

WAYZATA CITY COUNCIL MEETING AGENDA
 Wayzata City Hall Community Room, 600 Rice Street
 Tuesday, October 4, 2016

4:30 PM Dinner Available for Wayzata City Council - Conference Room

WORKSHOP TOPICS FOR DISCUSSION:

1. 2017 Budgets for Enterprise Funds, Fee Schedule, CIP's (5:00 PM)

7:00 PM - CITY COUNCIL MEETING

ITEM	DESCRIPTION	PRESENTER	JM	AM	KW	BA	ST	VOTE	PAGE #
1	Roll Call								
2	Approve Agenda								
3	Public Forum - 15 Minutes (3 min/person)								
a.	Update from Wayzata Library - Gwen Wasmund	Wasmund							
4	New Agenda Items (3 min/councilmember) - 1. Councilmember suggest item to add; 2. Must be seconded by another Councilmember; 3. Determine staff resources, scheduling & timeframe; 4. Discuss & vote to add to future agenda								
a.									
5	Consent Agenda								2
a.	Approval of City Council Workshop Meeting Minutes of September 20, 2016 and City Council Regular Meeting Minutes of September 20, 2016								
b.	Approval of Check Register								
c.	Municipal Licenses Which Received Administrative Approval (Informational Only)								
d.	Approval of Municipal Licenses								
e.	Approval of Second Reading of Ordinance #761 Opting-Out of Temporary Healthcare Dwelling Units Statute								
f.	Approval of Second Reading of Ordinance #762 Amending Institutional Zoning District								
g.	Approval of Scope of Services with UrbanWorks, Inc. for Facilitation of Special Services District (Mobility District)								
6	New Business								
a.	Consider Resolution #37-2016 Dissolution of Communications Advisory Board	Dahl							45
b.	Consider Resolution #38-2016 Beacon Five Project at 529 Indian Mound E.	Thomson							50
c.	Consider First Reading of Ordinance #764 Floodplain Ordinance Amendment	Thomson							140
7	City Manager's Report and Discussion Items								
8	Public Forum (as necessary)								
9	Adjournment								

Meeting Rules of Conduct:

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

Upcoming Meetings:

- City Council - October 18 & November 1, 2016
- Planning Commission - October 17 & November 7, 2016

1
2
3
4
5
6
7
8
9

**WAYZATA CITY COUNCIL
WORKSHOP MEETING MINUTES
September 20, 2016**

10
11
12
13
14
15
16
17
18

Mayor Willcox called the workshop meeting to order at 5:15 pm in the Community Room at Wayzata City Hall. Council Members present: McCarthy, Mullin, and Tyacke. Council Member Anderson arrived at 5:30 pm. Also present: City Manager Dahl, Director of Planning & Building Thomson, and City Attorney Schelzel.

19
20
21
22
23

5:15 PM 253 Lake Street Development Concept

24
25
26
27
28
29
30
31
32
33
34
35
36

Director of Planning & Building Thomson stated that Brad Hoyt requested a workshop with the City Council on a redevelopment concept for property at 253 Lake Street East. Mr. Hoyt's architect, Neil Weber, submitted a site plan and floor plan concepts for a building. The building would include 8,400 square feet of retail commercial space and 14 residential units. Mr. Thomson noted that the concept plans submitted do not include any information on the building elevations and other project details that would be required as part of a development application, but the owner is requesting feedback on the concept presented.

37
38
39
40
41
42
43
44
45
46
47

The group reviewed the concepts and asked general questions regarding the design and scale of the building depicted in the concepts, as the concepts presented did not depict this information. The Council indicated that they would welcome redevelopment of the existing site, however, they did not have a comfort level with any redevelopment proposal that varied significantly from the provisions of City code.

48
49
50
51
52
53

5:45 PM Mobility District and Parking Policy

Mayor Willcox introduced the next topic of a new City Mobility District and Parking Policy. Joining the Council was Michael McLaughlin of UrbanWorks.

City Manager Dahl stated that over the past decade, the City has conducted various studies and approved several plans regarding district parking in the area that centers around Lake and Broadway Streets. In this time, redevelopment of existing properties along Lake Street has significantly increased commercial and recreational activity in the area. Due to this increase of mass and density downtown, and due to specific agreements the City has with property owners regarding needed off-street parking, the City is moving forward with the construction of the long contemplated Mill Street Parking Ramp, which will provide parking that is needed for existing and pending development agreements the City has with properties in the area, and also provide additional parking for future growth and needs.

Mr. Dahl stated that while either all, or close to all, of the Mill Street Parking Ramp will be paid for by Tax Increment generated from The Landing project, the projected TIF will not cover maintenance and operations for the parking ramp, nor will it cover future capital costs for parking-related improvements outside of the Mill Street facility.

Mr. Dahl reported that the objective of this discussion is to receive and review additional information regarding the two primary funding mechanisms available for future parking-related capital improvements as well as for future parking-related operations and maintenance costs:

1. Payment-in-lieu-of Parking Policy, which could be used to cover future parking capital costs; and
2. Special Services District (or "Mobility District"), which could be used to cover O+M costs.

Mr. Dahl informed the group that these two mechanisms, which were discussed in the most recent parking related studies from Dorsey and Whitney and SRF as implementation steps, are dynamic and can be expanded or altered in the future. They are the two primary tools that staff recommends implementing now in order to fund projected parking costs and position the City to be ahead of parking needs into the future.

1 Mr. Dahl said the next steps would be to approve and adopt a Payment-in-lieu-of-Parking Policy at a
2 future Council Meeting, and hire a consultant to assist in setting up the Special Services District.
3

4 Michael McLaughlin, of UrbanWorks, introduced himself and discussed his firm and its experience with
5 setting up Special Services Districts throughout the Metro Area. He then went into detail about the state
6 statutes that allow cities to create a Special Services District, what the process is, and how the services it
7 could provide could help meet the district parking objectives outlined in the SRF report, including to:
8 cover maintenance and operations costs for the new ramp, cover wayfinding and signage costs, help
9 marketing and other parking/downtown related expenses. Mr. Dahl indicated that he would work with
10 Mr. McLaughlin on submitting a proposal to the City Council to engage UrbanWorks to help facilitate the
11 establishment of the district.
12

13 Mr. Schelzel reviewed a draft Payment-in-lieu-of Parking Policy.

14 Local property owner, Charlie Schoen, asked questions related to the policy.
15

16 Council consensus was to see a few adjustments made to the draft policy, and then bring an updated draft
17 policy back in a workshop setting for further review and discussion.
18

19 The workshop meeting was adjourned at 6:50 pm.
20

21 Respectfully submitted,
22

23
24
25
26 Becky Malone
27 Deputy City Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

WAYZATA CITY COUNCIL
DRAFT - MEETING MINUTES
September 20, 2016

AGENDA ITEM 1. Call to Order and Roll Call.

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

AGENDA ITEM 2. Approve Agenda.

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

Mr. Willcox advised the Council met in Workshop prior to the meeting and discussed the 253 Lake Street development concept and the potential Mobility District and Parking Policy.

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

a. Presentation of Wayzata Chamber of Commerce Exceptional Service Award to “Lunds & Byerlys Kitchen”

Becky Pierson, Greater Wayzata Area Chamber of Commerce, and Mayor Willcox presented the Wayzata Chamber’s Exceptional Service Award to Anessa Novasio, from Lunds and Byerlys Kitchen. Mayor Willcox thanked them for all the contributions they make to the City.

Ms. Novasio stated they are honored and grateful to receive this award.

b. Recap of James J. Hill Days

Becky Pierson, Greater Area Wayzata Chamber of Commerce, commented James J. Hill Days was a great success and thanked the staff and Council for making the event possible. David Plummer was the Grand Marshall and Eat Street was reconfigured and enjoyed along with music all day Saturday.

Peter Hitch, James J. Hill Steering Committee, commented on the events and thanked the City for their cooperation in all areas. They have great sponsors that make it all possible.

Mr. Willcox thanked the Chamber of Commerce for their amazing work.

c. Lake Effect Update

Mary deLaittre, Lake Effect Project Coordinator, commented they are wrapping up Phase 1 of the organizational development with the Conservancy. All applications for 501(c)(3) have been submitted. The official Board of Officers are: Dan Koch, Chair; Joanne Birkholz, Vice-Chair; Ty Purdy, Treasurer; and, Sarah Showalter, Secretary. The Council will be approving the agreement between City and Conservancy on October 4 and information regarding the Lake Effect Conservancy can be found at lakeeffectconservancy.org.

Ms. deLaittre reported Phase 2 consists of budget planning and strategic hiring. They are looking for an Executive Director to be the ‘face’ of the Lake Effect and raise funds for the project. They have begun fundraising, working with the City to look at public funding, and work on the Environmental Assessment Worksheet (EAW) has been begun.

Ms. deLaittre summarized the role of the Conservancy and phases involved with Lake Effect.

d. Mill Street Parking Ramp Design

Nate Pearson, Tegra Group, commented he was hired by the City to oversee the parking ramp construction. The base design includes 385 stalls, three entrances into the ramp, and three stairwells. The alternates include a roof, a design on the retaining wall, a Broadway entrance

portal, and an enhanced landscape design. On September 30, HGA will have documents available on these designs and they will be posted on October 4. Bids will be due from potential contractors on October 21, and they will provide a recommendation to the Council the following week. They hope to break ground in November so that construction can be completed around Memorial Day.

City Manager Dahl stated regarding the plan of finance, they plan to call for a public hearing on November 1 for the bond sale, which will be done in early December. The HRA will also transfer the property over to the City and pledge the tax increment financing for the project. All the projections show the tax increment from the Presbyterian Homes project, specifically The Landing development, will pay for the entire base ramp. The roof would have to be paid for by an alternate revenue source.

Director of Building and Planning Thomson commented on the zoning approvals and design review. The design review is to make sure the proposed design complies with the City's design standards. The Institutional zoning district amendment is on the Council agenda tonight and the design review will go before the Planning Commission at their next meeting.

Mr. Tyacke inquired if there will be any pre-bid meetings with the bidders. Mr. Pearson responded there will be a meeting two to three days after the bid documents are out to the public.

d. Norrie Thomas, candidate for House of Representatives

Norrie Thomas, 1620 Locust Hills Place, announced she is running for the Minnesota House of Representatives and is DFL endorsed. She is a grandmother and retired pharmacist, and her platform is healthcare, education, and transportation.

AGENDA ITEM 4. New Agenda Items.

Councilmember Anderson requested a background report on the stoplight at Superior and Lake. The Council agreed and City Manager Dahl stated a report can be provided at an upcoming Council meeting in October.

AGENDA ITEM 5. Consent Agenda.

Mr. Tyacke referred to page 9 of the meeting packet and the check to HGA for \$64,000. He asked if the intent was to segregate and include those funds as part of the capital costs to the ramp and reimburse those out of the TIF bond. City Manager Dahl confirmed that was correct.

- Mrs. McCarthy made a motion, seconded by Mr. Tyacke, to approve the consent agenda:
- a. Approval of City Council Workshop Meeting Minutes of September 6, 2016 and City Council Regular Meeting Minutes of September 6, 2016
 - b. Approval of Check Register
 - c. Municipal Licenses which received administrative approval (informational only)
 - d. Approval of Municipal Licenses
 - e. Police Activity Report
 - f. Building Activity Report
 - g. Approval of Second Reading of Ordinance No. 760 Rezoning Broadway Place Development at 326 and 332 Broadway Avenue South
 - h. Approval of Resolution No. 36-2016 and Call for Public Hearing for Conduit Debt Financing
 - i. Approval of First Reading of Ordinance No. 761 Opting-Out of Temporary Healthcare Dwelling Units Statute

The motion carried 5/0.

AGENDA ITEM 6. New Business.

- a. **Consider Resolution No. 34-2016 Certifying to the County Auditor the Preliminary Property Tax Levy for 2017**

1 City Manager Dahl introduced this item to the Council, noting final budget approval will be in
2 December.

3 Mr. Steve McDonald of AEM, Financial Consultant, presented the 2017 preliminary
4 budget. He reported on the budget process, 2016 legislative impacts, and revenue and expenditure
5 changes that affect the budget. The overall proposed tax levy increase is 2.24% from 2016.

6 Mr. Tyacke inquired if there was any projection of excess revenue for 2016. Mr.
7 McDonald stated preliminary projections show excess revenue of \$400,000 to \$500,000.

8 Mr. Willcox inquired if anything is budgeted for the comprehensive plan update process
9 and consultant. Mr. Dahl stated they have allocated previous excess fund transfers at the end of
10 the year for about \$150,000, but it would not be shown in the budget for 2017.

11 Mr. Willcox commented the 28% budgeted for police is a gross expenditure and does not
12 include the money received from Long Lake for police service. Mr. McDonald stated the net cost
13 would be reduced by \$285,000.

14 Mr. Tyacke made a motion, seconded by Mrs. Anderson, to adopt Resolution 34-2016
15 Certifying to the County Auditor the Preliminary Property Tax Levy for 2017.

16 Mr. Mullin stated he will voting no. He was hopeful during the budgeting process they
17 could use the windfall money the City received from the process of the building boom to provide
18 the taxpayer a 0% raise.

19 Mrs. Anderson stated the majority of the increases are personnel related due to so many
20 things going on in the City.

21 Mr. Willcox stated they are not yet back to the staffing levels of 2008 before the
22 recession.

23 Mr. Tyacke commented the 2.24% levy increase is reasonable.

24 The motion carried 4/1. (Mullin)

25
26 **b. Consider First Reading of Ordinance No. 762 Amending Institutional Zoning**
27 **District**

28 Director of Planning and Building Thomson reported this item is a result of Council's direction to
29 staff to initiate the zoning ordinance amendment for the Mill Street parking ramp project. The
30 Mill Street property is currently zoned Institutional and guided in the Comp Plan for
31 Institutional/Public.

32 Mr. Thomson stated the amendment would include public parking structures as a
33 principal and sole use as a specific type of publicly owned civic or cultural building and would
34 provide standards for the structure.

35 Mrs. Anderson inquired if they should set the height requirement to what is in the design
36 for the parking ramp instead of setting it at a 40-foot height maximum. The current ramp design is
37 not at 40 feet, none of the other buildings in the area are at 40 feet, and there are parameters that
38 are specific to this ramp in the ordinance. Mr. Thomson responded the maximum height could be
39 set at the proposed ramp height. The Mill Street property is also in the Shoreland District, which
40 has a 35-foot height maximum and is more restrictive.

41 City Attorney Schelzel stated 40 feet is currently the existing height limit in the
42 Institutional district. To change it would require a special exception for parking ramps or it could
43 have unintended consequences on the rest of the Institutional District. It is a change to the zoning
44 ordinance that will apply to other potential parking structures in addition to the Mill Street ramp.

45 Mr. Tyacke stated if it is specific to the site, there is a covenant that states they cannot go
46 over 975 feet in elevation for the Mill Street ramp.

47 Mr. Mullin stated the Planning Commission abstained only because they do not think the
48 ramp even needs to exist. The current 40-foot standard exists today and he does not have any
49 concern with it. The City also does not own any other large parcel of land where a parking ramp
50 could be built.

51 Mrs. Anderson stated the 40-foot standard is for a church or a school, not a parking ramp.

1 Mrs. McCarthy asked if this would apply to the construction of a ramp that had joint
2 ownership. Mr. Thomson explained both the land and the ramp would have to be publicly owned.

3 Mr. Schelzel stated it could be argued if it is solely a public ramp and the City partnered
4 with a private entity, the standards may apply.

5 Mr. Thomson commented this could apply at a Metro Transit parking ramp.

6 Mr. Willcox inquired how tall three stories is on a parking ramp.

7 Mr. Mullin stated this ordinance is for City-controlled fee title ownership of land owned
8 by the citizens of Wayzata. Other hypothetical situations would require separate ordinances.

9 Mr. Willcox stated he is fine with it stating 40 feet.

10 Mr. Schelzel referred to page 87 of the meeting packet, Section 2, and requested it state
11 "...The amendments made hereby are based upon the findings set for in the draft Report and
12 Recommendation of the Wayzata Planning Commission..."

13 Mr. Tyacke made a motion, seconded by Mr. Mullin, to approve the first reading of
14 Ordinance No. 762 Amending Section 70 (INS Institutional District) of the zoning ordinance for
15 Public Parking Structures, as amended above.

16 The majority of the Council agreed they were troubled by the abstention of the Planning
17 Commission members and they support the findings and recommendations by staff. The
18 Planning Commission's role is to make recommendations, not to vote on difficult decisions.

19 The motion carried 4/1. (Anderson)

20
21 **c. Consider Resolution No. 35-2016 and First Reading of Ordinance No. 763 –**
22 **Frenchwood Third Addition**

23 Director of Planning and Building Thomson reported the applicant, Zev and Kristi Oman and
24 Robert Bolling, have submitted a development application to subdivide the properties at 250 and
25 270 Bushaway Road. They are proposing to subdivide two existing lots into four single-family
26 residential lots. The two existing homes would remain and two new single-family homes would
27 be constructed. The proposal requires rezoning to PUD, PUD concept and general plan review,
28 and preliminary and final plat review.

29 Mr. Thomson pointed out the Council voted 3-2 on a previous subdivision application on
30 this property, but the subdivision variance required a 4/5 vote and it did not pass. The same
31 subdivision plans have been submitted, but is now proposed as a PUD.

32 Mr. Tyacke commented he is concerned with meeting the purposes of the PUD
33 ordinance.

34 Mrs. McCarthy agreed with Mr. Tyacke and commented the application is not far enough
35 along to meet the highest standard of what is required to issue a PUD.

36 Mr. Mullin commented he supported the previous application, there are practical and
37 reasonable difficulties with the property, and he supports this application. He does not support the
38 burden of future Planning Commission and Council reviews of the new homes that would be
39 constructed on the lots.

40 Mrs. Anderson commented she also supported the previous application and still does,
41 noting other properties along that road have been allowed to pass with their difficulties and
42 standards. She stated if some of the requirements are imposed, it will negatively impact the road.
43 She stated if there is a greater benefit that staff can work with them on, then that should be looked
44 at. She would like to see the plans for the homes so everyone is comfortable with what is being
45 built.

46 Mr. Willcox stated he opposed this application before, and still does, because the
47 subdivision was not in character with the rest of Bushaway. He is not concerned with connecting
48 to the private road, but the subdivision is tortured and does not achieve what they want along
49 Bushaway.

1 Mr. Mullin inquired what feedback the Council could provide the applicant, noting they
2 have property rights around using the right tools and steps to meet the subjective standards of a
3 lot subdivision or the objective standards of the PUD.

4 Mr. Thomson commented there is not a solution that could remove the substandard lot
5 widths. There is enough lot width on Bushaway Road for three lots. The challenge with
6 conforming to lot widths along Bushaway Road is the lot lines would then run through the
7 existing home. If the street along the south side of the property were made public, the lots would
8 likely meet the width requirement.

9 The Council discussed different options with dividing the property.

10 Mrs. McCarthy stated it is not the responsibility of the Council to redraw lot lines. The
11 applicant needs to meet with staff to figure it out.

12 City Attorney Schelzel directed the Council to page 99 of the meeting packet, and
13 encouraged them to focus on the criteria of a PUD.

14 Mrs. McCarthy stated it is hard to know if these are all met since there are not final plans
15 available.

16 Mr. Thomson stated there is no way for this property to be divided into four lots and meet
17 the lot width requirements unless the private street is made public. The conforming plan would
18 only subdivide the 250 Bushaway Rd property into two lots. He advised the application deadline
19 is October 30, but the City could extend that an additional 60 days.

20 Mr. Peter Benincasa, Executive Real Estate Professionals, 8749 Helwig Trail, Brooklyn
21 Park, commented all the lots meet the two-acre minimum requirement. The main house was the
22 first house on the property. The alternative is to bring a road through there, but that is what they
23 have been trying to avoid. These lots are not any different than any lot currently in the
24 development. He would support tabling the application for further discussion.

25 Mrs. Anderson made a motion, seconded by Mr. Mullin, to table Resolution No. 35-2016
26 Approving Planned Unit Development and Preliminary and Final Plat Subdivision at 250 and 270
27 Bushaway Road and Ordinance No. 763 Amending the Official Zoning Map of the City to rezone
28 Property at 250 and 270 Bushaway Road to PUD Planned Unit Development District, and direct
29 staff to work with the applicant to achieve a solution.

30
31 Mr. Tyacke stated he would like to see some discussion and history around not allowing private
32 roadways within residential PUDs. Mrs. Anderson commented they are not creating a private
33 road and there is already a PUD for the existing private road.

34 Mr. Mullin commented the cons of a private road have to do with safety reasons, but the
35 land owner does not want to tear up the trees and land.

36 The motion carried 5/0.

37
38 **AGENDA ITEM 7. City Manager's Report and Discussion Items.**

39 **a. Parking Ramp Design and Construction Update**

40 City Manager Dahl summarized that TIF will be paying for the entire base of the ramp. If there is
41 a roof, there will need to be some alternative financing for it.

42
43 **b. Upcoming Dates**

44 City Manager Dahl announced the Homecoming Parade for Wayzata will be Friday at 4:00 p.m.

45 Mr. Dahl reported Bushaway opened on Friday evening to McGinty/Eastman and the
46 bridge over the tracks will be open on November 1.

47
48 **c. Council Reports/Updates**

49 Mrs. McCarthy requested working with staff to form a committee for the Officer Anderson
50 Memorial.

1 Mr. Mullin announced the Be Pink Wayzata campaign kicks off on Thursday, September
2 29 at Wayzata Country Club to support breast cancer awareness.

3 Mr. Willcox encouraged people to sign up for Boards and Commissions. The opening
4 will be posted on the website soon.

5 Mr. Willcox announced Pull-It will take place on October 15.

6 Mr. Willcox announced Light Up the Lake will take place on November 25.

7
8 **AGENDA ITEM 8. Public Forum Continued (as necessary).**

9 There were no comments.

10
11 **AGENDA ITEM 9. Adjournment.**

12 Mrs. McCarthy made a motion, seconded by Mr. Tyacke to adjourn. There being no further
13 business, Mayor Willcox adjourned the meeting at 9:04 p.m.

14
15 Respectfully submitted,

16
17
18
19 Becky Malone
20 Deputy City Clerk

21
22 Drafted by Shannon Schmidt
23 *TimeSaver Off Site Secretarial, Inc.*
24

***Check Detail Register©**

September 2016

Check Amt Invoice Comment

10100 Anchor Bank

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 103601	9/20/2016	BAGY JO, INC.			
E 640-48000-217		Uniforms	\$834.95	16170	BAR UNIFORM SHIRTS
E 640-48000-217		Uniforms	\$272.82	16171	BAR UNIFORM SHIRTS
E 640-47000-306		Personnel Expense	\$89.04	16182	STORE UNIFORM SHIRTS
		Total BAGY JO, INC.	\$1,196.81		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 103602	9/20/2016	BELLBOY BAR SUPPLY CORP.			
E 640-47000-254		Soft Drinks/Mix For Resale	\$60.95	55176200	MISC.MIX
E 640-47000-259		Freight	\$18.09	55176200	FREIGHT
E 640-47000-251		Liquor For Resale	\$1,426.58	55176200	LIQUOR
E 640-47000-252		Wine For Resale	\$112.00	55176200	WINE
E 640-47000-252		Wine For Resale	\$180.00	55267700	WINE
E 640-47000-259		Freight	\$12.87	55267700	FREIGHT
E 640-47000-251		Liquor For Resale	\$514.50	55267700	LIQUOR
E 640-47000-256		MISC.MDSE.RESALE	\$394.59	6698500	CIGARS
E 640-47000-259		Freight	\$4.97	94537700	FREIGHT
E 640-47000-210		Operating Supplies (GENERAL)	\$67.80	94537700	SUPPLIES
E 640-47000-254		Soft Drinks/Mix For Resale	\$140.00	94537700	MISC.MIX
E 640-47000-210		Operating Supplies (GENERAL)	\$97.20	94569800	SUPPLIES
E 640-47000-259		Freight	\$4.73	94569800	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$58.50	94569800	MISC.MIX
		Total BELLBOY BAR SUPPLY CORP.	\$3,092.78		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 103603	9/20/2016	BERNICK'S WINE			
E 640-47000-253		Beer For Resale	\$230.94	316698	BEER
		Total BERNICK'S WINE	\$230.94		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 103604	9/20/2016	BOURGET IMPORTS			
E 640-47000-252		Wine For Resale	\$376.00	136213	WINE
E 640-47000-259		Freight	\$3.00	136213	FREIGHT
		Total BOURGET IMPORTS	\$379.00		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 103605	9/20/2016	BREAKTHRU BEVERAGE			
E 640-47000-259		Freight	\$42.77	1080519977	FREIGHT
E 640-47000-252		Wine For Resale	\$2,976.25	1080519977	WINE
E 640-47000-251		Liquor For Resale	\$2,276.68	1080519978	LIQUOR
E 640-47000-259		Freight	\$24.04	1080519978	FREIGHT
E 640-48000-252		Wine For Resale	\$442.39	1080520735	LIQUOR
E 640-47000-252		Wine For Resale	\$72.00	1080522700	LIQUOR
E 640-47000-259		Freight	\$1.45	1080522700	FREIGHT
E 640-47000-259		Freight	\$13.05	1080522701	FREIGHT
E 640-47000-252		Wine For Resale	\$1,354.66	1080522701	WINE
E 640-47000-251		Liquor For Resale	\$4,382.65	1080522702	LIQUOR
E 640-47000-259		Freight	\$35.75	1080522702	FREIGHT
E 640-47000-254		Soft Drinks/Mix For Resale	\$79.60	1080522702	MISC.MIX
E 640-48000-252		Wine For Resale	\$262.15	1080522706	WINE
E 640-48000-252		Wine For Resale	\$187.25	1080526105	WINE
		Total BREAKTHRU BEVERAGE	\$12,150.69		

Paid Chk#	Date	Vendor	Check Amt	Invoice	Comment
Paid Chk# 103606	9/20/2016	BREAKTHRY BEVERAGE BEER			
E 640-47000-253		Beer For Resale	\$51.50	1090606835	BEER
E 640-47000-253		Beer For Resale	\$90.00	1090606836	BEER
E 640-47000-253		Beer For Resale	\$3,568.30	1090606837	BEER
E 640-48000-253		Beer For Resale	\$660.00	1090610057	BEER
E 640-48000-253		Beer For Resale	\$467.00	1090612909	BEER
		Total BREAKTHRY BEVERAGE BEER	\$4,836.80		

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Paid Chk# 103607	9/20/2016	CARRIERE, JEAN MARIE			
E 640-48000-499	Miscellaneous		\$196.00	JJ HILL2016	JJ HILL DAY 2016
	Total CARRIERE, JEAN MARIE		\$196.00		
Paid Chk# 103608	9/20/2016	CINTAS CORPORATION			
E 101-41940-210	Operating Supplies (GENERAL)		\$71.93	5005983416	FIRST AID SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$76.21	5005983417	FIRST AID SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)		\$44.69	8402870672	FIRST AID SUPPLIES
	Total CINTAS CORPORATION		\$192.83		
Paid Chk# 103609	9/20/2016	COCA-COLA			
E 640-47000-254	Soft Drinks/Mix For Resale		\$115.48	3601200658	MISC.BEV.
	Total COCA-COLA		\$115.48		
Paid Chk# 103610	9/20/2016	COLDWELL, MARGARET			
E 640-48000-499	Miscellaneous		\$98.00	JJHILL2016	JJ HILL DAYS 2016
	Total COLDWELL, MARGARET		\$98.00		
Paid Chk# 103611	9/20/2016	COZZINI BROS., INC.			
E 640-48500-415	Other Equipment Rentals		\$52.03	C3037252	KNIFE EXCHANGE
	Total COZZINI BROS., INC.		\$52.03		
Paid Chk# 103612	9/20/2016	CULLIGAN-METRO			
E 640-48000-409	Maint services & Improv		\$106.74	101X29306209	KITCHEN SUPPLIES
	Total CULLIGAN-METRO		\$106.74		
Paid Chk# 103613	9/20/2016	DAHLHEIMER DISTRIBUTING CO.			
E 640-47000-253	Beer For Resale		\$898.53	1214133	BEER
E 640-48000-253	Beer For Resale		\$423.00	1214134	BEER
E 640-48000-253	Beer For Resale		\$661.00	1214193	BEER
E 640-48000-253	Beer For Resale		\$120.00	1217260	BEER
E 640-47000-253	Beer For Resale		\$37.00	129671	BEER
E 640-48000-253	Beer For Resale		(\$30.00)	130360	BEER
	Total DAHLHEIMER DISTRIBUTING CO.		\$2,109.53		
Paid Chk# 103614	9/20/2016	DENNYS 5TH AVENUE BAKERY			
E 640-48500-255	FOODIngredients For Resale		\$92.42	624529	FOOD
E 640-48500-255	FOODIngredients For Resale		\$136.15	625111	FOOD
E 640-48500-255	FOODIngredients For Resale		\$94.10	625358	FOOD
E 640-48500-255	FOODIngredients For Resale		\$49.98	625486	FOOD
E 640-48500-255	FOODIngredients For Resale		\$137.28	625689	FOOD
	Total DENNYS 5TH AVENUE BAKERY		\$509.93		
Paid Chk# 103615	9/20/2016	G & K SERVICES			
E 640-48500-217	Uniforms		\$176.84	1013880947	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$70.02	1013880947	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-217	Uniforms		\$157.66	1013892190	KITCHEN UNIFORMS & SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)		\$74.31	1013892190	KITCHEN UNIFORMS & SUPPLIES
	Total G & K SERVICES		\$478.83		
Paid Chk# 103616	9/20/2016	GOLDEN VALLEY TCA A LLC			
G 630-20300	Deposits Payable		\$789.75	CVR REFUND	CVR REFUND
	Total GOLDEN VALLEY TCA A LLC		\$789.75		
Paid Chk# 103617	9/20/2016	GRAPE BEGINNINGS, INC.			
E 640-47000-252	Wine For Resale		\$839.33	9227	WINE
E 640-47000-259	Freight		\$13.50	9227	FREIGHT
E 640-47000-252	Wine For Resale		\$557.36	9552	WINE
E 640-47000-259	Freight		\$6.75	9552	FREIGHT

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Total GRAPE BEGINNINGS, INC.			\$1,416.94		
Paid Chk# 103618	9/20/2016	HOHENSTEINS INC.			
E 640-47000-253	Beer For Resale		\$936.50	848078	BEER
Total HOHENSTEINS INC.			\$936.50		
Paid Chk# 103619	9/20/2016	IMPACT MAILING & FULFILLMENT			
E 620-40000-322	Postage		\$3,000.00		ON ACCOUNT UTILITY BILLING POSTAGE - ON ACCOUNT
E 610-40000-322	Postage		\$3,000.00		ON ACCOUNT UTILITY BILLING POSTAGE - ON ACCOUNT
Total IMPACT MAILING & FULFILLMENT			\$6,000.00		
Paid Chk# 103620	9/20/2016	JJ TAYLOR DISTRIBUTING OF MN			
E 640-47000-253	Beer For Resale		\$2,392.86	2576800	BEER
E 640-48000-253	Beer For Resale		\$1,144.00	2581726	BEER
E 640-48000-253	Beer For Resale		\$500.00	2581779	BEER
E 640-48000-253	Beer For Resale		\$111.60	2581780	BEER
E 640-48000-253	Beer For Resale		\$952.00	2591447	BEER
E 640-48000-253	Beer For Resale		\$97.00	2591448	BEER
Total JJ TAYLOR DISTRIBUTING OF MN			\$5,197.46		
Paid Chk# 103621	9/20/2016	JOHNSON BROS.-ST.PAUL			
E 640-47000-251	Liquor For Resale		\$1,487.83	5527408	LIQUOR
E 640-47000-259	Freight		\$13.82	5527408	FREIGHT
E 640-47000-252	Wine For Resale		\$8,739.90	5527409	WINE
E 640-47000-259	Freight		\$123.21	5527409	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,722.90	5529049	LIQUOR
E 640-47000-259	Freight		\$14.64	5529049	FREIGHT
E 640-47000-252	Wine For Resale		\$930.00	5530496	WINE
E 640-47000-259	Freight		\$6.10	5530496	FREIGHT
E 640-47000-259	Freight		\$6.10	5531942	FREIGHT
E 640-47000-252	Wine For Resale		\$1,042.15	5531942	WINE
E 640-47000-259	Freight		\$19.62	5533418	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,157.70	5533418	LIQUOR
E 640-47000-252	Wine For Resale		\$1,187.15	5533419	WINE
E 640-47000-259	Freight		\$20.74	5533419	FREIGHT
E 640-47000-251	Liquor For Resale		\$2,283.96	5535106	LIQUOR
E 640-47000-259	Freight		\$29.28	5535106	FREIGHT
E 640-47000-259	Freight		\$112.24	5535107	FREIGHT
E 640-47000-252	Wine For Resale		\$6,931.32	5535107	WINE
E 640-47000-251	Liquor For Resale		\$2,008.50	5535717	LIQUOR
E 640-47000-259	Freight		\$30.50	5535717	FREIGHT
E 640-47000-252	Wine For Resale		(\$137.22)	590012	WINE
Total JOHNSON BROS.-ST.PAUL			\$29,730.44		
Paid Chk# 103622	9/20/2016	JONES, MEGAN			
E 640-48000-499	Miscellaneous		\$98.00	JJHILL2016	JJ HILL DAYS 2016
Total JONES, MEGAN			\$98.00		
Paid Chk# 103623	9/20/2016	KARLSBURGER FOODS, INC.			
E 640-48500-255	FOODIngredients For Resale		\$457.55	000417872	FOOD
Total KARLSBURGER FOODS, INC.			\$457.55		
Paid Chk# 103624	9/20/2016	LIBATION PROJECT			
E 640-47000-252	Wine For Resale		\$1,480.00	5393	WINE
E 640-47000-259	Freight		\$16.50	5393	FREIGHT
Total LIBATION PROJECT			\$1,496.50		
Paid Chk# 103625	9/20/2016	LOCHER BROS., INC.			

