deviation from the C-4B district is from the minimum lot area requirements. The C-4B district includes a minimum lot area of 12,000 square feet. However, the PUD zoning district does not have a minimum lot size for non-residential projects. The proposed lot combination would result in a lot size of 7,518 square feet, which would not meet the C-4B requirements, but would meet the PUD requirements.

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 zoning district 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.

Proposed Building

The proposed building would be three stories and would consist of first floor retail and office uses on the upper two floors. The total building size is approximately 20,000 square feet, which would include approximately 7,000 ground floor retail, and 13,000 square feet of office. The ground floor retail space could include single or multiple tenants, and each ground level tenant space would have an individual entrance from Broadway Avenue or Mill Street. The upper level office would be accessed by an entrance from Mill Street on the northeast corner of the building. The back of the building includes a common corridor, elevator, staircases, and common restrooms. Service and deliveries could be provided from both Mill Street and from the alley on the back of the property. Trash and recycling services for the building would be accommodated by the trash area within the existing 701 Lake Street East building.

Design Review

The project is subject to the design standards for the Lake Street design district. A design review critique of the proposal is included as Attachment B. The following summarizes the items that do not meet the design standards, and would require a deviation from the standards:

- Building recession: The design standards require that the third story of the building be recessed from the lower floors for the entire length of the building along a public right of way. The third story of the proposed building is recessed 10 feet from the second story along most of the right of way frontages from Broadway Avenue and Mil Street. The only portion of the third story that is not recessed is the northwest corner of the building. In addition, the second story must be recessed for 25% of the length of the building. The second story along Broadway Avenue is recessed for 40% of the length of the building and the second story along Mill Street is recessed for 30% of the length of the building. However, the second story is recessed only 3 feet from the first floor façade, not the 6 feet required by the design standards.

- Exterior building materials: The exterior materials of the proposed building would consist of brick, cast stone, and metal paneling/detailing. Brick and cast stone are permitted exterior building materials. However, the metal panels would comprise 35% of the non-glass surfaces of the north elevation and 40% of the west elevation, which exceeds the maximum of 10% established by the design standards.

- Sidewalks and streetscape: The design standards require a continuous sidewalk of at least 12 feet in width along all public street frontages. There is 26 feet of boulevard area between the curb line of Broadway Avenue and the west property line. The boulevard area currently contains a landscaped area, benches, and plaza with decorative brick. The applicant is proposing to reconstruct the existing 5-foot wide concrete sidewalk. The sidewalk could be widened to 12 feet, however that would result in removal of the existing landscaping and decorative brick. Along Mill Street, there is 13 feet of boulevard area. The applicant is proposing to construct a 5-foot wide concrete sidewalk with 4-foot landscaped areas on both sides of the sidewalk. In addition, the sidewalk materials should be changed to the exposed aggregate with concrete bands, per the City's downtown sidewalk specifications.

Parking

The City's parking ordinance establishes the minimum number of parking stalls that must be provided in a development. The minimum parking requirements for the 7,000 square feet of retail is 19 stalls, and the minimum parking requirement for the 13,000 square feet of office is 35 stalls. Based on the revised parking ordinance recently adopted by the City Council, the project would require a minimum of 52 parking stalls. The reduced parking requirement is a result of the new shared parking standards that account for daily and hourly changes in the parking demand of mixed use buildings.

The proposed plans do not provide any off-site parking. The City Council has previously discussed the project with the applicant in a workshop format. The discussions by the applicant and City Council have included the potential for an alternative parking plan where the applicant would use a portion of the additional parking stalls that would be constructed in the new Mill Street parking ramp that is currently being designed by the City. Through a potential downtown mobility district, the applicant would then pay the City annually for the number of stalls that are required for the development.

There are a number of details that need to be negotiated between the City and the applicant regarding the potential alternative parking plan. In addition, the alternative parking plan would be contingent on the City constructing a parking ramp on the Mill Street property and the adoption of a downtown mobility district. In a previous workshop with the applicant, the City Council indicated they supported the applicant applying for the development application and going through the standard development review process, with the understanding that if the project were to be approved, the approval would be contingent and conditioned on providing an alternative parking plan. The potential benefit to the City of reviewing the development application prior to the final approval of the Mill Street parking ramp and downtown mobility district is to allow for coordinated construction of the two projects. If the Planning Commission recommends approval of the project, City staff would recommend a condition of approval for the PUD regarding the alternative parking plan.

Stormwater Management

Stormwater management for the site would be provided by a stormwater storage device on the roof of the building which would capture all of the runoff from the flat roof. The storage device would limit the discharge of the stormwater from the roof during the designated storm events. From the roof, the stormwater would be directed to an underground hydrodynamic separator which would be constructed in the public alley behind the building. The hydrodynamic separator would provide treatment of the stormwater prior to being discharged into the City's storm sewer system. The City engineer has reviewed the proposed plans and finds that it is a best management practice to treating the stormwater runoff from the development. An encroachment agreement with the City would be required for the storm sewer improvements within the City's alley easement.

Proposed Subdivision

The applicant is proposing to combine the two existing lots into one platted lot. Both of the existing lots have lot areas that are non-conforming to the current C-4B zoning district. The following table outlines the existing and proposed lots:

	Lot area	Lot width	Lot depth
C-4B Requirements	12,000 sq. ft. (min.)	No minimum	No minimum
PUD Requirement	No minimum	No minimum	No minimum
326 Broadway Ave S	2,467 sq. ft.	25 ft.	100 ft.

(existing lot)			
332 Broadway Ave S (existing lot)	4,934 sq. ft.	50 ft.	100 ft.
Combined Lot (proposed)	7,518 sq. ft.	75 ft.	100 ft.

As outlined in the PUD information of this report, the PUD zoning does not have minimum lot size, width or depth requirements, and the proposed subdivision would meet the lot requirement of the PUD zoning district.

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.

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.

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.

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:

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 with all performance standards contained herein.

K. The proposed subdivision or lot combination shall not tend to or actually depreciate the values of neighboring properties in the area in which the subdivision or lot combination is proposed.

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

Action Steps

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

Attachments

- Attachment A: Proposed Plans
- Attachment B: Design Review Critique

Broadway Place Development
Design Standards Review Response by Applicant

The Broadway Place building is designed with several key factors in mind to enhance the downtown Wayzata area and to align with the ideals promoted by the Lake Effect plan, including Pedestrian-friendly and human-scale concepts. The massing of the building and variations in the levels along with the level of detailing create a welcoming pedestrian experience. The enhanced sidewalk design will provide a functional, aesthetically pleasing walkway from the adjacent ramp, along Mill Street, and down Broadway toward the lake. The materials are selected and placed to create a visually-appealing, long-lasting aesthetic that will appeal to locals and first time visitors alike. Special care has been taken to cultivate an overall building that adds to the visual and experiential character of the area.

Mr. Beltz, who is the owner of the 701 building that surrounds the site of the proposed Broadway Place building, is excited to bring another strong building design to the City of Wayzata to help enhance the experience of both locals and visitors to the area.

In response to the Design Critique prepared by City Staff based on Architectural Plans dated 6/17/2016 and Civil Plans dated 6/16/2016 we have prepared the response below to address the concerns expressed.

Building Recesses:
The design proposed for Broadway Place incorporates many building recesses on each level. The first level has the main entries set back from the pedestrian walkway to allow window display vitrines to show passersby the retail goods for sale in an attractive manner. These vitrines will create visible shadow lines and visual interest along not only the Broadway facing side of the building but also along the Mill street side, helping to transform the experience on Mill street from a “back-of-building alley” feel to a store-front filled extension of Lake street which will be particularly important to the city as the parking ramp is constructed across the street and the North side of this parcel is one of the first things that visitors will encounter.

Upper Story Setbacks:
Along with these horizontal variations in plane the proposed building design steps back as it progresses further up vertically. The second floor is set back from the vitrines approximately 3 feet which allows for small balconies from the office area above. Per code, the 3rd level is set back even further to 10 feet from the front face of the first level; this setback allows for both a visual relief from the pedestrian level so that the building only feels 2 levels tall from the street level and also creates a sought-after outdoor space for the office tenant on the 3rd level of the building above the 2nd floor below.

Roof Design:
The proposed roof material will be a flat roof of dark color.

Screening for Rooftop Equipment:
All rooftop equipment will be below the height of the parapet and cornice included in the design. It will be set down into a pit on the roof and will not extend above the roof edge.

Facade Transparency:
In an effort to provide both an attractive building to pedestrians on the street and to maximize window frontage for the retail tenants and office occupants, the design of Broadway Place has

maximized the glazing area while keeping enough brick and cast stone to maintain the desired Back Bay Boston appeal. Design guidelines call for 25% transparency along the public right-of-ways, Broadway and Mill Streets. Broadway place will greatly exceed these requirements to provide an elevated experience along both building fronts.

Ground Level Expression:
Broadway Place is a multi-story building that strives to relate to the pedestrian experience with several features that differentiate each of the levels. There are balcony and rail lines, tops of vitrines, and variances in depth and material as you progress up the building. The building incorporates many smaller, human-scale details to achieve an attractive ground-level experience.

Building Materials and Quality:
The main materials for the Broadway Place design are glass, brick and cast stone. Maximization of glass is an important part of the design to allow visual access to the retail spaces from the exterior and views to the outdoors from the office spaces. The glass percentage of the Mill and Broadway facades greatly exceed the city's design guidelines. Due to the amount of glass used, there is a smaller percentage of the overall facade left for other materials. One of the materials used by the building to add pedestrian interest is metal; this is used as an accent detail material - in the cornices, sills, pilaster, balcony edges, etc. Metal is not used in any large-area formats. These metal details complement the major materials outside of glass, which are brick and cast stone. The cast stone is found at the base, where snow and salt are kept away from the brick, and also at the lintels above the third floor windows. Both locations add interest, color differentiation, and an enhanced quality of material. The balance of the elevations outside of the cast stone accents, glass expanses, and metal detailing is brick.

Walkways:
Sidewalks will be reconstructed on the north (Mill Street) and west (Broadway Avenue) sides of the building. The proposed building has multiple entrances on these sides and a uniform ground floor elevation to maximize flexibility and adaptability of the street level retail space. An accessible sidewalk is planned within the street right-of-way along the north and west sides of the building. This walk connects to existing walks with a minimum width of 5 feet.

Along Mill Street there is a 4' wide area between the 5' wide accessible walk and the street as well as a 4' wide area between the 5' wide accessible walk and the new building. These 4' wide areas can be surfaced to provide extra walk width (up to 13' total width) except where the four proposed tree plantings occur. Some of the 4' wide walk areas will have steep cross slopes due to the existing street elevations and planned building entrance locations.

Along Broadway Avenue there is a 3'-8" wide area between the 5' wide accessible walk and the new building. This 3.67' wide area can be surfaced to provide extra walk width (up to 8.67' total width). Some of the 3.67' wide walk area will have steep cross slopes (5%) due to the existing street and walk elevations and planned building entrance locations. Between the 5' wide accessible walk and Broadway Avenue is an existing landscape area with brick pavers, benches and two mature trees. The current plan is to limit disturbance of this existing landscape area, and restore any disturbed area to its current state.

Landscaping:
The site plan includes removal of four trees (3 along Mill Street and one next to the 322 Broadway building). Four new trees are proposed along Mill Street. The new trees could be

Maples, Locusts or some other acceptable street tree species. The small landscape areas at the base of the building will be planters with perennials or pavers with flower pots.

Bicycle Parking:
Possible locations of spaces for bike racks near the new building are in the alley on the east side of the building or within the landscape area along Broadway Avenue on the west side of the building.

Broadway Place - Variance

The Broadway Place building is designed to create a positive pedestrian experience that will work in harmony with the new parking ramp, as well as to align with the visions and goals of the Wayzata Lake Effect. The design fits with the highest design standards set forth in Wayzata and the building's horizontal and vertical articulation are used to create visual interest and a building character similar to what is found throughout downtown Wayzata.

The structure across Mill Street and the 701 building (see enclosed drawing) that the Broadway Place building would be nestled within are both 38 feet tall. In keeping with the massing and heights of the surrounding buildings and in trying to attract top-tier retail and office tenants by providing industry-standard floor-to-floor heights, the proposed structure is also 38 feet tall. This requires a variance from the PUD zoning height of 35 feet. By matching the heights of the surrounding structures the proposed building is in harmony with the general purpose of the Zoning Ordinance and is consistent with the Comprehensive Plan.

The practical difficulties that the site faces are illustrated in the attached building section drawings and described below. In order to deal with the stormwater on the project site we are proposing holding water on the rooftop by providing a parapet wall around a portion of the 'flat roof' and then limiting its flow through the roof drains and down to a basin below grade in the alley to filter the water. This parapet wall is part of the 38 foot building height, is above the roofline, and also provides a backdrop surface for the decorative cornice that runs along the Broadway and Mill Street elevations contributing the character of the building. Below the roof, the 12' floor to floor height for the first floor and second floor and 10' floor to roof height on the third floor are then reduced by the thickness of the structure and by the space needed for the mechanical distribution and lighting. The ceiling heights in the retail and office spaces will be within what the market is requiring for clear heights. The caliber of tenant is looking to come to downtown Wayzata, and the caliber that Mr. Beltz would like to attract will likely find the proposed ceiling heights adequate. If the building were lowered to 35 feet in elevation, the ceiling heights in these spaces would need to be reduced to elevations that are below market requirements.