***Check Detail Register©**

September 2016

		Check Amt	Invoice	Comment
E 640-48000-253	Beer For Resale	\$165.00	4185	BEER
Total LOCHER BROS., INC.		\$165.00		
Paid Chk# 103626	9/20/2016	LUPINE BREWING COMPANY		
E 640-48000-253	Beer For Resale	\$65.00	999	BEER
Total LUPINE BREWING COMPANY		\$65.00		
Paid Chk# 103627	9/20/2016	M.AMUNDSON LLP		
E 640-47000-256	MISC.MDSE.RESALE	\$803.11	223129	CIGARETTES
E 640-47000-256	MISC.MDSE.RESALE	\$803.11	223498	CIGARETTES
Total M.AMUNDSON LLP		\$1,606.22		
Paid Chk# 103628	9/20/2016	MARGRON SKOGLUND WINE IMPORTS		
E 640-47000-252	Wine For Resale	\$375.00	20020131	WINE
E 640-47000-259	Freight	\$7.50	20020131	FREIGHT
Total MARGRON SKOGLUND WINE IMPORTS		\$382.50		
Paid Chk# 103629	9/20/2016	MARSHALL, ANNIE		
E 640-48000-499	Miscellaneous	\$280.00	JJHILL2016	JJ HILL DAYS 2016
Total MARSHALL, ANNIE		\$280.00		
Paid Chk# 103630	9/20/2016	MARTIN, SHANE		
E 640-48000-341	General Promotions	\$300.00	9/22/16	BAR MUSIC 9/22/16
Total MARTIN, SHANE		\$300.00		
Paid Chk# 103631	9/20/2016	NEW FRANCE WINE COMPANY		
E 640-47000-259	Freight	\$12.00	113003	FREIGHT
E 640-47000-252	Wine For Resale	\$728.00	113003	WINE
E 640-47000-252	Wine For Resale	\$248.00	113168	WINE
E 640-47000-259	Freight	\$1.50	113168	FREIGHT
Total NEW FRANCE WINE COMPANY		\$989.50		
Paid Chk# 103632	9/20/2016	NORTHWESTERN FRUIT COMPANY		
E 640-48500-255	FOODIngredients For Resale	(\$43.80)	845216	FOOD
E 640-48500-255	FOODIngredients For Resale	\$664.40	846274	FOOD
E 640-48000-251	Liquor For Resale	\$5.00	846274	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$408.50	846542	FOOD
E 640-48500-255	FOODIngredients For Resale	\$518.25	846703	FOOD
E 640-48000-251	Liquor For Resale	\$21.20	846703	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$320.05	846842	FOOD
E 640-48500-255	FOODIngredients For Resale	\$373.10	847002	FOOD
E 640-48500-255	FOODIngredients For Resale	\$47.80	847055	FOOD
Total NORTHWESTERN FRUIT COMPANY		\$2,314.50		
Paid Chk# 103633	9/20/2016	PAUSTIS & SONS		
E 640-47000-252	Wine For Resale	\$789.00	8559126	WINE
E 640-47000-259	Freight	\$12.50	8559126	FREIGHT
E 640-47000-252	Wine For Resale	\$1,939.98	8560656	WINE
E 640-47000-259	Freight	\$21.25	8560656	FREIGHT
E 640-47000-252	Wine For Resale	\$940.00	8561298	WINE
E 640-47000-259	Freight	\$10.00	8561298	FREIGHT
Total PAUSTIS & SONS		\$3,712.73		
Paid Chk# 103634	9/20/2016	PEPSI -COLA		
E 640-47000-254	Soft Drinks/Mix For Resale	\$244.00	67357017	MISC.BEV.
Total PEPSI -COLA		\$244.00		
Paid Chk# 103635	9/20/2016	PHILLIPS WINES & SPIRITS		
E 640-47000-251	Liquor For Resale	\$2,977.55	2033683	LIQUOR

***Check Detail Register©**

September 2016

		Check Amt	Invoice	Comment
E 640-47000-259	Freight	\$46.36	2033683	FREIGHT
E 640-47000-252	Wine For Resale	\$757.85	2033684	WINE
E 640-47000-259	Freight	\$9.76	2033684	FREIGHT
E 640-47000-251	Liquor For Resale	\$454.75	2036705	LIQUOR
E 640-47000-259	Freight	\$4.88	2036705	FREIGHT
E 640-47000-259	Freight	\$8.54	2036706	FREIGHT
E 640-47000-252	Wine For Resale	\$504.40	2036706	WINE
Total PHILLIPS WINES & SPIRITS		\$4,764.09		
<hr/>				
Paid Chk# 103636	9/20/2016	PIETRINI, KRISTA		
E 640-48000-499	Miscellaneous	\$196.00	JJHILL2016	JJ HILL DAYS 2016
Total PIETRINI, KRISTA		\$196.00		
<hr/>				
Paid Chk# 103637	9/20/2016	PLUNKETT S PEST CONTROL		
E 640-48000-409	Maint services & Improv	\$120.41	5502750	SERVICE
E 101-42100-499	Miscellaneous	\$107.28	5510732	SERVICE
Total PLUNKETT S PEST CONTROL		\$227.69		
<hr/>				
Paid Chk# 103638	9/20/2016	SHAMROCK GROUP		
E 640-47000-254	Soft Drinks/Mix For Resale	\$97.65	2041934	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$143.30	2042657	ICE
E 640-47000-254	Soft Drinks/Mix For Resale	\$124.60	2045990	ICE
Total SHAMROCK GROUP		\$365.55		
<hr/>				
Paid Chk# 103639	9/20/2016	SMALL LOT MN		
E 640-47000-259	Freight	\$6.15	9178	FREIGHT
E 640-47000-252	Wine For Resale	\$384.12	9178	WINE
Total SMALL LOT MN		\$390.27		
<hr/>				
Paid Chk# 103640	9/20/2016	SOUTHERN GLAZER'S OF MN		
E 640-47000-252	Wine For Resale	\$896.00	1448080	WINE
E 640-47000-259	Freight	\$10.24	1448080	FREIGHT
E 640-47000-252	Wine For Resale	\$1,181.34	1448081	WINE
E 640-47000-259	Freight	\$20.48	1448081	FREIGHT
E 640-47000-251	Liquor For Resale	\$9,426.02	1448083	LIQUOR
E 640-47000-259	Freight	\$64.11	1448083	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$54.00	1448084	MISC.BEV.
E 640-47000-259	Freight	\$2.56	1448084	FREIGHT
E 640-47000-259	Freight	\$1.60	1450444	FREIGHT
E 640-47000-252	Wine For Resale	\$2,709.66	1450445	WINE
E 640-47000-259	Freight	\$38.51	1450445	FREIGHT
E 640-47000-259	Freight	\$1.28	1450446	FREIGHT
E 640-47000-252	Wine For Resale	\$1,100.00	1450446	WINE
E 640-47000-251	Liquor For Resale	\$847.07	1450447	LIQUOR
E 640-47000-259	Freight	\$5.44	1450447	FREIGHT
E 640-47000-251	Liquor For Resale	\$72.00	1450448	LIQUOR
E 640-47000-259	Freight	\$1.28	1450448	FREIGHT
Total SOUTHERN GLAZER'S OF MN		\$16,431.59		
<hr/>				
Paid Chk# 103641	9/20/2016	SPENCER JANITORIAL		
E 640-48000-409	Maint services & Improv	\$2,473.65	10445	MONTHLY BAR CLEANING
Total SPENCER JANITORIAL		\$2,473.65		
<hr/>				
Paid Chk# 103642	9/20/2016	STARY, MARK		
E 640-48000-341	General Promotions	\$300.00	9/29/16	BAR MUSIC 9/29/16
Total STARY, MARK		\$300.00		
<hr/>				
Paid Chk# 103643	9/20/2016	STRATEGIC EQUIPMENT AND		

***Check Detail Register©**

September 2016

		Check Amt	Invoice	Comment
E 640-48500-210	Operating Supplies (GENERAL)	\$47.92	2696146	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$46.96	2696148	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$26.22	2700948	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$22.41	2706025	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$167.69	2710078	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$18.73	2710079	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$230.73	2710080	BAR SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$528.76	2710080	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$30.80	2710080	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$16.43	2710081	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$179.45	2710995	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$11.16	2714309	KITCHEN SUPPLIES
E 640-48500-210	Operating Supplies (GENERAL)	\$281.65	2714310	KITCHEN SUPPLIES
E 640-48000-210	Operating Supplies (GENERAL)	\$166.44	2714310	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$30.80	2714310	PROMO FOOD
Total STRATEGIC EQUIPMENT AND		\$1,806.15		
<hr/>				
Paid Chk#	103644	9/20/2016	SUNBURST CHEMICALS, INC.	
E 640-48000-409	Maint services & Improv	\$881.77	0372618	SUPPLIES
Total SUNBURST CHEMICALS, INC.		\$881.77		
<hr/>				
Paid Chk#	103645	9/20/2016	T.D. ANDERSON INC.	
E 640-48000-409	Maint services & Improv	\$115.00	334810	BEER LINES CLEANED
Total T.D. ANDERSON INC.		\$115.00		
<hr/>				
Paid Chk#	103646	9/20/2016	THORPE DISTRIBUTING CO.	
E 640-47000-253	Beer For Resale	\$4,742.02	1133469	BEER
E 640-47000-253	Beer For Resale	\$39.30	1136870	BEER
E 640-47000-253	Beer For Resale	\$83.50	1136928	BEER
E 640-47000-253	Beer For Resale	\$1,436.40	1136961	BEER
E 640-48000-253	Beer For Resale	\$1,376.00	1137410	BEER
E 640-48000-253	Beer For Resale	\$406.00	1140888	BEER
Total THORPE DISTRIBUTING CO.		\$8,083.22		
<hr/>				
Paid Chk#	103647	9/20/2016	TOLL GAS & WELDING SUPPLY	
E 640-48000-210	Operating Supplies (GENERAL)	\$32.61	40051439	SUPPLIES
Total TOLL GAS & WELDING SUPPLY		\$32.61		
<hr/>				
Paid Chk#	103648	9/20/2016	TRUE BRANDS	
E 640-47000-254	Soft Drinks/Mix For Resale	\$65.96	149684	MISC.MDSE.RESALE
E 640-47000-259	Freight	\$13.19	149684	FREIGHT
E 640-47000-254	Soft Drinks/Mix For Resale	\$34.70	150311	MISC.MDSE.RESALE
E 640-47000-254	Soft Drinks/Mix For Resale	\$62.64	150493	MISC.MDSE.RESALE
Total TRUE BRANDS		\$176.49		
<hr/>				
Paid Chk#	103649	9/20/2016	UPS STORE	
E 640-47000-210	Operating Supplies (GENERAL)	\$46.34	2626	STORE BANNER
Total UPS STORE		\$46.34		
<hr/>				
Paid Chk#	103650	9/20/2016	US FOODS	
E 640-48500-255	FOODIngredients For Resale	(\$15.98)	018133	FOOD
E 640-49100-540	Equipment	\$1,086.64	3238521	CATERING EQUIPMENT
E 640-48500-255	FOODIngredients For Resale	\$3,395.66	3252307	FOOD
E 640-48500-255	FOODIngredients For Resale	(\$14.41)	3252307	FOOD
E 640-48000-251	Liquor For Resale	\$24.46	3252307	LIQUOR
E 640-48500-210	Operating Supplies (GENERAL)	\$110.73	3252307	KITCHEN SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	\$124.38	3252307	MISC.BEV
E 640-48000-251	Liquor For Resale	\$62.18	3300590	LIQUOR

***Check Detail Register©**

September 2016

		Check Amt	Invoice	Comment
E 640-48000-254	Soft Drinks/Mix For Resale	\$485.12	3300590	MISC.BEV
E 640-48500-210	Operating Supplies (GENERAL)	\$144.24	3300590	KITCHEN SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$18.23	3300590	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	\$4,305.77	3300590	FOOD
E 640-48500-255	FOODIngredients For Resale	\$180.52	3300591	FOOD
E 640-48500-255	FOODIngredients For Resale	\$40.95	3330376	FOOD
E 640-48500-255	FOODIngredients For Resale	\$2,405.31	3330377	FOOD
E 640-48000-251	Liquor For Resale	\$32.95	3330377	LIQUOR
E 640-48000-342	Promotions - Food/Drinks	\$56.69	3330377	PROMO FOOD
E 640-48500-255	FOODIngredients For Resale	\$2,085.69	3378195	FOOD
E 640-48500-255	FOODIngredients For Resale	\$713.57	3378196	FOOD
E 640-48500-255	FOODIngredients For Resale	\$115.70	3378197	FOOD
E 640-48500-255	FOODIngredients For Resale	\$3,114.90	3378199	FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$71.43	3378199	MISC.BEV.
E 640-48000-251	Liquor For Resale	\$206.92	3378199	LIQUOR
E 640-48000-342	Promotions - Food/Drinks	\$19.30	3378199	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$137.23	3378199	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$4,663.76	3427431	FOOD
E 640-48000-210	Operating Supplies (GENERAL)	\$50.25	3427431	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$56.69	3427431	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$43.14	3427431	KITCHEN SUPPLIES
E 640-48000-254	Soft Drinks/Mix For Resale	\$323.78	3427431	MISC.BEV
E 640-48500-210	Operating Supplies (GENERAL)	\$52.37	3466749	KITCHEN SUPPLIES
E 640-48500-255	FOODIngredients For Resale	\$3,048.03	3466749	FOOD
E 640-48000-210	Operating Supplies (GENERAL)	\$37.29	3466749	BAR SUPPLIES
E 640-48000-342	Promotions - Food/Drinks	\$37.39	3466749	PROMO FOOD
E 640-48000-254	Soft Drinks/Mix For Resale	\$185.25	3466749	MISC.BEV
E 640-48000-254	Soft Drinks/Mix For Resale	\$71.00	3514966	MISC.BEV
E 640-48000-342	Promotions - Food/Drinks	\$19.30	3514966	PROMO FOOD
E 640-48500-210	Operating Supplies (GENERAL)	\$103.33	3514966	KITCHEN SUPPLIES
E 640-48000-251	Liquor For Resale	\$160.10	3514966	LIQUOR
E 640-48500-255	FOODIngredients For Resale	\$2,524.69	3514966	FOOD
E 640-48000-251	Liquor For Resale	\$62.05	3727431	LIQUOR
Total US FOODS		\$30,346.60		

Paid Chk#	9/20/2016	VINOCOPIA		
E 640-47000-252	Wine For Resale	\$744.51	0159924	WINE
E 640-47000-259	Freight	\$12.00	0159924	FREIGHT
E 640-47000-259	Freight	\$7.50	0160454	FREIGHT
E 640-47000-251	Liquor For Resale	\$439.75	0160454	LIQUOR
Total VINOCOPIA		\$1,203.76		

Paid Chk#	9/20/2016	WEAVER, BROCK		
E 640-48000-499	Miscellaneous	\$378.00	JJHILL 2016	JJ HILL DAYS 2016
Total WEAVER, BROCK		\$378.00		

Paid Chk#	9/20/2016	WINE COMPANY		
E 640-47000-259	Freight	\$21.45	13044	FREIGHT
E 640-47000-252	Wine For Resale	\$1,921.34	13044	WINE
E 640-47000-259	Freight	\$24.75	13313	FREIGHT
E 640-47000-252	Wine For Resale	\$3,041.34	13313	WINE
Total WINE COMPANY		\$5,008.88		

Paid Chk#	9/20/2016	WINE MERCHANT		
E 640-47000-252	Wine For Resale	(\$762.44)	709612	WINE
E 640-48000-252	Wine For Resale	\$722.64	7096807	WINE
E 640-47000-252	Wine For Resale	\$5,061.49	7096845	WINE
E 640-47000-259	Freight	\$24.19	7096845	FREIGHT

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
E 640-48000-252	Wine For Resale		\$323.66	7097615	WINE
E 640-47000-252	Wine For Resale		\$2,930.89	7097672	WINE
E 640-47000-259	Freight		\$19.12	7097672	FREIGHT
E 640-48000-252	Wine For Resale		\$362.88	7098522	WINE
Total WINE MERCHANT			\$8,682.43		
<hr/>					
Paid Chk#	103655	9/20/2016	Z WINES USA LLC		
E 640-47000-252	Wine For Resale		\$132.00	17215	WINE
E 640-47000-259	Freight		\$2.50	17215	FREIGHT
Total Z WINES USA LLC			\$134.50		
<hr/>					
Paid Chk#	103656	9/23/2016	ANDERSON, KIM		
E 101-41910-492	HPB		\$261.10	HPB-JJ HILL2	HPB EXPENSES - JJ HILL DAYS 2016
Total ANDERSON, KIM			\$261.10		
<hr/>					
Paid Chk#	103657	9/23/2016	BANK OF AMERICA		
E 101-42200-499	Miscellaneous		\$345.52		MTG.MEALS
E 101-42200-240	Small Tools and Minor Equip		\$636.79		TOOLS
E 101-42200-212	Motor Fuels		\$14.79		FUEL
E 101-42200-306	Personnel Expense		\$125.00		FIRE PERSONNEL CERTIFICATION
Total BANK OF AMERICA			\$1,122.10		
<hr/>					
Paid Chk#	103658	9/23/2016	BERRY COFFEE COMPANY		
E 101-42200-499	Miscellaneous		\$90.11	RENT35634	FD SUPPLIES
Total BERRY COFFEE COMPANY			\$90.11		
<hr/>					
Paid Chk#	103659	9/23/2016	BEST & FLANAGAN		
E 401-40000-304	Legal Fees		\$112.50	460170	RAMP CONTRACT REVIEW
E 101-41500-304	Legal Fees		\$450.00	460171	UNITARIAN CHURCH
E 101-41500-304	Legal Fees		\$1,275.00	460172	MISC.CONTRACT REVIEWS
E 101-41500-304	Legal Fees		\$187.50	460173	HOYT PROPERTY TAX APPEAL
E 233-40000-304	Legal Fees		\$1,126.20	460174	LAKE EFFECT
G 802-20313	UUCM		\$937.50	460175	UUCM DEV.APP
E 407-40000-304	Legal Fees		\$999.00	460177	SCHOOL DISTRICT CELL TOWER LEASE
G 802-20321	250 BUSHAWAY		\$375.00	460178	250 BUSHAWAY ESCROW PROJECT
E 101-41500-304	Legal Fees		\$75.00	460185	HRA
G 802-20331	AT&T UPGRAD		\$1,257.50	460198	AT&T UPGRADE ESCROW PROJECT
E 407-40000-304	Legal Fees		\$1,320.00	460199	CELL TOWER
E 101-41500-304	Legal Fees		\$600.00	460200	ORDINANCES
E 101-41500-304	Legal Fees		\$1,012.50	460201	CITY COUNCIL
G 802-20342	326 & 332 BROADWAY PLACE		\$750.00	460202	326 BROADWAY ESCROW PROJECT
E 101-41500-304	Legal Fees		\$412.50	460203	PLANNING COMM. MTG.
E 101-41500-304	Legal Fees		\$375.00	460204	133 RIDGEVIEW DRIVE
E 101-41500-304	Legal Fees		\$2,140.00	460205	GENERAL
E 401-40000-304	Legal Fees		\$2,550.00	460207	DOWNTOWN PARKING
E 101-41500-304	Legal Fees		\$1,207.00	460208	TITLE SEARCH & REVIEW
E 101-41500-304	Legal Fees		\$600.00	460209	BLDG.PERMITS & CODE ENFORCEMENT
E 101-41500-304	Legal Fees		\$487.50	460217	DATA PRACTICES
E 101-41500-304	Legal Fees		\$225.00	460248	MOBILITIE ROW
Total BEST & FLANAGAN			\$18,474.70		
<hr/>					
Paid Chk#	103660	9/23/2016	BIFFS, INC.		
E 101-45200-415	Other Equipment Rentals		\$62.50	W612061	PARKS SERVICE
E 101-45200-415	Other Equipment Rentals		\$62.50	W612062	PARKS SERVICE
Total BIFFS, INC.			\$125.00		
<hr/>					
Paid Chk#	103661	9/23/2016	BLUE CROSS AND BLUE SHIELD		
G 101-21706	Health Insurance		\$49,413.00	OCT2016	HEALTH INS.OCT2016

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Total BLUE CROSS AND BLUE SHIELD			\$49,413.00		
Paid Chk#	103662	9/23/2016	BRAUN INTERTEC		
E 401-40000-309	Contractual Services		\$1,413.00	B069187	GEOTECHNICAL EVALUATION - MILL STREET PARKING STRUCTURE
Total BRAUN INTERTEC			\$1,413.00		
Paid Chk#	103663	9/23/2016	CARQUEST		
E 101-43100-210	Operating Supplies (GENERAL)		(\$33.94)	6973-IC-26491	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		(\$72.99)	6973-IC-26580	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		(\$58.49)	6973-IC-31451	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		\$31.04	6976-330210	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		\$73.56	6976-336986	PARTS
E 640-47000-404	Repairs/Maint - Machin/Equip		\$16.19	6976-341156	PARTS
E 620-40000-404	Repairs/Maint - Machin/Equip		\$78.66	6976-345995	PARTS
Total CARQUEST			\$34.03		
Paid Chk#	103664	9/23/2016	CLASSEY, KRISTIN		
E 235-40000-331	Mileage & Expense Account		\$42.22	MILEAGE	MILEAGE JUNE-SEPT 2016
Total CLASSEY, KRISTIN			\$42.22		
Paid Chk#	103665	9/23/2016	COMMERCIAL ASPHALT CO.		
E 430-40000-309	Contractual Services		\$536.80	160915	ASPHALT
Total COMMERCIAL ASPHALT CO.			\$536.80		
Paid Chk#	103666	9/23/2016	DELTA DENTAL OF MINNESOTA		
G 101-21717	Dental Insurance		\$1,677.50	6638154	DENTAL INS.-OCT 2016
Total DELTA DENTAL OF MINNESOTA			\$1,677.50		
Paid Chk#	103667	9/23/2016	ECM PUBLISHERS, INC.		
E 101-41500-350	Printing & Publishing		\$51.75	407245	725 MILL ST HEARING
E 101-41500-350	Printing & Publishing		\$51.75	407246	630 BUSHAWAY HEARING
E 101-41500-350	Printing & Publishing		\$46.00	407247	CORSSDALE DEV. HEARING
E 101-41500-350	Printing & Publishing		\$46.00	407248	FLOODPLAIN ZONING
E 101-42100-350	Printing & Publishing		\$90.00	576359	PD - BACK TO SCHOOL PSA
Total ECM PUBLISHERS, INC.			\$285.50		
Paid Chk#	103668	9/23/2016	EMERGENCY RESPONSE SOLUTIONS		
E 610-40000-242	Well & F.P. Equipment		\$568.41	7090	PARTS-WTP#2
Total EMERGENCY RESPONSE SOLUTIONS			\$568.41		
Paid Chk#	103669	9/23/2016	ENVIRONMENTAL DESIGN		
E 404-40000-227	Plantings		\$4,750.00	20622	1 SPRUCE TREE
Total ENVIRONMENTAL DESIGN			\$4,750.00		
Paid Chk#	103670	9/23/2016	FASTENAL		
E 101-43100-210	Operating Supplies (GENERAL)		\$2.22	MNPLY87442	SUPPLIES
Total FASTENAL			\$2.22		
Paid Chk#	103671	9/23/2016	FLOYD TOTAL SECURITY		
E 101-41940-401	Repairs/Maint Buildings		\$134.50	1143280	PD DOOR HANDLE/LOCK
Total FLOYD TOTAL SECURITY			\$134.50		
Paid Chk#	103672	9/23/2016	GARELICK STEEL CO.		
E 101-45200-221	Equipment Parts		\$88.00	357692	PARTS
E 101-43100-210	Operating Supplies (GENERAL)		\$45.90	358809	PARTS
Total GARELICK STEEL CO.			\$133.90		
Paid Chk#	103673	9/23/2016	GERTENS		

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
E 101-45200-227	Plantings		\$648.50	410956/1	FLOWERS
E 101-45200-227	Plantings		\$67.95	410966/1	FLOWERS
Total GERTENS			\$716.45		
<hr/>					
Paid Chk#	103674	9/23/2016	HACH COMPANY		
E 610-40000-309	Contractual Services		\$149.16	10100498	WATER ANALYSIS
Total HACH COMPANY			\$149.16		
<hr/>					
Paid Chk#	103675	9/23/2016	HALVORSON, GEORGE		
E 430-40000-309	Contractual Services		\$4,790.00	REIMBURSEM	REIMBURSEMENT FOR DAMAGED FENCE
Total HALVORSON, GEORGE			\$4,790.00		
<hr/>					
Paid Chk#	103676	9/23/2016	HAWKINS, INC		
E 610-40000-216	Chemicals and Chem Products		\$4,502.55	3945849	CHEMICALS
Total HAWKINS, INC			\$4,502.55		
<hr/>					
Paid Chk#	103677	9/23/2016	HD SUPPLY WATERWORKS, LTD		
E 610-40000-405	Maint/Replac - System		\$598.56	F852117	PARTS
Total HD SUPPLY WATERWORKS, LTD			\$598.56		
<hr/>					
Paid Chk#	103678	9/23/2016	HENN.CNTY.ACCTG.SERVICES		
G 101-20300	Deposits Payable		\$75.00	1000080583	PRISONER PROCESSING
E 101-42120-308	Prisoner Care		\$647.13	1000080583	PRISONER PROCESSING
Total HENN.CNTY.ACCTG.SERVICES			\$722.13		
<hr/>					
Paid Chk#	103679	9/23/2016	HENN.CNTY.INFO.TECH.DEPT.		
E 610-40000-323	Radio Units		(\$80.59)	1000080777	RADIO CONNECTION
E 620-40000-323	Radio Units		(\$80.59)	1000080777	RADIO CONNECTION
E 101-43100-323	Radio Units		\$400.00	1000080777	RADIO CONNECTION
E 101-45200-323	Radio Units		\$300.00	1000080777	RADIO CONNECTION
E 101-42200-323	Radio Units		\$1,040.01	1000080828	RADIO CONNECTION
E 101-42100-323	Radio Units		\$900.97	1000080829	RADIO CONNECTION
Total HENN.CNTY.INFO.TECH.DEPT.			\$2,479.80		
<hr/>					
Paid Chk#	103680	9/23/2016	HENNEPIN COUNTY TAX SERVICES		
E 101-41940-499	Miscellaneous		\$3,010.43	10/17/16	2ND HALF DEPOT PROPERTY TAXES
Total HENNEPIN COUNTY TAX SERVICES			\$3,010.43		
<hr/>					
Paid Chk#	103681	9/23/2016	HENNEPIN COUNTY TREASURER		
E 408-40000-309	Contractual Services		\$157,675.50	1000081080	PEAVEY BRIDGE AGREEMENT
E 314-40000-499	Miscellaneous		\$299,213.00	TIF#3 EXCES	TIF#3 EXCESS REPAYMENT
Total HENNEPIN COUNTY TREASURER			\$456,888.50		
<hr/>					
Paid Chk#	103682	9/23/2016	HGA		
E 401-40000-309	Contractual Services		\$82,761.82	172240	PARKING RAMP
E 401-40000-309	Contractual Services		\$14,750.00	172241	PARKING RAMP
Total HGA			\$97,511.82		
<hr/>					
Paid Chk#	103683	9/23/2016	HOLIDAY		
E 101-42100-212	Motor Fuels		\$86.02		PD FUEL
Total HOLIDAY			\$86.02		
<hr/>					
Paid Chk#	103684	9/23/2016	INVENTORY TRADING COMPANY		
E 101-42100-217	Uniforms		\$197.00	3994	PD UNIFORMS
Total INVENTORY TRADING COMPANY			\$197.00		
<hr/>					
Paid Chk#	103685	9/23/2016	ISC COMPANIES INC.		
E 101-45200-222	Repair & Maint - Equip		\$33.26	1405737	PARTS
Total ISC COMPANIES INC.			\$33.26		

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Paid Chk# 103686 9/23/2016 KD & COMPANY					
E 101-43100-229	Dirt, Sand and gravel		\$50.00	9383	CONCRETE DISPOSAL
Total KD & COMPANY			\$50.00		
Paid Chk# 103687 9/23/2016 LAW ENFORCEMENT LABOR SERVICES					
G 101-21707	Police union dues		\$490.00	SEPT.2016	PD DUES SEPT.2016
al LAW ENFORCEMENT LABOR SERVICES			\$490.00		
Paid Chk# 103688 9/23/2016 LEXISNEXIS RISK DATA					
E 101-42100-309	Contractual Services		\$33.00	121455020160	PD SERVICE
Total LEXISNEXIS RISK DATA			\$33.00		
Paid Chk# 103689 9/23/2016 LIFE SUPPORT INNOVATIONS LLC					
E 620-40000-241	Safety equip/testings		\$42.84	1295	SAFETY EQUIPMENT
E 101-45200-241	Safety equip/testings		\$42.85	1295	SAFETY EQUIPMENT
E 101-43100-241	Safety equip/testings		\$42.85	1295	SAFETY EQUIPMENT
E 610-40000-241	Safety equip/testings		\$42.85	1295	SAFETY EQUIPMENT
Total LIFE SUPPORT INNOVATIONS LLC			\$171.39		
Paid Chk# 103690 9/23/2016 LMCD					
E 233-40000-499	Miscellaneous		\$151.50		DE-ICING PER DE-ICING PERMIT
Total LMCD			\$151.50		
Paid Chk# 103691 9/23/2016 LOFFLER COMPANIES, INC.					
E 409-40000-540	Equipment		\$1,439.00	2312509	NEW WIFI ACCESS
E 409-40000-540	Equipment		\$575.00	CW55354	NEW COMPUTER
E 409-40000-540	Equipment		\$661.25	CW55900	NEW COMPUTER
E 409-40000-540	Equipment		\$143.75	CW55995	SET UP OF NEW COMPUTERS
Total LOFFLER COMPANIES, INC.			\$2,819.00		
Paid Chk# 103692 9/23/2016 LOU'S GLOVES					
E 101-45200-241	Safety equip/testings		\$87.00	014837	LATEX GLOVES
Total LOU'S GLOVES			\$87.00		
Paid Chk# 103693 9/23/2016 MACQUEEN EQUIPMENT, INC.					
E 620-40000-224	Repair & Maint - Motor Equip		\$55.97	P01457	PARTS
E 620-40000-224	Repair & Maint - Motor Equip		\$216.64	P01524	PARTS
Total MACQUEEN EQUIPMENT, INC.			\$272.61		
Paid Chk# 103694 9/23/2016 MADSON, ELISSA					
E 101-41910-492	HPB		\$156.87	HPB EXP	HPB EXPENSES
Total MADSON, ELISSA			\$156.87		
Paid Chk# 103695 9/23/2016 MAGNEY CONSTRUCTION					
E 610-49100-309	Contractual Services		\$86,589.81	5	WTP#2
Total MAGNEY CONSTRUCTION			\$86,589.81		
Paid Chk# 103696 9/23/2016 MANSFIELD OIL COMPANY					
E 101-49200-212	Motor Fuels		\$1,239.92	705077	FUEL
E 101-49200-212	Motor Fuels		\$687.71	716411	FUEL
E 101-49200-212	Motor Fuels		\$1,444.96	738841	FUEL
E 101-49200-212	Motor Fuels		(\$50.00)	CM-012445	FUEL
Total MANSFIELD OIL COMPANY			\$3,322.59		
Paid Chk# 103697 9/23/2016 MARCO					
E 101-41500-433	Dues, Licensing & Seminars		\$14.35	inv3562848	COPIER MAINT.CONTRACT
E 101-41500-433	Dues, Licensing & Seminars		\$2,578.50	INV3620043	COPIER MAINT.CONTRACT
Total MARCO			\$2,592.85		

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Paid Chk# 103698	9/23/2016	MEDIACOM			
E 101-41940-321	Telephone		\$309.95		SERVICE
		Total MEDIACOM	\$309.95		
Paid Chk# 103699	9/23/2016	MICRO CENTER			
E 409-40000-540	Equipment		\$834.97	6270702	NEW LAPTOP - DAVE D
		Total MICRO CENTER	\$834.97		
Paid Chk# 103700	9/23/2016	MINNESOTA EQUIPMENT			
E 101-45200-222	Repair & Maint - Equip		\$46.15	P49225	PARTS
		Total MINNESOTA EQUIPMENT	\$46.15		
Paid Chk# 103701	9/23/2016	MN BATTERY LLC			
E 101-42400-404	Repairs/Maint - Machin/Equip		\$87.50	16707	INSPECTION DEPT.BATTERY
		Total MN BATTERY LLC	\$87.50		
Paid Chk# 103702	9/23/2016	MN CHILD SUPPORT PAYMENT CENTE			
G 101-21710	County WH		\$235.00	0015104841	WITHHOLDING ORDER
		Total MN CHILD SUPPORT PAYMENT CENTE	\$235.00		
Paid Chk# 103703	9/23/2016	MN TROPHIES & GIFTS			
E 404-40000-499	Miscellaneous		\$606.00	20215	BRONZE PLAQUE
		Total MN TROPHIES & GIFTS	\$606.00		
Paid Chk# 103704	9/23/2016	MORRIE S MINNETONKA FORD			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$64.41	543911	SQUAD REPAIR
E 101-42100-404	Repairs/Maint - Machin/Equip		\$11.70	544207	SQUAD REPAIR
		Total MORRIE S MINNETONKA FORD	\$76.11		
Paid Chk# 103705	9/23/2016	OFFICE DEPOT			
E 620-40000-200	Office Supplies (GENERAL)		\$20.33	860094540001	SUPPLIES
E 101-45200-200	Office Supplies (GENERAL)		\$40.65	860094540001	SUPPLIES
E 101-43100-200	Office Supplies (GENERAL)		\$40.65	860094540001	SUPPLIES
E 610-40000-200	Office Supplies (GENERAL)		\$20.32	860094540001	SUPPLIES
E 101-43300-499	Miscellaneous		\$5.49	860094542001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$149.22	862938383001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$12.31	862938892001	SUPPLIES
E 101-41500-200	Office Supplies (GENERAL)		\$39.24	862938893001	SUPPLIES
		Total OFFICE DEPOT	\$328.21		
Paid Chk# 103706	9/23/2016	PHILIPS MEDICAL SYSTEMS			
E 101-42100-210	Operating Supplies (GENERAL)		\$225.92	933375636	PD SUPPLIES
		Total PHILIPS MEDICAL SYSTEMS	\$225.92		
Paid Chk# 103707	9/23/2016	PITNEY BOWES			
E 101-49200-322	Postage		\$5,785.00		POSTAGE
		Total PITNEY BOWES	\$5,785.00		
Paid Chk# 103708	9/23/2016	PRIMARY PRODUCTS COMPANY			
E 101-42100-210	Operating Supplies (GENERAL)		\$67.16	59657	PD SUPPLIES
		Total PRIMARY PRODUCTS COMPANY	\$67.16		
Paid Chk# 103709	9/23/2016	RANDY S SANITATION			
E 650-47800-386	Other Utilities		\$53.85		ORGANICS DISPOSAL
E 650-47500-384	Refuse/Garbage Disposal		\$8,838.13		LABOR
E 650-47500-384	Refuse/Garbage Disposal		\$1,379.04		KARTS
E 640-47000-384	Refuse/Garbage Disposal		\$150.00		STORE
E 650-47500-384	Refuse/Garbage Disposal		\$1,025.53		DRIVE UP
E 640-48000-384	Refuse/Garbage Disposal		\$436.85		BAR

***Check Detail Register©**

September 2016

		Check Amt	Invoice	Comment
E 650-47500-386	Other Utilities	\$5,169.45		DISPOSAL
E 650-47800-384	Refuse/Garbage Disposal	\$6,479.48		ORGANICS PROGRAM
E 650-47600-309	Contractual Services	\$3,932.10		RECYCLING
E 101-41940-386	Other Utilities	\$66.96		CH & PW SERVICE
Total RANDY S SANITATION		\$27,531.39		
Paid Chk# 103710	9/23/2016	RIGID HITCH INC.		
E 101-43100-220	Repair/Maint Supply (GENERAL)	\$19.94	1927792615	PARTS
E 101-45200-222	Repair & Maint - Equip	\$149.97	1927792615	PARTS
Total RIGID HITCH INC.		\$169.91		
Paid Chk# 103711	9/23/2016	SECURITY PRODUCTS COMPANY		
E 101-41940-409	Maint services & Improv	\$722.19	1127629	COMM.ROOM CAMERA
E 233-40000-409	Maint services & Improv	\$62.50	1127761	BATH HOUSE SENSOR
E 101-41940-409	Maint services & Improv	\$643.65	178138	PANIC BUTTONS ALARM MONITORING
Total SECURITY PRODUCTS COMPANY		\$1,428.34		
Paid Chk# 103712	9/23/2016	SENSIBLE LAND USE COALITION		
E 101-41500-433	Dues, Licensing & Seminars	\$40.00	200002823	CONF.REG.-J DAHL
Total SENSIBLE LAND USE COALITION		\$40.00		
Paid Chk# 103713	9/23/2016	SHORT ELLIOTT HENDRICKSON INC.		
E 407-40000-303	Engineering Fees	\$13,796.00	320200	CELL TOWER
Total SHORT ELLIOTT HENDRICKSON INC.		\$13,796.00		
Paid Chk# 103714	9/23/2016	SIGNS NOW		
E 101-42200-210	Operating Supplies (GENERAL)	\$30.57	29537	FD SUPPLIES
Total SIGNS NOW		\$30.57		
Paid Chk# 103715	9/23/2016	SITEONE LANDSCAPE SUPPLY		
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$55.48	77364008	SUPPLIES
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$8.98	77364185	SUPPLIES
E 101-45203-220	Repair/Maint Supply (GENERAL)	(\$5.78)	77364373	SUPPLIES
E 101-45203-220	Repair/Maint Supply (GENERAL)	\$72.54	77523607	SUPPLIES
E 232-40000-210	Operating Supplies (GENERAL)	\$107.75	77649412	SUPPLIES
Total SITEONE LANDSCAPE SUPPLY		\$238.97		
Paid Chk# 103716	9/23/2016	SOUTHWEST ASSESSING		
E 101-41550-302	Consultants	\$4,033.33	OCT2016	MONTHLY ASSESSING - OCT.2016
E 101-41550-210	Operating Supplies (GENERAL)	\$28.99	OCT2016	ASSESSING SUPPLIES
Total SOUTHWEST ASSESSING		\$4,062.32		
Paid Chk# 103717	9/23/2016	STREICHER S		
E 101-42100-217	Uniforms	\$209.98	I1223916	PD UNIFORMS
E 101-42100-217	Uniforms	\$171.96	I1226224	PD UNIFORMS
E 101-42100-499	Miscellaneous	\$499.00	I1227004	PD SUPPLIES
Total STREICHER S		\$880.94		
Paid Chk# 103718	9/23/2016	TERMINAL SUPPLY CO.		
E 101-45200-221	Equipment Parts	\$26.66	49190	PARTS
Total TERMINAL SUPPLY CO.		\$26.66		
Paid Chk# 103719	9/23/2016	TIME SAVER		
E 101-41100-302	Consultants	\$136.00	M22387	MTG.MINUTES
Total TIME SAVER		\$136.00		
Paid Chk# 103720	9/23/2016	TRI-CITY		
E 610-40000-309	Contractual Services	\$52.50	8/1-8/31/16	WATER ANALYSIS

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Total TRI-CITY			\$52.50		
Paid Chk#	9/23/2016	TRI-K SERVICES			
E 101-45200-229	Dirt, Sand and gravel		\$40.00	7060	DIRT
E 232-40000-210	Operating Supplies (GENERAL)		\$22.00	9-19-16	DIRT
Total TRI-K SERVICES			\$62.00		
Paid Chk#	9/23/2016	TWIN CITY GARAGE DOOR CO.			
E 101-41940-401	Repairs/Maint Buildings		\$165.00	467732	PD GARAGE DOOR REPAIR
Total TWIN CITY GARAGE DOOR CO.			\$165.00		
Paid Chk#	9/23/2016	ULINE			
E 101-42100-210	Operating Supplies (GENERAL)		\$86.55	79795476	PD SUPPLIES
Total ULINE			\$86.55		
Paid Chk#	9/23/2016	UPS STORE			
E 233-40000-499	Miscellaneous		\$38.00	6223	LAKE EFFECT SUPPLIES
E 233-40000-499	Miscellaneous		\$38.00	6594	LAKE EFFECT SUPPLIES
Total UPS STORE			\$76.00		
Paid Chk#	9/23/2016	VAN PAPER COMPANY			
E 101-45200-210	Operating Supplies (GENERAL)		\$233.90	399870	SUPPLIES
Total VAN PAPER COMPANY			\$233.90		
Paid Chk#	9/23/2016	VILLAGE CHEVROLET			
E 101-42400-404	Repairs/Maint - Machin/Equip		\$37.06	296207	INSPECTION CAR REPAIRS
Total VILLAGE CHEVROLET			\$37.06		
Paid Chk#	9/23/2016	WALT S GARAGE			
E 101-42100-404	Repairs/Maint - Machin/Equip		\$301.46	6066	SQUAD REPAIR
Total WALT S GARAGE			\$301.46		
Paid Chk#	9/23/2016	WARNING LITES			
E 101-43100-415	Other Equipment Rentals		\$2,770.10	160315	TRAFFIC CONTROL EQUIPMENT-JJ HILL DAYS
Total WARNING LITES			\$2,770.10		
Paid Chk#	9/23/2016	WATER CONSERVATION SERVICE			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$407.40	7014	PARTS
Total WATER CONSERVATION SERVICE			\$407.40		
Paid Chk#	9/23/2016	ZERO WASTE USA			
E 101-45200-210	Operating Supplies (GENERAL)		\$198.00	106372	DOGGIE WASTE BAGS
Total ZERO WASTE USA			\$198.00		
Paid Chk#	9/29/2016	AT&T MOBILITY			
E 101-41940-321	Telephone		\$69.60		CELL PHONE SERVICE
Total AT&T MOBILITY			\$69.60		
Paid Chk#	9/29/2016	AT&T MOBILITY			
E 101-41940-321	Telephone		\$249.10		CELL PHONE SERVICE
Total AT&T MOBILITY			\$249.10		
Paid Chk#	9/29/2016	BOTHAM, BRIAN			
E 101-42200-499	Miscellaneous		\$60.00	REIMB.	FD MTG.FOOD
Total BOTHAM, BRIAN			\$60.00		
Paid Chk#	9/29/2016	DECORATORS SERVICE CO.,INC.			
E 404-40000-309	Contractual Services		\$420.00	18916	POST OFFICE PARK FENCE PAINTED
Total DECORATORS SERVICE CO.,INC.			\$420.00		

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Paid Chk# 103735	9/29/2016	DISPLAY SALES			
E 101-45203-220	Repair/Maint Supply (GENERAL)		\$261.50	007830	HOLIDAY LITES
	Total DISPLAY SALES		\$261.50		
Paid Chk# 103736	9/29/2016	DUDINSKY, DAVID			
E 409-40000-540	Equipment		\$107.26	REIMB.	SOFTWARE FOR LAPTOP
	Total DUDINSKY, DAVID		\$107.26		
Paid Chk# 103737	9/29/2016	FISHER, CHERYL			
E 630-40000-331	Mileage & Expense Account		\$28.08	MILEAGE	MILEAGE 3RD QRT.2016
	Total FISHER, CHERYL		\$28.08		
Paid Chk# 103738	9/29/2016	GRAINGER, INC.			
E 101-43100-210	Operating Supplies (GENERAL)		\$10.06	9227122232	SUPPLIES
E 640-48000-409	Maint services & Improv		\$55.20	9228238235	SUPPLIES
	Total GRAINGER, INC.		\$65.26		
Paid Chk# 103739	9/29/2016	HACH COMPANY			
E 610-40000-309	Contractual Services		\$13.84	10115926	WATER ANALYSIS CHEMICALS
	Total HACH COMPANY		\$13.84		
Paid Chk# 103740	9/29/2016	HATZ, KIM			
E 630-40000-331	Mileage & Expense Account		\$133.38	REIMB.	MILEAGE 3RD QTR.2016
	Total HATZ, KIM		\$133.38		
Paid Chk# 103741	9/29/2016	HEIDER, NICK			
E 630-40000-331	Mileage & Expense Account		\$156.96	REIMB.	MILEAGE 3RD QRT.2016
	Total HEIDER, NICK		\$156.96		
Paid Chk# 103742	9/29/2016	JONES, REBECCA			
E 620-40000-499	Miscellaneous		\$24.99	REIMB.	SEPT.SUPPLIES
	Total JONES, REBECCA		\$24.99		
Paid Chk# 103743	9/29/2016	LAMBERT, JEFFREY W.			
E 101-42120-304	Legal Fees		\$2,231.75	SEPT.2016	LEGAL SERVICES
	Total LAMBERT, JEFFREY W.		\$2,231.75		
Paid Chk# 103744	9/29/2016	LIND, JODI			
E 630-40000-331	Mileage & Expense Account		\$21.06	REIMB.	MILEAGE 3RD QRT.2016
	Total LIND, JODI		\$21.06		
Paid Chk# 103745	9/29/2016	MARY DELAITTRE			
E 233-40000-302	Consultants		\$14,278.30	AUGUST 2016	LAKE EFFECT
E 233-40000-302	Consultants		\$13,984.45	SEPT.2016	LAKE EFFECT
	Total MARY DELAITTRE		\$28,262.75		
Paid Chk# 103746	9/29/2016	MCGRAW, LINDA			
E 101-41940-409	Maint services & Improv		\$1,085.00	SEPT.2016	PW CLEANING
	Total MCGRAW, LINDA		\$1,085.00		
Paid Chk# 103747	9/29/2016	MEDIACOM			
E 610-49100-309	Contractual Services		\$1,620.00		WTP#2 EQUIPMENT
	Total MEDIACOM		\$1,620.00		
Paid Chk# 103748	9/29/2016	MILLER, FRED			
E 101-41100-499	Miscellaneous		\$300.00	139	PHOTOS
E 235-40000-302	Consultants		\$1,600.00	139	WCTV
	Total MILLER, FRED		\$1,900.00		

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Paid Chk#	103749	9/29/2016	MN NCPERS LIFE INSURANCE		
	G 101-21715	PERA Term Life	\$48.00	10/2016	LIFE INSURANCE
	Total	MN NCPERS LIFE INSURANCE	\$48.00		
Paid Chk#	103750	9/29/2016	MOSS & BARNETT		
	E 101-41500-304	Legal Fees	\$180.00	653884	GENERAL CABLE/OPTIONS
	Total	MOSS & BARNETT	\$180.00		
Paid Chk#	103751	9/29/2016	NAPA AUTO PARTS-LONG LAKE		
	E 610-40000-242	Well & F.P. Equipment	\$14.49	334707	PARTS
	Total	NAPA AUTO PARTS-LONG LAKE	\$14.49		
Paid Chk#	103752	9/29/2016	NAPA AUTO PARTS-WATERTOWN		
	E 101-45200-222	Repair & Maint - Equip	\$11.77	465411	PARTS
	E 101-43100-220	Repair/Maint Supply (GENERAL)	\$11.70	465924	PARTS
	E 101-43100-220	Repair/Maint Supply (GENERAL)	\$17.97	465959	PARTS
	Total	NAPA AUTO PARTS-WATERTOWN	\$41.44		
Paid Chk#	103753	9/29/2016	OFFICE DEPOT		
	E 101-41500-200	Office Supplies (GENERAL)	\$51.85	864547955001	SUPPLIES
	Total	OFFICE DEPOT	\$51.85		
Paid Chk#	103754	9/29/2016	OVSHAK, KATHY		
	E 101-41500-331	Mileage & Expense Account	\$65.34	REIMB.	MILEAGE 3RD QRT.2016
	Total	OVSHAK, KATHY	\$65.34		
Paid Chk#	103755	9/29/2016	POPP TELECOM		
	E 101-42100-309	Contractual Services	\$33.47		SERVICE
	E 640-47000-321	Telephone	\$100.00		SERVICE
	E 640-48000-321	Telephone	\$100.00		SERVICE
	E 101-41940-321	Telephone	\$306.91		SERVICE
	E 610-40000-323	Radio Units	\$92.19		SERVICE
	E 620-40000-323	Radio Units	\$32.92		SERVICE
	Total	POPP TELECOM	\$665.49		
Paid Chk#	103756	9/29/2016	SCHANKE, SUZIE		
	E 101-42200-409	Maint services & Improv	\$145.00	SEPT.2016	FD CLEANING
	Total	SCHANKE, SUZIE	\$145.00		
Paid Chk#	103757	9/29/2016	SECURITY PRODUCTS COMPANY		
	E 101-41940-401	Repairs/Maint Buildings	\$62.50	1127874	PANEL RESET
	Total	SECURITY PRODUCTS COMPANY	\$62.50		
Paid Chk#	103758	9/29/2016	SHORT ELLIOTT HENDRICKSON INC.		
	G 802-20331	AT&T UPGRAD	\$1,777.28	321338	AT&T UPGRADE ESCROW PROJECT
	Total	SHORT ELLIOTT HENDRICKSON INC.	\$1,777.28		
Paid Chk#	103759	9/29/2016	SPRINT		
	E 101-42200-323	Radio Units	\$310.94	523093316-17	FD SERVICE
	Total	SPRINT	\$310.94		
Paid Chk#	103760	9/29/2016	SRF CONSULTING GROUP, INC.		
	E 401-40000-309	Contractual Services	\$553.10		PARKING RAMP FIELD STAKING
	E 430-40000-302	Consultants	\$659.74		SPEED HUMP STUDY
	Total	SRF CONSULTING GROUP, INC.	\$1,212.84		
Paid Chk#	103761	9/29/2016	TRUCK UTILITIES MFG.CO.		
	E 101-45200-222	Repair & Maint - Equip	\$344.81	0302348	PARTS

***Check Detail Register©**

September 2016

			Check Amt	Invoice	Comment
Total TRUCK UTILITIES MFG.CO.			\$344.81		
Paid Chk#	103762	9/29/2016	VAN PAPER COMPANY		
E 101-41500-200	Office Supplies (GENERAL)		\$464.16	400274-00	SUPPLIES
E 101-41940-210	Operating Supplies (GENERAL)		\$193.44	400358-00	SUPPLIES
Total VAN PAPER COMPANY			\$657.60		
Paid Chk#	103763	9/29/2016	WESTSIDE WHOLESALE TIRE		
E 101-45200-404	Repairs/Maint - Machin/Equip		\$887.96	775670	TIRES FOR 1 TON
Total WESTSIDE WHOLESALE TIRE			\$887.96		
Paid Chk#	103764	9/29/2016	WSB & ASSOCIATES		
E 101-41910-302	Consultants		\$531.00	01204-420-4	PLANNING CONSULTANTS-133 RIDGEVIEW DR
E 430-40000-302	Consultants		\$2,216.00	01204-470-7	2016 STREETS
E 101-41910-302	Consultants		\$2,010.00	01204-500-1	PLANNING CONSULTANTS - BEACON 5
Total WSB & ASSOCIATES			\$4,757.00		
10100 Anchor Bank			\$1,020,726.07		

Fund Summary

10100 Anchor Bank	
101 GENERAL FUND	\$104,893.36
232 CEMETARY	\$129.75
233 LAKFRONT IMPROVE	\$29,678.95
235 CABLE TV	\$1,642.22
314 WIDSTEN	\$299,213.00
401 PERM IMPROVEMENT	\$102,140.42
404 PARK AND TRAIL CIP	\$5,776.00
407 CELL TOWER	\$16,115.00
408 GENERAL CIP	\$157,675.50
409 EQUIP REVOLVING	\$3,761.23
430 STREET CIP	\$8,202.54
610 WATER FUND	\$97,184.09
620 SEWER FUND	\$3,391.76
630 MOTOR VEHICLE	\$1,129.23
640 LIQUOR	\$157,818.16
650 SOLID WASTE	\$26,877.58
802 ESCROW PROJECTS	\$5,097.28
	<u>\$1,020,726.07</u>

10/4/2016

THE FOLLOWING 2016 MUNICIPAL LICENSES
WERE APPROVED ADMINISTRATIVELY

2016 Gas Fitter's License	
Silver Tree Plumbing & Heating, LLC	Eagan, MN
Tharldson Plumbing & Heating, LLC	Shorewood, MN
Special Event/Itinerant Food License Wayzata Police & Fire Public Safety Day on 10/03/16	
Wayzata Bar & Grill	Wayzata, MN
Special Event/Itinerant Food License Lord Fletcher's Walleye Wagon at Wayzata Brew Works on 10/07/16	
Lord Fletcher's Walley Wagon	Spring Park, MN

2016 MUNICIPAL LICENSES FOR CITY COUNCIL APPROVAL ON 10/04/2016

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

2016 NEW Food License	
Crisp & Green	Wayzata, MN
Permit for a ONE (1) Day Temporary Consumption and Display Permit at Unitarian Universalist Church of Minnetonka for Church Annual Fundraiser Auction on November 5, 2016	
Unitarian Universalist Church of Minnetonka	605 Rice Street



APPLICATION FOR A 1 DAY TEMPORARY CONSUMPTION AND DISPLAY PERMIT

NAME OF ORGANIZATION: Unitarian Universalist Church of Minnetonka

DATE(S) OF EVENT: Sat, Nov 5th 2016 START TIME: 5:00 PM STOP TIME: 10:30 PM

NAME OF EVENT: Church Annual Fundraiser Auction

DESCRIPTION OF EVENT: Auction

NAME OF LOCATION WHERE EVENT WILL BE HELD: Unitarian Universalist Church

ADDRESS WHERE EVENT WILL BE HELD: 605 Rice Street

NAME OF PERSON IN CHARGE AT EVENT: Fred Hulting

TELEPHONE NUMBER OF PERSON IN CHARGE AT EVENT: 612-419-5187

WHAT DO YOU PLAN TO CONSUME: wine & beer
(BEER, WINE, OR INTOXICATING LIQUOR)

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

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

LOCATION LICENSE/PERMIT WILL BE USED, IF AN OUTDOOR AREA, DESCRIBE:
Inside main level of Church - 605 Rice Street

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

SIGNATURE OF APPLICANT: Judy Regan DATE: 9/13/2016

PRINT NAME: JUDY REGAN, ADMINISTRATION

CITY FEE AMOUNT: \$25.00 DATE FEE PAID: 9/19/16 RECEIPT # 35026

POLICE CHIEF SIGNATURE: [Signature] DATE SIGNED: 9/19/16

APPROVED BY WAYZATA CITY COUNCIL ON: _____

DEPUTY CITY CLERK SIGNATURE: _____ DATE SIGNED: _____



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 445 Minnesota Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555

**APPLICATION AND PERMIT FOR A 1 DAY
 TEMPORARY CONSUMPTION AND DISPLAY PERMIT**

(City or county may not issue more than 10 permits in any one year)

Name of organization: Unitarian Universalist Church of mtka Date organized: 1960 Tax exempt number: 23688

Address: 605 Rice Street City: Wayzata State: Minnesota Zip Code: 55391

Name of person making application: Judy Regan / Fred Huiting Business phone: 952-473-5900 Home phone: _____

Date(s) of event: Saturday, November 5th 2016 Type of organization: Club Charitable Religious Other non-profit

Organization officer's name: Rev. Kent Hemmer Saleska City: Wayzata State: Minnesota Zip: 55391

Add New Officer

Location where permit will be used. If an outdoor area, describe.

APPROVAL

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

City of Wayzata
 City or County approving the license

\$25.00

Fee Amount

9/19/2016

Date Fee Paid

 Date Approved

 Permit Date

 City or County Email Address

 City or County phone number

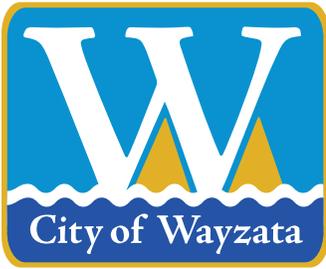
 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

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

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

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



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: September 30, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Temporary Family Health Care Housing Opt-Out Ordinance

Introduction

On September 20, 2016, the City Council adopted the first reading of an ordinance opting out of the requirements of Minnesota Statutes Section 462.3593 pertaining to temporary family health care dwellings. Attached is the draft ordinance for consideration of the second reading. There have been no changes to the draft ordinance since the first reading was adopted.

Action Steps

Adopt the second reading of draft Ordinance No. 761 opting-out of the requirements of Minnesota Statutes, Section 462.3593.

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA

DRAFT ORDINANCE NO. 761

**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

NOW THEREFORE CITY OF WAYZATA ORDAINS:

Section 17 of Chapter 801 of the Wayzata City Code (the Zoning Ordinance) is amended to include the following new subsection:

801.17.9: OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Wayzata opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

This Ordinance shall be effective upon passage and publication.

Adopted by the City Council this 4th day of October, 2016.

Ken Willcox
Mayor

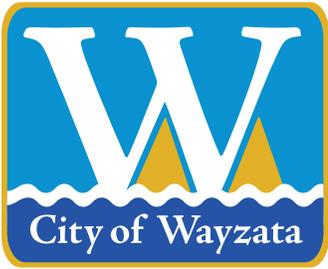
ATTEST:

Jeffrey Dahl
City Manager

First Reading: September 20, 2016

Second Reading: October 4, 2016

Publication:



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: September 30, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Institutional Zoning District Amendment

Introduction

On September 20, 2016, the City Council adopted the first reading of an ordinance amending the Institutional zoning district to allow public parking structures as a permitted use. Attached is the draft ordinance for consideration of the second reading. There have been no changes to the draft ordinance since the first reading was adopted.

Action Steps

Adopt the second reading of draft Ordinance No. 762 amending Section 70 (INS Institutional District) of the Zoning Ordinance for public parking structures.

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
DRAFT ORDINANCE NO. 762

**AN ORDINANCE AMENDING SECTION 70 (INS INSTITUTIONAL DISTRICT) OF
THE ZONING ORDINANCE FOR PUBLIC PARKING STRUCTURES**

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment to Ch. 801 of City Code. Section 70 of Chapter 801 of the Wayzata City Code (Zoning Ordinance) is hereby amended to read in its entirety as set forth in Exhibit A attached hereto (~~struck~~ text deleted; underlined text added).

Section 2. Findings. The amendments made hereby are based upon the findings set forth in the draft Report and Recommendation of the Wayzata Planning Commission, dated September 7, 2016.

Section 3. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this 4th day of October, 2016.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading: September 20, 2016
Second Reading: October 4, 2016
Publication:

EXHIBIT A

Amendment of Ch. 801 of City Code

SECTION 70

INS INSTITUTIONAL DISTRICT

Section 801.70:

801.70.1:	Purpose
801.70.2:	Permitted Uses
801.70.3:	Interim Uses
801.70.4:	Accessory Uses
801.70.5:	Conditional Uses
801.70.6:	Lot Area and Setback Requirements
801.70.7:	Lot Coverage and Height Requirements

801.70.1: PURPOSE:

The INS District is intended to provide a district for facilities devoted to serving the public. It is unique in that the primary objective of uses within this district is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services. It is intended that uses within such a district will be compatible with adjoining development, and they normally will be located on an arterial street or thoroughfare.

801.70.2: PERMITTED USES:

Subject to applicable provisions of this Ordinance, the following are permitted uses in the INS District:

- A. Pre-school, elementary, junior or senior high schools having a regular course of study accredited by the State of Minnesota.
- B. Religious institutions, such as churches, chapels, temples and synagogues.
- C. Publicly owned civic or cultural buildings, such as libraries, City offices, auditoriums, public administration buildings, public parking structures as a principal and sole use, -and historical developments.

801.70.3: INTERIM USE:

Subject to applicable provisions of this Ordinance, the following are interim uses in the INS District and are governed by Section 801.34 of this Ordinance:

- A. None.

801.70.4: ACCESSORY USES:

Subject to applicable provisions of this Ordinance, the following are permitted accessory uses in the INS District:

- A. Accessory uses customarily incidental to the uses permitted in Sections 801.70.2 and 801.70.5 of this Ordinance.
- B. Parks, playgrounds or athletic fields.
- C. Off-street parking and loading areas.

801.70.5: CONDITIONAL USES:

Subject to applicable provisions of this Ordinance, the following are conditional uses in an INS District. (Requires a conditional use permit based upon procedures set forth in and regulated by Section 801.04 of this Ordinance.)

- A. Automobile parking lots as a principal use provided that:
 - 1. The use and design is in conformance with Section 801.20 of this Ordinance.
 - 2. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.

- B. Cemeteries or memorial gardens provided that:
 - 1. The site is landscaped.
 - 2. The use is available to the "public".
 - 3. The land area of the property containing such use or activity meets the minimum established for the district.
 - 4. The use meets the minimum setback requirements for accessory structures.
 - 5. The site accesses on a collector or arterial street.
 - 6. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.

- C. Colleges, seminaries and other institutions of higher education provided that:
 - 1. Adequate parking is provided in conformance with Section 801.20 of this Ordinance.
 - 2. Provisions are made to buffer and screen any surrounding residential uses.
 - 3. The site is served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 - 4. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.

- D. Community centers provided that:
 - 1. Adequate screening from abutting and adjoining residential uses and landscaping is provided.
 - 2. Adequate off-street parking and access is provided and that such parking is adequately screened and landscaped from adjoining and abutting residential uses.
 - 3. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 801.20 of this Ordinance.
 - 4. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.

- E. Hospitals and residential care facilities including extended care facilities for mentally retarded, rest homes and care for the aged, ill and infirmed provided that:
 - 1. Interior side yards are screened.

2. Only the rear yard shall be used for play or recreational areas. Said area shall be fenced and controlled and screened in compliance with Section 801.18 of this Ordinance.
 3. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
 4. All signing and informational or visual communication devices shall be in compliance with Section 801.27 of this Ordinance.
 5. All state laws and statutes governing such use are strictly adhered to and all required operating permits are secured.
 6. Adequate off-street parking is provided in compliance with Section 801.20 of this Ordinance.
 7. Off-street loading space in compliance with Section 801.20 of this Ordinance is provided.
 8. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- F. Housing for the elderly provided that:
1. The development is in conformance to standards established in Section 801.59.6 of this Ordinance.
 2. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- G. Halfway houses provided that:
1. The use is licensed by the State.
 2. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- H. Living quarters which are provided as an accessory use to a principal use in Section 801.70.2 or to a conditional use in this Section provided that:
1. The use shall not be used as rental property.
 2. A maximum of one (1) such dwelling shall be allowed.
 3. There shall be a demonstrated and documented need for such a facility.
 4. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- I. Governmental and public related utility buildings and structures necessary for the health safety and general welfare of the City, provided that:
1. Equipment and vehicles are completely enclosed in a permanent structure or if stored outside, are screened and landscaped from neighboring uses as provided in Section 801.18 of this Ordinance.
 2. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- J. Public recreational facilities provided that:
1. The site is landscaped.

2. The use is available to the "public".
 3. The land area of the property containing such use or activity meets the minimum established for the district.
 4. The use meets the minimum setback requirements for accessory structures.
 5. The site accesses on a minor arterial.
 6. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- K. Single family or two family residential dwellings provided that:
1. The development shall be in compliance with the provisions of the R-3 Zoning District.
 2. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- L. The lot area requirement for permitted uses may be reduced, provided that:
1. The use existed prior to 1 July 1990.
 2. Compatibility with surrounding existing and potential uses is maintained.
 3. The provisions of Section 801.04.2.F of this Ordinance are considered and satisfactorily met.
- M. Other uses of the same general character as those listed in Sections 801.70.2, 801.70.4 and 801.70.5 of this Ordinance.
- N. Planned unit development as regulated by Section 801.33 of this Ordinance.

801.70.6: LOT AREA AND SETBACK REQUIREMENTS:

The following minimum requirements shall be observed in an "INS" District subject to additional requirements, exceptions, modifications set forth in this Ordinance.

- A. Lot Area:
1. Minimum Site Area:
 - a. Religious Institutions: Three (3) acres.
 - b. Elementary Schools: Fifteen (15) acres.
 - c. Junior High Schools: Thirty (30) acres.
 - d. Senior High Schools: Fifty (50) acres.
 - e. Hospitals: Ten (10) acres.
 - f. Community Centers: Three (3) acres.
 - g. Public Parking Structure: One (1) acre.
 2. All school area requirements prescribed above may be reduced if and when the site is combined with or included within a neighborhood park.

B. Setbacks:

1. Schools:

- a. Front Yard: Fifty (50) feet.
- b. Side Yard: One hundred (100) feet.
- c. Rear Yard: One hundred (100) feet.

2. Hospitals:

- a. Front Yard: Fifty (50) feet.
- b. Side Yard: One hundred (100) feet.
- c. Rear Yard: One hundred (100) feet.

3. Public Works Facilities:

- a. Front Yard: Fifty (50) feet.
- b. Side Yard: One hundred (100) feet.
- c. Rear Yard: One hundred (100) feet.

4. Public Parking Structures: There shall be no minimum front yard, side yard or rear yard setback requirements, except that there shall be a minimum required setback when such boundary is adjacent to a residential district. In which case, the minimum required setback shall be the same as the setback for the adjacent residential district. In addition, the minimum requirements of Section 801.70.6.B.6 do not apply to a public parking structure.

5. All Other Institutional Uses:

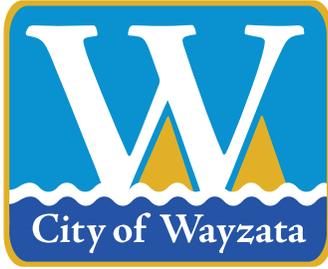
- a. Front Yard: Fifty (50) feet.
- b. Side Yard: Fifty (50) feet.
- c. Rear Yard: Fifty (50) feet.

56. In addition to these minimum requirements, setbacks of buildings located within the Institutional District shall be at least equal to the height of such buildings.

801.70.7: LOT COVERAGE AND HEIGHT REQUIREMENTS:

The following lot coverage and height requirements shall be observed in the "INS" District:

- A. The total lot coverage of all buildings shall not exceed thirty (30) percent, except that rest homes and housing for the elderly shall not exceed a lot coverage of forty (40) percent, and public parking structures shall not exceed a lot coverage of sixty (60) percent.-
- B. All principal structures and their accessory buildings shall be limited to a maximum height of three (3) stories and forty (40) feet.



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: September 29, 2016

TO: The Honorable Mayor and Members of the City Council

FROM: Jeffrey Dahl, City Manager

Re: Consider Approval of Scope of Services with UrbanWorks, Inc to facilitate creation of a Special Services District or “Mobility District”

Update

At the September 20 workshop, the City Council heard a presentation from Michael McLaughlin, President of Urban Works, Inc. The presentation highlighted the firm’s experience in facilitating the creation and maintenance of tens of Special Services Districts (SSDs) within the State.

Summary

In short, SSDs are a mechanism cities can use per State Statues in order to annually assess commercial and public property owners for public services that are above and beyond normal or essential City services. Examples of services span from marketing and event planning to snow removal, security, and parking services. Typically, SSDs are located in downtowns or community commercial areas like: Excelsior and Grand in St. Louis Park, downtown Minneapolis, 50th and France in St. Louis Park, etc.

The City has discussed utilizing the SSD as a mechanism to pay for, at a minimum, maintenance and operations of the Mill Street Parking Ramp as well as other services to help facilitate additional parking in downtown such as public valet, wayfinding signs, etc.

The City would need to hire a consultant to help facilitate the creation of an SSD as the process is quite complex in terms the data, outreach, and administration needed. Staff expects that if an SSD is created, it would start in 2018 and the consultant costs would be paid out of 401- Permanent Improvement Fund.

Recommendation

In order for the City to move forward with one of the key implementation steps as stated in the Wayzata Parking Study by SRF from last year, staff recommends approving the attached scope of services by UrbanWorks, Inc and allow staff to execute any additional needed documentation to assist in the facilitation of a Special Services District for the City of Wayzata.

Please note that staff believes the cost will be lower than the attached proposal as most of “Phase I” has already been completed.



September 28, 2016

Jeffrey Dahl
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: Proposal for Special Service District Consulting Services

Dear Jeff:

Urban Works, Inc. is pleased to present this proposal to assist the City of Wayzata with the exploration and potential formation of a Special Service District (SSD) in downtown Wayzata.

Scope of Work

1. Phase 1 – Information Gathering and Preliminary Stakeholder Engagement
The work of phase one shall include gathering the necessary background information, including property information, and facilitating meetings with business and property owners as well as city officials to identify the preliminary geographic parameters and service priorities for the proposed district.
2. Phase 2 – Preliminary operating plan development, business and property information refinements, calculation of potential service charges, and additional ratepayer and stakeholder engagement.
The work of phase two shall include additional meetings with business and property owners as well as city officials to refine the service priorities for the proposed district as well review service charge methodology options. A preliminary operating plan and budget for Year 1 will then be developed, including researching delivery costs of desired SSD services. Preliminary service charges will also be calculated for each eligible parcel.
3. Phase 3 – Formal SSD petitioning process.
The work of phase three shall include facilitating and implementing the formal ratepayer engagement and petitioning process, including meetings, discussions and other means of engagement with business and property owners as well as meetings and discussions with city officials as needed.
4. Phase 4 – Formal SSD adoption process.
The work of phase four shall include assisting and advising city officials and business and property owners through the formal city adoption process including drafting of ordinance language, compliance with all statutory requirements related to SSD establishment procedures and imposition of SSD services charges, as well as providing assistance with preparation/reviewing of city staff reports and other supporting materials.

5. Phase 5 – District Implementation and Commencement of Services.

The work of phase five shall include assisting and advising the city with service and program launch needs (i.e. developing vendor contract specifications, assisting with vendor engagement, etc.).

Implementation of Services

The phased approach described above is intended to be iterative to allow the city to assess the information at the conclusion of each phase and decide whether to proceed to the next phase.

Work shall commence upon execution of a services agreement with the goal of completing Phase 1 no later than January 31, 2017.

Consulting Fees and Expenses

Based on the scope of work described above, the estimated cost to complete each phase is as follows:

Phase 1:	\$5,000
Phase 2:	\$9,500
Phase 3:	\$5,000
Phase 4:	\$3,500
<u>Phase 5:</u>	<u>\$5,000</u>
	\$28,000

The above cost projections are preliminary estimates of anticipated consulting costs. Each phase may require more or less consulting time depending on variables beyond the control of Urban Works. Consulting services will be billed on an hourly basis at \$150 per hour and invoiced on a monthly basis. Services will be itemized on invoices by date and duration with a summary description. Any expenses will be itemized on invoices, with postage billed at cost, outsourced printing billed at cost, and in-house printing billed at \$.25 per impression. Additional requested work beyond the scope listed above will be charged using the same rate and cost structure.

About Urban Works

Founded in 1995 and based in Plymouth, MN, Urban Works provides professional consulting services to municipalities, businesses, business associations and other community-based organizations in the areas of special service district formation and management, place-based marketing and communications, community engagement, and public policy.

Urban Works is Minnesota’s leading adviser for the creation and management of Special Service Districts. Urban Works principal Michael McLaughlin researched and led the efforts that created Minnesota’s largest Special Service District – the Minneapolis Downtown Improvement District (DID) – with an annual operating budget of more than \$6.5 million.

From 2004 to 2010, in his capacity as the Vice President of District Services for the Minneapolis Downtown Council, Mr. McLaughlin also served as the administrator of the Nicollet Mall Advisory Board which oversaw the care and management of the Nicollet Mall in Downtown Minneapolis with a \$1.2 million annual budget. Until the formation of the Downtown Improvement District, the Nicollet Mall was the State’s largest Special Service District and dated back to 1963.

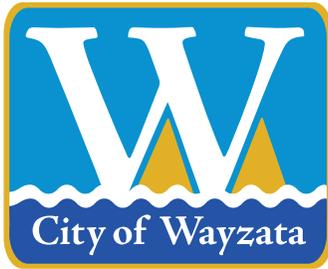
Urban Works also advises and helps manage 15 Special Service Districts in Minneapolis on behalf of the City of Minneapolis.

Thank you for the opportunity to submit this proposal. Please contact me at 612-280-2582 if you have any questions or would like to discuss this proposal in further detail. I look forward to the opportunity to assist the City of Wayzata with the exploration and potential formation of a Special Service District in downtown Wayzata.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McLaughlin", followed by a long horizontal line.