We feel that in dealing with this practical difficulty we are in fact providing a more attractive design that although not permitted by the ordinance is quite reasonable and would not alter the character of the surrounding area, but rather fit in with and in fact enhance it. Therefore we request that the commission consider granting our request for a height variance for the Broadway Place building. The project, as it is being submitted, with its pedestrian-level window display vitrines, its balcony above the second floor with the 3rd floor set back, its timeless materials and design, and its care and attention to extending the walkable experience from Lake Street and Broadway around the corner onto Mill Street to help connect the new parking ramp with the shops and restaurants on Lake, will be a great addition to the community and help to achieve the vision set forth in the Lake Effect.

Broadway Place
Wayzata Development

shea

JIM BELTZ
July 19, 2016

7241.00

Aerial View

Broadway Ave S
MILL ST.
Mill St
BROADWAY AVE
NEW SITE
DEVELOPMENT
Cormick's pub and
Blanc de Blanc
Chico's
Yogurt Lab
Lake St E
Wayzata, MN 55391
LAKE ST. EAST
Blue Point Restaurant
& Oyster Bar
Wuollet Bakery
A la Mode Boutique
and Nail Spa - Wayzata
Peoples Organic
Jan's of Wayzata
Wayzata Wine & Spirits
Wayzata Bar & Grill
Olives
Superior Blvd
COV Wayzata
Monique of
Switzerland Jewelers

Broadway Ave Towards Lake St.

Exterior Design Rendering

Exterior Evening Design Rendering

Exterior Design Details

BELTZ MILL STREET ADDITION

C.R. DOC. NO._____

KNOW ALL PERSONS BY THESE PRESENTS: That MJ Mail Center, LLC. a Minnesota limited liability company, fee owner of the following described property situated in the State of Minnesota, County of Hennepin, to wit:

Lots 12, 13, 14, Block 1, Stephens Second Addition to Wayzata

Has caused the same to be surveyed and platted as BELTZ MILL STREET ADDITION.

In witness whereof said Jim Beltz, President of MJ Mail Center, LLC., a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 2016 .

_____, President
Jim Beltz

STATE OF MINNESOTA, COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Jim Beltz, President of MJ Mail Center, LLC, a Minnesota limited liability company on behalf of the company.

_____	_____	_____
Notary Public, Hennepin County, Minnesota	Notary Printed Name	My Commission Expires

I, David B. Pemberton do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined by Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 2016.

_____
David B. Pemberton, Licensed Land Surveyor
Minnesota License No. 40344

STATE OF MINNESOTA, COUNTY OF HENNEPIN

This instrument was acknowledged before me this _____day of _____, 2016, by David B. Pemberton.

_____	_____	_____
Notary Public, Hennepin County, Minnesota	Notary Printed Name	My Commission Expires

WAYZATA, MINNESOTA

This plat of BELTZ MILL STREET ADDITION was approved and accepted by the City Council of Wayzata, Minnesota at a regular meeting held this_____ day of _____, 2016. If applicable, the written comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has elapsed without receipt of such comments and recommendations, as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

By:_____, Mayor By:_____, City Clerk

RESIDENT AND REAL ESTATE SERVICES
Hennepin County, Minnesota

I hereby certify that taxes payable in _____ and prior years have been paid for land described on this plat. Dated this _____ day of _____, 2016.

Mark V. Chapin, Hennepin County Auditor

By:_____, Deputy

SURVEY DIVISION
Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _____day of _____, 2016.

Chris F. Mavis, Hennepin County Surveyor

By:_____

COUNTY RECORDER
Hennepin County, Minnesota

I hereby certify that the within plat of BELTZ MILL STREET ADDITION was recorded in this office this_____ day of _____, 2016, at _____o'clock ____M.

Martin McCormick, County Recorder

By:_____, Deputy

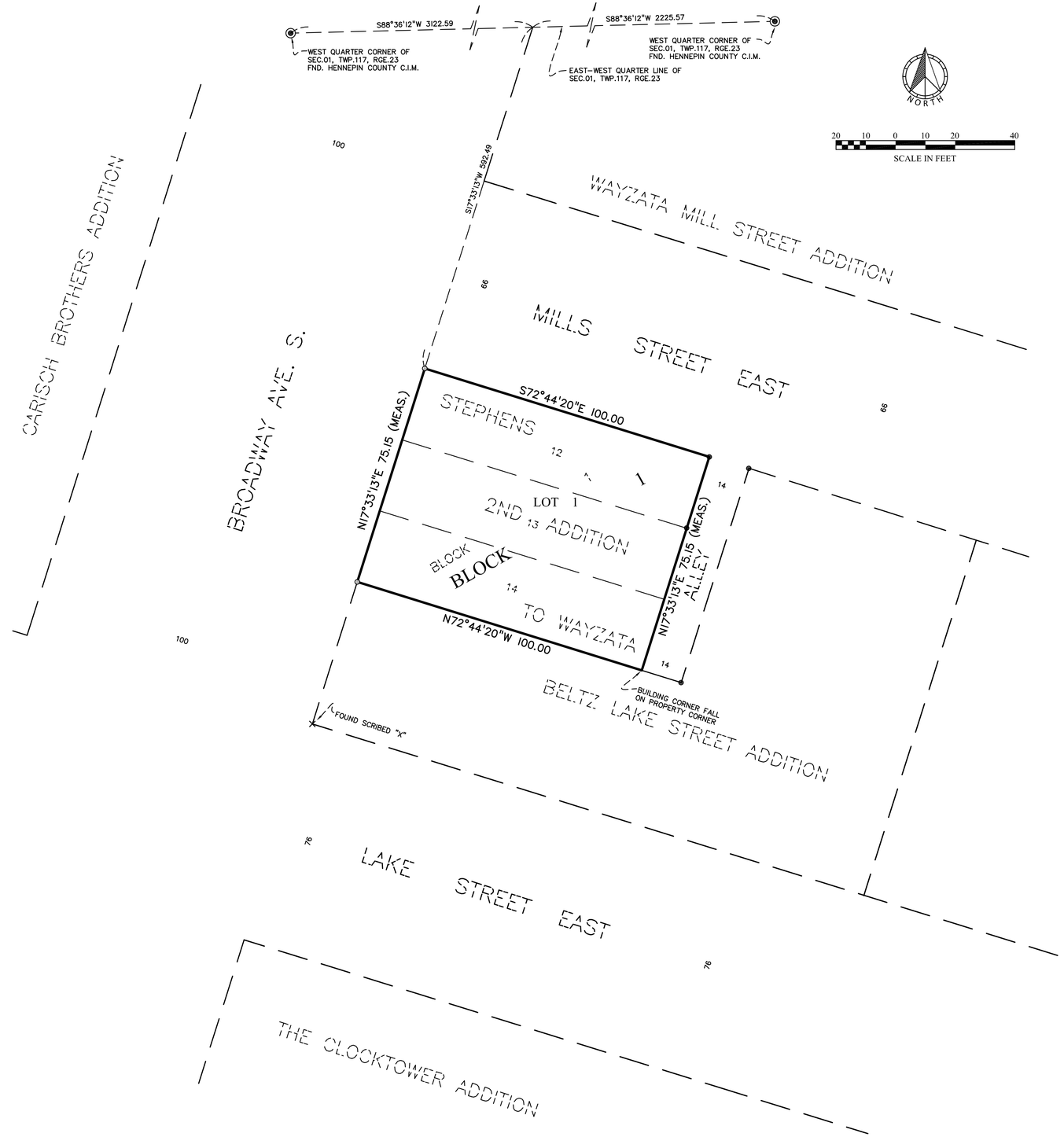
The basis for the bearing system is the East-West Quarter line of Section 1, Township 117, Range 23 which is assumed to bear S88 degrees 36 minutes 12 seconds West

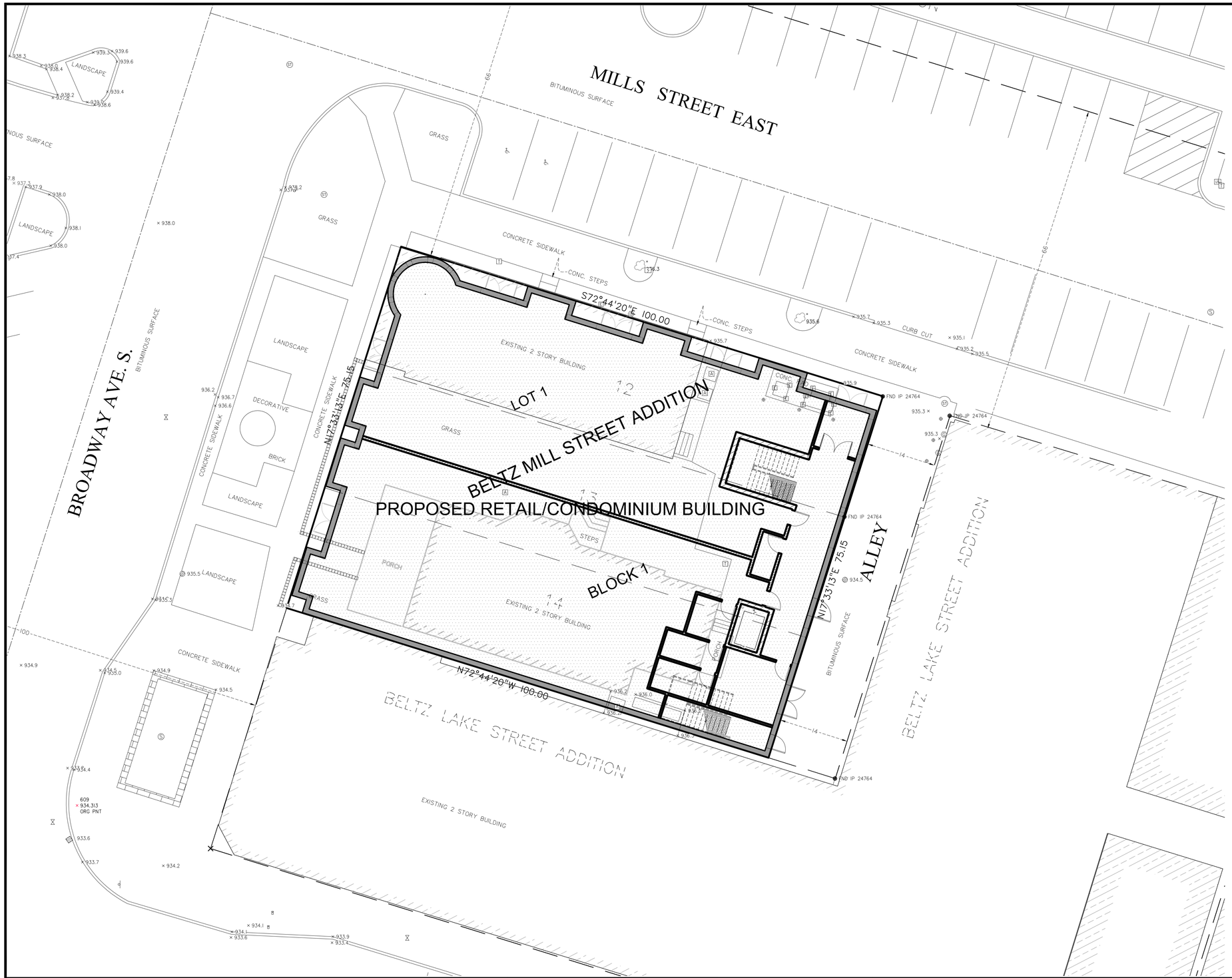
○ Denotes a 1/2 inch by 14 inch iron pipe set in the ground and marked by License No. 40344

● Denotes a Found Iron Monument

◉ Denotes a Found Cast-Iron-Monument

SATHRE-BERGQUIST, INC.





SITE ADDRESS

326/332 Broadway Avenue, Wayzata, MN 55391

DESCRIPTION OF SUBJECT PROPERTY

Lots 12, 13, 14, Block 1, Stephens Second Addition to Wayzata.

NOTES

This survey does not purport to show all underground utilities. The source of information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

The contractor shall determine the exact location of any and all existing utilities before commencing work. The contractor shall be fully responsible for any and all damages arising out of his failure to exactly locate and protect all existing utility facilities.

Contact GOPHER STATE ONE CALL at 651-454-0002 for precise onsite location of utilities prior to any excavation.

No Title Commitment was provided or relied upon as to matters of recorded. No easements shown.

The subject property appears to lie within Zone X, (area of areas outside the 1-percent annual chance floodplain, areas of 1% annual chance sheet flow flooding where average depths are less than 1 foot, areas of 1% annual chance stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.) per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 27053C0339E, dated September 2, 2004 as acquired from the Federal Emergency Management Agency Web Site.

Area Information : Total Area = 7,518 Sq. Ft. - 1.17 Acres

Current zoning and setback information:

Zoning: C-4B (Central Business District)

Building Setbacks: No setbacks

Building Height: 2 stories or 30 feet in height.

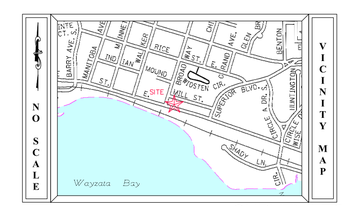
*Zoning and Setback information provided by the Planning Department of the City of Wayzata

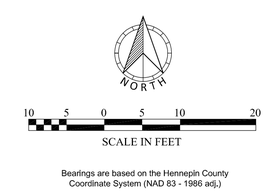
Survey coordinate and bearing basis : Assumed

No modifications to this survey or sketch may be performed by any person other than the surveyor signing this certification or persons under his direct supervision. Its reproduction and redistribution without proper consent is prohibited.