Michael McLaughlin
President



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: September 29, 2016
TO: The Honorable Mayor and Members of the City Council
FROM: Jeffrey Dahl, City Manager
Re: Dissolution of Communications Advisory Board

Update

The City Council discussed this item at the September 6 workshop. As a result of the feedback provided at the meeting, staff and the City Attorney drafted a resolution to dissolve the Communications Advisory Bboard. A recap of the history of the board as well, as its current status, is listed below.

History

In September 2007, the City Council appointed the Wayzata Communications Advisory Group to recommend improvements to the City's three main communication tools: the website, newsletter and the City's cable television channel (Wayzata Community Television-WCTV).

Based on over two and a half years of meetings, the advisory group met to examine the state of the City's communications and worked to enhance them. Their review was on the brand, website, newsletter, cable television, communications consultant and budget, and their recommendations including a draft resolution for the creation of the communications board, and future considerations. In addition, they conducted two surveys; the survey in May 2009 focused on Wayzata Community TV, and in August 2010 (prior to the communications board establishment), focused the survey on the residents' consumption of the City's communications and knowledge of the City's communication methods and their personal use of technology. The advisory group then brought forward to the City Council their recommendations and included the recommendation to form a board and a resolution in 2010 for the Council to approve.

The Communications Board was established in 2010 as an advisory group for the City Council. The group was established prior to the creation of the Communications Specialist position when a consultant group was used for management and creation of all City communications (website, newsletter, video recordings).

Since 2010, there have been two resolutions amending the structure of the board. The board consists of up to 7 voting members along with the City Manager and/or the Communications Specialist as its liaison. The members must be Wayzata citizens with the

exception of non-resident or Wayzata based business owner. The board generally meets quarterly and are appointed by the City Council to staggered three-year terms.

The board's duties are as follows:

- To review and evaluate the effectiveness of the City's communication activities and tools in reaching citizens with timely and useful information about City issues and events. This includes, but is not limited to, reviewing and evaluating the City's website, newsletters and cable television operations.
- To propose improvements to the quality of the City's communications.
- To advise the City Manager and Council on communications matters, as requested.
- To report to the Council on the state of City communications once a quarter.

In 2012, the board recommended the creation of an "in house" Communications Specialist position to improve and manage communications, especially with the website, newsletter/s and WCTV. The Communications Board assisted with the new position of the Communications Specialist and was part of the search process in 2012 and in 2014 when the position had an opening. In 2014, the board was involved with the website redesign which was launched February 2015. Also in 2014, City Council approved the City's Communications Policy drafted by staff and the board.

Communications Board 2016

As of 2016, the board consisted of seven voting members along with the City Manager and Communications Specialist as liaisons. In February 2016, the chair resigned from the Communications Board bringing the membership to six. After the resignation of the chair and with the turnover of City Manager in the first half the year, a meeting was held in July with the new City Manager and two of the six members attended. The board has struggled to have a quorum since 2014 to elect a vice chair and now a chair. The Communications Board has struggled with engagement and attendance; there are no immediate projects for the board's expertise to recommend to Council that the staff couldn't bring forward with a communications task force on individual major projects.

Communications Specialist Position

The Communication Specialist, along with the City Manager, oversees all of the City's communications, branding, and communication policy standards approved by the City Council---including reviewing and oversight of the effectiveness of the communication tools, equipment maintenance, technical troubleshooting. In addition, the Communications Specialist continues with training and education on new communications tools and participates with Government communications groups to provide the City with the latest and best practices in communications.

This year, the Communications Specialist oversaw the purchase of the new broadcasting equipment installation and transition from Standard Definition to High Definition for broadcasts and improvements of the WCTV website and OnDemand videos, and implemented live streaming of WCTV on the website. In addition, the website communication for the weekly email blast was streamlined with the purchase of a website add-on, CivicSend.

Future Goals for City Communications

The City Manager and Communications Specialist will continue to enhance City communications and oversee the effectiveness of the following City communication channels:

- Newsletters:
 - Wayzata Weekly (weekly)
 - The Portal (monthly)
 - The Patrol (quarterly)
- Websites:
 - Wayzata.org
 - Wayzatacommunitytv.org
 - Wayzatabarandgrill.com
 - Wayzatawineandspirits.com
 - Wayzatalakeeffect.com
- Social media:
 - facebook.com/cityofwayzata
 - facebook.com/wayzatabarandgrill
 - facebook.com/wayzatawineandspirits
 - facebook.com/WayzataPD
 - facebook.com/WayzataLakeEffect
 - twitter.com/WayzataMNGov
 - twitter.com/wayzataliquor
 - twitter.com/wayzatabargrill
 - twitter.com/@wlakeeffect
- Video/TV:
 - WCTV- Channel 8 & Video OnDemand and Live Streaming programs
 - TV Bulletins



Future considerations by staff include: review of branding efforts, launching a community-wide survey, purchase of a CivicPlus website add-on for a mobile application, integration of Laserfiche into the website, and improving searchable pdf documents such as the City Code/Ordinances, submittable permits and licensing forms online pdfs, and online bill pay.

Recommendation

Based on the discussion at the September 6, 2016 work shop, staff recommends adoption of the attached resolution Dissolving the Communications Advisory Board.

Please note that ad-hoc committees can and will be created as the City moves forward on future initiatives. Also, please note that the resolution reiterates the City's gratitude for the past and current members of the board. It is because of the progress they have made with city communications over the years that their work is no longer needed in this form.

RESOLUTION NO. 37-2016

RESOLUTION TO DISSOLVE COMMUNICATIONS ADVISORY BOARD

WHEREAS, pursuant to Section 18 of the Wayzata City Charter, the City Council of the City of Wayzata in 2010 created an advisory commission to advise City Council on the external communication activities of the City (the “Communications Board”);

WHEREAS, the Communications Board was given the duties of (1) reviewing and evaluating the effectiveness of the City’s communication activities and tools in reaching citizens with timely and useful information about City issues and events, including the City’s website, newsletters and cable television operations; (2) proposing improvements to the quality of the City’s communications; (3) advising the City Manager and Council on communications matters, as requested; and (4) reporting to the Council on the state of City communications once a quarter; and

WHEREAS, most of the duties of the Communications Board have been fulfilled, including major updates to the City’s website, newsletters and overall improvements to the effectiveness and quality of City’s communications; and

WHEREAS, since the establishment of the Communications Board, the City has also hired a full time communications specialist, whose duties touch upon and include many of the Communications Board’s duties; and

WHEREAS, the City Council finds that the purpose of the Communications Board has in large part been fulfilled, and any continuing communications-related duties can be met by current City staff, or, on an ad-hoc basis; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Wayzata, Minnesota, that the Communications Board is dissolved effective October 4, 2016 (“Date of Dissolution”); and

BE IT FURTHER RESOVLED the City Council expresses its gratitude to all members of the Communications Board, past and present, who have given of their time, and shared their expertise and perspectives, to make the City’s communication activities and tools more effective and helpful for all citizens of Wayzata; and

BE IT FURTHER RESOLVED that the City Manager is directed to work with the Chair of the Communications Board in winding up any current work of the Communications Board, and submitting a final report to the City Council prior to the Date of Dissolution.

Adopted by the Wayzata City Council this _____ day of _____ 2016.

Ken Willcox, Mayor

ATTEST:

Jeffrey Dahl, City Manager

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

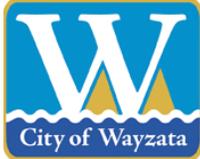
Absent:

Resolution:

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

Becky Malone, Deputy City Clerk

000043/203879/2469526_1



Planning Report
October 4, 2016
City Council Meeting

Project Name: Beacon Five
Applicant: R.E.C., Inc (d.b.a. Ron Clark Construction)
Address of Request: 529 Indian Mound Street East
Prepared By: Jeff Thomson, Director of Planning and Building
“60 Day” Deadline: November 26, 2016

Development Application

Introduction

Beacon Five, LLC and R.E.C. Inc. (collectively, the “Applicant”) at 529 Indian Mound Street East (the “Property”) has applied to construct a three-story building with five residential condominium units and 600 square feet of office space on the first floor. The proposed building would have a 5,445 square foot footprint on a 10,897 square foot lot. There is a storm pond proposed for the rear yard of the parcel.

Background Information

On July 5, 2016, the City Council approved the rezoning to PUD, PUD concept plans, variance from the maximum building height from 35 feet to 38.9 feet, and a shoreland impact plan/conditional use permit for the building height. The City Council action included a condition that the applicant make every effort to reduce the height by two feet to meet the height requirement.

Application Requests.

- A. PUD General Plan of Development: A rezoning to PUD requires both concept and general plan of development review. The City Council approved the PUD concept plan earlier this year. The applicant is now requesting review of the general plan of development.
- B. Design Review: Construction of a new building requires design review by City Code Section 801.09.1.5.

Relevant Property Information.

Zoning:	PUD/Planned Unit Development
Comp Plan:	Mixed Use Commercial
Tenant space:	600 square feet of office space (ground floor) 10,000 square feet in 5 residential units

Legal Description.

A copy of the legal description for the subject properties are on file and available for viewing at City Hall. The following property description includes the subject Property in the Application:

529 Indian Mound St E	06-117-22-24-0067	R.E.C. Inc
-----------------------	-------------------	------------

Image 1.1: Context Aerial



Public Notice Requirements.

Zoning Ordinance Section 801.05 requires the Planning Commission to hold a public hearing on the Application. The Notice of Public Hearing was published in the Sun Sailor on August 25, 2016. A copy of the Notice of Public Hearing was also mailed to all property owners located within 350 feet of the subject property on August 24, 2016. The Planning Commission held the public hearing on September 7, 2016

Summary of Issues

Surrounding Uses

A summary of land uses and their respective zoning classifications for the immediate area:

Direction	Adjacent Use	Zoning	Comp Plan Land Use Designation
North	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
East	Keller Williams office building	C-1/Office and Limited Commercial Building	Mixed Use Commercial
South	Wayzata Place Condominiums	C-4/Central Business District	Central Business District
West	Garrison Landing (under construction)	PUD/Planned Unit Development	Mixed Use Commercial

A two-story realty office building is located directly east of this site; a surface parking lot is located directly north of the site. To the northeast of the site beyond the surface lot is a townhome building. To the west of the site is a mixed use retail and residential condominium building that is currently under construction. The site fronts Indian Mound Street E; to the south are the Wayzata Place condominiums.

Zoning Analysis

A comparison of the C-1 Standards and the proposed Project is as follows:

	C-1 Zoning	PUD Zoning	Shoreland Overlay District	Proposed PUD
Permitted Uses	Mixed use with upper story residential and ground floor office or service commercial	Shall be consistent with the Comp Plan	N/A	Mixed use building with office and residential
Density	N/A	Shall be consistent with the Comp Plan	N/A	20 units/acre
Height	3 stories and 35 feet, whichever is less	3 stories and 35 feet, whichever is less	35 feet	38 ft.
Floor Area Ratio	2.0	No maximum	N/A	1.4 approx
Impervious Surface	No maximum	No maximum	25% 75% with stormwater management	67%

			100% with shoreland impact plan/CUP	
Lot Coverage	50%	No maximum	N/A	50%
Setbacks	10 ft. all property lines	Same as imposed by zoning district	N/A	Front: 22 ft. Sides: 10 ft.** Rear: 25 ft

**The proposed building includes cantilevered building areas along the side properties lines. The zoning ordinance allows cantilevered building areas to extend up to 2.5 feet into the required setback.

Building Height

The City Council’s approval of the PUD Concept Plans included a variance from the height requirement from 35 feet to 38.9 feet. The Council’s approval of the height variance included a condition that the applicant make a reasonable effort to reduce the height of the building. The revised building would have a height of 38 feet, which is less than the building height previously approved.

Parking Calculations

Parking for the Property is provided through the construction an underground parking lot under the building. No surface parking stalls are proposed. The Applicant would provide 10 parking spaces in the underground parking area.

Parking Calculations:

Use	Code Requirement	Number Required
Multiple Family Dwellings	Two (2) fee free spaces for each living unit, of which one (1) is to be enclosed.	10 stalls
Office other than Medical or Dental	Three (3) spaces for each 1,000 sq. ft. of floor area. Apply 10% mixed-use reduction. <i>1 space per 333 sq feet; 600 sq ft office - 10% = 540 sq feet; 2 parking stalls required.</i>	2 stalls
Gross Parking Required		12 stalls
Parking Requirement (Shared Parking Reduction)		10 stalls
Project Parking Provided		10 stalls

Site Access and Internal Circulation.

The site will be accessed from Indian Mound Street E, where a single entrance/exit from the roadway leads to underground parking stalls. Both the residential and commercial uses are served by the single entrance/exit and underground parking stalls. No other access is proposed. A pedestrian sidewalk adjoining with the northwest neighboring property is proposed to be removed.

Landscaping.

Currently there are 13 Significant Trees and 1 Heritage Tree on the site. There are a total of 192 inches of Significant and Heritage trees on the site. By the formula outlined in the tree preservation ordinance, the applicants may remove 41 inches of trees without replacement. The remaining 120 inches of trees must be replaced in accordance with the standards in §801.36, Section 8(B). Incorporating a 1:1 replacement ratio for Significant Trees and a 2:1 ratio for Heritage Trees, 182 inches of trees must be replaced on the site.

The Landscape Plan provided by the Applicant, 100 percent of the Significant and Heritage Trees on the site are proposed to be removed. The plans call for replacing 6 trees (18 caliper inches) on the site. Thus, there is a deficit of 164” replacement inches not provided in the landscape plan. The Applicant is proposing to utilize payment in lieu of tree replacement for the remaining tree replacement that cannot be accommodated on the site.

Design.

The Project is subject to the Bluff District of the Design Standards. A Design Review of the proposal is included as Attachment C.

The Design Review found design elements of the proposal that are not compliant with design standards.

Design Standard	Deviation	Applicant comments	Staff direction
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 project does not propose outdoor seating or gathering areas at street level.	Applicant states that narrowness of the lot is a limitation.	Limited lot width is not a sufficient reason to exclude outdoor seating.
801.09.5.1.A: Where three (3) story buildings are permitted, the third (3 rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3 rd story height from the second (2 nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3 rd story structure shall be closer than six (6)	The 3 rd floor design on the public façade meets neither the 10-ft average requirement nor the 6-ft minimum setback requirement.	Applicant states that the general stepping back of the building intends to meet the intent of the design standard.	The proposed design does not comply with the standard. Staff and the Planning Commission should consider whether a deviation is warranted.

feet to the 2 nd story façade.			
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 membrane is tan in color.	Applicant states that tan color is preferred to prolong the life and warranty of the roof membrane.	The roof would not be visible from surrounding properties given the location and height of the building and the design of the building includes parapets along all sides of the building.
<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 [listed].	The Design treats fiber cement board as an allowed primary façade material (it is listed as an accent material). Facades range from 19%-32% fiber cement, exceeding the limit on accent materials. On the South façade, precast stone (also an accent material) is 15% of the non-glass façade materials.	Applicant acknowledges that fiber cement board exceeds 10% on all facades but contends it is an appropriate material. Applicant made no comment about the precast stone exceeding 10% on the South façade.	Staff recommends granting this deviation and that the façade materials be approved as proposed. The proposed fiber cement board will not detract from producing a high quality building design. Precast stone is similarly appropriate for the style of the building design, and should be allowed in an amount exceeding 10% on the south façade.

The Design Review also found that the proposed “Beacon Five” sign is compliant with the City’s sign ordinance. No sign has been proposed at this time for the office use on the ground floor of the building. Any signage proposed for the office building will be reviewed administratively by City staff at the time of sign permit submission.

Planning Commission Review

The Planning Commission held a public hearing and reviewed the development application at its meeting on September 7, 2016. On September 19, 2016, the Planning Commission voted four (4) in favor and zero (0) opposed to adopt a Report and Recommendation which recommends approval of the project.

Applicable Code Provisions for Review

- 3.1 Requirements, Conditions and Standards for approving PUD permits §801.33.2; and §801.33.4 Non-Residential Project Standards

The City states that the purpose of a PUD is 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 PUD District.” The General Standards for approval of a PUD permit relate to:

- Comprehensive Plan Consistency
- Sewer Plan Consistency
- Minimum Common Open Space requirements & maintenance
- Density, Setbacks & Height
- Utilities & Roadways
- Landscaping

3.2 Design Standards City Code §801.09.

The City States that the purpose of the Design Standards are:

The design standards set forth in this 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:

1. To guide the expansion and renovation of existing structures and the construction of new buildings and parking, within the commercial districts of the City;
2. To assist the City in reviewing development proposals;
3. To improve the City’s public spaces including its streets, sidewalks, walkways, streetscape, and landscape treatments.

Action Steps

Adopt the draft Resolution No. 38-2016, which approves the PUD General Plans and Design Review with deviations at 529 Indian Mound E.

Attachments

- Attachment A: Applicant’s Narrative
- Attachment B: PUD Plans
- Attachment C: Design Critique
- Attachment D: Draft September 7, 2016 Planning Commission Meeting Minutes
- Attachment E: Planning Commission Report and Recommendation
- Attachment F: Draft City Council Resolution No. 38-2016



7500 West 78th Street
Edina, MN
55439

(952) 947-3000
fax (952) 947-3030

Wednesday, July 27, 2016

Jeff Thomson
City of Wayzata
600 Rice Street East
Wayzata, MN 55391

RE: Beacon Five

Subject: Application Submittal for PUD General Plan of Development

Dear Jeff,

Attached is our application for the proposed Beacon Five Condo/Office Building. Tim Whitten from Whitten Associates is the project Architect and designer and will be handling the application and City Meeting Process.

The site is 10,897.43 square feet located at 529 Indian Mound Street East and owned by Ron Clark Construction.

The existing zoning is C-1A, NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT.

This application requests a rezoning to Planned Unit Development: General Plan of Development.

A previous “Concept Application” was submitted and approved by the Planning Commission (6/20/16) and City Council (7/5/16).

This “General Application” is in response to the City Council approval of the Draft Resolution 22-2016 PUD, Rezoning, Height Variance and Shoreland Impact Plan/Conditional Use Permit for 529 Indian Mound East.

In compliance with the City procedures for “General Plan of Development submitted for a PUD” we have included the below listed information for your review and approval:

- 1) General Information
 - a. Landowner:
 - i. R.E.C. Inc./dba Ron Clark Construction
 - ii. 7500 West 78th Street Edina, MN 55439
 - b. Applicant Name
 - i. Beacon Five LLC
 - ii. 7500 West 78th Street Edina, MN 55439



- c. Land Planner/Project Architect:
 - i. Whitten Associates, Inc.
 - ii. 4159 Heatherton Place Minnetonka, MN 55435
 - d. Engineer & Surveyor:
 - i. Alliant Engineering, Inc.
 - ii. 233 Park Avenue South Minneapolis, MN 55415
 - e. Evidence of property ownership
 - i. See attached copy of Title Insurance for Property (Previously submitted with Concept Application)
- 2) Present Status
- a. Address & Legal Description of Property:
 - i. 529 Indian Mound Street East
 - b. Existing Zoning Classification:
 - i. The existing zoning is C-1A, NEIGHBORHOOD OFFICE AND LIMITED COMMERCIAL DISTRICT. This application requests a rezoning to Planned Unit Development General Plan of Development.
 - c. Map of Adjacent Properties:
 - i. See attached documents from Whitten Associates (Previously submitted with Concept Application)
- 3) A written statement generally describing the proposed PUD
- a. See introduction of this letter.
- 4) Site Conditions
- a. See attached Survey from Alliant Engineering
 - b. Soil Conditions
 - i. See attached soils information from Braun Engineering (Previously submitted with Concept Application)
- 5) Schematic Drawings
- a. See attached documents from Whitten Associates
 - b. Updated plans from Whitten Associate's include our best efforts to reduce the overall building height.
 - i. Previous overall building height above average grade with "Concept" Application = 39'-0" including parapets.
 - ii. Current General Application overall building height above average grade = 37.43' including typical parapets. (Two accent parapets = 37.93')
 1. By working through the details we have been able to reduce the typical overall building height by 1.57' since the Concept Application approval.
- 6) A Statement of the total estimated number of dwelling units or Square Footage
- a. Site Area is identified on Survey from Alliant Engineering
 - b. Building Areas & SF are identified on Whitten Associates Plans

7) Schedule for Development

- a. 04/15/16 City Application Submittal (PUD –Concept)
- b. 06/06/16 Planning Commission Meeting #1 (Concept PUD)
- c. 06/20/16 Planning Commission Mtg #2 (Concept PUD)
- d. 07/05/16 City Council Meeting (Concept PUD)
- e. 07/28/16 City Application Submittal (PUD –General)
- f. 09/07/16/16 Planning Commission Meeting #1 (General- PUD)
 - i. Public Hearing
- g. 09/19/16 Planning Commission Mtg #2 (General- PUD)
- h. 10/04/16 City Council Meeting (General-PUD)
- i. 10/10/16 Final City Approvals & Construction Documents
- j. 11/01/16 Building Permit Issuance
- k. 09/01/17 Estimated Building Completion and Occupancy

8) Public or Common Space

- a. No Public Space is included on our project.
- b. Common space in the building includes corridors, stairs, underground parking garage, storage and an exercise/activity area (TBD).

9) Project Restrictive Covenants

- a. The five living units will be part of a homeowners association which will be developed as part of our project documents and recorded prior to first occupancy.

10) Schematic Utility Plans

- a. See attached Site Plan from Alliant Engineering

11) Additional information required by for General Plan of Development Application:

- a. Updated Architectural Plans and Elevations dated 7/28/16.
- b. Civil plans dated 7-27-16 including: Existing Conditions, Site Plan, Grading & Erosion Control, Utility Plan and Construction Details.
- c. Landscape Plan dated 7/27/16
- d. Stormwater Management Plan dated 7/27/16.

Thank you for your consideration and please let me know if you see anything else that is needed to accompany this application.

Sincerely,

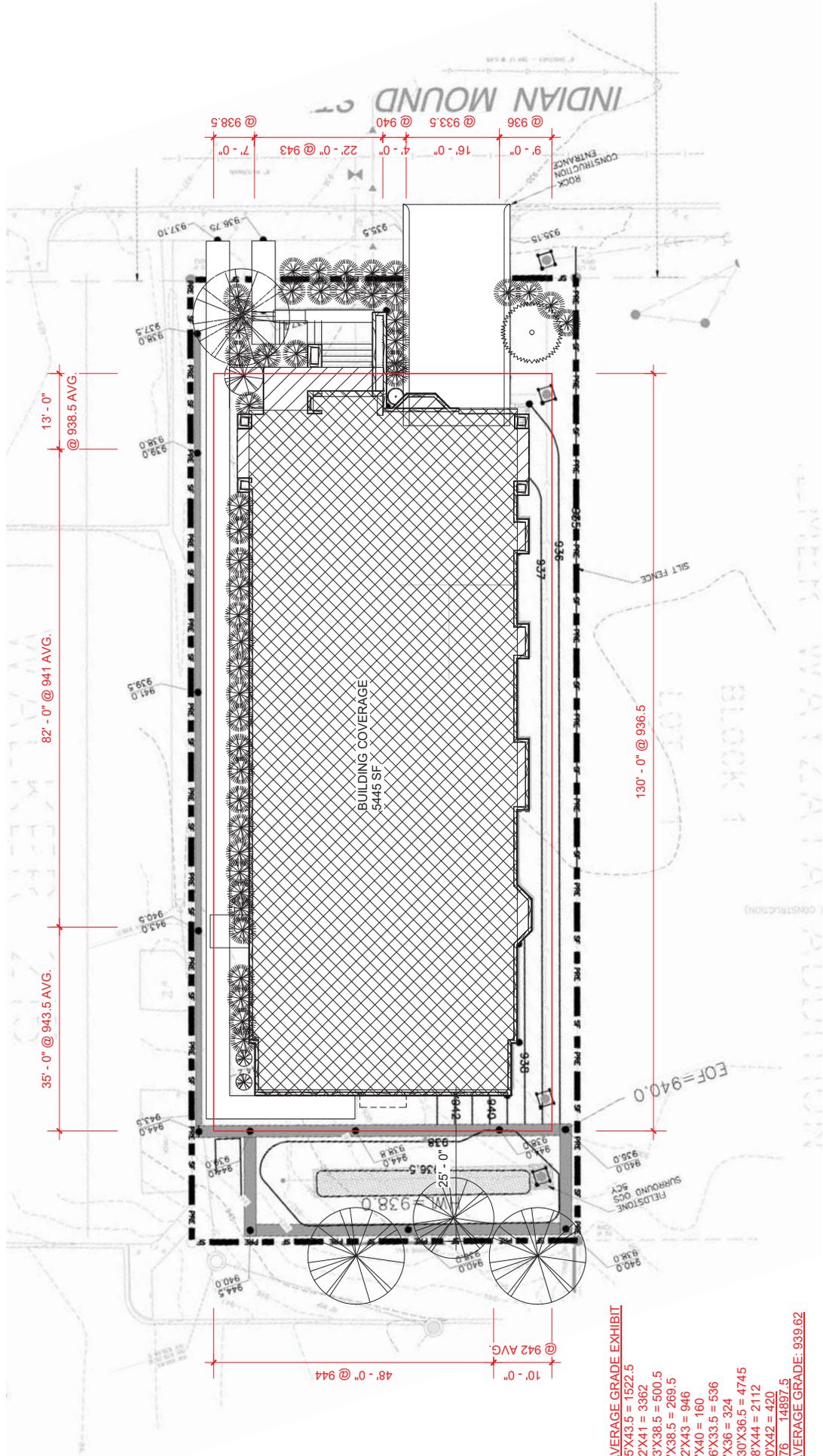
Michael Roebuck
Ron Clark Construction

Timothy Whitten
Whitten Associates

BEACON FIVE, WAYZATA, MN

A-1	Cover Sheet
A-2	Site Plan
A-3	Lower Level Floor Plan
A-4	First Level Floor Plan
A-5	Second Level Floor Plan
A-6	Third Level Floor Plan
A-7	Roof Level
A-8	South Elevation
A-9	North Elevation
A-10	East Elevation
A-11	West Elevation
A-20	3D VIEW
A-21	3D VIEW
A-22	3D VIEW
A-23	3D VIEW
A-24	Section
A-25	Details





82'-0" @ 941 AVG.

35'-0" @ 943.5 AVG.

13'-0" @ 938.5 AVG.

48'-0" @ 944

10'-0" @ 942 AVG.

130'-0" @ 936.5

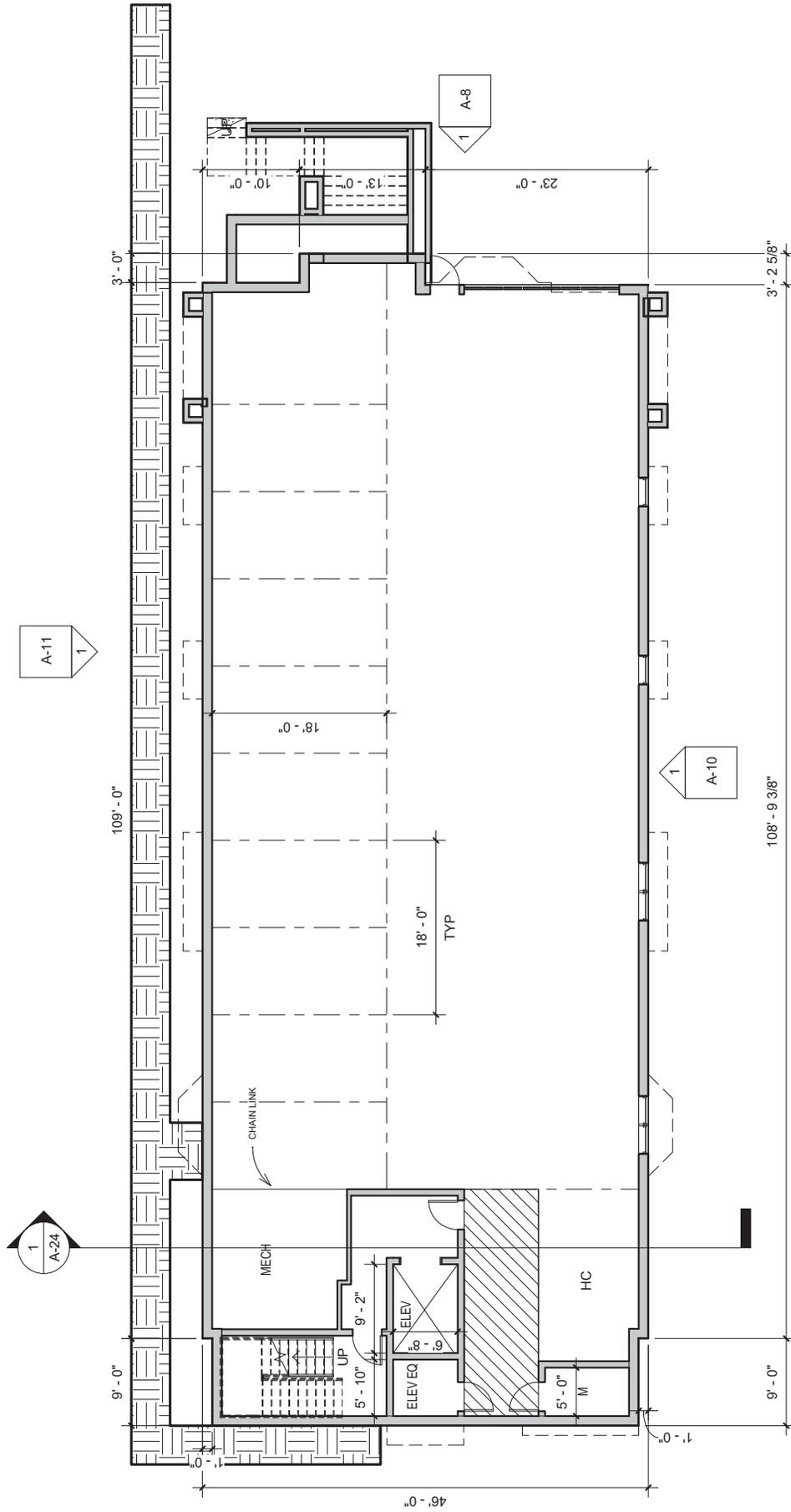
AVERAGE GRADE EXHIBIT

35'X43.5 =	1522.5
82'X41 =	3362
13'X38.5 =	500.5
7'X38.5 =	269.5
22'X43 =	946
4'X40 =	160
16'X33.5 =	536
9'X36 =	324
130'X36.5 =	4745
48'X44 =	2112
10'X42 =	420
376 =	14897.5
AVERAGE GRADE:	939.62

1 AVERAGE GRADE EXHIBIT

scale: 1/16" = 1'-0"

1 AUG 2016

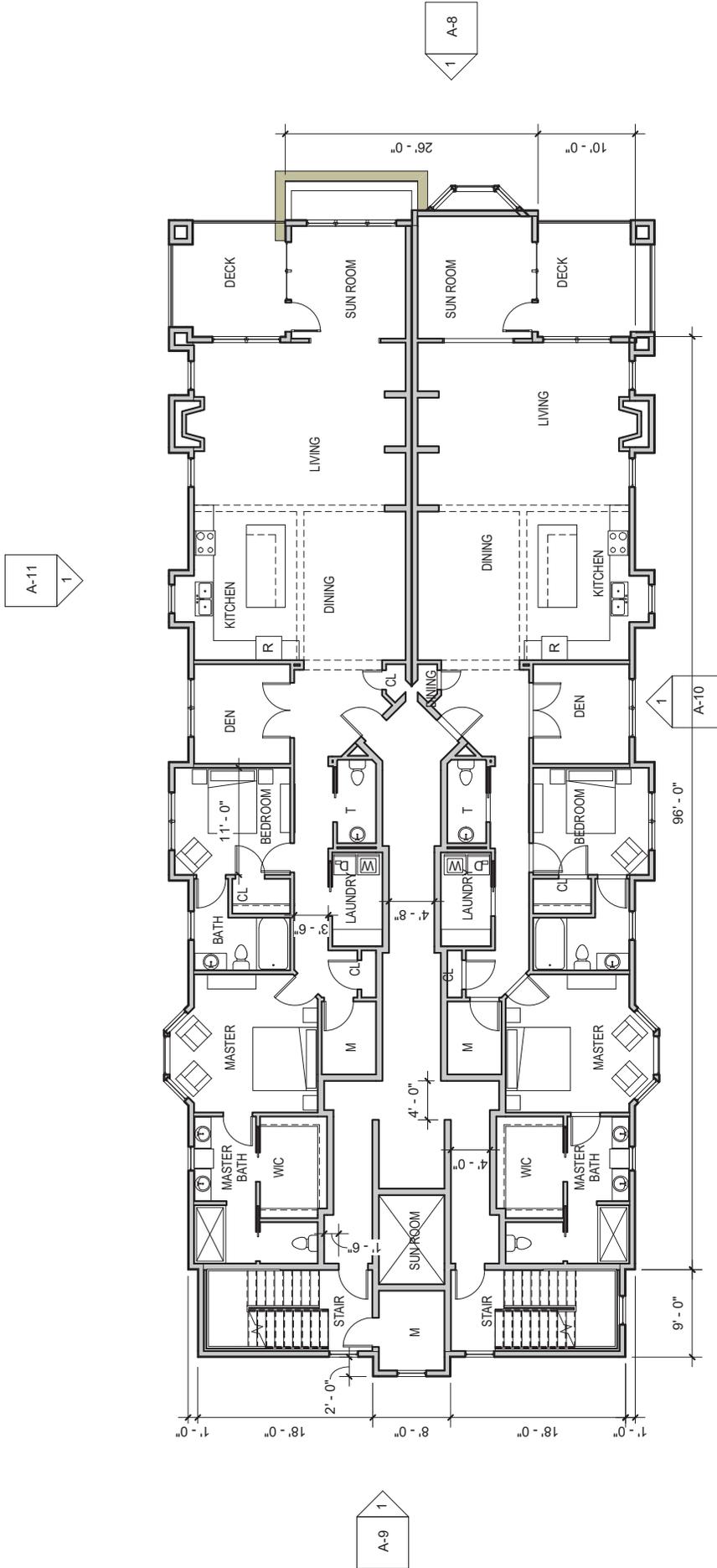


1 LOWER LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"

28 JUL 2016

WHITTEN ASSOCIATES, INC. BEACON FIVE, WAYZATA, MN RON CLARK CONSTRUCTION

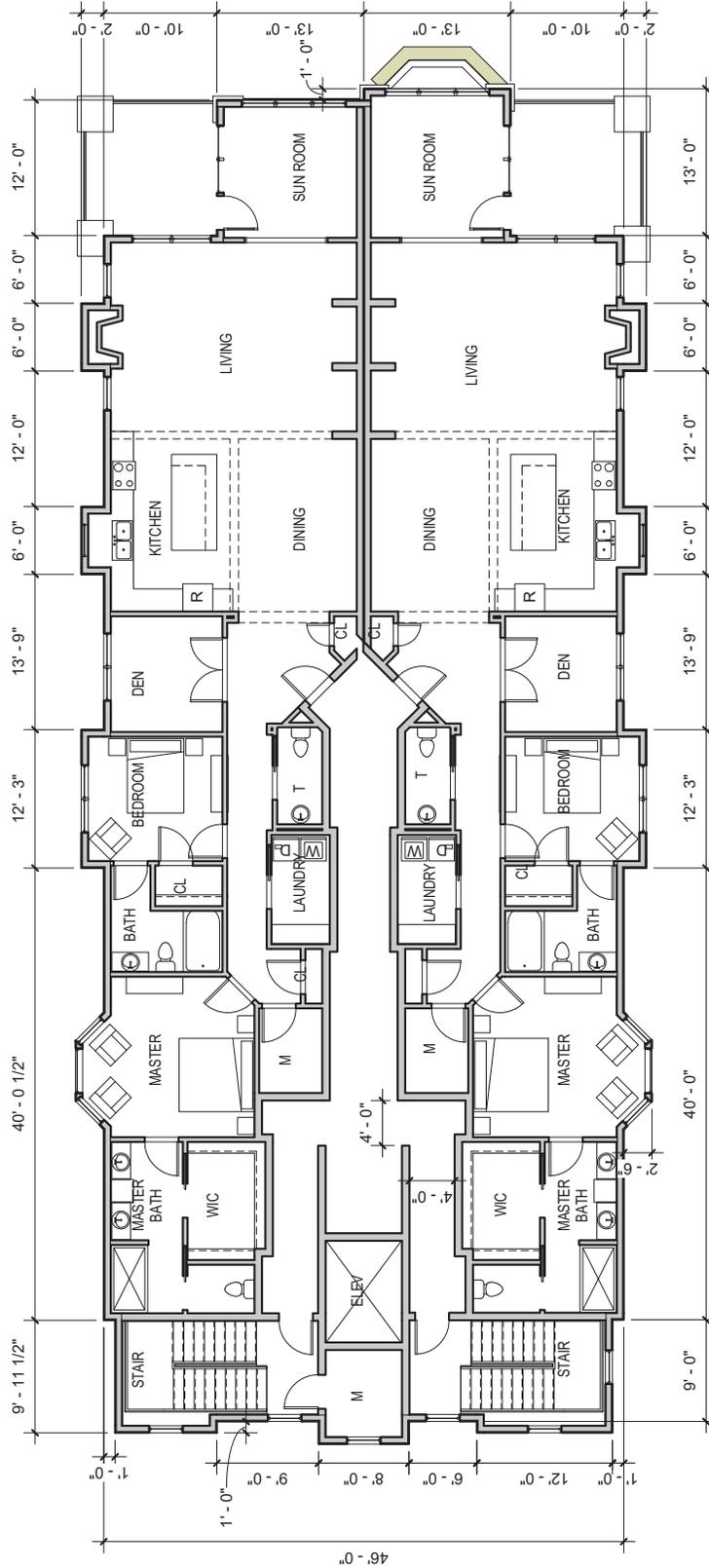


1 SECOND LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"

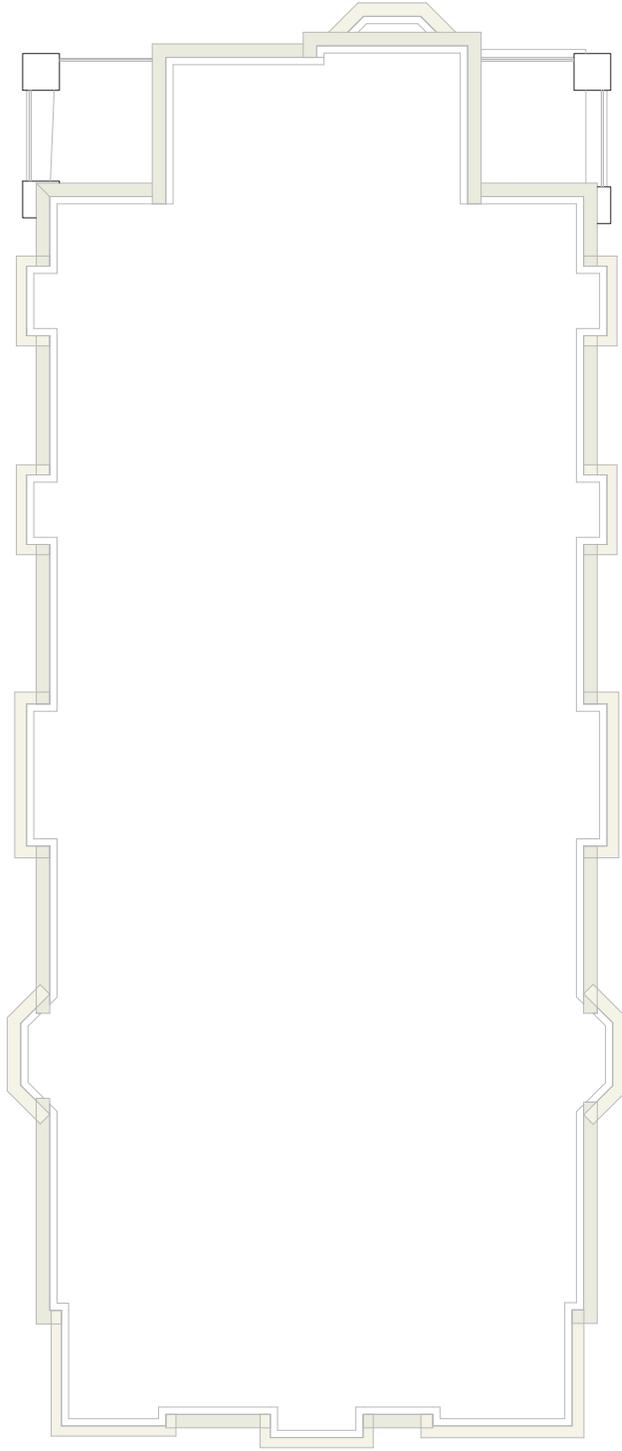
28 JUL 2016

WHITTEN ASSOCIATES, INC. BEACON FIVE, WAYZATA, MN RON CLARK CONSTRUCTION



1 THIRD LEVEL FLOOR PLAN

scale: 3/32" = 1'-0"



1 ROOF LEVEL

scale: 3/32" = 1'-0"



MATERIAL CALCULATIONS

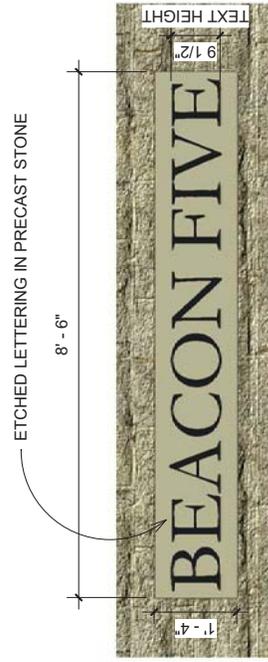
STUCCO	9%
STONE	19%
PRECAST	15%
BRICK	37%
CEMENT BOARD	19%
MAIN LEVEL WINDOWS/DOORS	43%
MAIN LEVEL & GARAGE LEVEL WINDOWS/DOORS	32%

1 SOUTH ELEVATION

scale: 1/8" = 1'-0"

2 SIGNAGE DETAIL

scale: 1/2" = 1'-0"



MATERIAL CALCULATIONS	
STUCCO	10%
PRECAST	8%
BRICK	49%
CEMENT BOARD	32%



1 NORTH ELEVATION

scale: 1/8" = 1'-0"

MATERIAL CALCULATIONS
 STUCCO 14%
 STONE 16%
 PRECAST 8%
 BRICK 33%
 CEMENT BOARD 28%



1 WEST ELEVATION

scale: 1/8" = 1'-0"

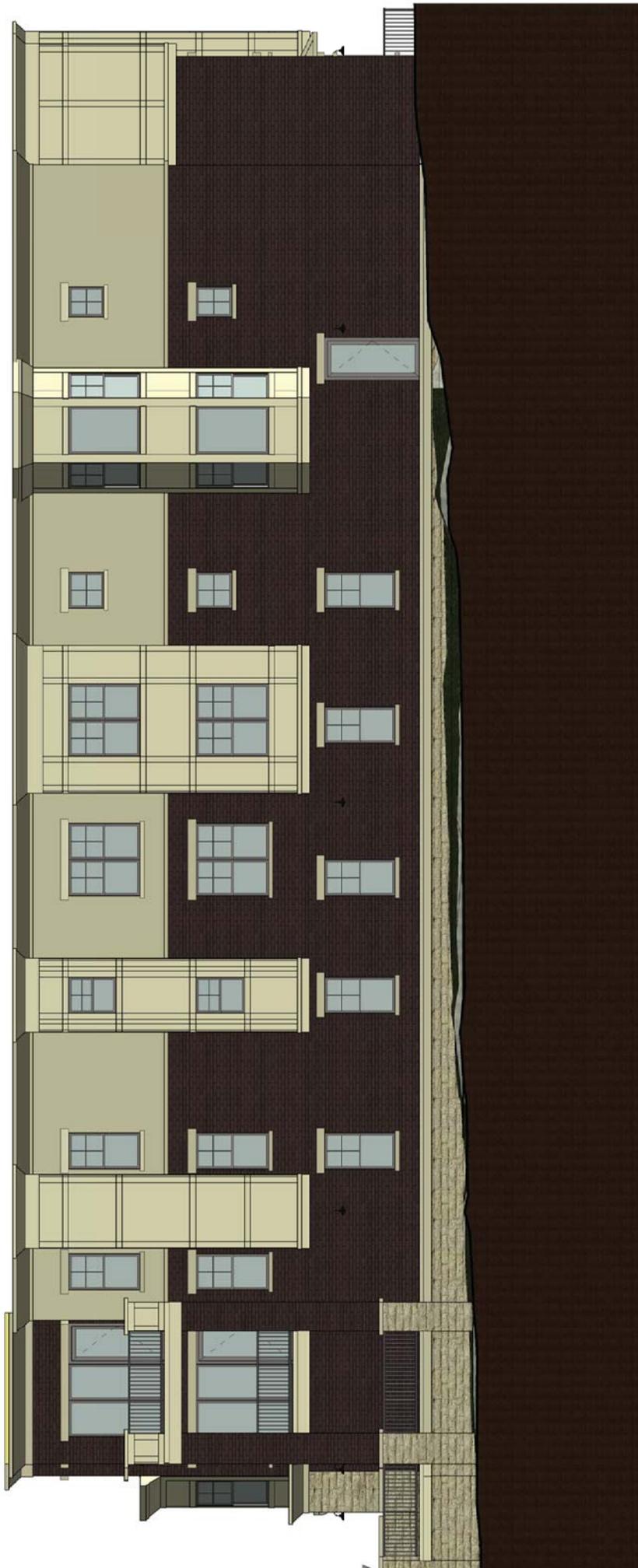
25 AUG 2016

WHITTEN ASSOCIATES, INC.

BEACON FIVE, WAYZATA, MN

RON CLARK CONSTRUCTION

MATERIAL CALCULATIONS
 STUCCO 16%
 STONE 6%
 PRECAST 8%
 BRICK 46%
 CEMENT BOARD 24%





1 3D VIEW 1

scale: _____

28 JUL 2016

WHITTEN ASSOCIATES, INC.

BEACON FIVE, WAYZATA, MN

RON CLARK CONSTRUCTION



1 3D VIEW 2

scale:



1 3D View 3

scale:

28 JUL 2016

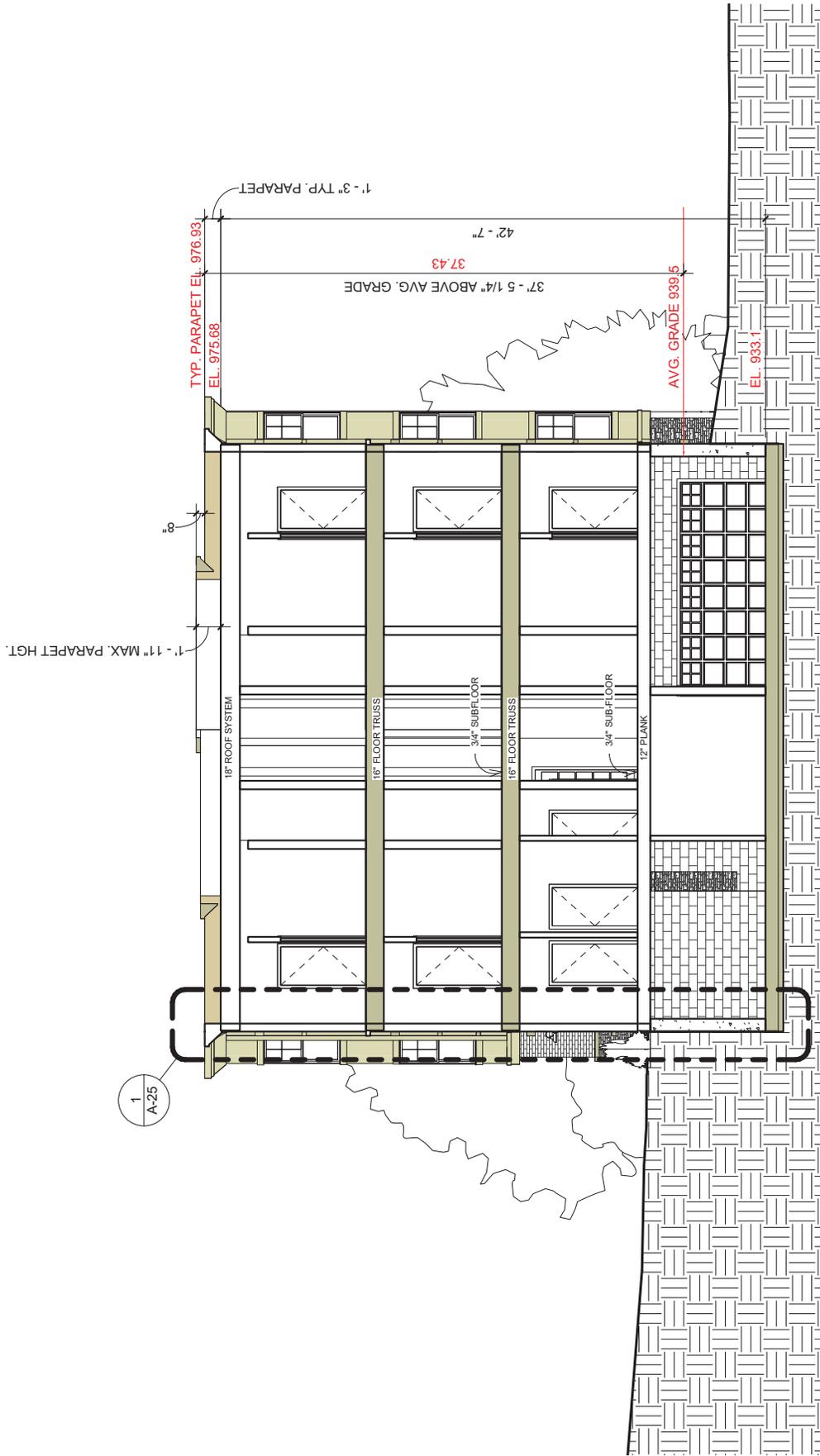
RON CLARK CONSTRUCTION

BEACON FIVE, WAYZATA, MN

WHITTEN ASSOCIATES, INC.



1 3D View 4
scale:



1 Section 1
 scale: 1/8" = 1'-0"

BEACON FIVE
 EXTERIOR MATERIAL PERCENTAGE CALCULATIONS

SOUTH

glass	stone	precast	brick	cement bd stucco	total
684.11	281.09	225.95	541.85	285.15	1468.79
	19%	15%	37%	19%	9%
					100%

first level including garage level

glass	total	
263.74	819.37	32%

first level

glass	total	
229.49	534.27	43%

EAST

glass	stone	precast	brick	cement bd stucco	total
650.4	219.27	297.24	1738.23	905.62	3744.76
	6%	8%	46%	24%	16%
					100%

NORTH

glass	roofing	precast	brick	cement bd stucco	total
282.82	6.66	113.35	702.26	459.78	1429.38
	0%	8%	49%	32%	10%
					100%

WEST

glass	stone	precast	brick	cement bd stucco	total
917.57	655.35	327.75	1330.8	1149.03	4044.82
	16%	8%	33%	28%	14%
					100%



Seaside Collection
Seaside 1 Light Outdoor Wall Lantern in Black
 9022BK (Black (Painted))

Product Description:

With an aura that is as pure as a sea breeze, the Seaside Collection offers the homeowner a unique line of outdoor fixtures guaranteed to bring a new identity to your home's landscape. For this 1-light Seaside Wall Lantern, aluminum with stainless steel is combined with Kichler's Black finish, resulting in a high quality fit that will look fantastic for years to come. The fixture houses a 100-watt (max) bulb that provides outstanding outdoor illumination for your landscape. It is 12" high, is U.L. listed for wet location, and is Dark Skies compliant.

Available Finishes

- Black (Painted)
- Brushed Nickel
- Olde Brick
- Olde Bronze
- White

Project
Type
Ordering #
Comments

Technical Information

Lamp Included:	Not Included
Lead Wire Length:	6"
Extension:	9
Safety Rated:	Wet
HCWO:	6
Base Backplate:	4.75 X .75
Dual Mount:	No
Dark Sky:	Yes
Patent:	D383239
Light Source:	Incandescent
Socket Base:	Medium
Number of Bulbs:	1
Lamp Type:	A
Max Watt:	100W
Width:	8"
Height:	12"
Overall Height:	"
Collection:	Seaside Collection
Finish:	Black (Painted)

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.

DAVID NASH, PE License No. 21805

DATE: 7/27/16

ISSUE: 01

C-2



LEGEND:

- DEVELOPMENT BOUNDARY LINE
- - - RIGHT-OF-WAY
- LOT LINE
- - - EASEMENT LINE
- - - SETBACK LINE

SITE PLAN DATA:

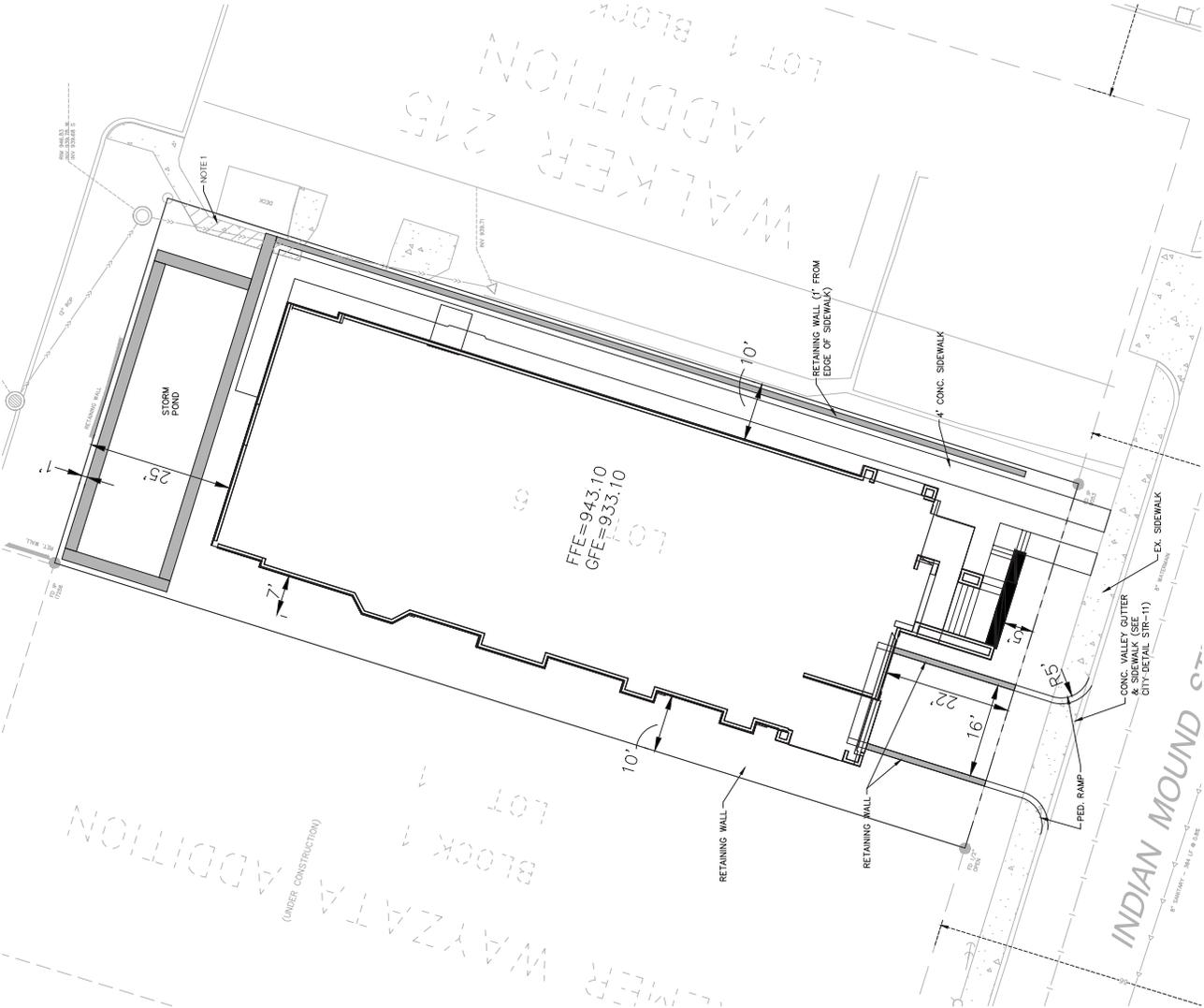
GROSS AREA = 10,897 SF
AREA OF BUILDING = 5,445 SF
% OF COVERAGE = 50 %

IMPERVIOUS AREA CALCULATION:

IMPERVIOUS AREA = 7,279 SF
% IMPERVIOUS = 66.8 %

NOTES:

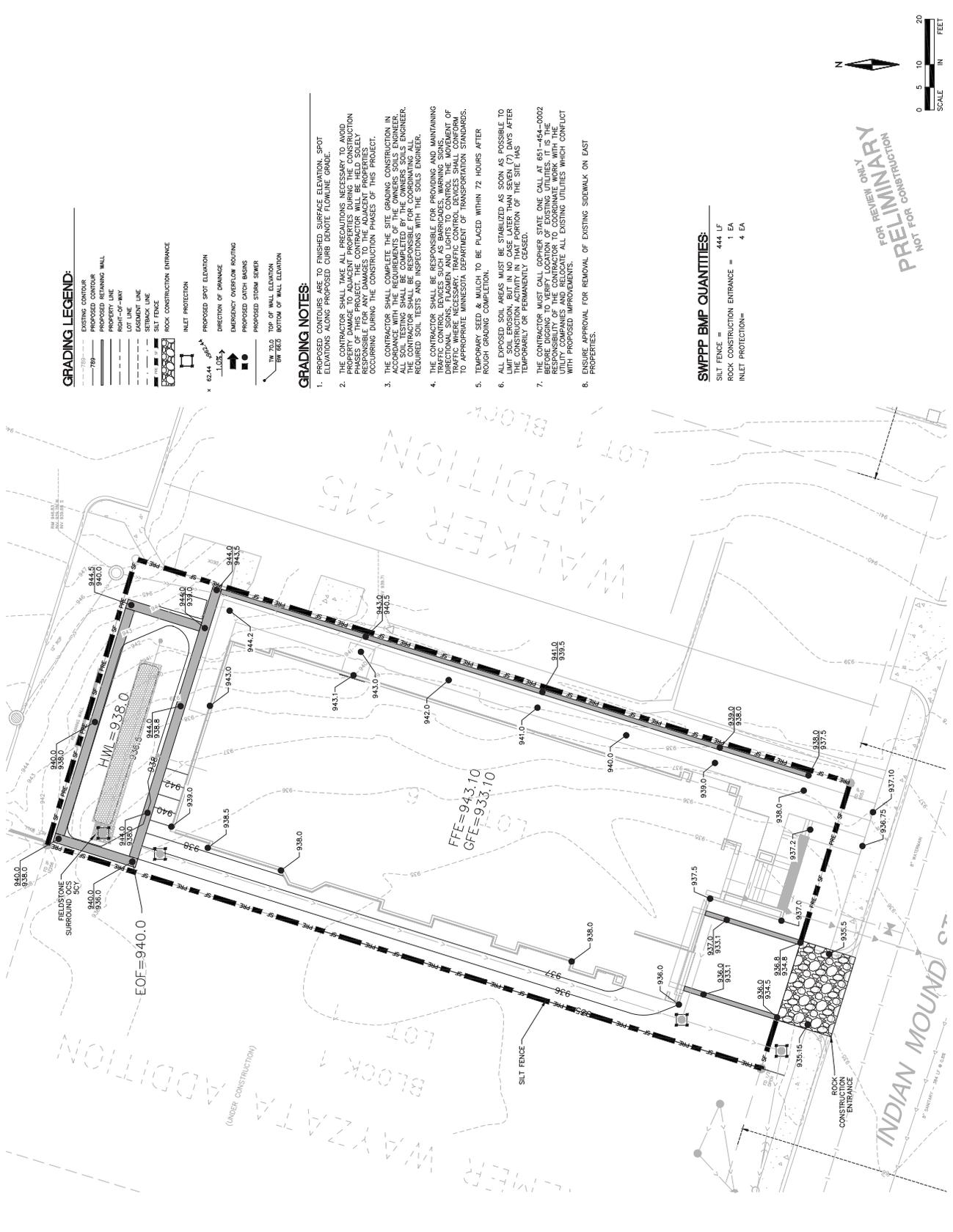
1. REMOVE EXISTING SIDEWALK ON PROPERTY. COORDINATE REMOVAL WITH ADJACENT PROPERTY OWNER.



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.

NAME	DAVID WASH, PE
License No.	11104
QUALITY ASSURANCE CONTROL	
BY	DATE
ISSUE	DATE
7/21/16	08/19/2016
PROJECT TEAM DATA	
DESIGNED:	DM
DRAWN:	MS
PROJECT NO.:	150525

C-3



GRADING LEGEND:

- - - - - EXISTING CONTOUR
- — — — PROPOSED CONTOUR
- — — — PROPERTY LINE
- — — — RIGHT-OF-WAY
- — — — LOT LINE
- — — — SETBACK LINE
- — — — SILT FENCE
- — — — ROCK CONSTRUCTION ENTRANCE
- INLET PROTECTION
- PROPOSED SPOT ELEVATION
- DIRECTION OF DRAINAGE
- EMERGENCY OVERFLOW ROUTING
- PROPOSED CATCH BASIN
- PROPOSED STORM SEWER
- — — — TIN 70.0 TOP OF WALL ELEVATION
- — — — TIN 70.0 BOTTOM OF WALL ELEVATION

GRADING NOTES:

1. PROPOSED CONTOURS ARE TO FINISH SURFACE ELEVATION. SPOT ELEVATIONS ALONG PROPOSED CURB DENOTE FLOWLINE GRADE.
2. THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID DAMAGE TO ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
3. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION IN ACCORDANCE WITH THE PROPOSED GRADING PLAN. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC THROUGH THE CONSTRUCTION SITE. THE CONTRACTOR SHALL CONTACT APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS, TRAFFIC SIGNS & SIGNALS TO BE PLACED WITHIN 72 HOURS AFTER ROUGH GRADING COMPLETION.
5. ALL EXPOSED SOIL AREAS MUST BE STABILIZED AS SOON AS POSSIBLE TO LIMIT SOIL EROSION, BUT IN NO CASE LATER THAN SEVEN (7) DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.
6. THE CONTRACTOR MUST CALL Gopher State One Call at 651-454-0002 TO LOCATE ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WORK WITH THE UTILITY COMPANIES AND RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS.
7. ENSURE APPROVAL FOR REMOVAL OF EXISTING SIDEWALK ON EAST PROPERTIES.

SWPPP BMP QUANTITIES:

- SILT FENCE = 444 LF
- ROCK CONSTRUCTION ENTRANCE = 1 EA
- INLET PROTECTION = 4 EA



FOR REVIEW ONLY
PRELIMINARY
NOT FOR CONSTRUCTION

Northwood Red Maple

Acer rubrum 'Northwood'



Acer rubrum 'Northwood' in fall

Height: 50 feet
Spread: 40 feet
Sunlight: ☉
Hardiness Zone: 3

Other Names: Swamp Maple, Scarlet Maple

Description:

A very hardy selection of the popular red maple from northern Minnesota, this shapely shade tree features brilliant red fall color and showy red flowers along the branches in early spring; intolerant of alkaline soils

Ornamental Features:

Northwood Red Maple has green foliage which emerges red in spring. The lobed leaves turn an outstanding red in the fall. It features showy red flowers along the branches in early spring before the leaves. It produces red samaras in late spring. The furrowed silver bark and brick red branches add an interesting dimension to the landscape.

Landscape Attributes:

Northwood Red Maple is a deciduous tree with a shapely oval form. Its average texture blends into the landscape, but can be balanced by one or two finer or coarser trees or shrubs for an effective composition.

This is a relatively low maintenance tree, and should only be pruned in summer after the leaves have fully developed, as it may 'bleed' sap if pruned in late winter or early spring. It has no significant negative characteristics.

Northwood Red Maple is recommended for the following landscape applications;

- Shade / Accent

Plant Characteristics:

Northwood Red Maple will grow to be about 50 feet tall at maturity, with a spread of 40 feet. It has a high canopy with a typical clearance of 7 feet from the ground, and should not be planted underneath power lines. It grows at a medium rate, and under ideal conditions can be expected to live for 80 years or more.

This tree should only be grown in full sunlight. It is quite adaptable, preferring to grow in average to wet conditions, and will even tolerate some standing water. It is not particular as to soil type, but has a definite preference for acidic soils, and is subject to chlorosis (yellowing) of the leaves in alkaline soils. It is somewhat tolerant of urban pollution. This is a selection of a native North American species.

Prairie Cascade Weeping Willow

Salix 'Prairie Cascade'

Add To My Plant List

 Print



Salix 'Prairie Cascade'

Height: 35 feet

Spread: 35 feet

Sunlight: 

Hardiness Zone: 3

Other Names: Weeping Willow

Description:

A beautiful and hardy specimen tree featuring arching golden branches that weep with age, particularly showy in winter; needs plenty of open space to grow; tends to shed branchlets, root system can be aggressive, do not plant too close to homes

Ornamental Features:

Prairie Cascade Weeping Willow has forest green foliage throughout the season. The glossy narrow leaves turn yellow in fall. Neither the flowers nor the fruit are ornamentally significant. The furrowed brown bark and yellow branches are extremely showy and add significant winter interest.

Landscape Attributes:

Prairie Cascade Weeping Willow is a dense deciduous tree with a rounded form and gracefully weeping branches. Its relatively fine texture sets it apart from other landscape plants with less refined foliage.

This is a high maintenance tree that will require regular care and upkeep, and is best pruned in late winter once the threat of extreme cold has passed. Gardeners should be aware of the following characteristic(s) that may warrant special consideration;

- Messy / Invasive

Prairie Cascade Weeping Willow is recommended for the following landscape applications;

- Accent / Shade

Plant Characteristics:

Prairie Cascade Weeping Willow will grow to be about 35 feet tall at maturity, with a spread of 35 feet. It has a low canopy with a typical clearance of 1 feet from the ground, and should not be planted underneath power lines. It grows at a fast rate, and under ideal conditions can be expected to live for 40 years or more.

This tree should only be grown in full sunlight. It is quite adaptable, preferring to grow in average to wet conditions, and will even tolerate some standing water. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This particular variety is an interspecific hybrid.

Columnar White Pine

Pinus strobus 'Fastigiata'



Pinus strobus 'Fastigiata'

Height: 40 feet

Spread: 15 feet

Sunlight: ☉

Hardiness Zone: 3

Other Names: Eastern White Pine

Description:

A highly attractive narrowly columnar tree with silky smooth long needles which give a fuzzy appearance from a distance; can windburn in exposed locations, best grown in some shelter, but needs full sun; one of the best pine trees for smaller landscapes

Ornamental Features:

Columnar White Pine has green foliage. The needles remain green through the winter. Neither the flowers nor the fruit are ornamentally significant. The furrowed gray bark adds an interesting dimension to the landscape.

Landscape Attributes:

Columnar White Pine is an evergreen tree with a strong central leader and a narrowly upright and columnar growth habit. Its relatively fine texture sets it apart from other landscape plants with less refined foliage.

This tree will require occasional maintenance and upkeep. When pruning is necessary, it is recommended to only trim back the new growth of the current season, other than to remove any dieback. Gardeners should be aware of the following characteristic(s) that may warrant special consideration;

- Insects / Disease

Columnar White Pine is recommended for the following landscape applications;

- Accent / Shade / Vertical Accent

Plant Characteristics:

Columnar White Pine will grow to be about 40 feet tall at maturity, with a spread of 15 feet. It has a low canopy with a typical clearance of 3 feet from the ground, and is suitable for planting under power lines. It grows at a fast rate, and under ideal conditions can be expected to live to a ripe old age of 100 years or more; think of this as a heritage tree for future generations!

This tree should only be grown in full sunlight. It is very adaptable to both dry and moist growing conditions, but will not tolerate any standing water. It is not particular as to soil type, but has a definite preference for acidic soils, and is subject to chlorosis (yellowing) of the leaves in alkaline soils. It is quite intolerant of urban pollution, therefore inner city or urban streetside plantings are best avoided, and will benefit from being planted in a relatively sheltered location. This is a selection of a native North American species.

Red Baron Flowering Crab

Malus 'Red Baron'



Malus 'Red Baron' flowers

Height: 15 feet

Spread: 6 feet

Sunlight: ☉

Hardiness Zone: 4

Other Names: Red Barron, Roseybloom

Description:

A beautiful accent tree covered in abundant deep red flowers in spring followed by persistent deep red fruit in fall, distinctive narrowly upright form ideal for smaller landscapes; needs well-drained soil and full sun

Ornamental Features:

Red Baron Flowering Crab is draped in stunning clusters of fragrant red flowers along the branches in mid spring, which emerge from distinctive dark red flower buds before the leaves. It has dark green foliage which emerges coppery-bronze in spring. The pointy leaves turn an outstanding orange in the fall. The fruits are showy dark red pomes carried in abundance from early to late fall. The rough brown bark is not particularly outstanding.

Landscape Attributes:

Red Baron Flowering Crab is a deciduous tree with a narrowly upright and columnar growth habit. Its average texture blends into the landscape, but can be balanced by one or two finer or coarser trees or shrubs for an effective composition.

This is a high maintenance tree that will require regular care and upkeep, and is best pruned in late winter once the threat of extreme cold has passed. It is a good choice for attracting birds to your yard. Gardeners should be aware of the following characteristic(s) that may warrant special consideration;

- Disease

Red Baron Flowering Crab is recommended for the following landscape applications;

- Accent / Vertical Accent

Plant Characteristics:

Red Baron Flowering Crab will grow to be about 15 feet tall at maturity, with a spread of 6 feet. It has a low canopy with a typical clearance of 2 feet from the ground, and is suitable for planting under power lines. It grows at a medium rate, and under ideal conditions can be expected to live for 50 years or more.

This tree should only be grown in full sunlight. It prefers to grow in average to moist conditions, and shouldn't be allowed to dry out. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This particular variety is an interspecific hybrid.

Ivory Halo Dogwood

Cornus alba 'Ivory Halo'



Cornus alba 'Ivory Halo'

Height: 6 feet
Spread: 5 feet
Sunlight: ☉ ☐
Hardiness Zone: 3

Other Names: *Cornus alba 'Bailhalo'* (PP8722)

Description:

A compact and very hardy shrub, well suited for color contrast in many garden applications; features very showy white-variegated foliage and brilliant red stems which show up well against the winter snow

Ornamental Features:

Ivory Halo Dogwood has attractive white-variegated green foliage throughout the season. The pointy leaves are ornamentally significant but do not develop any appreciable fall color. It has clusters of creamy white flowers at the ends of the branches in late spring. It produces white berries in mid summer. The red branches are extremely showy and add significant winter interest.