Benchmark: Top of top nut of fire hydrant NW quadrant of intersection @ Broadway and Lake Street
Elevation = 937.52 Feet

DEVELOPER	PROJECT MANAGER	LAND SURVEYOR	CIVIL ENGINEER
Jim Beltz	Source Group 2399 Wayzata Blvd. W suite #100 Long Lake, MN 55356 Attn: David Link t. 952-476-8100 e. dlink@sourcegroup.com	Sathre-Bergquist, Inc. 150 Broadway Ave. S. Wayzata, MN 55391 Attn: David Pemberton t. 952-476-6000 e. pemberton@sathre.com	Attn: t. e.





Bearings are based on the Hennepin County Coordinate System (NAD 83 - 1986 adj.)

SURVEY LEGEND

- CAST IRON MONUMENT
- CATCH BASIN
- FLARED END SECTION
- GATE VALVE
- GUY WIRE
- HYDRANT
- SURVEY MONUMENT SET
- SURVEY MONUMENT FOUND
- SURVEY CONTROL POINT
- LIGHT POLE
- POWER POLE
- SANITARY MANHOLE
- SANITARY CLEANOUT
- SIGN
- 972.5 GROUND ELEVATION
- STORM DRAIN
- ST STORM MANHOLE
- YARD LIGHT
- A A/C UNIT
- C CABLE TV PEDESTAL
- E ELECTRIC TRANSFORMER
- E ELECTRIC MANHOLE
- E ELECTRIC METER
- G GAS METER
- G GAS VALVE
- GUARD RAIL
- HH HAND HOLE
- SOIL BORING
- TREE CONIFEROUS
- TREE DECIDUOUS
- T TELEPHONE MANHOLE
- T TELEPHONE PEDESTAL
- TRAFFIC SIGNAL
- U UTILITY MANHOLE
- U UTILITY PEDESTAL
- W WELL
- BITUMINOUS
- BSBL BUILDING SETBACK LINE
- CTV CABLE TV
- CONCRETE CURB
- CONCRETE
- 960 CONTOUR EXISTING
- 960 CONTOUR PROPOSED
- DT DRAIN TILE
- ELC ELECTRIC UNDERGROUND
- X FENCE
- FO FIBER OPTIC UNDERGROUND
- GAS GAS UNDERGROUND
- OHU OVERHEAD UTILITY
- RAILROAD TRACKS
- > SANITARY SEWER
- >> STORM SEWER
- TEL TELEPHONE UNDERGROUND
- UTL UTILITY UNDERGROUND
- I WATERMAIN

FIELD CREW	NO.	BY	DATE	REVISION
XXX				
DRAWN				
XXX				
CHECKED				
XXX				
DATE				
XX/XX/XX				

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

Dated this __ day of _____, 20__.

David B. Pemberton, PLS Minnesota License No. 40344
pemberton@sathre.com

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

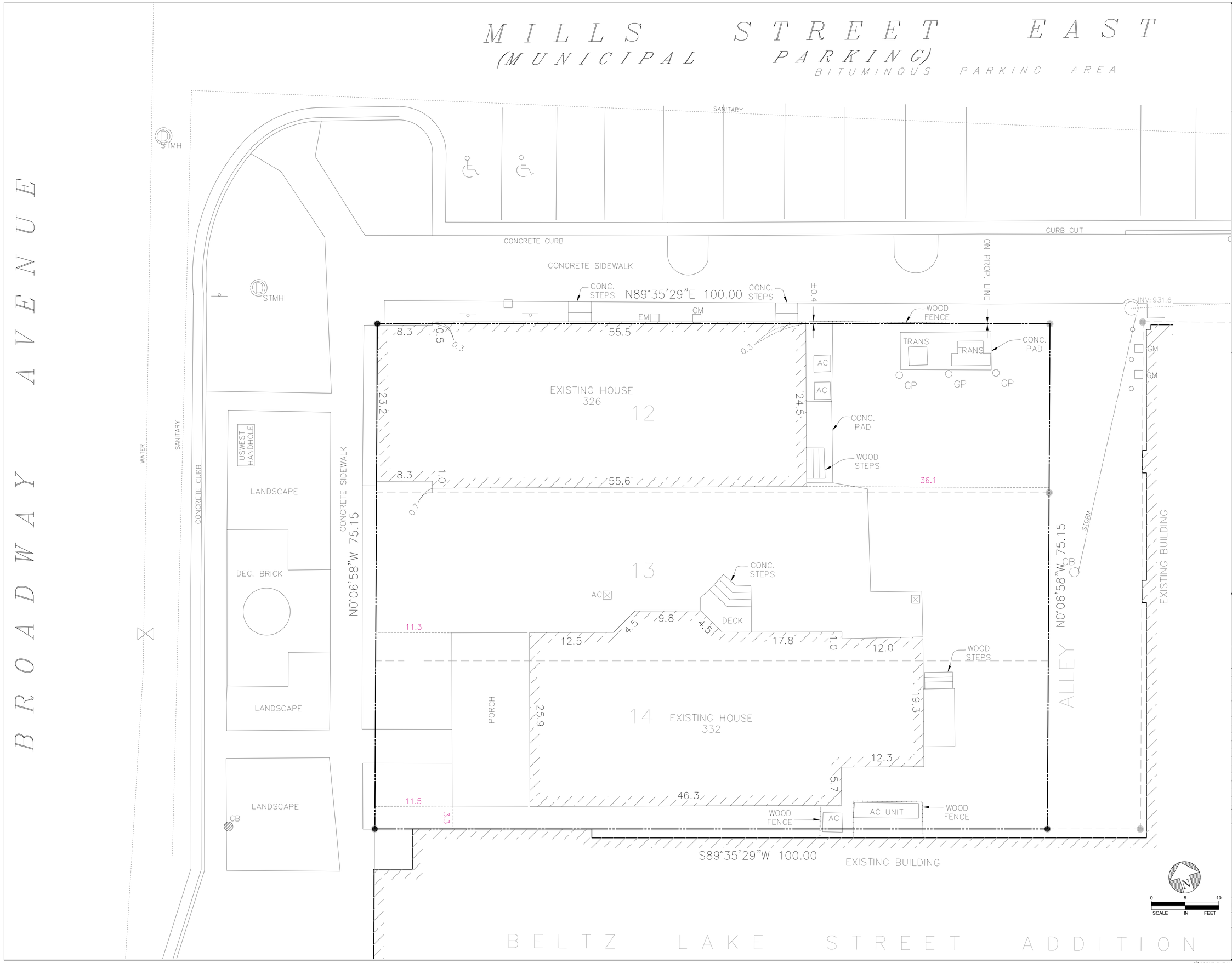
TWP.117 - RGE.23 - SEC.01
Project City:
Hennepin County

PRELIMINARY PLAT OF BELTZ MILL STREET ADDITION

PREPARED FOR:
Jim Beltz

FILE NO.
10105-001

1 / 1



HGA
420 North 5th Street, Suite 100
Minneapolis, Minnesota 55401
Telephone 612.758.4000

BELTZ DEVELOPMENT BROADWAY AND MILL WAYZATA, MN

NOT FOR CONSTRUCTION

NO	DESCRIPTION	DATE

ISSUANCE HISTORY - THIS SHEET

HGA NO: 3942-001-00

EXISTING CONDITIONS

DATE: JUNE 16, 2016

PUD SUBMITTAL

C001

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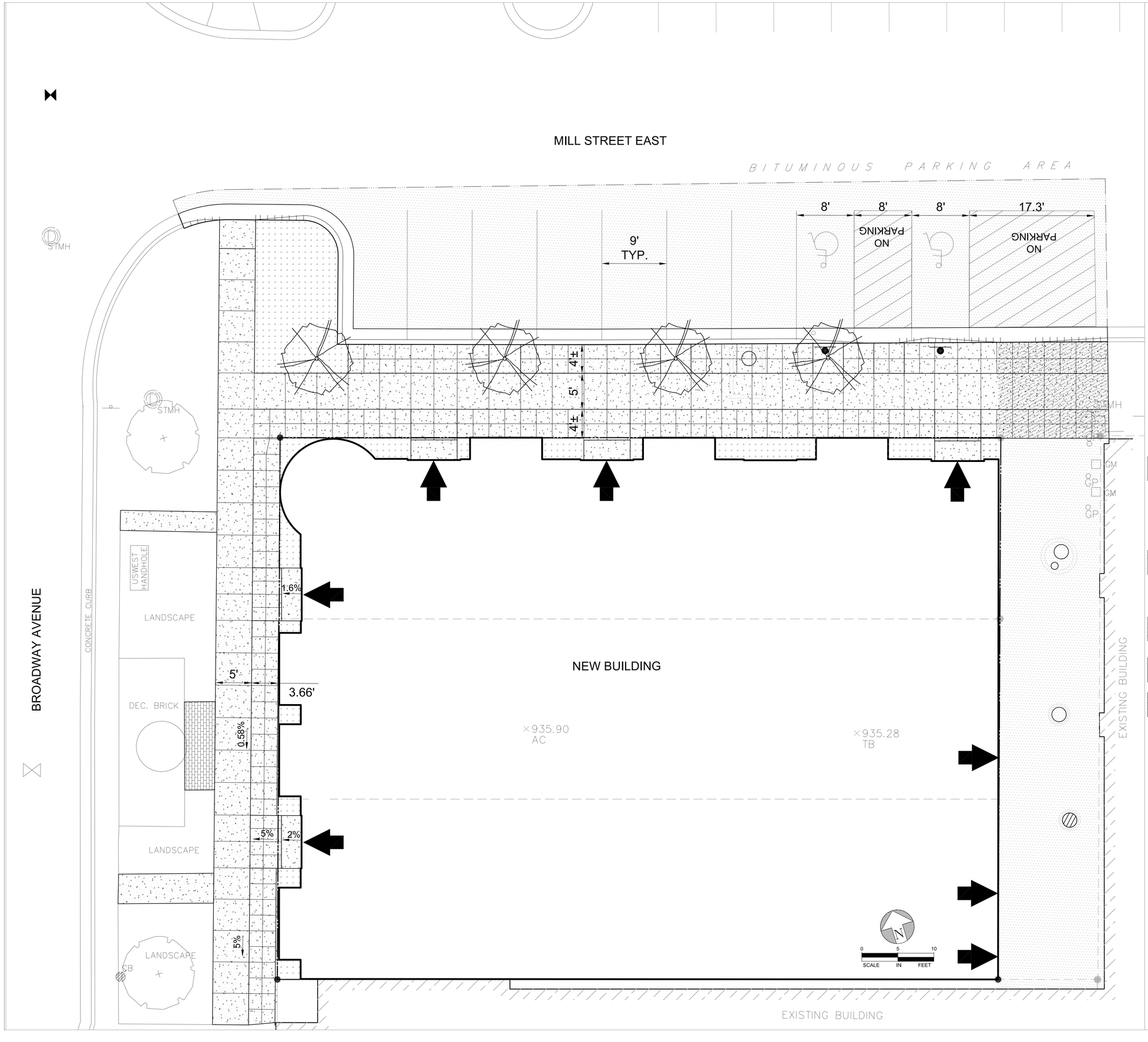

GENERAL NOTES FOR LAYOUT:

1. ALL DIMENSIONS TO CURBS AND CURB/GUTTER ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. BACK OF CURB IS TYPICALLY 8-INCHES BEHIND THE FACE OF CURB.

2. GUIDELINES FOR CONSTRUCTION OF NEW CONCRETE SURFACING:
   a. MAXIMUM SPACING OF CONTROL JOINTS IN WALKS TO BE 8-FEET, BUT GENERALLY MATCH THE WALK WIDTH.
   b. MAXIMUM SPACING OF CONTROL JOINTS IN CONCRETE TRAFFIC SLABS TO BE 12-FEET.
   c. ALIGN JOINTS WITH WALK CORNERS, HORIZONTAL DEFLECTIONS, BUILDING CORNERS, ETC. AND USE EQUAL PANEL SIZES.
   d. SEE XX/XXX FOR JOINTING DETAILS.