Landscape Attributes:

Ivory Halo Dogwood is a multi-stemmed deciduous shrub with a more or less rounded form. Its average texture blends into the landscape, but can be balanced by one or two finer or coarser trees or shrubs for an effective composition.

This is a relatively low maintenance shrub, and can be pruned at anytime. It has no significant negative characteristics.

Ivory Halo Dogwood is recommended for the following landscape applications;

- Accent / Mass Planting / Hedges/Screening / General Garden Use

Plant Characteristics:

Ivory Halo Dogwood will grow to be about 6 feet tall at maturity, with a spread of 5 feet. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front, and is suitable for planting under power lines. It grows at a fast rate, and under ideal conditions can be expected to live for approximately 20 years.

This shrub does best in full sun to partial shade. It is an amazingly adaptable plant, tolerating both dry conditions and even some standing water. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This is a selected variety of a species not originally from North America.

Spirea Alpine

Spiraea japonica 'var. alpina'



Spiraea japonica var. Alpina flowers

Height: 12 inches

Spread: 30 inches

Sunlight: 

Hardiness Zone: 4

Other Names: Spirea Daphne

Description:

A versatile garden detail shrub with showy flat-topped clusters of pink flowers in early summer and tiny fine-textured foliage; forms a dense, compact mound, beautiful used in masses or as a groundcover; needs full sun and well-drained soil

Ornamental Features:

Spirea Alpine is bathed in stunning clusters of pink flowers at the ends of the branches from late spring to early summer. It has bluish-green foliage throughout the season. The tiny serrated pointy leaves turn an outstanding coppery-bronze in the fall. The fruit is not ornamentally significant.

Landscape Attributes:

Spirea Alpine is a multi-stemmed deciduous shrub with a more or less rounded form. It lends an extremely fine and delicate texture to the landscape composition which should be used to full effect.

This shrub will require occasional maintenance and upkeep, and is best pruned in late winter once the threat of extreme cold has passed. It is a good choice for attracting butterflies to your yard, but is not particularly attractive to deer who tend to leave it alone in favor of tastier treats. It has no significant negative characteristics.

Spirea Alpine is recommended for the following landscape applications;

- Mass Planting / Rock/Alpine Gardens / Border Edging / General Garden Use / Groundcover

Plant Characteristics:

Spirea Alpine will grow to be about 12 inches tall at maturity, with a spread of 30 inches. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front. It grows at a fast rate, and under ideal conditions can be expected to live for approximately 20 years.

This shrub should only be grown in full sunlight. It prefers to grow in average to moist conditions, and shouldn't be allowed to dry out. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This is a selected variety of a species not originally from North America.

Incrediball Hydrangea

Hydrangea arborescens 'Abetwo'



Hydrangea arborescens 'Incrediball' flower

Height: 5 feet

Spread: 5 feet

Sunlight: ☉ ☌

Hardiness Zone: 3

Description:

An exciting new introduction to the world of hydrangeas, this shrub produces huge, basketball size flowers; best if treated like a perennial and pruned to a few inches from the ground in spring because it blooms on new growth

Ornamental Features:

Incrediball Hydrangea features bold balls of white flowers at the ends of the branches from mid to late summer. The flowers are excellent for cutting. It has dark green foliage throughout the season. The heart-shaped leaves do not develop any appreciable fall color. The fruit is not ornamentally significant. The smooth green bark is not particularly outstanding.

Landscape Attributes:

Incrediball Hydrangea is a multi-stemmed deciduous shrub with a more or less rounded form. Its strikingly bold and coarse texture can be very effective in a balanced landscape composition.

This shrub will require occasional maintenance and upkeep, and is best pruned in late winter once the threat of extreme cold has passed. It has no significant negative characteristics.

Incrediball Hydrangea is recommended for the following landscape applications;

- General Garden Use / Mass Planting / Naturalizing And Woodland Gardens

Plant Characteristics:

Incrediball Hydrangea will grow to be about 5 feet tall at maturity, with a spread of 5 feet. It tends to be a little leggy, with a typical clearance of 1 feet from the ground, and is suitable for planting under power lines. It grows at a fast rate, and under ideal conditions can be expected to live for approximately 20 years.

This shrub does best in full sun to partial shade. It prefers to grow in average to moist conditions, and shouldn't be allowed to dry out. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments. Consider applying a thick mulch around the root zone in winter to protect it in exposed locations or colder zones.

This is a selection of a native North American species.

Spartan Juniper

Juniperus chinensis 'Spartan'



Juniperus chinensis 'Spartan'

Height: 15 feet

Spread: 7 feet

Sunlight: ☉

Hardiness Zone: 4

Description:

A tall evergreen shrub with a narrow pyramidal habit of growth; sharp needle-like deep green foliage and interesting blue berries, great for articulation in the home landscape, makes a wonderful tall screen or hedge planted in rows; best in full sun

Ornamental Features:

Spartan Juniper has emerald green foliage. The scale-like leaves remain emerald green through the winter. The flowers are not ornamentally significant. It produces powder blue berries from late spring right through to late winter. The rough gray bark is not particularly outstanding.

Landscape Attributes:

Spartan Juniper is a multi-stemmed evergreen tree with a narrowly upright and columnar growth habit. It lends an extremely fine and delicate texture to the landscape composition which can make it a great accent feature on this basis alone.

This is a high maintenance tree that will require regular care and upkeep, and is best pruned in late winter once the threat of extreme cold has passed. Deer don't particularly care for this plant and will usually leave it alone in favor of tastier treats. It has no significant negative characteristics.

Spartan Juniper is recommended for the following landscape applications;

- Accent / Vertical Accent / Hedges/Screening / General Garden Use

Plant Characteristics:

Spartan Juniper will grow to be about 15 feet tall at maturity, with a spread of 7 feet. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front, and is suitable for planting under power lines. It grows at a slow rate, and under ideal conditions can be expected to live for approximately 30 years.

This tree should only be grown in full sunlight. It is very adaptable to both dry and moist growing conditions, but will not tolerate any standing water. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This is a selected variety of a species not originally from North America.

King's Gold Chamaecyparis

Chamaecyparis pisifera 'King's Gold'



Height: 5

feet

Spread: 5 feet

Sunlight: ☉ ☐

Hardiness Zone: 3

Other Names: Japanese Falsecypress, Sawara Falsecypress

Description:

One of the most golden accent shrubs available, this forms a wide-spreading mound with delicate sprays of golden foliage that hold their color throughout the summer, even remaining yellow into the winter; a fine choice for constant color in the garden

Ornamental Features:

King's Gold Chamaecyparis has attractive gold foliage. The threadlike leaves are ornamentally significant and turn yellow in fall. Neither the flowers nor the fruit are ornamentally significant. The bark is not particularly outstanding.

Landscape Attributes:

King's Gold Chamaecyparis is a multi-stemmed evergreen shrub with a mounded form. It lends an extremely fine and delicate texture to the landscape composition which can make it a great accent feature on this basis alone.

This is a high maintenance shrub that will require regular care and upkeep. When pruning is necessary, it is recommended to only trim back the new growth of the current season, other than to remove any dieback. It has no significant negative characteristics.

King's Gold Chamaecyparis is recommended for the following landscape applications:

- Accent / Vertical Accent / Hedges/Screening / Rock/Alpine Gardens / General Garden Use / Container Planting

Plant Characteristics:

King's Gold Chamaecyparis will grow to be about 5 feet tall at maturity, with a spread of 5 feet. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front, and is suitable for planting under power lines. It grows at a slow rate, and under ideal conditions can be expected to live for 50 years or more.

This shrub does best in full sun to partial shade. It prefers to grow in average to moist conditions, and shouldn't be allowed to dry out. It is not particular as to soil type, but has a definite preference for acidic soils. It is highly tolerant of urban pollution and will even thrive in inner city environments. Consider applying a thick mulch around the root zone in winter to protect it in exposed locations or colder zones.

This is a selected variety of a species not originally from North America.

Karl Foerster Feather Reed Grass

Calamagrostis x acutiflora 'Karl Foerster'



Calamagrostis x acutiflora 'Karl Foerster'

Height: 5 feet

Spread: 32 inches

Sunlight: ☉ ☿

Hardiness Zone: 3

Other Names: Feather Reed Grass

Ornamental Features:

Karl Foerster Feather Reed Grass's grassy leaves are green in color. The foliage often turns tan in fall. It features bold plumes of rose flowers rising above the foliage in mid summer. The tan seed heads are carried on showy plumes displayed in abundance from late summer right through to late winter. The gold stems can be quite attractive.

Landscape Attributes:

Karl Foerster Feather Reed Grass is an herbaceous ornamental grass with a rigidly upright and towering form. It brings an extremely fine and delicate texture to the garden composition and should be used to full effect.

This ornamental grass will require occasional maintenance and upkeep, and is best cut back to the ground in late winter before active growth resumes. It has no significant negative characteristics.

Karl Foerster Feather Reed Grass is recommended for the following landscape applications:

- Vertical Accent Mass Planting / General Garden Use / Groundcover
- Naturalizing And Woodland Gardens / Container Planting

Plant Characteristics:

Karl Foerster Feather Reed Grass will grow to be about 4 feet tall at maturity, with a spread of 32 inches. It tends to be leggy, with a typical clearance of 1 feet from the ground, and should be underplanted with lower-growing perennials. It grows at a medium rate, and under ideal conditions can be expected to live for approximately 10 years.

This ornamental grass does best in full sun to partial shade. It is very adaptable to both dry and moist locations, and should do just fine under typical garden conditions. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments. This plant can be propagated by division.

This particular variety is an interspecific hybrid.

Autumn Joy Sedum

Sedum 'Autumn Joy'



Sedum 'Autumn Joy' in bloom

Height: 24 inches
Spread: 24 inches
Sunlight: ☉ ☐
Hardiness Zone: 3

Other Names: Autumn Stonecrop, Showy Stonecrop

Description:

A highly desirable and popular groundcover, forming a dense mound completely covered in broccoli-like salmon-pink flowers which fade to red in early fall, succulent dusty-green foliage is prominent the rest of the season; needs a dry and sunny location

Ornamental Features:

Autumn Joy Sedum features beautiful clusters of pink flowers at the ends of the stems from late summer to late fall, which emerge from distinctive coral-pink flower buds, and which are most effective when planted in groupings. The flowers are excellent for cutting. It's large succulent round leaves remain grayish green in color throughout the season. The fruit is not ornamentally significant.

Landscape Attributes:

Autumn Joy Sedum is a dense herbaceous perennial with an upright spreading habit of growth. Its relatively coarse texture can be used to stand it apart from other garden plants with finer foliage.

This is a high maintenance perennial that will require regular care and upkeep, and is best cleaned up in early spring before it resumes active growth for the season. It is a good choice for attracting bees and butterflies to your yard, but is not particularly attractive to deer who tend to leave it alone in favor of tastier treats. It has no significant negative characteristics.

Autumn Joy Sedum is recommended for the following landscape applications;

- Mass Planting / Border Edging / General Garden Use / Groundcover / Container Planting

Plant Characteristics:

Autumn Joy Sedum will grow to be about 20 inches tall at maturity, with a spread of 24 inches. It grows at a fast rate, and under ideal conditions can be expected to live for approximately 15 years.

This perennial does best in full sun to partial shade. It is very adaptable to both dry and moist growing conditions, but will not tolerate any standing water. It is not particular as to soil pH, but grows best in poor soils, and is able to handle environmental salt. It is highly tolerant of urban pollution and will even thrive in inner city environments. This plant can be propagated by division.

This particular variety is an interspecific hybrid.

Stella Supreme Daylily

Hemerocallis 'Stella Supreme'



Height: 18 inches
Spread: 18 inches
Sunlight: ☉ ☿
Hardiness Zone: 2

Description:

Reblooming pale-yellow trumpet with yellow halo and green throat; sturdy, strong, easy to care for, great grassy texture and form; good for the beginner gardener and the pro

Ornamental Features:

Stella Supreme Daylily features bold lightly-scented buttery yellow trumpet-shaped flowers with yellow throats at the ends of the stems in early summer. The flowers are excellent for cutting. It's grassy leaves remain green in color throughout the season. The fruit is not ornamentally significant.

Landscape Attributes:

Stella Supreme Daylily is an herbaceous perennial with a shapely form and gracefully arching foliage. Its relatively fine texture sets it apart from other garden plants with less refined foliage.

This perennial will require occasional maintenance and upkeep, and is best cleaned up in early spring before it resumes active growth for the season. It is a good choice for attracting butterflies to your yard. It has no significant negative characteristics.

Stella Supreme Daylily is recommended for the following landscape applications:

- Mass Planting / General Garden Use / Groundcover

Plant Characteristics:

Stella Supreme Daylily will grow to be about 18 inches tall at maturity, with a spread of 18 inches. Its foliage tends to remain dense right to the ground, not requiring facer plants in front. It grows at a medium rate, and under ideal conditions can be expected to live for approximately 10 years.

This perennial does best in full sun to partial shade. It is very adaptable to both dry and moist locations, and should do just fine under typical garden conditions. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments. This plant can be propagated by division.

This particular variety is an interspecific hybrid.

**529 Indian Mound E. – Beacon V
Design Critique
August 9, 2016 – REVISED August 26 per Applicant comments**

			Comments	Compliance
Building Recesses				
<p><u>801.09.3.1.A – All Districts</u> Building facades shall be articulated through the use of pilasters and/or recesses that create visible shadow lines and dimensions especially on the street level</p>			The proposed building utilizes bayed windows to create shadow lines and break up the façade.	Yes.
<p>801.09.3.1.B Street level landscaped courtyards, outdoor seating areas and gathering areas shall be incorporated into building and site plan design.</p>			The Project proposes landscaping around the exterior of the development. The project does not propose outdoor seating or gathering areas at street level.	No; Applicant states narrowness of the lot is a limitation. Deviation requested.
Building Width				
<p>801.09.4.1 All Districts – New Buildings In order to reduce the scale of longer façades and to eliminate the long horizontal expressions of buildings, divisions or breaks in materials shall be included and at least three of the following design strategies shall be incorporated into the design:</p> <ol style="list-style-type: none"> 1. Window bays 2. Special treatment at entrances 3. Variations in roof lines or parapet detailing 4. Awnings 5. Building setbacks or articulation of the facade 6. Rhythm of elements 			The Project incorporates the following items: 1. Window bays 2. Articulations of the façade, between window bay and brick elements 3. Special treatment at the south entrance with the cornice, curved lintel and textured stone material	Yes

Upper Story Setbacks		
<p>801.09.5.1.A – All Districts – New Buildings</p> <p>Building height shall conform to the height of the applicable zoning district. Where three (3) story buildings are permitted, the third (3rd) story must be recessed from all façades fronting public right of ways at least a distance equal to the vertical distance of the 3rd story height from the second (2nd) floor footprint, or an average of ten (10) feet across the facade, but no portion of the 3rd story structure shall be closer than six (6) feet to the 2nd story façade. The 3rd story façade shall be designed with railings, pillars, dimensional windows, building recesses or other similar design techniques to break up the 3rd story façade.</p>	<p>The proposed project is a 3-story building, and the south façade fronts a public right of way. The 3rd floor design on the public façade meets neither the 10-ft average requirement nor the 6-ft minimum setback requirement.</p> <p>The 3rd floor façade design is designed with railings and recesses that break up the façade.</p>	<p>No; the 3rd floor façade requires at least a 6-ft minimum setback, or approval of a deviation will be required. Applicant states the overall stepping back of the building intended to meet intent of Design Standard. Deviation requested.</p>
<p>801.09.5.1.B – All Districts – New Buildings</p> <p>The façades fronting public right-of-ways of every two and three story building, longer than sixty (60) feet, must have a recessed second story of approximately twenty-five percent (25%) of the façade's length, setting back a minimum of six (6) feet from the face of the first floor façade. The required third floor setback must follow the frontal plane of the second story setback.</p>	<p>This section is not applicable as the Project has only a 46-foot façade fronting a public right of way.</p>	<p>Not Applicable.</p>
<p>801.09.5.1.C – All Districts – New Buildings</p> <p>Wintertime sun orientation, solar access, and views of Lake Minnetonka are significant issues within the Design Districts. Building height should not negatively and significantly impact neighboring properties.</p>	<p>The proposed building 3-story building height is 38.1 ft to the top of the highest cornice point on the roof. The building meets height and setback requirements and is unlikely to obstruct solar access for any significant portion of daylight hours.</p>	<p>Yes.</p>

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

<p>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.</p> <p>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.</p>	<p>The proposed roof material for the flat roof will be a membrane material; it is proposed to be tan in color.</p> <p>There are no sloped roof portions proposed.</p>	<p>No; roof membrane color is proposed to be tan. It should be dark in color.</p> <p>Applicant states a tan color is preferred to prolong life and warranty of the roof membrane. Deviation requested.</p>
--	--	--

<p>Screening of Rooftop Equipment</p> <p>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.</p>		
	<p>There is no rooftop mechanical equipment shown in the proposed design.</p>	<p>Yes.</p>

	Comments	Compliance
<p>Facade Transparency 801.09.8.4 – Bluff District No less than thirty-five percent (35%) of ground level public façades for buildings containing commercial or office uses shall be transparent glass.</p> <p>Applications for design approval must include façade diagrams that contain calculations of glass and solid surfaces. Calculations of façade areas for multiple story building shall be measured from grade to the floor above.</p>	<p>The ground floor of the public (south) façade of the proposed building is 42% glass surface.</p>	<p>Yes.</p>
<p>Ground Level Expression 801.09.9.1 – All Districts</p>		
<p>In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of at least three of the following elements:</p> <ol style="list-style-type: none"> 1. An intermediate cornice line 2. A difference in building materials or detailing 3. An offset in the façade 4. An awning, trellis, or loggia 5. Arcade 6. Special window lintels 7. Brick/stone corbels 	<p>The proposed multistory building contains the following elements related to distinguishing the ground floor:</p> <ol style="list-style-type: none"> 1. An intermediate cornice line at the front entrance. 2. A difference in the stone texture and material 3. Offsets in the façade at the entrance (south elevation) and the lack of window bays on the east elevation corresponding with the office and common space area. 	<p>Yes.</p>

<p>Entries</p> <p>801.09.10.1 – All Districts</p> <p>The front facade of all buildings shall be landscaped with window boxes or planters with seasonally appropriate plantings. The main entries shall face the primary street at sidewalk grade.</p>	<p>Applicant states that seasonal plantings will be added to two planters at the front entry steps as well as a planting bed along the sidewalk. The front façade of the proposed building is also landscaped with overstory trees, evergreen trees, ornamental plantings and shrubs, as well as some perennial grasses.</p> <p>The main entry faces the primary street, with a stairway connecting the entrance to the sidewalk grade.</p>	<p>Yes.</p>
--	---	-------------

<p>801.09.11.1.A – Primary Opaque Surfaces – All Districts Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials:</p> <ol style="list-style-type: none"> 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: <ol style="list-style-type: none"> a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco 	<p>The building is primarily of brick, stone, and glass with the following percentages as measured by Design Reviewer:</p> <p>North Elevation: Glass: 14.7% Brick: 41.3% (58.4% of non-glass) Stucco: 9.3% (11.0% of non-glass) Fiber Cement: 27.4% (32.3% of non-glass) <i>Total primary opaque percent: 96.8%</i> <i>Without fiber cement: 69.4%</i></p> <p>West Elevation: Glass: 21.2% Brick: 29.0% (36.9% of non-glass) Stucco: 3.8% (4.9% of non-glass) Stone: 14.6% (18.5% of non-glass) Fiber Cement: 25.6% (32.5% of non-glass) <i>Total primary opaque percent: 92.8%</i> <i>Without fiber cement: 67.2%</i></p> <p>South Elevation: Glass: 30.5% Brick: 24.9% (35.8% of non-glass) Stucco: 6.0% (8.6% of non-glass) Stone: 12.3% (17.8% of non-glass) Fiber Cement: 14.0% (20.1% of non-glass) <i>Total primary opaque percent: 82.3%</i> <i>Without fiber cement: 62.2%</i></p> <p>East Elevation: Glass: 14.2% Brick: 39.7% (46.3% of non-glass) Stucco: 12.5% (14.6% of non-glass) Stone: 5.4% (6.3% of non-glass) Fiber Cement: 21.3% (24.8% of non-glass) <i>Total primary opaque percent: 92%</i> <i>Without Fiber Cement: 70.7%</i></p>	<p>No;</p> <ol style="list-style-type: none"> 1) Fiber cement is not listed as an allowable primary façade material. 2) The south elevation contains less than 90% of its façade in primary design elements/materials <p>Applicant acknowledges that fiber cement amounts exceed the 10% accent material limitation but contends it is the appropriate material. Deviation will be required.</p> <p>Staff recommends granting this deviation and that the façade materials be approved as proposed. Fiber cement board is sufficient to be used as a primary material and, even in the amounts proposed, will produce a high quality building design. Precast stone is similarly appropriate for the building design in an amount exceeding 10% on the south façade.</p>
---	---	--

<p>801.09.11.1.A – Primary Opaque Surfaces – All Districts Other than the accent materials listed in 801.09.11.G, ninety percent (90%) of the non-glass surfaces of each elevation of the exterior building façade shall be composed of one or more of the following materials:</p> <ol style="list-style-type: none"> 1. Brick 2. Stone 3. Cast stone 4. Factory finished and certified wood, including, but not limited to: <ol style="list-style-type: none"> a. Wood shingles (cedar shingles six (6) inch maximum exposure) b. Lap-siding (six (6) inch maximum width) 5. Stucco 	<p>The building is primarily of brick, stone, and glass with the following percentages as measured by Applicant:</p> <p>North: Glass: 283 SF Precast: 113 SF (8%) – Accent Brick: 702 SF (49%) Fiber Cement: 460 SF (32%) – Accent Stucco: 147 (10%)</p> <p>West: Glass: 918 SF Precast: 328 SF (8%) – Accent Stone: 655 SF (16%) Brick: 1331 SF (33%) Fiber Cement: 1149 SF (28%) – Accent Stucco: 581 SF (14%)</p> <p>South: Glass: 684 SF Precast: 226 SF (15%) – Accent Stone: 281 SF (19%) Brick: 542 SF (37%) Fiber Cement: 285 SF (19%) – Accent Stucco: 135 SF (9%)</p> <p>East: Glass: 65 SF Precast: 297 SF (8%) – Accent Stone: 219 SF (6%) Brick: 1738 SF (46%) Fiber Cement: 905 SF (24%) – Accent Stucco: 584 SF (16%)</p>	<p>No;</p> <ol style="list-style-type: none"> 1) Fiber cement is not listed as an allowable primary façade material. 2) The south elevation contains less than 90% of its façade in primary design elements/materials <p>Applicant acknowledges that fiber cement amounts exceed the 10% accent material limitation but contends it is the appropriate material. Deviation will be required.</p> <p>Staff recommends granting this deviation and that the façade materials be approved as proposed. Fiber cement board is sufficient to be used as a primary material and, even in the amounts proposed, will produce a high quality building design. Precast stone is similarly appropriate for the building design in an amount exceeding 10% on the south façade.</p>
---	--	--

<p>801.09.11.1.B – Façade Coverage – All Districts The primary opaque surface materials of all free standing buildings must be the same on all façades of the building.</p>	<p>Brick, stone, and fiber cement are included on all four sides of both the new building. Stone used at the entrance is the exception.</p>	<p>Yes.</p>
<p>801.09.11.1.C – Type of Brick – All Districts On all façades of a free-standing building where brick is used, full course modular, Roman, Norman or other standard size brick must be used.</p>	<p>Applicant states that bricks will either be full course modular, Roman, or Norman size brick.</p>	<p>Yes.</p>

<p>801.09.11.1.D – Façade Detail – All Districts 1. Brick and/or stone façades shall be well detailed and dimensionally designed in order to avoid fractional cuts and odd pieces. All outside brick corners must be full bricks (custom if necessary), with no mitering, forming continuous vertical joints. 2. The narrow face of an exposed stone butt joint, at corners, must be a minimum dimension of two (2) inches. Mitered and quirked stone corners are also acceptable.</p>	<p>This is a condition of approval.</p>	<p>Yes.</p>
<p>801.09.11.1.E – Brick Joints – All Districts 1. The mortar for brick must be dark grey or in the color range of the brick. All joints must be concave or 'v' joint. No mortar may be used beyond the face of the brick. 2. All brick walls must be built to avoid efflorescence</p>	<p>The mortar for the brick be charcoal grey no larger than ¼" with a concave joint and will be confirmed with the building permit.</p>	<p>Yes.</p>
<p>801.09.11.1.F – Stone Joints – All Districts Stone joints shall be no larger than one-fourth (1/4) inch.</p>	<p>This is a condition of approval.</p>	<p>Yes.</p>

<p>801.09.11.1.G – Accent Materials – All Districts Only the following materials may be used for lintels, sills, cornices, bases, and decorative accent trims, and must be no more than 10 percent (10%) of the non-glass surfaces of each elevation of the exterior building façade:</p> <ol style="list-style-type: none"> 1. Stone 2. Cast stone 3. Copper (untreated) 4. Rock faced stone 5. Aluminum or painted steel structural shapes 6. Fiber cement board 7. Premium grade wood trim with mitered outside corners. Examples of premium grade wood are cedar, redwood, and fir. 8. EIFS 	<p>Accent materials on each façade:</p> <p>South accent: Fiber cement: 285 SF (19%) Precast: 226 SF (15%)</p> <p>East accent: Fiber cement: 906 SF (24%) Precast: 297 SF (8%)</p> <p>North accent: Fiber cement: 460 SF (32%) Precast: 113 SF (8%)</p> <p>West accent: Fiber cement: 1149 SF (28%) Precast: 328 SF (8%)</p>	<p>No; Fiber Cement materials exceed 10% on all facades, and precast stone exceeds 10% on the South façade. Deviation requested (recommended - see primary materials).</p>
<p>801.09.11.1.H - Parapets, Flashing, Coping – All Districts</p> <ol style="list-style-type: none"> 1. Only the following materials may be used for parapets, flashing and coping: <ol style="list-style-type: none"> a. copper (untreated) b. brick c. stone d. cast stone e. premium grade wood. 2. Pre-finished, painted .032 aluminum may only be used as a standard parapet coping with a maximum exposed edge of five (5) inches. 	<p>Painted aluminum with a maximum exposed edge of no more than five inches will be used as parapet material.</p>	<p>Yes.</p>

<p><u>801.09.11.1.I – Awnings – All Districts</u> 1. Only the following types of awnings may be used:</p> <ul style="list-style-type: none"> a. Fabric awnings of a heavy canvas in dark solid colors or other colors that are approved as part of the design review process b. Highly detailed, ornate metal in dark colors c. Glass awnings <p>2. Backlit awnings are prohibited.</p> <p>3. Awnings with text or graphic material may be permitted but require approval via the sign permit process of the Zoning Ordinance.</p>	<p>The proposed building includes no awnings.</p>	<p>Not Applicable.</p>
<p><u>801.09.11.1.J – Balconies – All Districts</u> Balconies shall be accessible and useable by persons. Fake or unusable balconies are prohibited. All balconies shall remain within the property line. Metal railings with members painted dark, or glass panels are permitted.</p>	<p>All proposed balconies appear usable and remain within the property line. Metal railings are dark in color.</p>	<p>Yes.</p>
<p><u>801.09.11.1.K – Glass – All Districts</u> Glass shall not be mirrored, reflective or darkened. Slight green, bronze and grey tints are acceptable. Spandrel glass shall not be counted as transparent glass for the purposes of calculations under the transparency requirements of Section 801.09.8 of the Standards, but may be used for detailing purposes. Environmentally appropriate glass, such as Low-emissivity glass, shall be used in all projects</p>	<p>The glass shall meet the standards of the ordinance and will not be mirrored, darkened, or reflective. Environmental appropriateness will be evaluated with the building permit.</p>	<p>Yes.</p>

<p>801.09.11.1.L – Doors – All Districts Unless there are building security concerns, main entry doors shall be primarily glass. If, for security reasons, a main entry door is not possible or practical, a main entry door must be well detailed. Appropriately designed wood doors may be utilized for retail and office buildings.</p>	<p>The proposed entry doors will be glass.</p>	<p>Yes.</p>
<p>Franchise Architecture 801.09.12.1 A. Typical or standardized franchise architecture (including building design that is the trade dress of, or identified with a particular chain, franchise or business and is repetitive in nature) is prohibited. B. Large, bold or bright signage, trade dress or logos must be altered and scaled down to meet the purpose of these standards as articulated herein, and must not be repeated on the facades of the principal structure more than once. All new, altered and/or proposed signage for buildings must be submitted for review under Section 801.09.18 by the Planning Commission at the time of Design Standards Review application</p>	<p>Comments</p> <p>Not Applicable to this proposed building.</p>	<p>Compliance</p> <p>N/A</p>

<p>Walkways</p> <p>801.09.13.2 – Bluff District</p> <p>A. Continuous sidewalks at least five (5) feet in width shall be provided along all public street frontages. The sidewalk street grid shall be maintained and extended wherever possible.</p> <p>B. Where the sidewalk street grid is interrupted by steep slopes or other topographic variations, walkways or stairways shall be built to maintain pedestrian continuity.</p>	<p>Sidewalks exist on Indian Mound Street fronting the Project.</p> <p>The proposed project will add a 4-foot concrete sidewalk along the east elevation of the building and wrapping around to the north elevation.</p>	<p>Yes.</p>
--	--	-------------

	Comments	Compliance
<p>Landscaping</p> <p><u>801.09.14.1 – All Districts</u></p> <p>A. Seasonal landscaping shall be used in all Design Districts, including use of window boxes, hanging flowers baskets, vines and/or other similar seasonal landscaping. If feasible, garden areas and ornamental trees shall be used at the street level.</p> <p>B. Window boxes, hanging baskets and planters with seasonally appropriate plantings shall be used around entries to buildings.</p> <p>C. Vines shall be used to cover walls with more than one hundred (100) square feet of uninterrupted surface area.</p> <p>D. Streetscaping shall include all of the following:</p> <ol style="list-style-type: none"> 1. Boulevard species trees, with at least three (3) caliper inches. 2. Exposed aggregate sidewalks with brick accents 3. Street lights 4. Benches (if building length is 50 feet or greater), which utilize existing city bench designs. 5. Flowers 	<p>Applicant states that seasonal plantings will be added to two planters at the front entry steps as well as a planting bed along the sidewalk. Applicant proposes adding vertical plantings (not vines) in front of the uninterrupted façade areas larger than 100 SF on the east and west elevations.</p> <p>The Applicant has proposed a mixture of trees and shrub around south and east portion of the building perimeter. Additional landscaping is proposed in conjunction with the stormwater pond on the north side of the building.</p> <p>A landscape plan is included with the Applicant submittal materials.</p> <p>Applicant states that street lights will be installed per City standards.</p>	<p>Yes.</p> <p>The City Council should comment on the plantings and landscaping proposed for the Project.</p>

<p>801.09.14.3 – Bluff and Wayzata Blvd Districts Trees with a minimum of three (3) caliper inches shall be planted no more than twenty-six (26) feet apart within a landscaped boulevard.</p>		The City Council should comment on the plantings proposed for the Project.
<p>Parking Lot Landscaping</p>	<p>Comments</p>	<p>Compliance</p>
<p>801.09.15.1 – All Districts A landscaped buffer strip at least five (5) feet wide shall be provided between all parking areas and the sidewalk or street. The buffer strip shall consist of shade trees appropriately spaced for the particular Design District, and a decorative metal fence, masonry wall or hedge. A solid wall or dense hedge shall be no less than three (3) feet and no more than four (4) feet in height.</p>	<p>N/A – all proposed parking is under the building. No surface parking is proposed.</p>	<p>Not Applicable</p>
<p>Surface Parking</p>		

<p>801.09.16.1 – All Districts</p> <p>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.</p> <p>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.</p> <p>C. Side yard parking shall not extend beyond the front yard setback of the primary building on the property.</p> <p>D. Front yard parking is prohibited.</p> <p>E. There shall be no corner parking.</p>	<p>N/A – all proposed parking is under the building. No surface parking is proposed.</p>	<p>Not Applicable.</p>
	<p>Comments</p>	<p>Compliance</p>

<p>801.09.16.2 – All Districts – Bicycle Parking Commercial developments requiring more than twenty (20) parking spaces shall provide at least four (4) bicycle parking spaces in a convenient, visible, preferably sheltered location.</p>	<p>Not Applicable to this development (only 12 stalls required, 2 for commercial uses).</p>	<p>N/A</p>
<p>Parking Structures 801.09.17.1 – All Districts Parking structures shall meet the following standards, along with all other applicable building code standards:</p> <ul style="list-style-type: none"> 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. 	<p>There is no separate parking structure</p>	<p>Not Applicable.</p>
	<p>Comments</p>	<p>Compliance</p>

<p>Signs</p> <p><u>801.09.18.1 – All Districts</u></p> <p>A. Compatibility</p> <ol style="list-style-type: none"> 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. 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. 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. Sign plans must be submitted for review as part of an Applicant for Design Approval. Proposed signs must also conform to the requirements of Section 801.27 of the Wayzata Zoning Ordinance. 	<p>The development proposal indicates the building will have one “Beacon Five” sign located along the front (south) façade. The sign is etched black lettering in precast stone that matches the stone coloration of the south façade in which it is set. The sign contains no illumination.</p> <p>South Elevation:</p> <ul style="list-style-type: none"> - “Beacon Five” - 11.33 square feet <p>No signage proposed for the office entrance at this time.</p>	<p>The City Council should review and comment on the signage plan is compatible with the buildings as part of the Application review.</p> <p>Any signage proposed for the office building should be reviewed administratively by City staff as sign permits are submitted.</p>
---	--	--

<p>B. Sign Location</p> <ol style="list-style-type: none"> 1. Wall signs on a storefront-type building shall be placed between the first and second floors of a building. 2. Wall or roof signs on buildings that are not storefront type buildings shall be placed where they do not obscure architectural features. 	<p>The sign does not obscure architectural features.</p>	<p>Yes</p>
<p>C. Sign Material</p> <ol style="list-style-type: none"> 1. The material of which signs are constructed shall be consistent and compatible with the original construction materials and architectural style of the building façade on which the signs are affixed. 2. Material, such as wood and metal, shall be used, as appropriate, for the sign location. 3. Neon signs may only be used for windows. 	<p>The sign is etched black lettering in precast stone that matches the stone coloration of the south façade in which it is set.</p>	<p>Yes</p>
<p><u>801.09.18.2 – Bluff District Permitted Signs</u> C. Bluff District. Only the following types of signs are permitted in the Bluff District:</p> <ol style="list-style-type: none"> 1. Wall, awning or projecting signs (for storefront buildings at the street line) 2. Free-standing, ground or monument signs (for buildings with front yards) 3. Roof signs if located on pitched-roof buildings, below the peak of the roof 	<p>Sign is a wall sign</p>	<p>Yes</p>

	Comments	Compliance
<p>Parking Lot and Building Lighting</p> <p><u>801.09.19.1 – All Districts</u></p> <p>A. Parking lot lighting shall be designed in such a way as to be in scale with its surroundings, and reduce glare.</p> <p>B. Cutoff fixtures shall be located below the mature height of trees located in parking lot islands so as to minimize ambient glow and light pollution.</p> <p>C. Pedestrian-scale lighting, not exceeding thirteen (13) feet in height, shall be located on walkways and adjacent to store entrances. All sidewalk lighting must be projected downwards. City light standard shall be followed for all public streets.</p> <p>D. Light posts shall be of a dark color.</p> <p>E. Lighting fixtures shall be compatible with the architecture of the building.</p> <p>F. Lights attached to buildings shall be screened by the building's architectural features to eliminate glare to adjacent properties. All façade lighting must be projected downwards.</p> <p>G. All lighting fixtures shall comply with City Code Section 801.16.6 as it relates to glare.</p>	<p>All lighting fixtures attached to the building are designed to be downcast lit.</p> <p>Light fixture cut sheets show a fixture design that is downcast and shows hooded screening. The manufacturer states the lighting is Dark Skies compliant.</p> <p>Photometric plan not required.</p>	<p>Yes.</p>

1 Commissioner Young stated he agreed that the City would want to be sure that the tree
2 preservation and landscape guidelines are adhered to, but it seems staff has the ability to ensure
3 that the plans would conform with the PUD standards and guidelines. If the plans do not meet
4 the ordinance standards, then the Commission and Council should review and approve the plans.

5
6 Commissioner Murray stated the Commission would only be able to determine if the ordinance
7 standards are met or not met, and they would not be able to make changes. He would prefer to
8 utilize staff, Commission, and Council time differently.

9
10 Commissioner Gonzalez made a motion, Seconded by Commissioner Gruber to adopt the Report
11 and Recommendation of Approval of Planned Unit Development, PUD Rezoning, and
12 Preliminary and Final Plat at 250 and 270 Bushaway Road with the addition of condition G: The
13 future homeowners for the two (2) vacant lots are required to bring back to the Commission and
14 City Council for review and approval of a Tree Preservation Plan, Landscape Plan, and house
15 design. The motion carried 4-ayes and 2 nays (Young and Murray).

16
17 Commissioner Flannigan suggested the Commission continue discussion at a work shop
18 regarding the impacts on the City when requiring applications to be reviewed by the Commission
19 and City Council when they can be approved at the staff level.

20
21 **Beacon Five – 529 Indian Mound E**
22 **PUD General Plan, Design Review**

23
24 Mr. Thomson stated the Applicant, Beacon Five, LLC and R.E.C. Inc., is proposing to construct
25 a 3-story building which includes five (5) residential condominium units and 600 square-feet of
26 office space on the first floor. The project is proposed as a Planned Unit Development (PUD)
27 and zoning designation, given the building design calls for only partial use of the ground floor
28 for office/retail. He reviewed the application requests including a PUD General Plan of
29 Development and Design Review. The City Council approved a PUD Concept Plan earlier this
30 year for the project, and the applicant is now requesting review of the PUD General Plan of
31 Development. The City Council's approval of the PUD Concept Plans included a variance from
32 the height limit of 35-feet to 38.9-feet, with the condition the applicant make an effort to reduce
33 the height of the building. The revised building reflected in the PUD General Plan would have a
34 height of 38-feet, which is less than the building height previously approved. He explained the
35 applicant was requesting 4 deviations from the Design Standards, including lack of an outdoor
36 seating area, lack of a step back of the third floor as required in Section 801.09.5.1.A, a lighter,
37 tan color roof, and the use of fiber cement board in excess of 10% on all facades and precast
38 stone in excess of 10% on the south facade. He stated there are currently 13 significant trees and
39 1 heritage tree on the site. The Landscape Plan provided by the Applicant shows that all of the
40 existing trees would be removed and be replaced by 6 trees (18 caliper inches). This would be a
41 deficit of 164" replacement inches required by the Tree Preservation Ordinance. Mr. Thomson
42 asked the Commission to provide guidance on whether a Landscape Plan revision should be
43 required, or if the Applicant could provide a fee-in-lieu of tree replacement as specified in the
44 Tree Preservation Ordinance.

1 Applicant's representative, Mr. Tim Whitten, Whitten Associates, Inc., 4159 Heatherton Place,
2 Minnetonka, stated they were presenting the same plan that had been supported by most of the
3 Planning Commission and City Council earlier this year. He explained they were requesting a
4 deviation for the tan roof because they have found that a tan flat roof lasts longer. He explained
5 the lot is narrow and there would not be room to locate a public bench along Indian Mound due
6 to the location of the driveway and the incline of the property. He explained the exterior
7 materials are the same as what had been previously approved. He stated they would work with
8 staff to plant additional trees on the property and if there is not room on the property, they would
9 pay cash-in-lieu.

10
11 Commissioner Gonzalez asked why the Applicant was requesting a deviation from the third floor
12 setback requirement.

13
14 Mr. Whitten stated the building is stepping back 12-feet in portions and 3-4-feet in other
15 locations. The way the regulation is written they can take an average, but there cannot be a
16 setback less than 6-feet. The design is balanced with the proposed setbacks. The building is 22-
17 feet from the property line and if the building were on the property line, he could see stepping
18 back the third floor.

19
20 Vice Chair Gruber opened the public hearing at 8:02 p.m.

21
22 Mr. Roger Johnson, 560 Indian Mound St. Wayzata, expressed concerns about parking and
23 traffic. He asked if there would be any street parking estimates because there would be visitors
24 to the property.

25
26 Mr. Whitten stated there were only 5-units in the building and they will each be provided with
27 two (2) enclosed parking spaces. Guests would temporarily park in the street along with other
28 people in the area.

29
30 Mr. Charlie Krogness, 540 Indian Mound Street, Wayzata, stated he had concerns about parking
31 for the offices that will be located in the building.

32
33 Vice Chair Gruber closed the public hearing at 8:05 p.m.

34
35 Mr. Thomson stated the City has a minimum parking requirement for developments, and the
36 ordinance requirement is based on the type of development. The proposed project meets the
37 City's requirement of 10 parking stalls for both the residential and office use. This calculation
38 may not reflect the maximum parking that the project may have, and there could be times when
39 there will be parking on the street.

40
41 Vice Chair Gruber asked where the office parking would be located.

42
43 Mr. Krogness stated if all of the parking is inside there would be a security risk.
44

1 Mr. Whitten stated the underground parking is for both the residential and office components of
2 the project. There is a similar building in Wayzata, and Ron Clark Construction has been able to
3 work out the security concerns.

4
5 Commissioner Flannigan stated he would abstain from voting on this project due to a conflict of
6 interest.

7
8 Commissioner Gonzalez asked why the fiber cement board would be a better choice of material
9 than those outlined in the Design Standards.

10
11 Mr. Whitten stated the fiber cement board was being used for the cantilever windows, and this is
12 a nice material to detail these spaces.

13
14 Commissioner Young stated he supports the project but is concerned that tree preservation is so
15 important that the Commission is requiring the previous PUD applicants to bring back plans for a
16 site review to ensure there are no trees removed, and this applicant will only be required to
17 provide cash-in-lieu of replacement trees for a substantial amount of the trees that are being
18 removed rather than tree preservation. He felt these were contradicting points.

19
20 Commissioner Gonzalez stated she did not support the project previously because of the number
21 of trees that would be removed. The City has already approved this Concept PUD plan and as a
22 Commissioner, her position is to follow what the Council has already decided. She still has
23 concerns about the height of the building and the clear cutting of the property, but because the
24 Council has already approved the project in concept, she will support this application.

25
26 Commissioner Gruber stated the previous project is located in an area that has large groves of
27 trees and this project does not have large amounts of trees. The Comp Plan established the
28 Bushaway Road area as a place the City is working to protect the trees.

29
30 City Attorney Schelzel explained the difference between a variance and a deviation from a
31 Design Standard.

32
33 Commissioner Young suggested the Commission review the Design Standards to see if there are
34 changes and updates that could take place to reduce the amount of deviation requests the
35 Planning Commission is reviewing.

36
37 Commissioner Gonzalez asked where the building's mechanical equipment would be located.

38
39 Mr. Whitten stated the mechanical equipment would be housed on site and not located on the
40 roof.

41
42 Commissioner Gruber expressed concerns about the parking for the office space and visitors to
43 the site. She suggested bringing these concerns back to the City Council. She stated she would
44 support the project.

45

1 Commissioner Gnos stated he would recommend additional landscaping where appropriate and
2 cash-in-lieu to comply with the Tree Preservation Ordinance.

3
4 Commissioner Gonzalez stated she supports the requested deviations from the Design Standards,
5 and she would support the City's review of these standards to update them. The building is
6 setback from the street, and this will soften the effect of the height of the building for pedestrian
7 traffic. The proposed building setbacks do meet the intent of the Ordinance.

8
9 Commissioner Young made a motion, Seconded by Commissioner Murray to direct staff to
10 prepare a Planning Commission Report and Recommendation, with appropriate findings,
11 reflecting a recommendation of approval on the Application for review and adoption at the next
12 Planning Commission meeting. The motion carried 5-eyes and 1-abstain (Flannigan).

13
14 **Temporary Family Health Care Housing Opt-Out Ordinance**

15
16 Mr. Thomson stated the 2016 Legislature established a new system for issuing special land use
17 permits for "temporary family health care dwellings" that applies to all cities and counties unless
18 action is taken to opt out. This law reflects recent developments in short-term housing
19 alternatives for mentally or physically impaired persons. Beginning on September 1, 2016, cities
20 and counties must issue temporary dwelling permits for temporary family health care dwellings
21 that meet the requirements outlined in the Statute. The Statute includes specific application
22 procedures, as well as the placement, structural, inspection, notice, duration, and fee
23 requirements. Among other requirements, the temporary family health care dwelling must be no
24 more than 300 gross square feet, must be located on the property where the caregiver or relative
25 resides, and must comply with all setback requirements. Cities may opt out of this new law by
26 passing an Ordinance. By opting out of the Statute, the City may either enact its own unique
27 regulations for temporary family health care dwellings, or the City would enforce its existing
28 zoning ordinances to regulate the placement of these housing units. He clarified this type of
29 temporary use is regulated through the City's current Ordinances.

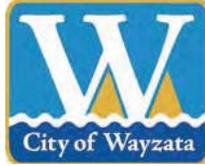
30
31 City Attorney Schelzel stated most Minnesota cities are opting out of this special land use law.
32 The Commission is holding a public hearing on the matter because adopting an Ordinance to opt
33 out would be an amendment to the City's Zoning Ordinance.

34
35 Vice Chair Gruber opened the public hearing at 8:29 p.m.

36
37 There being no one wishing to discuss this item Vice Chair Gruber closed the public hearing at
38 8:30 p.m.

39
40 Commissioner Gonzalez made a motion, Seconded by Commissioner Murray to approve the
41 findings and adopt the Report and Recommendation of Approval of an Ordinance Opting-Out of
42 the Requirements of Minnesota Statutes, Section 462.3593 and approve Ordinance #__, as
43 presented. The motion carried unanimously.

44
45 **Institutional Zoning District Amendment**



WAYZATA PLANNING COMMISSION

SEPTEMBER 19, 2016

REPORT AND RECOMMENDATION OF APPROVAL OF PUD GENERAL PLAN OF DEVELOPMENT AND PROJECT DESIGN FOR A PUD DEVELOPMENT AT 529 INDIAN MOUND EAST

SUMMARY OF RECOMMENDATION

1. **Approval*** General Plan of Development
2. **Approval*** of Design of Project

* with certain conditions listed at the end of this Report

REPORT AND RECOMMENDATION

Section 1. BACKGROUND

1.1 Project. Ron Clark Construction (the “Applicant”) and R.E.C, Inc. (the “Owner”) are seeking development approvals for the construction of a three story mixed use building at 529 Indian Mound East (the “Property”) consisting of five residential condominiums, 600 square feet of office space, and 10 underground parking spaces (the “Project”). On July 5, 2016, they received approval, pursuant to City Council Resolution 22-2016 (the “Resolution”), of PUD rezoning, PUD concept plan of development, variance from the maximum building height requirement, and a shoreland impact plan/conditional use permit for the building height. The Owner and Applicant are now seeking approval of a PUD General Plan of Development and the design for the Project (the “Application”).

1.2 Application Requests. The two requests for approval in the Application are for:

- A. General Plan of Development (the “PUD” or “PUD General Plan”): The Project would be built according to an approved PUD General Plan, based upon the previously approved PUD concept plan.

B. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards of the Zoning Ordinance. 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, attached hereto, that pertain to (i) outdoor seating or gathering areas at street level; (ii) third story recessions; (iii) roof color; and (iv) exterior building materials. (the “Deviations”).

1.3 Property. The property identification number and owner of the Property involved in the proposed Application are as follows:

529 Indian Mound E	06-117-22-24-0067	R.E.C., Inc.
--------------------	-------------------	--------------

1.4 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on August 25, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on August 24, 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 met.
7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural

features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.

13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.
14. Height. The maximum building height to be considered within a PUD District shall be thirty five (35) feet and three (3) stories, whichever is lesser. There shall be no deviation from the height standards applied within the applicable zoning districts for PUD conditional use permits. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the maximum allowable height and number of floors shall be as negotiated and agreed upon between the applicant and the City.

2.2 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 Bluff 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.

Section 3. FINDINGS OF FACT

Based on the previously approved Resolution, and 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 Zoning Ordinance, the Planning Commission of the City of Wayzata makes the following findings of fact:

3.1 PUD General Plan of Development.

- A. PUD. The PUD General Plan meets the purpose and intent of the PUD Ordinance.
 1. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 2. The PUD includes a mixed use building consisting of residential condominiums and office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 3. The PUD creates a more desirable and creative environment than would be possible under the existing C-1/Office and Limited Commercial District, which does not allow for residential uses on the ground floor. The ground floor residential unit creates a more desirable and creative environment.
- B. General Standards. The PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance.
 1. Health Safety and Welfare. The Project will have an overall positive effect upon the health, safety and welfare of residents of

the community and the surrounding area and conforms with the overall intent and purpose of Section 33 of the PUD Ordinance.

2. Ownership. The Applicant owns all of the property to be included in the PUD.
3. Comprehensive Plan Consistency. The PUD is consistent with the City's Comprehensive Plan.
4. Sanitary Sewer Plan Consistency. The PUD is consistent with the City's Sanitary Sewer Plan.
5. Common Open Space. The PUD provides the common private open space sufficient to meet the minimum requirements established in the Comprehensive Plan.
6. Operating and Maintenance Requirements. The common private spaces provided within the PUD will be placed under the ownership and control of a Property Owners Association.
7. Staging of Public and Common Open Space. The PUD does not provide for staged development of common private or public open spaces.
8. Density. The PUD would meet the density standards agreed upon by the applicant and City under the approved Concept Plan, which are consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD will 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 will meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. There will be no new roadways associated with the PUD.
12. Landscaping. The proposed detailed landscaping plan for the PUD considers the natural features of the Property, 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 PUD meet all applicable standards.

14. Height. The maximum building height of the building in the PUD shall be as approved in the Resolution, which included a height variance and CUP for the height.
- 3.2 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.

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) PUD General Plan of Development; and (ii) Design of Project, subject to the PUD plans included as Attachment B, and the following conditions:
- A. Those conditions set forth in the Resolution that approved the requests of the Initial Application.
 - B. Prior to the City issuing a building permit for the Project, the Owner must pay a fee-in-lieu of tree replacement for the amount of tree replacement required by City Code Section 801.36.8.A that is not provided on the final landscape plan.
 - C. All expenses of the City of Wayzata associated with the Application, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata Planning Commission this 19th day of September 2016.

Voting In Favor: Gonzalez, Gruber, Iverson, Young

Voting Against: None

Abstaining: None

Absent: Flannigan, Murray, Gnos

Attachment A

Design Critique dated August 26, 2016

Attachment B

PUD Plans

DRAFT RESOLUTION NO. 38-2016

RESOLUTION APPROVING PUD GENERAL PLAN OF DEVELOPMENT AND PROJECT DESIGN FOR A PUD DEVELOPMENT AT 529 INDIAN MOUND EAST

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

Section 1. BACKGROUND

- 1.1 Project. Ron Clark Construction (the “Applicant”) and R.E.C, Inc. (the “Owner”) are seeking development approvals for the construction of a three story mixed use building at 529 Indian Mound East (the “Property”) consisting of five residential condominiums, 600 square feet of office space, and 10 underground parking spaces (the “Project”). On July 5, 2016, they received approval, pursuant to City Council Resolution 22-2016 (the “Resolution”), of PUD rezoning, PUD concept plan of development, variance from the maximum building height requirement, and a shoreland impact plan/conditional use permit for the building height. The Owner and Applicant are now seeking approval of a PUD General Plan of Development and the design for the Project (the “Application”).
- 1.2 Application Requests. The two requests for approval in the Application are for:
- A. General Plan of Development (the “PUD” or “PUD General Plan”): The Project would be built according to an approved PUD General Plan, based upon the previously approved PUD concept plan.
- B. Design (the “Design”): The newly constructed building of the Project is subject to the Design Standards of the Zoning Ordinance. 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, attached hereto, that pertain to (i) outdoor seating or gathering areas at street level; (ii) third story recessions; (iii) roof color; and (iv) exterior building materials. (the “Deviations”).
- 1.3 Property. The property identification number and owner of the Property involved in the proposed Application are as follows:

529 Indian Mound E	06-117-22-24-0067	R.E.C., Inc.
--------------------	-------------------	--------------

- 1.4 Notice and Public Hearing. Notice of the public hearing on the Application was published in the *Wayzata Sun Sailor* on August 25, 2016. The public hearing notice was also mailed to all property owners located within 350 feet of the subject property on August 24, 2016.

- 1.5 Planning Commission Action. The Planning Commission held a public hearing and reviewed the Application at its September 7, 2016 meeting. At its September 19, 2016 meeting, the Planning Commission adopted a Report and Recommendation recommending approval of all the requests in the Application based on the findings in the Report.

Section 2. STANDARDS

2.1 Planned Unit Developments (PUDs).

- A. Intent and Purpose of PUDs. Section 801.33 of the Zoning Ordinance provides for the establishment of Planned Unit Developments to allow greater flexibility in the development of neighborhoods and/or non residential areas by incorporating design modifications as part of a PUD conditional use permit or a mixture of uses when applied to a PUD District. The PUD process, by allowing deviation from the strict provisions of the Zoning Ordinance related to setbacks, lot area, width and depth, yards, etc., is intended to encourage:
1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and placement of structures and by the conservation and more efficient use of land in such developments.
 2. Higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 3. More convenience in location and design of development and service facilities.
 4. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
 5. A creative use of land and related physical development which allows a phased and orderly development and use pattern.
 6. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
 7. A development pattern in harmony with the objectives of the Wayzata Comprehensive Plan. (PUD is not intended as a means to vary applicable planning and zoning principles.)

8. A more desirable and creative environment than might be possible through the strict application on zoning and subdivision regulations of the City.
- B. General Standards. Section 801.33.2.A of the Zoning Ordinance sets forth the general standards for review of a PUD application. These include:
1. Health Safety and Welfare; Council Discretion. In reviewing the PUD application, the Council shall consider comments on the application of those persons appearing before the Council, the report and recommendations of the Planning Commission, the recommendations on design and any staff report on the application. The Council also shall evaluate the effects of the proposed project upon the health, safety and welfare of residents of the community and the surrounding area and shall evaluate the project's conformance with the overall intent and purpose of Section 33 of the PUD Ordinance. If the Council determines that the proposed project will not be detrimental to the health, safety and welfare of residents of the community and the surrounding area and that the project does conform with the overall intent and purpose of Section 33 of the PUD Ordinance, it may approve the PUD, although it shall not be required to do so.
 2. Ownership. Applicant/s must own all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD project must be consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD project must be consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD project must provide common private or public open space and facilities at least sufficient enough to meet the minimum requirements established in the Comprehensive Plan, and contain provisions to assure the continued operation and maintenance of such.
 6. Operating and Maintenance Requirements. Whenever common private or public open space or service facilities are provided within a PUD, the PUD plan must contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common private or public open space and service facilities within a PUD must be placed under the ownership of one of the following, as

approved by the City Council: (i) dedicated to the public, where a community-wide use is anticipated, (ii) Landlord control, where only tenant use is anticipated, or (iii) Property Owners Association, provided the conditions of 801.33.2.A.6.c are met.

7. Staging of Public and Common Open Space. When a PUD provides for common private or public open space, and is planned as a staged development over a period of time, the total area of common or public open space or land escrow security in any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
8. Density. The PUD project must meet the density standards agreed upon by the applicant and City, which must be consistent with the Comprehensive Plan.
9. Utilities. All utilities associated with the PUD must be installed underground and meet the utility connection requirements of Section 801.33.2.A.10.
10. Utility Connections. All utilities associated with proposed PUD must meet the utility connection requirements of Section 801.33.2.A.10.
11. Roadways. All roadways associated with the PUD must conform to the Design Standards and Wayzata Subdivision Regulations, unless otherwise approved by City Council.
12. Landscaping. All landscaping associated with the PUD must be according to a detailed plan approved by the City Council. In assessing the plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structure and the overall scheme of the PUD plan.
13. Setbacks. The front, rear and side yard restrictions on the periphery of the Planned Unit Development site at a minimum shall be the same as imposed in the underlying districts, if a PUD conditional use permit, or the previous zoning district, if a PUD District. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern. No building within the PUD project shall be nearer to another building than one-half (1/2) the sum of the building heights of the two (2) buildings. In PUD Districts for parcels that were zoned commercial prior to PUD and which exceed 13 acres, the allowable setbacks shall be as negotiated and agreed upon between the applicant and the City.

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

2.2 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 Bluff 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.

Section 3. FINDINGS OF FACT

The City Council of the City of Wayzata hereby confirms and memorializes that the (1) PUD General Plan; and (2) Design, requested as part of the Application meet all of the applicable requirements of Wayzata's Zoning Ordinance, based upon the following

findings of fact made on the record (as well as all Application materials, staff reports, public comment presented at the hearing, and the Recommendation of the Planning Commission):

3.1 PUD General Plan of Development.

- A. PUD. The PUD General Plan meets the purpose and intent of the PUD Ordinance.
1. The PUD reflects higher standards of site and building design through the use of trained and experienced land planners, architects, landscape architects, and engineers.
 2. The PUD includes a mixed use building consisting of residential condominiums and office use. The mixed use building meets the land use designation for the Property, and is consistent with the goals and objectives of the comprehensive plan.
 3. The PUD creates a more desirable and creative environment than would be possible under the existing C-1/Office and Limited Commercial District, which does not allow for residential uses on the ground floor. The ground floor residential unit creates a more desirable and creative environment.
- B. General Standards. The PUD meets all of the PUD general standards listed in Section 801.33.2.A of the Zoning Ordinance.
1. Health Safety and Welfare. The Project will have an overall positive effect upon the health, safety and welfare of residents of the community and the surrounding area and conforms with the overall intent and purpose of Section 33 of the PUD Ordinance.
 2. Ownership. The Applicant owns all of the property to be included in the PUD.
 3. Comprehensive Plan Consistency. The PUD is consistent with the City's Comprehensive Plan.
 4. Sanitary Sewer Plan Consistency. The PUD is consistent with the City's Sanitary Sewer Plan.
 5. Common Open Space. The PUD provides the common private open space sufficient to meet the minimum requirements established in the Comprehensive Plan.

6. Operating and Maintenance Requirements. The common private spaces provided within the PUD will be placed under the ownership and control of a Property Owners Association.
 7. Staging of Public and Common Open Space. The PUD does not provide for staged development of common private or public open spaces.
 8. Density. The PUD would meet the density standards agreed upon by the applicant and City under the approved Concept Plan, which are consistent with the Comprehensive Plan.
 9. Utilities. All utilities associated with the PUD will 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 will meet the utility connection requirements of Section 801.33.2.A.10.
 11. Roadways. There will be no new roadways associated with the PUD.
 12. Landscaping. The proposed detailed landscaping plan for the PUD considers the natural features of the Property, 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 PUD meet all applicable standards.
 14. Height. The maximum building height of the building in the PUD shall be as approved in the Resolution, which included a height variance and CUP for the height.
- 3.2 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.

Section 4. CITY COUNCIL ACTION

- 4.1 Based on the findings in section 3 of this Resolution, the (1) PUD General Plan; and (2) Design, requested as part of the Application are hereby **APPROVED**, subject to all of the following conditions:
 - A. Those conditions set forth in the City Council Resolution 22-2016 that approved the requests of the Initial Application.
 - B. Prior to the City issuing a building permit for the Project, the Owner must pay a fee-in-lieu of tree replacement for the amount of tree replacement required by City Code Section 801.36.8.A that is not provided on the final landscape plan.
 - C. All expenses of the City of Wayzata associated with the Application, including consultant, expert, legal, and planning fees incurred must be fully reimbursed by the Applicant.

Adopted by the Wayzata City Council this 4th day of October, 2016.

Mayor Ken Willcox

ATTEST:

City Manager Jeffrey Dahl

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

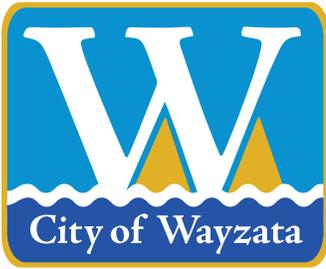
Absent:

Resolution adopted.

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

Becky Malone, Deputy City Clerk
SEAL

DRAFT



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: September 30, 2016
To: Mayor Willcox and City Councilmembers
From: Jeff Thomson, Director of Planning and Building
Subject: Floodplain Ordinance Amendment

Introduction

On May 4, 2016, the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination (LFD) to the City. The LFD states that the Flood Insurance Rate Maps (FIRMs) for the City, as well as the Hennepin County Flood Insurance Study are complete and will become effective on November 4, 2016. The Flood Insurance Rate Maps and Flood Insurance Study updated the areas in the City that are subject to the City's floodplain regulations.

The Letter of Final Determination states that in order to continue the City's eligibility in the National Flood Insurance Program (NFIP), the City is required to adopt or show evidence of adoption of floodplain management regulations that meet the NFIP regulations by the effective date of the FIRMs. The National Flood Insurance Program allows property owners in the City to qualify for flood insurance through NFIP. City staff has drafted amendments to Section 801.02 (Rules and Regulations) and 801.93 (Floodplain Regulations) that are intended to meet the NFIP regulations (the "Proposed Amendments").

Proposed Ordinance Amendment

The City's current floodplain regulations (Section 801.93) regulate land uses and development within floodplain areas. The land use requirements and development standards are largely unchanged in the draft ordinance, as the City's current ordinance meets most of the National Flood Insurance Program regulations. The following outlines the substantive changes to the floodplain ordinance:

- The purpose statements are updated to include (1) compliance with the National Flood Insurance Program and (2) to preserve the natural characteristics and functions of the watercourses and floodplains in the City.
- New map panels are adopted as the boundaries of the floodplain overlay district.
- Manufactured homes, manufactured home parks, and recreational vehicle parks or campgrounds would be prohibited in the floodplain.

- Construction activities that require an administrative floodplain use permit would be expanded to include:
 - Construction of a dam, fence, or on-site septic system
 - Relocation of alteration of a watercourse, including new or replacement culverts and bridges, unless the Minnesota DNR has approved a public water works permit.
 - Any other type of development not specifically mentioned in the ordinance
- Additional variance criteria would be added for any variance requests in the floodplain overlay district. The proposed variance criteria include reference to “exceptional hardship” even though the State variance statute includes a “practical difficulties” standard. FEMA requires the draft variance criteria verbatim in the Ordinance in order to meet the NFIP regulations.
- Additional provisions would be added which pertain to non-conformities in the floodplain district:
 - If the cumulative cost of improvements or additions to a non-conforming structure exceeds 50% of its market value, the entire structure would be subject to the floodplain ordinance requirements.
 - If a non-conforming use or use of a non-conforming structure is discontinued for more than one year, any future use must conform to the floodplain ordinance requirements.
 - If any non-conformity is substantially damaged, it may only be reconstructed in conformance with the floodplain ordinance requirements.
 - If any non-conforming use or structure experiences repetitive loss, it may only be reconstructed in conformance with the floodplain ordinance requirements.
 - Any substantial improvement to a non-conforming structure would be subject to the floodplain ordinance requirements.

Planning Commission Review

The Planning Commission is scheduled to hold a public hearing and review the draft ordinance amendment at its meeting on October 3rd. City staff will provide an update to the Council on the Planning Commission’s review at the Council meeting.

Action Steps

Adopt the first reading of Ordinance 764 amending Section 2 (Rules and Regulations) and Section 93 (Floodplain Regulations) of City Code Chapter 801 (Zoning Ordinance) regarding the City's Floodplain Regulations.

Attachments

- Current Floodplain Ordinance
- Draft Ordinance No. 764 amending City Code Sections 801.02 and 801.93
- Draft Definitions amendment
- Draft Floodplain Ordinance amendment
- Draft Planning Commission Report and Recommendation

SECTION 93

FLOODPLAIN REGULATIONS

Section 801.93:

801.93.1:	Statutory Authorization
801.93.2:	Findings of Fact
801.93.3:	Lands to Which Regulations Apply
801.93.4:	Inclusion of Official Zoning Map
801.93.5:	Regulatory Floodplain Elevation
801.93.6:	Interpretation
801.93.7:	Warning and Disclaimer of Liability
801.93.8:	Districts Established
801.93.9:	Floodway District Permitted Uses
801.93.10:	Floodway District Conditional Uses
801.93.11:	Standards for Floodway Conditional Uses
801.93.12:	Flood Fringe Permitted Uses
801.93.13:	Flood Fringe Conditional Uses
801.93.14:	Standards for Flood Fringe Uses
801.93.15:	General Floodplain District Permitted Uses
801.93.16:	General Floodplain District Conditional Uses
801.93.17:	Restrictions on Subdivisions
801.93.18:	Public Utilities
801.93.19:	Public Transportation Facilities
801.93.20:	Floodplain Use Permit
801.93.21:	Conditional Use Permit Processing
801.93.22:	Variances and Amendments
801.93.23:	Non-Conforming Uses
801.93.24:	Penalties for Violation
801.93.25:	Amendment of Zoning Map

801.93.1: STATUTORY AUTHORIZATION:

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

801.93.2: FINDINGS OF FACT:

- A. The flood hazard areas of the City of Wayzata are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare.
- B. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

801.93.3: LANDS TO WHICH REGULATIONS APPLY:

This Ordinance shall apply to all lands within the jurisdiction of the City shown on the official Zoning Map as being located within the boundaries of the Floodway, Flood Fringe or General Floodplain Districts. The Floodplain Districts shall be applied to and superimposed as an overlay upon all districts as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the Floodplain Districts shall be in addition to those established by all other districts of this Ordinance. Where the floodplain regulations and requirements conflict with the base zoning district, the more restrictive regulations will be applied. The Floodplain Districts shall be established based upon the specific information contained in the Flood Boundary, Floodway, and Flood Insurance Rate Maps and the Flood Insurance Study for the City of Wayzata. All aforementioned official road maps and documents are hereby adopted by reference and declared to be an integral part of this Ordinance.

801.93.4: INCLUSION OF OFFICIAL ZONING MAP:

The official Zoning Map of the City, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for the City prepared by the Federal Insurance Administration, dated May 1, 1979, and the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps contained therein. The official Zoning Map shall be kept on file in the offices of the City Manager and the Zoning Administrator.

801.93.5: REGULATORY FLOOD PROTECTION ELEVATION:

The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

801.93.6: INTERPRETATION:

The boundaries of a zoning district shall be determined by scaling distances on the official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of any district as shown on the official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation based on elevations on the regional (100 year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

801.93.7: WARNING AND DISCLAIMER OF LIABILITY:

This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance of any administrative decision lawfully made thereunder.

801.93.8: DISTRICTS ESTABLISHED:

The floodplain areas within the jurisdiction of this Ordinance are hereby divided into the following three districts:

- A Floodway District. The Floodway District shall include those areas designated as floodway in the Flood Insurance Study.
- B. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe in the Flood Insurance Study.
- C. General Floodplain District. The General Floodplain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map.
- D. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by Section 801.15.2 and Section 801.93.22.
- E. As-build elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect and specifically as stated in Section 801.93.20 of this Ordinance.

The boundaries of these districts shall be shown on the official Zoning Map adopted in Section 801.93.4 of this Ordinance. Within these districts all uses not allowed as permitted uses or permissible as conditional uses shall be prohibited.

801.93.9: FLOODWAY DISTRICT PERMITTED USES:

The following uses have a low flood damage potential and do not obstruct flood flows or increase flood elevations. These uses shall be permitted within the Floodway District to the extent that they are not prohibited by any other code provision and provided they do not require structures, fill, obstructions, excavations, or storage of materials or equipment, and shall be subject to other more restrictive limitations which may be imposed by this Ordinance. The use must be permissible in the underlying zoning district. In addition, no use shall adversely affect the capacity of the channels, floodways or any tributary to a main stream, drainage ditch or any other drainage facility or system.

- A. Residential uses such as lawns, gardens, parking areas and play areas.
- B. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, shooting preserves, target ranges, and single or multiple purpose recreational trails.
- C. Industrial-commercial uses such as loading areas and parking areas.

801.93.10: FLOODWAY DISTRICT CONDITIONAL USES:

The following open space uses require accessory structures (temporary or permanent), fill or storage of materials or equipment. These uses may be permitted in the Floodway District only after the issuance of a conditional use permit as provided in Sections 801.04, 801.93.20, and 801.93.21, and subject to other more restrictive limitations which may be imposed by this Ordinance. These uses are also subject to the provisions of Section 801.93.11 which applies to all floodway conditional uses.

- A. Structures accessory to open space uses listed in Section 801.93.9.
- B. Placement of fill.
- C. Extraction and storage of sand, gravel and other materials.

- D. Marinas, boat rentals, docks, piers, wharves and water control structures.
- E. Railroads, streets, bridges, utility transmission lines and pipelines.
- F. Storage yards for equipment, machinery or materials.
- G. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures.
- H. Other uses similar in nature to uses described in Sections 801.93.10 which are consistent with the provisions set out in Sections 801.01.1 and 801.93.9 through 801.93.11 of this Ordinance.

801.93.11: STANDARDS FOR FLOODWAY CONDITIONAL USES:

- A. All Uses. No structure (temporary or permanent), fill, (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use which, acting alone or in combination with existing or reasonably anticipated future uses, adversely affects the capacity of a floodway, increases flood heights, or causes an increase in flood damages in the reach or affected reaches. In addition, all floodway conditional uses shall be subject to the following standards (Sections 801.93.11.B through 801.93.11.G).
- B. The Conditional Use shall be permissible in the underlying zoning district.
- C. Fill.
 - 1. Any fill deposited in a floodway shall be no more than the minimum amount necessary to conduct a conditional use listed in Section 801.93.10. Generally, fill shall be limited to what is needed to grade or landscape for that use and shall not in any way obstruct the flow of flood waters.
 - 2. Spoil from dredging or sand and gravel operations shall not be deposited in a floodway unless a long term site development plan is submitted which includes an erosion/sedimentation element.
 - 3. Fill, dredge spoil and all other similar materials shall be protected from erosion by vegetative cover, mulching, riprap, or other acceptable method.
 - 4. As an alternative, and consistent with Subsections immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the City Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available.
- D. Accessory structures (temporary or permanent) permitted as conditional uses by Section 801.93.10.A:
 - 1. Accessory structures shall not be designed for human habitation.
 - 2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
 - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

3. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - a. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - b. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
- E. Storage of Materials and Equipment.
1. The storage or processing of materials that are, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
- F. Structural Works for Flood Control. Levees, dikes, floodwalls, and community-wide structural works intended to remove area from the regulatory floodplain, shall not be constructed within the limits of the Floodway District. Other structural works for flood control, such as dams and channel enlargements, that will change the course, current, or cross section of a public protected water or wetland shall be subject to the provisions of Minnesota Statutes, Chapter 103G.
- G. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

801.93.12: FLOOD FRINGE PERMITTED USES:

- The following uses shall be permitted uses within the Flood Fringe District to the extent that they are not prohibited by any other code provision or is a use not permitted in the underlying zoning district, and shall be subject to other more restrictive limitations which may be imposed by this Ordinance.
- A. Any use permitted in Section 801.93.9.
 - B. Accessory structures, provided they comply with the provisions of Section 801.93.11.D of this Ordinance.
 - C. Residences and other structures must be constructed on fill so that the basement floor or first floor, if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation shall be no lower than one (1) foot below the regulatory flood protection elevation and shall extend at such elevation at least fifteen (15) feet beyond the outside limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by riprap, vegetative covering, or other acceptable method.