SURFACING LEGEND:

BITUMINOUS PAVEMENT	1.5" BITUMINOUS WEAR COURSE (MnDOT 2360) 2" BITUMINOUS NON-WEAR COURSE (MnDOT 2360) 8" AGGREGATE BASE - (MnDOT 3138) T.A. APPROVED SUBGRADE
CONCRETE WALK	4" CONCRETE WALK 4" AGGREGATE BASE (MnDOT 3138) REINFORCING - NONE T.A. APPROVED SUBGRADE
CONCRETE PAVEMENT	7" CONCRETE PAVEMENT 4" AGGREGATE BASE (MnDOT 3138) MACRO-FIBER REINFORCING T.A. APPROVED SUBGRADE
PLANTED AREA	SHRUBS, PERENNIALS OR PLANTERS
PAVERS	MATCH EXISTING PAVERS

PLAN LEGEND

- DOOR / EXIT
- NEW MANHOLE
- NEW DRAINAGE STRUCTURE
- NEW HYDRANT
- NEW GATE VALVE
- NEW CURB TAPER
- NEW SINGLE SIGN
- NEW CONTROL JOINT
- CONSTRUCTION LIMITS

HGA
420 North 5th Street, Suite 100
Minneapolis, Minnesota 55401
Telephone 612.758.4000

BELTZ DEVELOPMENT BROADWAY AND MILL WAYZATA, MN

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

NOT FOR CONSTRUCTION

NAME:
DATE:
LICENSE NUMBER:

NO	DESCRIPTION	DATE

ISSUANCE HISTORY - THIS SHEET

HGA NO: 3942-001-00

SITE LAYOUT PLAN

DATE: JULY 26, 2016

PUD RESUBMITTAL

C300

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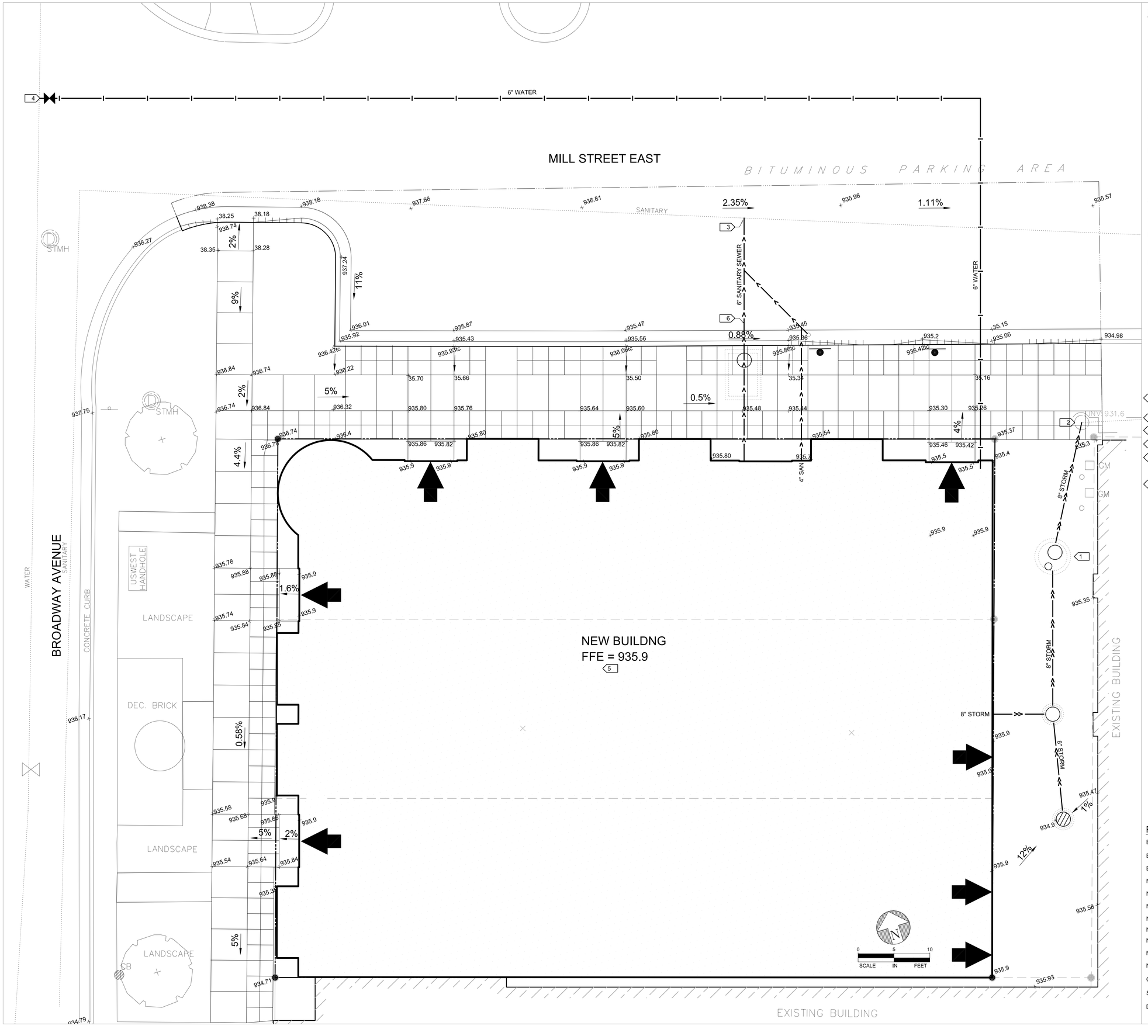

GENERAL NOTES:

1. SEE SPECIFICATION SECTION 310000 EARTHWORK.
2. UTILIZE THE GOPHER STATE ONE CALL SYSTEM AT 1-800-252-1166, 48 HOURS PRIOR TO PERFORMING ANY EXCAVATION.
3. SEE SHEET C100 SITE SURVEY FOR BENCHMARKS.
4. SPOT ELEVATIONS ARE TYPICALLY GIVEN AT FINISHED SURFACE. AT TOP OF CURB, ELEVATIONS ARE NOTED WITH A "TC".
5. PRIOR TO CONSTRUCTION FIELD VERIFY EXISTING BUILDING FLOOR ELEVATION(S) TO CONFIRM MATCH WITH NEW FLOOR ELEVATIONS.
6. EXISTING UNDERGROUND UTILITIES ARE SHOWN AT APPROXIMATE LOCATIONS. ALL EXISTING UTILITIES MAY NOT BE SHOWN. FIELD VERIFY LOCATION AND ELEVATION OF UTILITIES IMPACTED BY CONSTRUCTION, PRIOR TO PLACING NEW PIPE OR UTILITY STRUCTURES.
7. VERIFY BUILDING STORM, SANITARY, AND WATER SERVICE LOCATIONS AND ELEVATIONS WITH PLUMBING CONTRACTOR, PRIOR TO CONSTRUCTION OF SERVICE LINES.
8. PROVIDE MINIMUM 7.5' COVER ON ALL WATER MAINS. ALL WATER MAIN CONSTRUCTION MUST COMPLY WITH CITY REQUIREMENTS.
9. SANITARY AND STORM SEWER CONSTRUCTION MUST COMPLY WITH CITY REQUIREMENTS.
10. COORDINATE CONNECTIONS TO EXISTING UTILITY SYSTEMS WITH UTILITY OWNER.
11. ADJUST ALL CASTINGS TO ELEVATION 1/4-INCH BELOW FINISHED SURFACE.

KEY NOTES

1. HYDRODYNAMIC SEPARATOR (CDS-2015, OR EQUAL)
2. CONNECT TO EXISTING DRAINAGE STRUCTURE
3. CONNECT TO EXISTING SANITARY SEWER
4. CONNECT TO EXISTING WATERMAIN
5. TEMPORARY STORM WATER STORAGE ON ROOF TO LIMIT PEAK DISCHARGE FROM THE 2, 10, & 100 YEAR DESIGN STORM EVENTS.
6. SANITARY SEWER SERVICE WITH GREASE INTERCEPTOR

PLAN LEGEND

- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- EXISTING WATERMAIN
- NEW SANITARY SEWER
- NEW STORM SEWER
- NEW WATERMAIN
- NEW SUB-DRAIN
- NEW MANHOLE
- NEW DRAINAGE STRUCTURE
- NEW HYDRANT
- NEW GATE VALVE
- CONSTRUCTION LIMITS
- SPOT ELEVATION 18.9
- DRAINAGE ARROW

HGA
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Minneapolis, Minnesota 55401
Telephone 612.758.4000

BELTZ DEVELOPMENT BROADWAY AND MILL WAYZATA, MN

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

NOT FOR CONSTRUCTION

NAME:
DATE:
LICENSE NUMBER:

NO	DESCRIPTION	DATE

ISSUANCE HISTORY - THIS SHEET

HGA NO: 3942-001-00

SITE GRADING AND UTILITY PLAN

DATE: JULY 26, 2016

PUD RESUBMITTAL

C400

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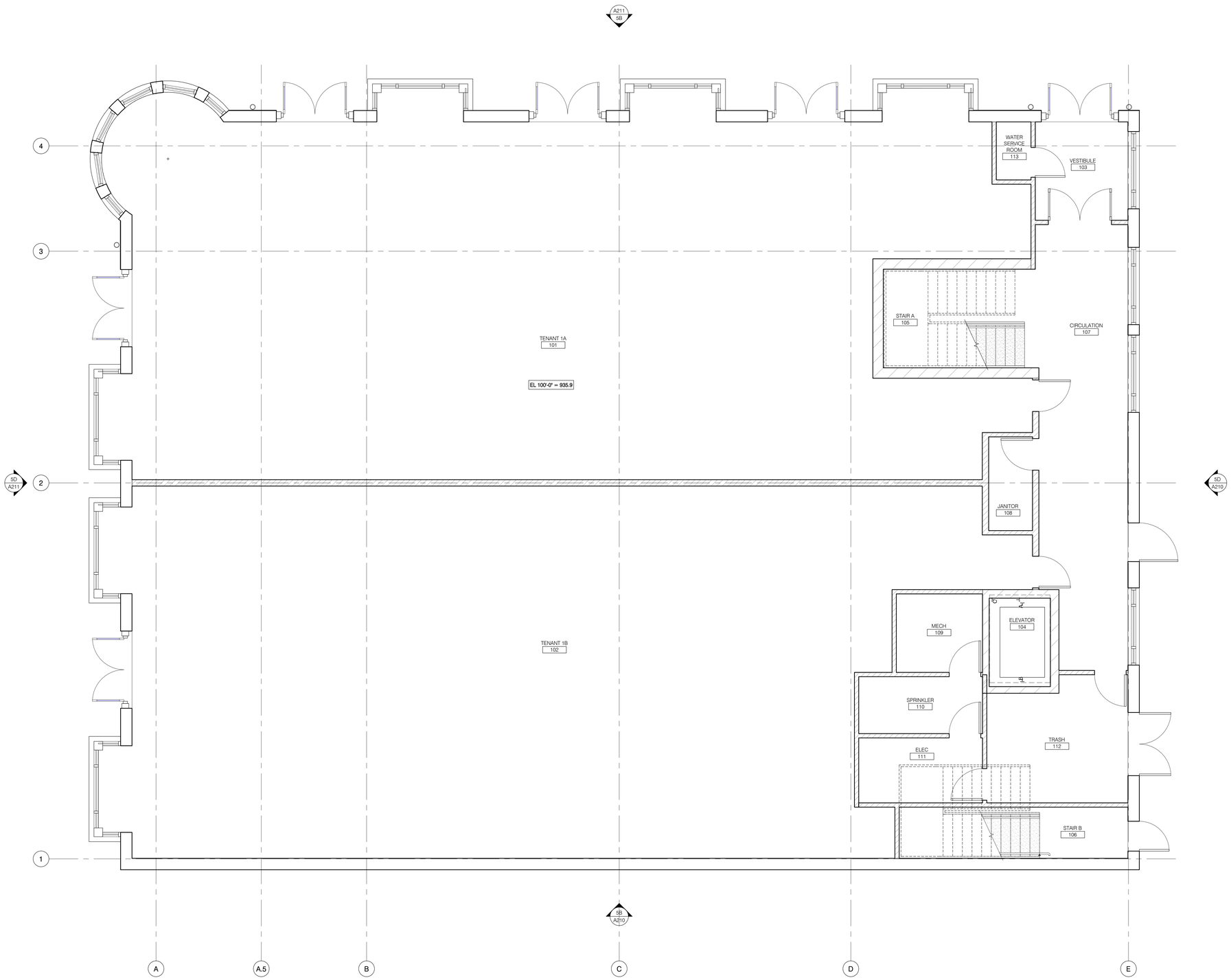

1 A111 A-FLOOR PLAN-01
SCALE: 1/4" = 1'-0"

FLOOR PLAN NOTES

1. THE GENERAL CONTRACTOR IS RESPONSIBLE TO PROVIDE AND INSTALL ALL BLOCKING AND GROUNDS AS REQUIRED FOR THE INSTALLATION OF WINDOW BLINDS, DRAPERIES, CURTAINS, MILLWORK AND ANY HANGING OBJECTS AS REQUIRED.
2. GENERAL CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF EXISTING FLOORING DOWN TO THE SLAB IN ALL AREAS WHERE NEW PARTITIONS ARE BEING INSTALLED, UNLESS OTHERWISE NOTED.
3. WHERE METAL AND GLASS PARTITIONS ARE SPECIFIED, G.C. SHALL BE RESPONSIBLE TO PROVIDE FOR ANY LEVELING OF THE SLAB AS MAY BE REQUIRED FOR A PLUMB, LEVEL INSTALLATION.
4. ALL EXISTING CONSTRUCTION TO REMAIN SHALL BE PATCHED AND REPAIRED AS REQUIRED AND PREPARED TO RECEIVE NEW FINISHES PER FINISH PLAN.
5. ALL SURFACES OR FINISHES TO REMAIN, IF DAMAGED DURING DEMOLITION OR ANY STAGE OF THE WORK, SHALL BE REPAIRED BY THE GENERAL CONTRACTOR AT THEIR OWN EXPENSE TO 'LIKE NEW' CONDITION. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO DOCUMENT ANY PREEXISTING DAMAGE AND NOTIFY THE ARCHITECT OF ANY SUCH DAMAGE PRIOR TO PRICING OR BIDDING.
6. AT ALL LOCATIONS WHERE NEW ELECTRICAL AND VOICE/DATA OUTLETS OR ANY OTHER TYPE OF DEVICE IS TO BE INSTALLED AT EITHER CORE WALL, COLUMNS AND/OR PERIMETER WALLS, THE CONTRACTOR AND THEIR DRYWALL SUBCONTRACTOR ARE TO INCLUDE FURRING OUT THOSE CORE WALLS AND COLUMNS AS NEEDED USING 2-1/2" METAL STUDS WITH 5/8" GYPSUM BOARD FROM SLAB TO 6" ABOVE FINISHED CEILING IN ORDER TO ACCOMMODATE ANY AND ALL CONDUITS AND BACK BOXES. G.C. TO COORDINATE WITH ALL OTHER TRADES.
7. MOUNTING HEIGHTS: ALL STROBES, PULL BOXES, FIRE EXTINGUISHERS, SIGNAGE, INCLUDING ALL ELEVATOR CALL BUTTONS AND INDICATOR LIGHTS, ETC. TO REMAIN ARE TO BE RAISED OR LOWERED TO SPECIFIED MOUNTING HEIGHTS IN AREAS OF WORK, AS PER CODE.
8. DIMENSIONS ARE FROM FACE OF GYPSUM BOARD TO FACE OF GYPSUM BOARD UNLESS NOTED OTHERWISE. DO NOT SCALE OFF OF PLANS. CONTACT ARCHITECT WITH DIMENSION QUESTIONS.
9. ALIGN NEW PARTITION WITH FACE OF EXISTING PARTITION OR COLUMN, UNLESS NOTED OTHERWISE.
10. CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH ALL EXISTING CONDITIONS PRIOR TO SUBMISSION OF BID.
11. THE CONTRACTOR SHALL TAKE OUT ALL NECESSARY PERMITS, INSURANCE, LICENSEES AND CERTIFICATES AND PAY ALL FEES CONNECTED THEREWITH.
12. CONTRACTOR TO PROVIDE DUST PROOF, RIGID, BARRIERS, AS APPROPRIATE TO DEFINE VARIOUS SEGMENTS. BARRIERS TO MAINTAIN EXITING, SECURITY, MECHANICAL, FIRE-LIFE SAFETY REQUIREMENTS FOR BUILDING OCCUPANTS.
13. THE CONTRACTOR AT ALL TIMES SHALL KEEP PREMISES FREE FROM WASTE MATERIALS AND RUBBISH CAUSED BY THE WORK.
14. ALL DOORS AND HARDWARE SHALL BE IN COMPLIANCE WITH APPLICABLE ACCESSIBILITY CODES AND ORDINANCES. ALL WORK TO BE DONE IN COMPLIANCE WITH THE LATEST LOCAL AND STATE BUILDING CODES AND ORDINANCES.
15. REFER TO ENGINEERING DRAWINGS (OR DESIGN BUILD M.E.P.) FOR MECHANICAL, ELECTRICAL, PLUMBING AND SPRINKLER LAYOUTS.
16. LOCATE FIRE EXTINGUISHERS THROUGHOUT AS REQUIRED BY CODE.
17. ON COMPLETION OF THE PROJECT, CONTRACTOR SHALL WASH CLEAN ALL SURFACES AND LEAVE THE WORK IN A CLEAN CONDITION.
18. SET FLOOR DRAINS AND FLOOR SINKS WITH TOP OF FINISH TILE/ POURED FLOOR. SEE PLUMBING DRAWINGS.
19. SLOPE CONCRETE FLOOR 1:50 TOWARDS FLOOR DRAINS AND AWAY FROM ALL WALLS.
20. 24"x24" AREA AT FLOOR DRAINS TO SLOPE AT 1/4" PER FOOT.
21. XXXX

PRELIMINARY

FLOOR KEY NOTES

NO.	DESCRIPTION	REV.
1	A110 - DESCRIPTION 1	

shea

10 South Eighth Street
Minneapolis, MN 55402

t 612_339-2257
f 612_349-2930
sheadesign.com

consultant

TBD

TBD

project title

BROADWAY PLACE
CORNER OF BROADWAY & MILL
WAYZATA, MN

client

JIM BELTZ

seal

PUD SUBMITTAL
JUNE 17, 2016

no.	date	issued for

PRELIMINARY

project no.	date
7241.00	2016.06.17
drawn	checked
BMD	DAS

sheet title

FLOOR PLAN - 1ST LEVEL

A111

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1 A112 A-FLOOR PLAN-02
SCALE: 1/4" = 1'-0"

FLOOR PLAN NOTES

1. THE GENERAL CONTRACTOR IS RESPONSIBLE TO PROVIDE AND INSTALL ALL BLOCKING AND GROUNDS AS REQUIRED FOR THE INSTALLATION OF WINDOW BLINDS, DRAPERIES, CURTAINS, MILLWORK AND ANY HANGING OBJECTS AS REQUIRED.
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PRELIMINARY

FLOOR KEY NOTES

NO.	DESCRIPTION	REV.
1	A110 - DESCRIPTION 1	

shea

10 South Eighth Street
Minneapolis, MN 55402

t 612_339-2257
f 612_349-2930
sheadesign.com

consultant

TBD

TBD

project title

BROADWAY PLACE
CORNER OF BROADWAY & MILL
WAYZATA, MN

client

JIM BELTZ

seal

PUD SUBMITTAL
JUNE 17, 2016

no.	date	issued for

PRELIMINARY

project no.	date
7241.00	2016.06.17
drawn	checked
BMD	DAS

sheet title

FLOOR PLAN - 2ND LEVEL

A112

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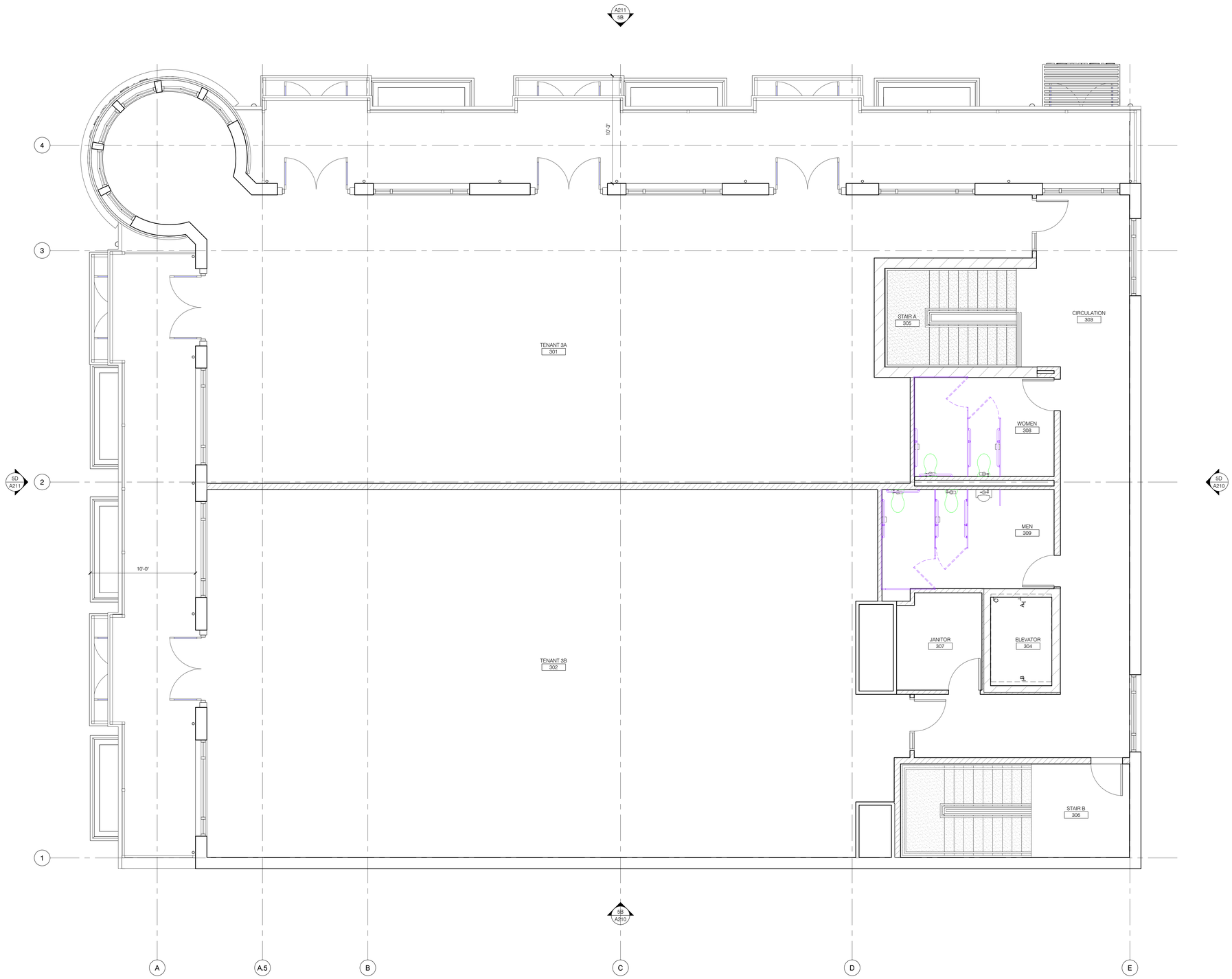

1 A113 A-FLOOR PLAN-03
SCALE: 1/4" = 1'-0"

FLOOR PLAN NOTES

1. THE GENERAL CONTRACTOR IS RESPONSIBLE TO PROVIDE AND INSTALL ALL BLOCKING AND GROUNDS AS REQUIRED FOR THE INSTALLATION OF WINDOW BLINDS, DRAPERIES, CURTAINS, MILLWORK AND ANY HANGING OBJECTS AS REQUIRED.
2. GENERAL CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF EXISTING FLOORING DOWN TO THE SLAB IN ALL AREAS WHERE NEW PARTITIONS ARE BEING INSTALLED, UNLESS OTHERWISE NOTED.
3. WHERE METAL AND GLASS PARTITIONS ARE SPECIFIED, G.C. SHALL BE RESPONSIBLE TO PROVIDE FOR ANY LEVELING OF THE SLAB AS MAY BE REQUIRED FOR A PLUMB, LEVEL INSTALLATION.
4. ALL EXISTING CONSTRUCTION TO REMAIN SHALL BE PATCHED AND REPAIRED AS REQUIRED AND PREPARED TO RECEIVE NEW FINISHES PER FINISH PLAN.
5. ALL SURFACES OR FINISHES TO REMAIN, IF DAMAGED DURING DEMOLITION OR ANY STAGE OF THE WORK, SHALL BE REPAIRED BY THE GENERAL CONTRACTOR AT THEIR OWN EXPENSE TO 'LIKE NEW' CONDITION. IT SHALL BE THE GENERAL CONTRACTORS RESPONSIBILITY TO DOCUMENT ANY PREEXISTING DAMAGE AND NOTIFY THE ARCHITECT OF ANY SUCH DAMAGE PRIOR TO PRICING OR BIDDING.
6. AT ALL LOCATIONS WHERE NEW ELECTRICAL AND VOICE/DATA OUTLETS OR ANY OTHER TYPE OF DEVICE IS TO BE INSTALLED AT EITHER CORE WALL, COLUMNS AND/OR PERIMETER WALLS. THE CONTRACTOR AND THEIR DRYWALL SUBCONTRACTOR ARE TO INCLUDE FURRING OUT THOSE CORE WALLS AND COLUMNS AS NEEDED USING 2-1/2" METAL STUDS WITH 5/8" GYPSUM BOARD FROM SLAB TO 6" ABOVE FINISHED CEILING IN ORDER TO ACCOMMODATE ANY AND ALL CONDUITS AND BACK BOXES. G.C. TO COORDINATE WITH ALL OTHER TRADES.
7. MOUNTING HEIGHTS: ALL STROBES, PULL BOXES, FIRE EXTINGUISHERS, SIGNAGE, INCLUDING ALL ELEVATOR CALL BUTTONS AND INDICATOR LIGHTS, ETC. TO REMAIN ARE TO BE RAISED OR LOWERED TO SPECIFIED MOUNTING HEIGHTS IN AREAS OF WORK, AS PER CODE.
8. DIMENSIONS ARE FROM FACE OF GYPSUM BOARD TO FACE OF GYPSUM BOARD UNLESS NOTED OTHERWISE. DO NOT SCALE OFF OF PLANS. CONTACT ARCHITECT WITH DIMENSION QUESTIONS.
9. ALIGN NEW PARTITION WITH FACE OF EXISTING PARTITION OR COLUMN, UNLESS NOTED OTHERWISE.
10. CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH ALL EXISTING CONDITIONS PRIOR TO SUBMISSION OF BID.
11. THE CONTRACTOR SHALL TAKE OUT ALL NECESSARY PERMITS, INSURANCE, LICENSEES AND CERTIFICATES AND PAY ALL FEES CONNECTED THEREWITH.
12. CONTRACTOR TO PROVIDE DUST PROOF, RIGID, BARRIERS, AS APPROPRIATE TO DEFINE VAROUS SEGMENTS. BARRIERS TO MAINTAIN EXITING, SECURITY, MECHANICAL, FIRE-LIFE SAFETY REQUIREMENTS FOR BUILDING OCCUPANTS.
13. THE CONTRACTOR AT ALL TIMES SHALL KEEP PREMISES FREE FROM WASTE MATERIALS AND RUBBISH CAUSED BY THE WORK.
14. ALL DOORS AND HARDWARE SHALL BE IN COMPLIANCE WITH APPLICABLE ACCESSIBILITY CODES AND ORDINANCES. ALL WORK TO BE DONE IN COMPLIANCE WITH THE LATEST LOCAL AND STATE BUILDING CODES AND ORDINANCES.
15. REFER TO ENGINEERING DRAWINGS (OR DESIGN BUILD M.E.P.) FOR MECHANICAL, ELECTRICAL, PLUMBING AND SPRINKLER LAYOUTS.
16. LOCATE FIRE EXTINGUISHERS THROUGHOUT AS REQUIRED BY CODE.
17. ON COMPLETION OF THE PROJECT, CONTRACTOR SHALL WASH CLEAN ALL SURFACES AND LEAVE THE WORK IN A CLEAN CONDITION.
18. SET FLOOR DRAINS AND FLOOR SINKS WITH TOP OF FINISH TILE/ POURED FLOOR. SEE PLUMBING DRAWINGS.
19. SLOPE CONCRETE FLOOR 1:50 TOWARDS FLOOR DRAINS AND AWAY FROM ALL WALLS.
20. 24"x24" AREA AT FLOOR DRAINS TO SLOPE AT 1/4" PER FOOT.
21. XXXX