Residences constructed on fill shall be subject to the vehicular access requirements in Section 801.93.14.A.

- D. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with Section 801.93.12.
- E. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
- F. The provisions of Section 801.93.14 shall apply.

No use shall be permitted which will adversely affect the hydraulic capacity of the channels or floodways or any tributary to a main stream, any drainage ditch, or any other drainage facility or system where a floodway or other encroachment limit has not been specified on the official Zoning Map.

801.93.13: FLOOD FRINGE CONDITIONAL USES:

Any structure that is not elevated on fill or flood proofed in accordance with Section 801.93.12A-C or any use of land that does not comply with the standards in Section 801.93.12D-E shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Sections 801.04, 801.93.13, and 801.93.21, and shall be subject to other more restrictive limitations which may be imposed by this Ordinance. The following other uses are permitted only upon application to the Zoning Administrator and the issuance of a conditional use permit as provided in Sections 801.04, 801.93.20, and 801.93.21, subject to the following provisions:

- A. Alternative Elevation Methods. Alternative elevation methods other than the use a fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - 1. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - 2. Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - a. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves,

or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

- b. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- B. Basements. Basements, as defined by Section 801.02.2, shall be subject to the following:
1. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
 2. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Section 801.93.13.C.
- C. Non-Residential Structures. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- D. Storage of Materials and Equipment:
1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
- E. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/ sedimentation control plan must be submitted for those areas not regulated by the "S" Shoreland Overlay District. In those areas not regulated by the "S" Shoreland Overlay District, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100 year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Zoning Administrator. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- F. The provisions of Section 801.93.14 shall also apply.

801.93.14: STANDARDS FOR FLOOD FRINGE USES:

- A. Residential Uses. Residences that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation shall not be permitted, unless granted a variance by the Board of Adjustment. In granting a variance the Board shall specify limitations on the period of use or occupancy of the residence for

times of flooding and only after determining adequate flood warning time and legal emergency response procedures.

- B. Commercial Uses. Accessory land uses, such as yards, railroad tracks and parking lots, may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would inundate to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of a regional flood.
- C. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses, such as yards and parking lots, may be at lower elevations subject to requirements set out in Section 801.93.14.B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
- D. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- E. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official Zoning Map.

801.93.15: GENERAL FLOODPLAIN DISTRICT PERMITTED USES:

Permitted uses shall include those uses permitted by Section 801.93.9.

801.93.16: GENERAL FLOODPLAIN DISTRICT CONDITIONAL USES:

All other uses are conditional uses and are permitted only upon the issuance of a conditional permit as provided in Section 801.93.21. The General Floodplain District includes the entire floodplain and does not differentiate between those areas that are floodway and those areas that are flood fringe. Because of this, the City shall determine whether the proposed use is in the floodway or flood fringe using procedures established in Section 801.93.21. If it is determined that the use lies in the floodway, the provisions of Section 801.93.9 through 801.93.11 of this Ordinance shall apply. If it is determined that the proposed use lies in the flood fringe, the provisions of Sections 801.93.12 through 801.93.14 of this Ordinance shall apply.

801.93.17: RESTRICTIONS ON SUBDIVISIONS:

No land shall be subdivided which is held unsuitable by the City Council for reason of flooding, inadequate drainage, water supply or sewage treatment facilities and as regulated by Chapter 805 of the Wayzata Subdivision Regulations. All lots within the floodplain district shall contain a building site at or above the regulatory flood protection elevation.

All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the floodplain, the floodway and flood fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labelled on all required subdivision drawings and platting documents.

- A. Floodway/Flood Fringe Determinations in the General Floodplain District. In the General Floodplain District, applicants shall provide the information required in Section 801.93.21. The City Council shall evaluate the subdivision in accordance with procedures established in Section 801.93.21 and standards contained herein to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.
- B. Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

801.93.18: PUBLIC UTILITIES:

All public utilities and facilities, such as gas, electrical, sewer and water supply systems, to be located in a floodplain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

801.93.19: PUBLIC TRANSPORTATION FACILITIES:

Railroad tracks, roads and bridges to be located within the Floodway District shall comply with Sections 801.72.15.A and 801.72.15.B. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health, safety or welfare or where such facilities are essential to orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health, safety or welfare.

801.93.20: FLOODPLAIN USE PERMIT:

- A. Floodplain Use Permit Required. A floodplain use permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition or alteration of any building, structure or portion thereof; prior to the use or change of use of a building, structure or land; prior to the change or extension of a non-conforming use; and prior to the placement of fill, excavation of materials, or storage of materials and equipment within a floodplain.
- B. Application for Floodplain Use Permit. Application for a floodplain use permit shall be made in duplicate to the Zoning Administrator on forms furnished by him/her and shall include the following where applicable; plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials; and the location of the foregoing in relation to the stream channel.

- C. State and Federal Permits. Prior to granting a floodplain use permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.
- D. Certificate of Zoning Compliance for a New, Altered or Non-Conforming Use. It shall be unlawful to use, occupy or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator, stating that the use of the building or land conforms to the requirements of this Section. Where a non-conforming use of structure is extended or substantially altered, the Certificate of Zoning Compliance shall specifically state the manner in which the non-conforming structure or use differs from the provisions of this Ordinance.
- E. Construction and Use to be as Provided in Applications, Plans, Permits and Certificate of Zoning Compliance. Floodplain use permits, conditional use permits or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance and be punishable as provided by Sections 801.08 and 801.93.24.
- F. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
- G. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the first floor (including basement) of all new structures or additions to existing structures in the floodplain districts. The Zoning Administrator shall also maintain a record of the elevations to which structures or additions to structures are flood proofed.

801.93.21: CONDITIONAL USE PERMIT PROCESSING:

- A. In addition to the procedures and requirements as set forth in this subsection, all conditional use permits should be processed according to Section 801.04.
- B. Procedures for evaluating proposed conditional uses within the General Floodplain District:
 - 1. Upon receipt of an application for a conditional use permit for a use within the General Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the City for the determination of the regulatory flood protection elevation and whether or not the proposed use is within the floodway or flood fringe:
 - a. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location

and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

- c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
2. One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations Parts 6120-5000 shall be followed in this expert evaluation. The designated engineer is strongly encouraged to discuss the proposed technical evaluation methodology with the responsible natural resources area hydrologist prior to completing the analysis and shall:
 - a. Estimate the peak discharge of the regional flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and over bank areas.
 - c. Compute the floodway necessary to convey the regional flood without increasing flood stages more than 0.5 feet. A lesser stage increase of 0.5 feet shall be required if, as a result of the additional stage increase, increased flood damage would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
 3. Based upon the technical evaluation of the designated engineer or expert, the City shall determine whether the proposed use is in the floodway or flood fringe and the regulatory flood protection elevation at the site and approve or deny the permit. The City, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources, or the Planning Commission for review and comment. Once the floodway and flood fringe boundaries have been determined, the City shall process the permit application consistent with the applicable provisions of this Ordinance.
- C. Procedures to be Followed by the City Council/Planning Commission in Appeal of Conditional Use Permit Applications within all Floodplain Districts.
1. Require the applicant to furnish such of the following information and additional information as deemed necessary by the City for determining the suitability of the particular site for the proposed use:
 - a. Plans drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel.
 - b. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 2. Transmit one copy of the information described in Subsection 1 to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and

velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

3. Based upon the technical evaluation of the designated engineer or expert, the City shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- D. Factors Upon Which the Decision of the City Council/Planning Commission Shall be Based. In passing upon conditional use applications, the City shall consider all relevant factors specified in this Ordinance, and
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger that materials may be swept onto other lands or downstream to the injury of others, or that may block bridges, culverts, or other hydraulic structures.
 3. The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for the area.
 10. The safety of access to the property in time of flood for ordinary and emergency vehicles.
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 12. Such other factors which are relevant to the purposes of this Ordinance.
- E. Time for Acting on Application. The City shall act on an application and render a written decision in the manner described in Section 801.04 of this Ordinance.
- F. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purposes of this Section, the City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
1. Modification of waste disposal and water supply facilities.
 2. Limitations on period of use, occupancy and operation.
 3. Imposition of operational controls, sureties and deed restrictions.

4. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.
5. Flood proofing measures, in accordance with the State Building Code and the provisions of this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

801.92.22: VARIANCES AND AMENDMENTS:

- A. In addition to the procedures and requirements for variances and amendments as established in Sections 801.03 and 801.05 of this Ordinance, the Commissioner of Natural Resources shall be given at minimum a ten (10) day notice of any public hearing, and a review and written report must be obtained from the Minnesota Department of Natural Resources and any other governmental body of commission having jurisdiction for such changes, additions, or modifications affecting a "FP", Floodplain Overlay District. The Commissioner of Natural Resources shall be advised in writing of all decisions made regarding variances and amendments.
- B. No variance or amendment shall have the effect of allowing a prohibited use within an FP District, permit a lesser degree of flood protection than the established flood protection elevation, and/or permit standards lower than those required under applicable state law.
- C. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that:
 1. The issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance. Construction below the 100 year or regional flood level increases risks to life and property.
 2. Such notification shall be maintained with a record of all variance actions. The City shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biannual report submitted to the Administrator of the National Flood Insurance Program.

801.93.23: NONCONFORMING USES:

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:
 1. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 2 below.
 2. All nonconforming buildings, structures, uses and lots located within the City's floodway, flood fringe, or floodplain boundaries shall comply with the regulations contained in Section 801.15.

801.93.24: PENALTIES FOR VIOLATION:

- A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall be penalized in accordance with Section 801.08.2.
- B. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - 1. In responding to a suspected ordinance violation, the Zoning Administrator and City may utilize the full array of enforcement actions available to it and request the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

As soon as is reasonably possible, an ordinance violation shall be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

801.93.25: AMENDMENT OF ZONING MAP:

The floodplain designation on the official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that through other measures lands are adequately protected for the intended use.

All amendments to this Section, including amendments to the official Zoning Map, must be submitted to and must be approved by the Commissioner of Natural Resources prior to adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance, and said notice shall include a draft of the Ordinance amendment, or technical study under consideration. Changes in the official Zoning Map also shall require prior approval by the Federal Insurance Administration.

CITY OF WAYZATA
HENNEPIN COUNTY, MINNESOTA
DRAFT ORDINANCE NO. 764

AN ORDINANCE AMENDING SECTION 2 (RULES AND REGULATIONS) AND SECTION 93 (FLOODPLAIN REGULATIONS) OF CITY CODE CHAPTER 801 (ZONING ORDINANCE) REGARDING THE CITY'S FLOODPLAIN REGULATIONS

THE CITY OF WAYZATA ORDAINS:

Section 1. Amendment to Ch. 801 of City Code. Section 2 of Chapter 801 of the Wayzata City Code (Zoning Ordinance) is hereby amended as set forth in Exhibit A attached hereto (~~struck~~ text deleted; underlined text added).

Section 2. Amendment to Ch. 801 of City Code. Section 93 of Chapter 801 of the Wayzata City Code (Zoning Ordinance) is hereby amended to read in its entirety as set forth in Exhibit B attached hereto.

Section 3. Findings. The amendments made hereby are based upon the findings set forth in the Report and Recommendation of the Wayzata Planning Commission, dated October 3, 2016.

Section 4. Effective Date. This Ordinance will become effective upon passage and publication.

Adopted by the City Council this ____ day of _____ 2016.

Ken Willcox
Mayor

ATTEST:

Jeffrey Dahl
City Manager

First Reading:
Second Reading:
Publication:

EXHIBIT A

Amendment of Ch. 801 Section 2 of City Code

SECTION 2

RULES AND REGULATIONS

SECTION 801.02:

801.02.1: Rules of Word Construction

801.02.2: Definitions

801.02.2: DEFINITIONS:

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

Flood Overlay District Related:

1. Base Flood Elevation: The elevation of the regional flood. The term base flood elevation is used in the flood insurance survey.
2. Basement: Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
3. Development: Any man-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials.
- ~~42.~~ Equal Degree of Encroachment: Method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments. floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- ~~3.~~ FEMA: Federal Emergency Management Agency.
- ~~54.~~ Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel. increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- ~~65.~~ Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equalled or exceeded.
- ~~76.~~ Flood Fringe: That portion of the floodplain Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City.

~~7. Flood Hazard Areas: The areas included in the floodway and flood fringe as indicated on the official Zoning Map and the Flood Insurance Study and Flood Insurance Rate Map which have been officially adopted by the City.~~

~~8. Flood Insurance Rate Map: The Flood Insurance Rate Map prepared by the Federal Insurance Administration for the City, dated June 11, 1982.~~

~~9. Flood Insurance Study: The Flood Insurance Study prepared for the City by the Federal Insurance Administration, dated June 11, 1982.~~

~~810. Floodplain: The areas adjoining a watercourse which has been or hereafter may be covered by the 100-year flood as determined by the use of the 100-year flood profile. The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.~~

~~119. Floodproofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages~~

~~to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area in accordance with the Minnesota State Building Code.~~

~~120. Floodway: The bed of a wetland or lake and the channel of the a watercourse, and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study, or store the regional flood discharge.~~

~~11. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.~~

~~12. Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."~~

~~13. New Construction: Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.~~

~~134. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along a cross, or projecting into any channel, watercourse, or regulatory flood plain hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.~~

~~154. 100 One Hundred -Year Flood Floodplain: A flood which is representative of large regional floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval as~~

determined by the use of the 100-year flood profile and other supporting technical data in the Flood Insurance Study. Lands inundated by the regional flood.

165. Reach: A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by ~~the a~~ natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

17. Recreational Vehicle: A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

186. Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in ~~the a~~ Flood Insurance Study.

179. Regulatory Flood Protection Elevation: ~~An elevation point~~ not less than one (1) foot above the ~~water surface profile associated with the 100-year flood as determined by the use of the 100-year flood profile and supporting technical data in the Flood Insurance Study~~elevation of the regional flood plus any increase in flood heights ~~attributable~~elevation caused by ~~to~~ encroachments on the floodplain that result from designation of a floodway.

~~It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.~~

20. Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

21. Special Flood Hazard Area: A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

22. Start of Construction: Substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- ~~18~~23. Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, ~~travel trailers/recreational~~ vehicles not meeting the exemption criteria specified in Section 801.93 of this Ordinance, and other similar items.

24. Substantial Damage: Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

25. Substantial Improvement: Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

EXHIBIT B

Amendment of Ch. 801 Section 93 of City Code

SECTION 93

FLOODPLAIN OVERLAY DISTRICT (FP)

Section 801.93:

801.93.1:	Statutory Authorization
801.93.2:	Purpose
801.93.3:	General Provisions
801.93.4:	Districts Established
801.93.5:	Floodway District (FW)
801.93.6:	Flood Fringe District (FF0)
801.93.7:	General Floodplain District (GF)
801.93.8:	Subdivision Standards
801.93.9:	Public Utilities and Public Transportation Facilities
801.93.10:	Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles
801.93.11:	Floodplain Use Permits
801.93.12:	Variances
801.93.13:	Conditional Use Permits
801.93.14:	Non-Conformities
801.93.15:	Violations and Enforcement
801.93.16:	Amendments

801.93.1: STATUTORY AUTHORIZATION

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses.

801.93.2: PURPOSE

- A.** This Ordinance regulates development in the flood hazard areas of the City of Wayzata. The flood hazard areas of the City are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare. It is the purpose of this Ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- B.** National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- C.** This Ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide

recreational opportunities, provide aesthetic benefits and enhance community and economic development.

801.93.3: GENERAL PROVISIONS

A. Lands to Which Regulations Apply. The Floodplain Overlay District shall apply to all lands within the jurisdiction of the City shown on the official Zoning Map as being located within the boundaries of the Floodway, Flood Fringe or General Floodplain Districts. The Floodplain Overlay District shall be applied to and superimposed as an overlay upon all districts as existing or amended by the text and map of this Ordinance. The regulations and requirements imposed by the Floodplain Overlay District shall be in addition to those established by all other districts of this Ordinance. Where the floodplain regulations and requirements conflict with the base zoning district, the more restrictive regulations will be applied.

B. Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this Ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated below, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the City Manager. Effective Flood Insurance Rate Map panels:

- 27053C0306F 27053C0308F 27053C0326F
- 27053C0307F 27053C0309F 27053C0328F

C. Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

D. Interpretation. The boundaries of a zoning district shall be determined by scaling distances on the Flood Insurance Rate Map.

1. Where interpretation is needed as to the exact location of the boundaries of any district, for example where a conflict exists between the floodplain limits illustrated on the official Zoning Map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
2. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City Council and to submit technical evidence.

E. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. **Warning and Disclaimer of Liability.** This Ordinance does not imply that areas outside the Floodplain Overlay District or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance of any administrative decision lawfully made thereunder.
- G. **Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

801.93.4: DISTRICTS ESTABLISHED

- A. **Districts.** The floodplain areas within the Floodplain Overlay District are hereby divided into the following three districts:
 - 1. **Floodway District:** The Floodway District shall include those areas within Zones AE that have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 801.93.3.B. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - 2. **Flood Fringe District:** The Flood Fringe District shall include those areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Section 801.93.3.B, but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - 3. **General Floodplain District:** The General Floodplain District shall include those areas within Zone A that do not have a delineated floodway as shown on the Flood Insurance Rate Map adopted in Section 801.93.3.B.
- B. **Applicability:** Within the floodplain districts established in this Ordinance, the use, size, type and location of development must comply with the terms of this Ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 801.93.5, 801.93.6, and 801.93.7 are prohibited.

801.93.5 FLOODWAY DISTRICT (FW)

- A. **Permitted Uses.** The following uses, subject to the standards set forth in Section 801.93.5.B, are permitted within the Floodway District, if the use is allowed in the underlying zoning district and any applicable overlay district:
 - 1. Residential lawns, gardens, parking areas and play areas

2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, shooting preserves, target ranges, and single or multiple purpose recreational trails
3. Industrial or commercial accessory uses such as loading areas and parking areas
4. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting
5. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit

B. Floodway District Standards. Permitted uses within the Floodway District must meet the following standards:

1. The use must have low flood damage potential.
2. The use must not obstruct flood flows or cause any increase in flood elevations.
3. The use must not include structures, fill, obstructions, excavations, or storage of materials or equipment.
4. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four (4) upon occurrence of the 1% chance or regional flood.

C. Conditional Uses. The following uses may be allowed as conditional uses in the Floodway District if the use is also allowed in the underlying zoning district and in any applicable overlay district, and the use meets the standards and procedures in Section 801.93.13.

1. Structures accessory to a permitted or conditional use in the Floodway District
2. Placement of fill
3. Extraction or storage of sand, gravel, and other materials
4. Marinas, boat rentals, docks, piers, wharves, and water control structures
5. Storage yards for equipment, machinery, or materials.
6. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures

D. Conditional Use Permit Standards for Uses in the Floodway District. All conditional uses in the Floodway District must meet the conditional use permit procedures and standards in Sections 801.04 and 801.93.13, and must meet all of the following standards:

1. The use must not cause any increase in the stage of the 1% chance or regional flood, or cause an increase in flood damage in the reach or reaches affected.
2. All accessory structures must meet the following requirements:
 - a. Accessory structures must not be intended for human habitation
 - b. Accessory structures must have low flood damage potential
 - c. Accessory structures must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters.
 - d. Service utilities such as electrical and heating equipment within the structures must be elevated to or above the regulatory flood protection elevation or property flood-proofed.
 - e. Accessory structures must meet one of the following:
 - (1) The structure must be elevated on fill or structurally dry flood-proofed in accordance with the FP1 and FP2 flood-proofing classifications in the State Building Code. All flood-proofed structures must be adequately anchored to prevent flotation, collapse, or lateral movement, and designed to equalize hydrostatic flood forces on exterior walls.
 - (2) As an alternative, an accessory structure may be internally/wet flood-proofed to the FP3 or FP4 flood-proofing classifications in the State Building Code, provided that the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (a) To allow for the equalization of hydrostatic pressure, there must be a minimum of two automatic openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (b) There must be openings on at least two sides of the structure, and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

3. All fill and storage of materials or equipment must meet the following requirements.
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected by vegetative cover, mulching, riprap, or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% chance or regional flood may only be allowed if the City has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
4. Flood control structures that will change the course, current, or cross section of protected wetlands or public water must meet the provisions of Minnesota Statutes, Section 103G.245.
5. A levee, dike, or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
6. Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

801.93.6: FLOOD FRINGE DISTRICT (FF)

- A. Permitted Uses.** Permitted uses within the Flood Fringe District are those uses allowed in the underlying zoning districts that comply with the standards in Section 801.93.6.B.
- B. Standards for Flood Fringe District.**
 1. Permitted uses within the Flood Fringe District must meet all of the following requirements:
 - a. All structures, including accessory structures, must be constructed on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one (1) foot below the regulatory flood protection elevation, and the fill must extend at the same elevation at least fifteen (15) feet beyond the outside limits of any structure. All fill shall be properly compacted and the slopes shall be properly protected by riprap, vegetative covering, or other acceptable method.
 - b. The storage of any materials or equipment must be elevated on fill to the Regulatory Flood Protection Elevation.

- c. The cumulative placement of fill or similar material on a parcel must not exceed one thousand (1,000) cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 801.93.6.B.1.a.
2. All uses within the Flood Fringe District must meet all of the following requirements:
 - a. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - b. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life, is prohibited.
 - c. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning and emergency evacuation plan acceptable to the City Engineer.
 - d. Commercial Uses. Accessory land uses, such as yards, railroad tracks and parking lots, may be at elevations lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public shall be designed with a flood warning system that provides adequate time for evacuation if the area would inundate to a depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four (4) upon occurrence of a 1% chance or regional flood.

C. Conditional Uses. The following uses may be allowed as conditional uses in the Flood Fringe District, if they are also allowed in the underlying zoning district and any applicable overlay district. All conditional uses in the Flood Fringe District must meet the conditional use permit standards in Sections 801.04 and 801.93.13.

1. Any structure that is not elevated on fill in accordance with Section 801.93.6.B.1.a., if it meets the following requirements:
 - a. The use must comply with all Flood Fringe District standards in Section 801.93.6.B.2.
 - b. Basements, as defined by Section 801.02.2, shall be subject to the following:
 - (1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
 - (2) All areas of non-residential structures, including basements, may be located below the Regulatory Flood Protection Elevation provided the structure is flood-proofed in accordance with the structurally dry flood-proofing classifications in the State Building Code. Structurally dry flood-proofing must meet the

FP1 or FP2 flood-proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP3 or FP4 classification shall not be permitted.

2. Storage of any material or equipment below the regulatory flood protection elevation, if it meets the following requirements:
 - a. The use must comply with all Flood Fringe District standards in Section 801.93.6.B.2.
 - b. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - c. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.
3. The cumulative placement of more than one thousand (1,000) cubic yards of fill or other similar material, other than for the purpose of elevating a structure to the regulatory flood protection elevation, provided the following requirements are met:
 - a. The use must comply with all Flood Fringe District standards in Section 801.93.6.B.2.
 - b. An erosion and sedimentation control plan is required which includes the following:
 - (1) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Engineer.
 - (3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
4. Any structure that uses alternative methods to elevate a structure above the regulatory flood protection elevation other than through the use of fill, such as stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garage. The alternative elevation methods must meet the following requirements:

- a. The base or floor of an enclosed area shall be considered above-grade not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
- (1) Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - (2) Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (a) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two automatic openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention.
 - (b) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

801.93.7: GENERAL FLOODPLAIN DISTRICT (GF)

- A. Permitted Uses.** Permitted uses within the General Floodplain District are the same as the permitted uses for the Floodway District as outlined in Section 801.93.5.A.
- B. Other Uses.** The General Floodplain District includes the entire Floodplain and does not differentiate between those areas that are in the Floodway District and those areas that are

in the Flood Fringe District. Because of this, the City shall determine whether the proposed use is in the Floodway District or Flood Fringe District using procedures established in Section 801.93.7.C. If it is determined that the use lies in the Floodway District, the provisions of Section 801.93.5 shall apply. If it is determined that the proposed use lies in the Flood Fringe District, the provisions of Section 801.93.6 shall apply.

C. Procedures for Floodway and Flood Fringe Determinations.

1. Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
2. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Section 801.93.7.C.3 below.
3. The determination of floodway and flood fringe must include the following components, as applicable:
 - a. Estimate the peak discharge of the regional (1% chance) flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
4. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
5. Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Sections 801.93.5 and 801.93.6.

801.93.8: SUBDIVISION STANDARDS

A. Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply, or sewage treatment facilities. In addition to the requirements in Section 805, the following additional requirements apply to all subdivisions located in the Floodplain Overlay District:

1. All lots within a subdivision that are located within the Floodplain Overlay District must be able to contain a building site outside of the Floodway District and which is at or above the regulatory flood protection elevation.
2. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual acceptable to the City Engineer, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
3. For all subdivisions in the Floodplain Overlay District, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation, and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
4. In the General Floodplain District, applicants must provide the information required in Section 801.93.7.C to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries, and the regulatory flood protection elevation for the subdivision site.

801.93.9: PUBLIC UTILITIES AND PUBLIC TRANSPORTATION FACILITIES

- A. Public Utilities.** All public utilities and facilities, such as gas, electrical, sewer and water supply systems, to be located in a floodplain shall be flood proofed in accordance with the State Building Code or elevated to or above the regulatory flood protection elevation.
- B. On-site Water Supply and Sewage Treatment Systems.** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.
- C. Public Transportation Facilities.** Railroad tracks, roads and bridges to be located within the Floodway District shall comply with Section 801.93.5. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these transportation facilities would result in danger to the public health, safety or welfare or where such facilities are essential to orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health, safety or welfare.

801.93.10 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES

- A. Manufactured Homes:** New manufactured homes, new manufactured home parks, and expansions to existing manufactured home parks are prohibited in any floodplain district.
- B. Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district.

801.93.11: FLOODPLAIN USE PERMIT

A. Floodplain Use Permit Required. A floodplain use permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the conducting the following activities within the Floodplain Overlay District:

1. Erection, addition or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this Ordinance.
2. The use or change of use of a building, structure, or land
3. The construction of a dam, fence, or on-site septic system
4. Any changes to a non-conforming use, structure, or occupancy of land
5. The repair of a structure that has been damaged by flood, fire, tornado, or any other source
6. Placement of fill, excavation of materials, or storage of materials and equipment within a floodplain district
7. Relocation or alteration of a watercourse, including new or replacement culverts and bridges, unless a public waters work permit has been applied for and approved by the Minnesota Department of Natural Resources.
8. Any other type of development as defined in this Ordinance.

B. Application for Floodplain Use Permit. Application for a floodplain use permit shall be made to the Zoning Administrator on forms furnished by him or her, and shall include the following where applicable:

1. A site plan showing all pertinent dimensions, existing and proposed buildings, structures, and significant natural features having an influence on the permit.
2. Location of fill or storage of materials in relation to the stream channel.
3. Copies of any required municipal, county, state or federal permits or approvals.

4. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

C. Certificate of Zoning Compliance for a New, Altered or Non-Conforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator, stating that the use of the building or land conforms to the requirements of this Section.

D. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

E. Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

F. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

G. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

801.93.12: VARIANCES

A. Variance Applications. An application for a variance to the provisions of the Floodplain Overlay District will be processed and reviewed in accordance with applicable State Statutes and Section 801.05.

B. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by State law.

C. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

1. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
2. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
2. Such construction below the base or regional flood level increases risks to life and property.
3. Such notifications must be maintained with a record of all variance actions.

E. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

F. Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

G. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their approval, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

801.93.13: CONDITIONAL USE PERMITS

A. Review Process and Procedure. An application for a conditional use permit under the provisions of this Ordinance will be processed and reviewed in accordance with Section 801.04.

B. Factors Used in Decision-Making. In reviewing conditional use permit applications, the City Council must consider all relevant factors specified in other Sections of this Ordinance, and the following factors in granting and imposing conditions on conditional use permits in the Floodplain Overlay District:

1. The potential danger to life and property due to increased flood heights or velocities caused by encroachments
2. The danger that materials may be swept onto other lands or downstream to the injury of others
3. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions
4. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner
5. The importance of the services to be provided by the proposed use to the community
6. The requirements of the facility for a waterfront location
7. The availability of viable alternative locations for the proposed use that are not subject to flooding
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future
9. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area
10. The safety of access to the property in times of flood for ordinary and emergency vehicles
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site

C. Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Modification of waste treatment and water supply facilities
2. Limitations on period of use, occupancy, and operation
3. Imposition of operational controls, sureties, and deed restrictions
4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures

5. Floodproofing measures, in accordance with the State Building Code and this Ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

D. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for conditional use permit applications to the DNR sufficiently in advance to provide at least ten days notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

E. Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional use permits must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

801.93.14: NON-CONFORMITIES

A. Non-Conforming Uses, Structures, or Occupancies. A use, structure, or occupancy of land which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of the Floodplain Overlay District may be continued subject to the following conditions. Historic structures, as defined in Section 801.02.2 of this Ordinance, are subject to the provisions of Sections 801.93.14.A.1 through 801.93.14.A.6.

1. Expansion or enlargement of uses, structures, or occupancies within the Floodway District is prohibited.
2. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Sections 801.93.14.A.3 through 801.93.14.A.7 below.
3. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, it shall be considered substantial improvement, and the entire structure must meet the standards of Sections 801.93.5 or 801.93.6 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all labor.
4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the property or structure must conform to this Ordinance. The City Assessor must notify the Zoning

Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

5. If any nonconformity is substantially damaged, as defined in Section 801.02.2, the nonconformity may not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Sections 801.93.5 or 801.93.6 shall apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
6. If any nonconforming use or structure experiences a repetitive loss, as defined in Section 801.02.2, it must not be reconstructed except in conformance with the provisions of this Ordinance.
7. Any substantial improvement, as defined in Section 801.02.2, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Sections 801.93.5 or 801.93.6 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

801.93.15: VIOLATIONS AND ENFORCEMENT

- A. Violations.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with approvals of variances or conditional uses permits, shall be penalized in accordance with Section 801.08.
- B. Enforcement.** Violations of the provisions of this Ordinance will be investigated and resolved in accordance with the provisions of Section 801.08. In responding to a suspected Ordinance violation, the Zoning Administrator and City may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures, or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- C. Other Lawful Action.** Nothing in this Ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this Ordinance and will be prosecuted accordingly.

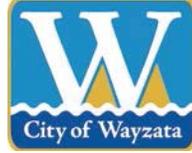
801.93.16: AMENDMENTS

- A. Ordinance Amendment.** All map revisions must meet the process, procedure, and standards of Section 801.03.
- B. Restrictions on Removal.** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be

permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

- C. Amendments Require DNR Approval.** All amendments to this Ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
- D. Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency (FEMA) to the floodplain maps adopted in Section 801.93.3.B of this Ordinance.

DRAFT



WAYZATA PLANNING COMMISSION

October 3, 2016

REPORT AND RECOMMENDATION ON AN ORDINANCE AMENDING SECTION 2 (RULES AND REGULATIONS) AND SECTION 93 (FLOODPLAIN REGULATIONS) OF CITY CODE CHAPTER 801 (ZONING ORDINANCE) REGARDING THE CITY'S FLOODPLAIN REGULATIONS

DRAFT

RECOMMENDATION

APPROVAL of Amendments to Sections 801.02 and 801.93

REPORT

Section 1. BACKGROUND

- 1.1 General. On May 4, 2016, the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination (LFD) to the City. The LFD states that the Flood Insurance Rate Maps (FIRMs) for the City, as well as the Hennepin County Flood Insurance Study are complete and will become effective on November 4, 2016. The LFD states that in order to continue the City's eligibility in the National Flood Insurance Program (NFIP), the City is required to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3 (d) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRMs. The City of Wayzata has drafted amendments to Section 801.02 (Rules and Regulations) and 801.93 (Floodplain Regulations) that are intended to meet the NFIP regulations (the "Proposed Amendments").
- 1.2 Public Hearing. The Planning Commission held a public hearing on the Proposed Amendment on October 3, 2016. The Notice of Public Hearing was published in the *Sun Sailor* on September 22, 2016.

Section 2. LEGAL AUTHORITY AND STANDARDS

- 2.1 City Council has the discretion and authority under state law and City Code to amend the City's Zoning Ordinance. Minn. Stat. Sec. 462.357; Wayzata City Code Section 801.03. A zoning ordinance amendment may be initiated by the governing body, the planning agency or by a property owner. Minn. Stat. Sec. 462.357, Subd. 4; City Code Section 801.03.
- 2.2 Under the City's Zoning Ordinance, the City Council acts on any proposed amendment upon receiving the report and recommendation of the Planning Commission. Sec. 801.03.2. In considering a proposed amendment to the Zoning Ordinance, the Planning Commission shall consider the possible adverse effects of the proposed amendment. Its judgment shall be based upon (but not limited to) the following factors:
1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
 2. The proposed use's conformity with present and future land uses of the area.
 3. The proposed use's conformity with all performance standards contained herein (i.e., parking, loading, noise, etc.).
 4. The proposed use's effect on the area in which it is proposed.
 5. The proposed use's impact upon property value in the area in which it is proposed.
 6. Traffic generation by the proposed use in relation to capabilities of streets serving the property.
 7. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and the City's service capacity.

Wayzata City Code Section 801.03.2.F.

Section 3. Findings

- 3.1 Based on the studies and reports of City Staff, and the comments and information presented at the meeting and Public Hearing on the Proposed Amendments, the Planning Commission of the City of Wayzata makes the following findings with respect to the Proposed Amendment:

1. The Proposed Amendments are consistent with the City's Comprehensive Plan.
2. The Proposed Amendments would only allow uses that conform to present and future land uses in the City.
3. The Proposed Amendments would not allow uses that do not conform with the performance standards contained in the Zoning Ordinance, as amended hereby.
4. The Proposed Amendments would not allow uses that would have a negative impact on the areas in which they are proposed in that they would preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.
5. The Proposed Amendment will not have any direct impact upon property values in the City.
6. The Proposed Amendment will not allow any use that would have a negative impact on traffic generation in the City.
7. The Proposed Amendment will not allow a use that would negatively impact existing public services.

Section 4. Recommendation

- 4.1 Proposed Amendment. Based on the Findings of this Report, the Planning Commission recommends approval of the Proposed Amendments, as set forth in Attachment A.

Adopted by the Wayzata Planning Commission this 3rd day of October 2016.

Voting In Favor:

Voting Against:

Abstaining:

Attachment A

Proposed Amendments (Draft Ordinance No. 764)