PRELIMINARY

FLOOR KEY NOTES

NO.	DESCRIPTION	REV.
1	A110 - DESCRIPTION 1	

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CORNER OF BROADWAY & MILL
WAYZATA, MN

client
JIM BELTZ

seal

PUD SUBMITTAL
JUNE 17, 2016

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PRELIMINARY

project no.	date
7241.00	2016.06.17
drawn	checked
BMD	DAS

sheet title
FLOOR PLAN - 3RD LEVEL

A113

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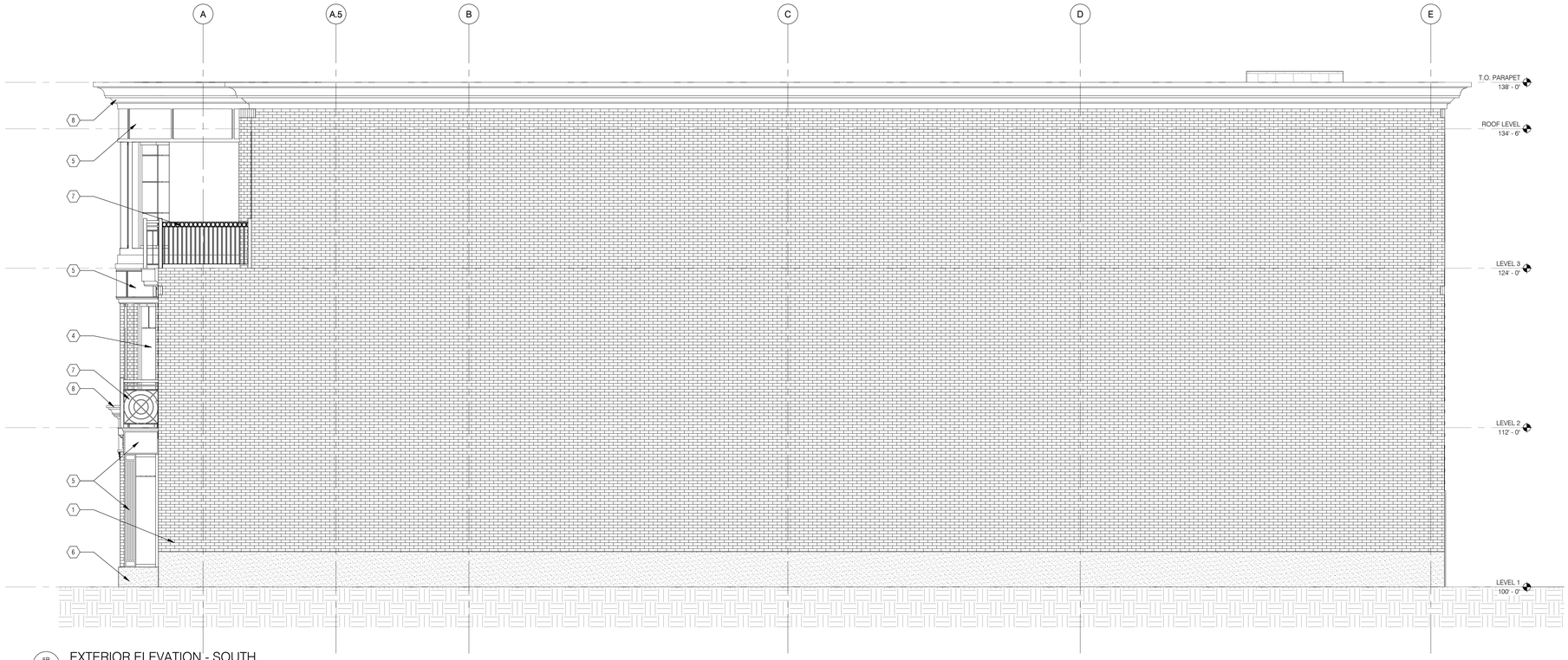
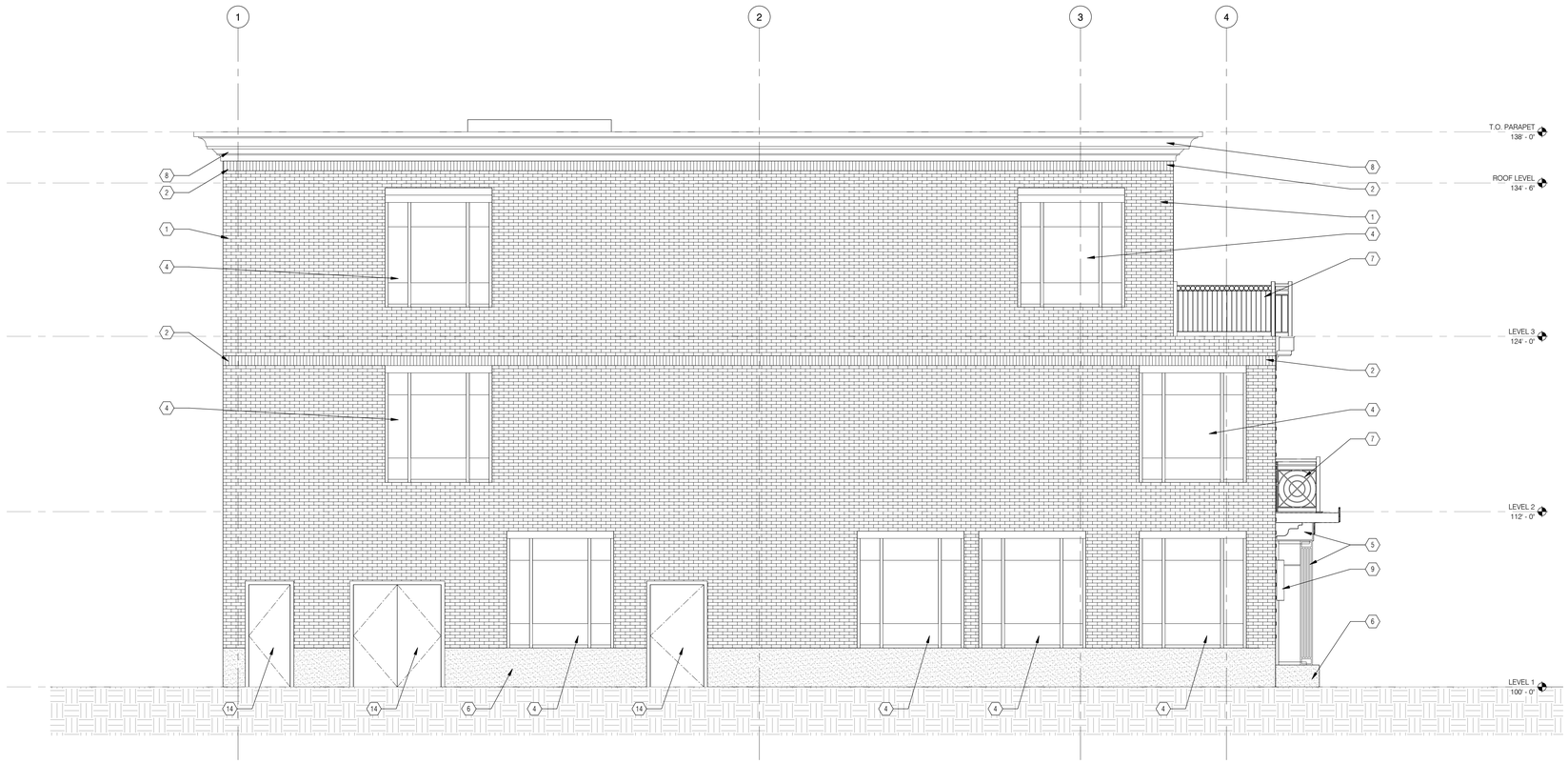


5B
A210
EXTERIOR ELEVATION - SOUTH
SCALE: 1/4" = 1'-0"



5D
A210
EXTERIOR ELEVATION - EAST
SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATION NOTES

1. COORDINATE WITH MECHANICAL, ELECTRICAL, PLUMBING AND SIGNAGE DRAWINGS FOR ALL PENETRATIONS THROUGH THE EXTERIOR ENVELOPE.
2. SEE ELECTRICAL DRAWINGS FOR EXTERIOR LIGHTING LAYOUT.
3. BUILDING SIGNAGE AND AWNINGS ARE UNDER A SEPARATE PERMIT AND NOT PART OF THIS PLAN REVIEW. G.C. TO PROVIDE BLOCKING AND POWER FOR ALL SIGNAGE - G.C. TO COORDINATE WITH VENDOR AND DRAWINGS.
4. SIGN VENDOR TO PROVIDE VINYL CUT LETTERING.
5. ADDRESS SIGN LOCATION MUST BE PLAINLY VISIBLE AND LEGIBLE FROM PRIMARY OR MAIN ROAD - MIN. 5" HIGH - CONFIRM W/ LOCAL AUTHORITIES.
6. MOUNT KNOX BOX 6'-0" ABOVE GRADE. CONFIRM EXACT LOCATION WITH FIRE MARSHALL.
7. PROVIDE CONTROL JOINTS AT ALL COLOR AND FINISH MATERIAL TRANSITIONS.
8. XXXX

PRELIMINARY

FINISH SCHEDULE - EXTERIOR

MARK	DESCRIPTION	REMARKS
(EXST)	EXISTING MATERIAL TO REMAIN	

EXTERIOR KEY NOTES

NO.	DESCRIPTION	NO.
1	BRICK	
2	BRICK - SOLDIER COURSE	
3	BRICK - PROJECTED HEADER COURSE EVERY 4TH COURSE	
4	STOREFRONT SYSTEM WINDOW AND DOORS	
5	METAL PANELING & DETAILING	
6	CAST STONE BASE AND HEADER	
7	DECORATIVE RAILING	
8	METAL CORNICE	
9	WALL SCONCE - HUBBARDTON FORD AIRIS LARGE OUTDOOR SCONCE	
10	WALL SCONCE - LIGHTINGSTYLES EXTERIOR GU10 BASE WALL LIGHT (OR SIM)	
11	BUILDING LIGHTING - BK LIGHTING EVEREST SERIES	
12	SIGNAGE LIGHTING - BK LIGHTING TWIN SIGN STAR™ STYLE L & TWIN SIGN STAR™ STYLE C	
13	FUTURE TENANT SIGNAGE LOCATION	
14	SERVICE / EGRESS DOOR	

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sheet title

EXTERIOR ELEVATIONS

A210

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5B
A211
EXTERIOR ELEVATION - NORTH
SCALE: 1/4" = 1'-0"

5D
A211
EXTERIOR ELEVATION - WEST
SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATION NOTES

1. COORDINATE WITH MECHANICAL, ELECTRICAL, PLUMBING AND SIGNAGE DRAWINGS FOR ALL PENETRATIONS THROUGH THE EXTERIOR ENVELOPE.
2. SEE ELECTRICAL DRAWINGS FOR EXTERIOR LIGHTING LAYOUT.
3. BUILDING SIGNAGE AND AWNINGS ARE UNDER SEPARATE PERMIT AND NOT PART OF THIS PLAN REVIEW. G.C. TO PROVIDE BLOCKING AND POWER FOR ALL SIGNAGE - G.C. TO COORDINATE WITH VENDOR AND DRAWINGS.
4. SIGN VENDOR TO PROVIDE VINYL CUT LETTERING.
5. ADDRESS SIGN LOCATION MUST BE PLAINLY VISIBLE AND LEGIBLE FROM PRIMARY OR MAIN ROAD - MIN. 5' HIGH - CONFIRM W/ LOCAL AUTHORITIES.
6. MOUNT KNOX BOX 6'-0" ABOVE GRADE. CONFIRM EXACT LOCATION WITH FIRE MARSHALL.
7. PROVIDE CONTROL JOINTS AT ALL COLOR AND FINISH MATERIAL TRANSITIONS.
8. XXXX

PRELIMINARY

FINISH SCHEDULE - EXTERIOR

MARK	DESCRIPTION	REMARKS
(EXST)	EXISTING MATERIAL TO REMAIN	

EXTERIOR KEY NOTES

NO.	DESCRIPTION	NO.
1	BRICK	
2	BRICK - SOLDIER COURSE	
3	BRICK - PROJECTED HEADER COURSE EVERY 4TH COURSE	
4	STOREFRONT SYSTEM WINDOW AND DOORS	
5	METAL PANELING & DETAILING	
6	CAST STONE BASE AND HEADER	
7	DECORATIVE RAILING	
8	METAL CORNICE	
9	WALL SCONCE - HUBBARDTON FORD AIRIS LARGE OUTDOOR SCONCE	
10	WALL SCONCE - LIGHTINGSTYLES EXTERIOR GU10 BASE WALL LIGHT (OR SIM)	
11	BUILDING LIGHTING - BK LIGHTING EVEREST SERIES	
12	SIGNAGE LIGHTING - BK LIGHTING TWIN SIGN STAR™ STYLE L & TWIN SIGN STAR™ STYLE C	
13	FUTURE TENANT SIGNAGE LOCATION	
14	SERVICE / EGRESS DOOR	

NORTH ELEVATION MATERIALS

BRICK	1172 SF	30.9%
STOREFRONT/GLASS	1663 SF	43.8%
METAL PANELING / DETAILING	758 SF	20.0%
CAST STONE	202 SF	5.3%

WEST ELEVATION MATERIALS

BRICK	792 SF	27.8%
STOREFRONT/GLASS	1262 SF	44.2%
METAL PANELING / DETAILING	641 SF	22.4%
CAST STONE	159 SF	5.6%

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BMD	DAS

sheet title

EXTERIOR ELEVATIONS

A211

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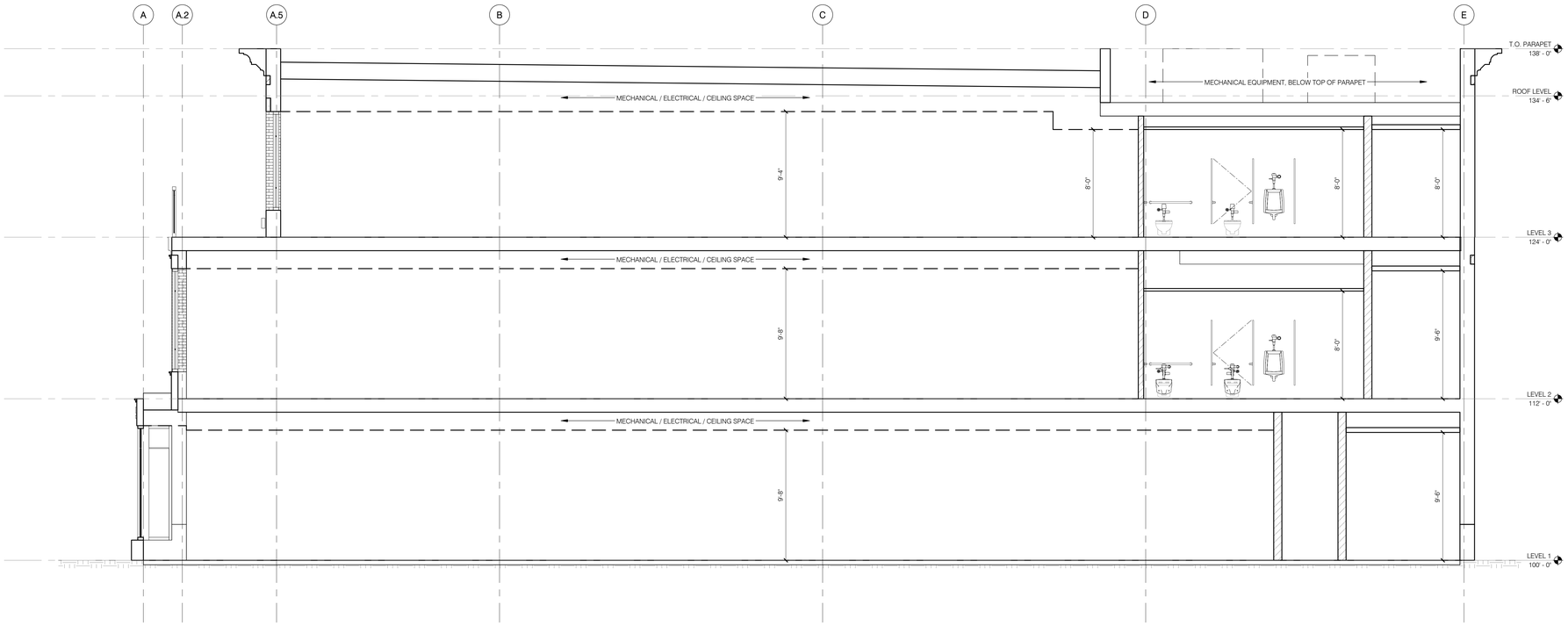

1 A310 BUILDING SECTION AT MECHANICAL PIT
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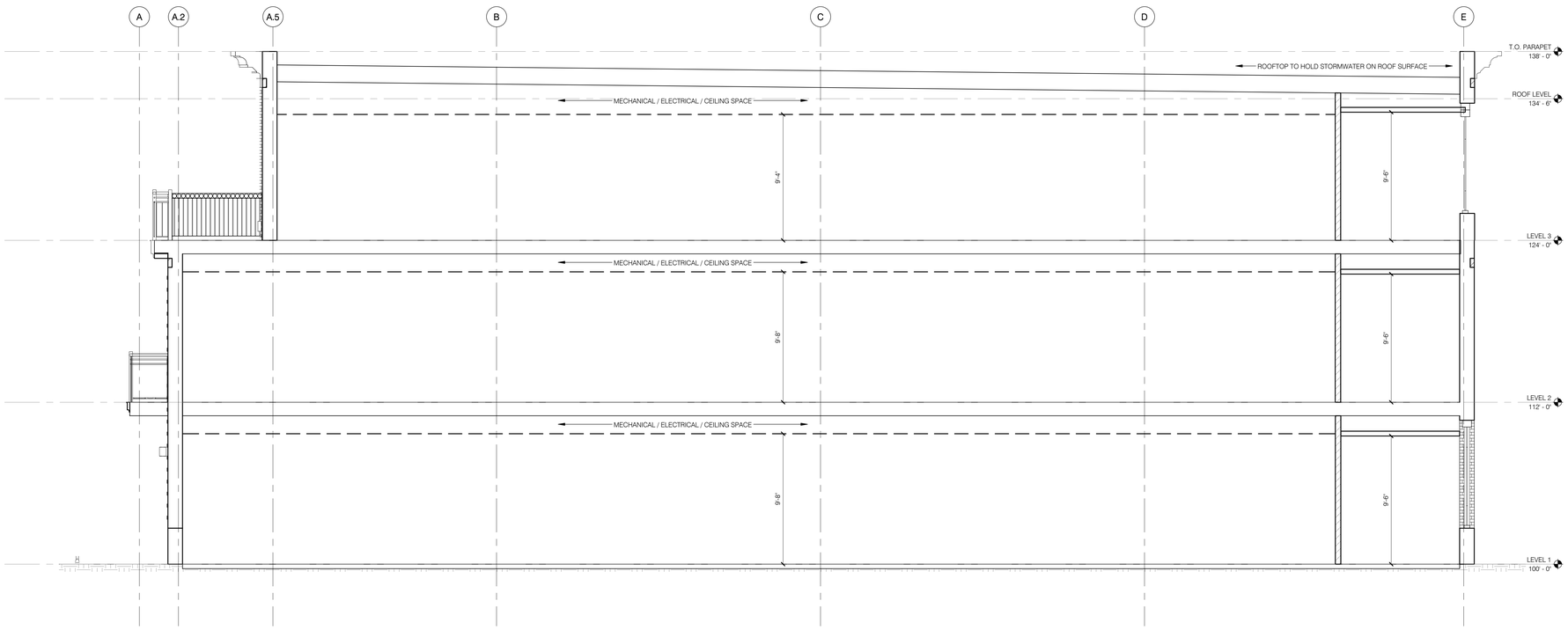

2 A310 TYPICAL BUILDING SECTION
SCALE: 1/4" = 1'-0"

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seal

PUD SUBMITTAL REV 1
JULY 26, 2016

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PRELIMINARY

project no.	date
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BD	DAS

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BUILDING SECTIONS

A310

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SOUTH ELEVATION

2
A3.1

1/8" = 1'-0"

Broadway Place – 326 and 332 Broadway Ave S
Design Critique (Based on Architectural Plans dated 6/17/2016 and Civil Plans dated 6/16/2016 and Revised Plans dated July 26, 2016)
July 28, 2016

		Comments		Compliance
Building Uses				
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.		The building is not located on Lake Street.		Not Applicable
Building Recesses				
801.09.3.1.A – All Districts Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level		The proposed building utilizes recesses and changes in materials to break up the façade.		Yes
801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.		The Broadway Avenue right of way adjacent to the site currently has a landscaped area, benches, and plaza with decorative brick. The proposed plan would retain these improvements.		Yes

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

Upper Story Setbacks				
801.09.5.1.A – All Districts – New Buildings Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.		The third story is recessed 10 feet from the second story along most of the right of way frontages from Broadway Avenue and Mil Street. The only portion of the third story that is not recessed is the northwest corner of the building. The recessed portion of the third story would be utilized as a balcony area, and would include railings to break up the third story façade.		Deviation Requested
801.09.5.1.B – All Districts – New Buildings The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.		The building is 75 feet in length along Broadway Avenue and 100 feet in length along Mill Street. The second story along Broadway Avenue is recessed back for 40% of the length of the building and the second story along Mill Street is recessed back for 30% of the length of the building. However, the second story is recessed only 3 feet from the first floor façade, not the required 6 feet.		Deviation Requested
801.09.5.1.C – All Districts – New Buildings Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.		The applicant has requested a height variance from the maximum height of 35 feet in the PUD district to 38 feet. The proposed building would be the same height as the adjacent building and would not adversely impact sun orientation, solar access, or views of Lake Minnetonka.		Yes

Roof Design				
801.09.6.1 – All Districts "Green" roofs, roof garden terraces, arbors and other similar structures are encouraged on roofs of building.		The proposed building does not include a green roof.		Not Applicable
801.09.6.2.A – All Districts – Roof Materials The roof material for all sloped roofs in all districts shall be slate, untreated copper, pre-finished metal, cedar shake or asphalt shingle in dark colors. 801.09.6.2.B – All Districts – Roof Materials The roof material for all flat roofs in all districts shall be treated synthetic membrane or other similar material in dark colors.		The proposed building has a flat roof in a dark color.		Yes

Screening of Rooftop Equipment				
801.09.7.1 – Lake Street and Bluff Districts 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.		The proposed plans include mechanical equipment on the roof of the building, which would be fully surrounded by the parapet and cornice of the building.		Deviation Requested

		Comments		Compliance
Facade Transparency				
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.		The building does not have any frontage on Lake Street. The north and west elevations of the building, which face public right of way, would be comprised of 44% glass along the entire building façade. The glass is equally distributed along all three levels of the building. Therefore, the ground level would be comprised of more than 25% of transparent glass.		Yes
Ground Level Expression				
801.09.9.1 – All Districts In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements: 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels		The proposed building includes the following elements to distinguish the ground floor from the upper levels: • Special window lintels • Difference in building materials or detailing with the balconies and decorative railings • An offset in the façade at the ground level entrances and window bays		Yes

Entries				
801.09.10.1 – All Districts The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.		The proposed plans include a landscaped area adjacent to each of the ground floor entrances which would be planted with perennials or pavers with flower pots.		Yes

Building Materials and Quality				
<u>801.09.11.1.A – Primary Opaque Surfaces – All Districts</u> Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials: 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco		The non-glass surfaces of the east and south elevations would be comprised of 90% of brick. The non-glass surfaces of the north elevation would be comprised of 55% brick, 35% metal paneling/detailing, and 10% cast stone. The non-glass surfaces of the west elevation would be comprised of 50% brick, 40% metal paneling/detailing, and 10% cast stone. The metal paneling/detailing materials on the north and west elevations require a deviation from the design standards.		Deviation Requested
<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.		The proposed building includes the same materials, brick, metal paneling/detailing, and cast stone on all sides of the building.		Yes
<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.		The details of the brick construction would be reviewed with the final building plans.		Yes

<u>801.09.11.1.D – Façade Detail – All Districts</u> 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.		The details of the brick construction would be reviewed with the final building plans.		Yes
<u>801.09.11.1.E – Brick Joints – All Districts</u> 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence		The details of the brick construction would be reviewed with the final building plans.		Yes
<u>801.09.11.1.F – Stone Joints – All Districts</u> Stone joints shall be no larger than one-fourth (1/4) inch.		The details of the stone construction would be reviewed with the final building plans.		Yes

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

<u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used: a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings 2. Backlit awnings are prohibited. 3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.		The proposed building plans do not include any awnings.		Not Applicable
<u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.		The proposed building includes balconies on the second and third floors. Each of the balconies includes a doorway from the building, and would be usable. The proposed balconies would be located within the property and would be surrounded by decorative metal railings.		Yes
<u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects		The proposed glass would not be mirrored, reflective, or darkened.		Yes

801.09.11.1.L – Door Systems – All Districts Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.		The proposed entry doors would be all be comprised of glass.		Yes
		Comments		**Compliance**
Franchise Architecture				
801.09.12.1 – All Districts A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801. 09.18 by the Planning Commission at the time of Design Standards Review application		The proposed building would not be franchise architecture.		Not Applicable

		Comments		Compliance
Walkways				
<u>801.09.13.1 – Lake Street District</u> A. Continuous sidewalks at least twelve (12) feet in width shall be provided along all public street frontages. B. Lighted sidewalks shall extend between rear and side parking areas and building entrances. All sidewalk lighting must project downward. C. Buildings with street frontage exceeding fifty (50) feet shall have at least one (1) bench. D. All sidewalk surfaces must match the exposed aggregate/brick accent sidewalks on Lake Street.		There is 26 feet of boulevard area between the curb line of Broadway Avenue and the west property line. The boulevard area currently contains a landscaped area, benches, and plaza with decorative brick. The applicant is proposing to reconstruct the sidewalk which would be 8.6 feet in width in front of the building and 5 feet in width on the north side of the right of way. The sidewalk could be widened to 12 feet, however that would result in removal of the existing landscaping and decorative brick. There is 13 feet of boulevard area between the curb line of the Mill Street parking lot and the north property line. The applicant is proposing to construct a 13-foot wide sidewalk along Mill Street, which would meet the design standards. In addition, the sidewalk materials should be changed to the exposed aggregate per the City's downtown sidewalk specifications, which is included as a condition of approval.		Deviation Requested

		Comments		Compliance
Landscaping				
<u>801.09.14.1 – All Districts</u> A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level. B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings. C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area. D. Streetscaping shall include all of the following: 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers		The proposed plans include a landscaped area adjacent to each of the ground floor entrances. The landscaped areas would consist of four new trees and planters with perennial or pavers with flower pots. The boulevard area currently contains a landscaped area, benches, and plaza with decorative brick, and existing boulevard trees.		Yes

<u>801.09.14.2 – Lake Street District</u> 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. B. Approved boulevard trees, planted in sidewalk areas, shall be planted no more than twenty six (26) feet on center from each other.		As previously indicated, the sidewalk materials would need to be modified to exposed aggregate to comply with the City's engineering guidelines, which is included as a condition of approval.		Yes

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

		Comments		Compliance
801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.		The proposed building would require more than 20 parking spaces. The applicant states that bicycle parking will be provided in the alley on the east side of the building or within the landscaped area along Broadway Avenue.		Yes
Parking Structures				
801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards: A. The ground floor façade abutting any public street or walkway shall be architecturally compatible with surrounding commercial or office buildings. B. The parking structure shall be designed in such a way that sloped floors do not dominate the appearance of the façade. C. Windows or openings shall be similar to those of surrounding buildings. D. Vines and other significant landscaping shall be used to minimize the visual impact of the parking structure.		This section is not applicable, as there is no parking ramp associated with the project.		Not Applicable

<u>801.09.17.2 – Lake Street District</u> 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. B. The ground floor level of a parking structure shall not come within forty (40) feet of Lake Street. 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.		This section is not applicable, as there is no parking ramp associated with the project.		Not Applicable

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

<u>801.09.18.2 – Permitted Signs – Lake Street District</u> A. Only the following types of signs are permitted in the Lake Street District: 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		The proposed building would include wall signs.		Yes

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

WAYZATA PLANNING COMMISSION

August 1, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF PUD CONCEPT AND GENERAL PLANS, PUD REZONING, PROJECT DESIGN, HEIGHT VARIANCE, SHORELAND HEIGHT AND IMPERVIOUS SURFACE CUPs, AND PRELIMINARY AND FINAL PLAT AT 326 AND 332 BROADWAY AVE S

DRAFT

SUMMARY OF RECOMMENDATION

1. **Approval*** of Concurrent PUD Concept and General Plan of Development
2. **Approval*** of Rezoning from C-4B to PUD/Planned Unit Development
3. **Approval*** of Design of Project
4. **Approval*** of Building Height Variance
5. **Approval*** of Shoreland Impact Plan/CUP for Building Height
6. **Approval*** of Shoreland Impact Plan/CUP for Impervious Surface
7. **Approval*** of Preliminary and Final Plat Subdivision

*** with certain conditions listed at the end of this Report**

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Beltz Enterprises, LLC, and the property owner, MJ Mail Center, LLC (collectively, the "Applicant") have submitted a development application to redevelop the Gold Mine and Mail Center properties at 326 and 332 Broadway Ave S (the "Property"). The proposed redevelopment involves the demolition of the two existing commercial buildings on the property, and construction of a new three story mixed use building consisting of retail uses on the ground level and office uses on the upper two levels (the "Project").

1.2 Application Requests. The Application includes requests for approval of:

A. Concurrent PUD Concept and General Plan of Development (the "PUD" or "PUD Concept and General Plans"): The Project would be built according to an approved PUD for the proposed new building on the Property with ground level retail and upper level office use. The Applicant is requesting concurrent concept and general plan review and approval.

B. Rezoning from C-4B to PUD/Planned Unit Development (the "Rezoning" or "Zoning Amendment"): In connection with approval of the PUD, the Property would be rezoned from the current C-4B District to the PUD District.

C. Design (the "Design"): The newly constructed building of the Project is subject to the Design Standards. The Applicant is requesting approval of the design elements of the building as well as deviations from the Design Standards, further detailed in the Design Critique, that pertain to (i) building recession; (ii) exterior building materials; (iii) sidewalks and streetscape; and (iv) roof-top mechanical equipment (the "Deviations").

D. Variance from the Maximum Building Height Limit (the "Height Variance"): The Project requires a variance from the maximum building height limit in the PUD Zoning District of 35 feet and 3 stories, whichever is less. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.

E. Shoreland Impact Plan/Conditional Use Permit for the Building Height (the "Shoreland Height CUP"): The Project requires a shoreland impact plan/conditional use permit for a building in excess of 35 feet. The proposed building for the Project would be 3 stories in height, but would be 38 feet in height.

F. Shoreland Impact Plan/Conditional Use Permit for Impervious Surface (the "Shoreland Impervious Surface CUP"): The Project requires a shoreland impact plan/conditional use permit for having impervious surface coverage that exceeds 75% of the lot area. The proposed Project would have an impervious surface coverage of approximately 96%.

G. Preliminary and Final Plat Subdivision to combine the Lots (the "Subdivision", "Preliminary and Final Plats" or "Lot Combination"): The Project would combine the two existing lots comprising the Property into a new single lot.

1.3 Property. The address, property identification numbers and owners of the Property involved in the Project are:

326 Broadway Ave S	06-117-22-42-0016	MJ Mail Center, LLC
332 Broadway Ave S	06-117-22-42-0017	MJ Mail Center, LLC

1.4 Land Use. The Property is falls within the C-4B Central Business District, the Shoreland Overlay District, and the Lake Street Design District, under the Zoning Ordinance, and is guided Central Business District 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	Mill Street Parking Lot	Institutional	Institutional/Public
East	701 Lake St E mixed use building	PUD/Planned Unit Development	Central Business District
South	COV restaurant mixed use building	C-4B/Central Business District	Central Business District
West	Marquee Place mixed use building	C-4B/Central Business District	Central Business District

1.5 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on July 7, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on July 8, 2016.

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 meet.

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 / 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. All new nonresidential building construction in the City must comply with the Design Standards found in Section 9 of the Zoning Ordinance. The Project falls within the Lake Street Design District, and the relevant design standards applicable to the Project are outlined in the attached "Design Critique" (Attachment A). Deviations from the Design Standards may be permitted under Sec. 801.09.21 (with the exception of Section 7 of the Design Standards) if City Council (after considering the Planning Commission's recommendation) makes a finding that the negative impact of such deviation is outweighed by one or more of the following factors:

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

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

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

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

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

6. A national, state or local historic designation.

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

2.4 Building Height; Variances. Under Section 801.33.2.14, the maximum building height in the PUD Zoning District is thirty-five (35) feet and three (3) stories, whichever is less. Section 801.05.1.C provides the criteria for reviewing

variances from the standards of 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.

2.5 Shoreland Impact Plan/Conditional Use Permit for Building Height. The maximum height of buildings in the Shoreland Overlay District is 35 feet. Building heights over 35 feet may be allowed through approval of a shoreland impact plan/conditional use permit. Section 801.91.10. 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, 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.

2.6 Shoreland CUP for Impervious Surface Coverage. The Shoreland Overlay District establishes a maximum impervious surface of 25% of the lot area, except impervious surface coverage may be allowed to exceed 75% of the lot area with a shoreland impact plan/conditional use permit.

2.7 Subdivision / Preliminary and Final Plat. Review and approval of subdivisions of property, combinations of two or more lots, and preliminary/final plats are

governed by the City's Subdivision Ordinance, Ch. 805 of City Code. The City may agree to review the preliminary and final plat simultaneously. Sec. 805.15.A.

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.

Section 3. FINDINGS OF FACT

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

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 appropriate retail and unique 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-4B Central Business District. The ground floor retail spaces and upper stories of small office spaces 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 height requirement for which the Applicant has requested the Height Variance.

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, except those for which the Variance and CUPs have been requested.

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 Project Design. The Project meets the applicable provisions of the Design Standards except for the Deviations. Any negative impacts of the Deviations are outweighed by one or more of the following factors:

1. The extent to which the Project advances specific policies and provisions of the City's Comprehensive Plan, as noted in the record.

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

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

3.4 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 the terrain and slope of the Property.

D. The Height Variance is requested based on the topography and elevation of the property and adjacent public streets, 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.

3.5 Shoreland CUP for Building Height. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.

2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use is compatible with present and future uses of the area.

3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.

4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.

5. The proposed structure and associated use will not have a negative impact upon surrounding property values.

6. The proposed structure and associated use will not increase traffic.

7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.6 Shoreland CUP for Impervious Surface Coverage. The provisions of Section 801.91.19 and 801.04.2(F) of the Zoning Ordinance have been considered and are satisfactorily met.

1. All structures and practices are or will be in place for the treatment of storm water runoff for the Project as reviewed and approved by the City Engineer.

2. A Shoreland Impact Plan has been submitted for review and approval by the City Engineer.

Section 801.04.2(F) Findings

1. The proposed action is compatible with the specific policies and provisions of the official City Comprehensive Plan.

2. The proposed use is compatible with present and future uses of the area.

3. The proposed use conforms with all performance standards contained in the Zoning Ordinance, except those for which a variance and CUPs are requested.

4. The proposed structure and associated uses will not have a negative effect upon the surrounding area.

5. The proposed structure and associated use will not have a negative impact upon surrounding property values.

6. The proposed structure and associated use will not increase traffic.

7. The proposed structure and associated use will not negatively impact existing public services and facilities including parks, schools, streets and utilities, and the City's service capacity.

3.7 Preliminary / Final Plat Subdivision for Lot Combination.

1. The Subdivision is consistent with the Wayzata Comprehensive Plan.

2. The building pad that results from the Subdivision not impact sensitive areas on the Property.

3. The building pad that results from the Subdivision have been selected and located with respect to natural topography to minimize filing or grading.

4. Existing stands of significant trees will be retained where possible.

5. The building pad that results from the Subdivision is sensitively integrated into existing trees on the right of way.

5. The Subdivision does not adversely impact the scale, pattern or character of the City, its neighborhoods, or its commercial areas.

6. The design of the lot, the building pad, and the site layout responds to and is reflective of the surrounding lots and neighborhood character.

7. The lot size resulting from the Subdivision is not dissimilar from adjacent lots or lots found in the surrounding neighborhood.

8. The architectural appearance, scale, mass, construction materials, proportion and scale of roof line and functional plan of the building proposed is similar to the characteristics and quality of existing development in the City and surrounding neighborhood.

9. The building proposed for the Subdivision meets the applicable Design District and the Design Review Board/City Council review criteria and process outlined in Section 9 of the Wayzata Zoning Ordinance.

10. The proposed lot layout and building pad conforms with all performance standards contained in the Subdivision Ordinance with the exception of those for which a variance and CUPs are being requested.

11. The Subdivision will not tend to or actually depreciate the values of neighboring properties in the area in which it is proposed.

12. The Subdivision will be accommodated with existing public services, including those related to transportation and utility systems, and will not overburden the City's service capacity.

Section 4. RECOMMENDATION

4.1 Planning Commission Recommendation. Based on the findings in section 3 of this Report, the Planning Commission recommends **APPROVAL** of the following requests made in the Application: (i) Concurrent PUD Concept and General Plan of Development for New Retail and Office Development; (ii)

Rezoning from C-4B to PUD/Planned Unit Development; (iii) Design of Project; (iv) Building Height Variance; (v) Shoreland Height CUP; (vi) Shoreland Impervious Surface CUP; and (vii) Preliminary and Final Plat Subdivision to combine the existing two lots into a single lot, subject to the following conditions:

A. The Property Owner must comply with all current and future parking requirements for the uses associated with the Project.

B. The City will not issue a building permit for construction of the building until the Property Owner provides 52 parking stalls for the project either through a Downtown Mobility District or a separate agreement between the Property Owner and the City of Wayzata for use of parking stalls within the Mill Street parking lot (or future parking ramp) located on the north side of the site.

C. Final Utility, Stormwater Management, Grading, Drainage, and Erosion Plans must be approved by the City Engineer prior to the submission of building permits and submitted to the City for review.

D. A stormwater facility maintenance agreement for maintenance of the stormwater management facilities is required.

E. The Property Owner must enter into an encroachment agreement with the City for the grease trap and stormwater treatment structure located within the City's right of way.

F. The final design of the sidewalks with the City's right of way must be reviewed and approved by the City Engineer and Building Official for compliance with the City's engineering and design standards and the State building code.

G. The Applicant must record the Final Plat with the appropriate Hennepin County officials within one hundred twenty (120) days in conformance with Section 805.15.E.7 of the Subdivision Ordinance, and provide a recorded copy to the City.

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

Adopted by the Wayzata Planning Commission this 1st day of August 2016.

Voting In Favor:
Voting Against:
Abstaining:

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, or such other appropriate qualifications as determined by the City Manager.

(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])

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 in Section 710.02(b).

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/aspen, 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.